

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 21

THURSDAY, 26 JUNE 2008

Contents

1	Meeting of Senate	640
2	Petitions	640
3	Notices	640
4	Order of Business—Rearrangement	641
5	Routine of Business—Variation	641
6	Postponement	641
7	Committee Membership	641
8	World Youth Day 2008.....	642
9	Education, Employment and Workplace Relations—Standing Committee— Reference.....	643
10	Legal and Constitutional Affairs—Standing Committee—Reference	643
11	Rural and Regional Affairs and Transport—Standing Committee— Reference.....	644
12	Environment—Timor Leste—Sugar Plantation and Ethanol Plant.....	645
13	Environment—Climate Change	645
14	Law and Justice—Japan—Whaling Program	646
15	Committees—Additional Information—Budget Estimates 2006-07 and 2007-08 and Additional Estimates 2006-07 and 2007-08.....	646
16	Publications—Standing Committee—3rd Report.....	647
17	Community Affairs—Standing Committee—Report—PET Review of 2000...	648
18	Treaties—Joint Standing Committee—91st Report.....	648
19	Public Accounts and Audit—Joint Statutory Committee—410th Report.....	648
20	Governance Review Implementation (AASB and AUASB) Bill 2008.....	649
21	Protection of the Sea Legislation Amendment Bill 2008.....	649
22	Communications Legislation Amendment (Miscellaneous Measures) Bill 2008 Statute Law Revision Bill 2008	649
23	Foreign Affairs, Defence and Trade—Joint Standing Committee—Access to Committee Records.....	649
24	Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008	650

25	Environment, Communications and the Arts—Standing Committee— Report—Sexualisation of Children in the Media	651
26	Legal and Constitutional Affairs—Standing Committee—Report—Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008	651
27	Parliamentary Zone—Capital Works Proposal—Approval	651
28	Tax Laws Amendment (2008 Measures No. 1) Bill 2008	651
29	Australian Energy Market Amendment (Minor Amendments) Bill 2008.....	653
30	Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008	653
31	Military Memorials of National Significance Bill 2008	653
32	Customs Amendment (Strengthening Border Controls) Bill 2008.....	654
33	Customs Legislation Amendment (Modernising) Bill 2008.....	654
34	Lands Acquisition Legislation Amendment Bill 2008.....	654
35	Governance Review Implementation (AASB and AUASB) Bill 2008.....	654
36	Civil Aviation Legislation Amendment (1999 Montreal Convention and Other Measures) Bill 2008	655
37	Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Bill 2008 Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) (Consequential Amendments) Bill 2008	655
38	Sydney Airport Demand Management Amendment Bill 2008	655
39	Governor-General Amendment (Salary and Superannuation) Bill 2008	655
40	Order of Business—Rearrangement.....	656
41	Tax Laws Amendment (2008 Measures No. 1) Bill 2008	656
42	Questions	656
43	Office of President of the Senate—Statement by President	656
44	Defence—Procurement Projects—Order for Production of Documents— Document	657
45	Motion to Take Note of Answer.....	657
46	Tax Laws Amendment (2008 Measures No. 1) Bill 2008.....	657
47	Notice	660
48	Primary Industries—Equine Influenza Inquiry—Ministerial Statement— Document	660
49	Scrutiny of Bills—Standing Committee—Government Response—12th Report of 2006.....	660
50	Intelligence and Security—Joint Statutory Committee—Government Response—Review of the Re-listing of Terrorist Organisations.....	661
51	Parliamentary Committee Reports—President's Report—Government Responses Outstanding	661
52	Australian Parliamentary Delegation to European Parliaments and Institutions—Document	661
53	United Kingdom and Portugal—Visit by the President—Document.....	661
54	Auditor-General—Audit Report No. 45 of 2007-08—Document.....	661
55	Parliamentarians' Travel Costs—Document.....	661
56	Former Parliamentarians' Travel Costs—Document.....	662
57	Parliamentarians' Overseas Study Travel Reports—Document.....	662
58	Former Governors-General Travel Costs—Document.....	662
59	Department of Defence—Special Purpose Flights—Document	662
60	Privileges—Standing Committee—Additional Information—133rd Report.....	662

61	Selection of Bills—Standing Committee—Report No. 7 of 2008	662
62	Documents.....	663
63	Governor-General’s Messages—Assent to Laws	665
64	Parliamentary Retiring Allowances Trust—Appointment of Trustee.....	665
65	Community Affairs—Standing Committee—Extension of Time to Report.....	665
66	Appropriation (Parliamentary Departments) Bill (No. 1) 2008-2009 Appropriation Bill (No. 1) 2008-2009 Appropriation Bill (No. 2) 2008-2009.....	666
67	Valedictory Statements	666
68	Hours of Meeting—Variation.....	666
69	Valedictory Statements	666
70	Committee Membership	666
71	Temporary Chairs of Committees	669
72	Sport—Sports and Recreation Facilities—Grants—Order for Production of Documents—Consideration.....	669
73	Appropriation (Parliamentary Departments) Bill (No. 1) 2008-2009 Appropriation Bill (No. 1) 2008-2009 Appropriation Bill (No. 2) 2008-2009.....	669
74	Leave of Absence.....	670
75	Adjournment	670
76	Attendance.....	670

1 MEETING OF SENATE

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

2 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Milne, from 987 petitioners, requesting that the Senate take action to stop the importation and breeding of all new hybrid cats.

Senator Nettle, from 804 petitioners, requesting that the Senate call on the Government to immediately withdraw all Australian troops from Iraq and Afghanistan and to recognise the right of the Iraqi and Afghan people to self-determination.

Senator Nettle, from 499 petitioners, requesting that the Senate take action to maintain the integrity of the Australian Broadcasting Corporation.

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

Defence—Iraq and Afghanistan—Australian troops—Petitioning document from 3 983 signatories calling for the withdrawal of Australian troops from Iraq and Afghanistan.

3 NOTICES

Notice of motion:

The Chair of the Community Affairs Committee (Senator Moore): To move on the next day of sitting—That the Senate endorse the recommendation contained in paragraph 1.10 of the Community Affairs Committee report on the 2008-09 Budget estimates that:

Future estimates hearing programs include a separate time to conduct an estimates hearing on Indigenous matters that would include all the portfolios with budget expenditure or responsibility for Indigenous issues. (*general business notice of motion no. 144*)

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 business of the Senate notices of motion nos 2, 3, 4 and 5 standing in her name for 10 sitting days after today for the disallowance of the following instruments:

Instrument No. CASA 222/07, made under regulation 208 of the Civil Aviation Regulations 1988.

Instrument No. CASA 364/07, made under regulation 208 of the Civil Aviation Regulations 1988.

Instrument No. CASA 445/07, made under regulation 208 of the Civil Aviation Regulations 1988.

Instrument No. CASA 450/07, made under regulation 208 of the Civil Aviation Regulations 1988.

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

4 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. 3 Australian Energy Market Amendment (Minor Amendments) Bill 2008.
- No. 4 Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008.
- No. 5 Military Memorials of National Significance Bill 2008.
- No. 6 Customs Amendment (Strengthening Border Controls) Bill 2008.
- No. 7 Customs Legislation Amendment (Modernising) Bill 2008.
- No. 8 Lands Acquisition Legislation Amendment Bill 2008.
Governance Review Implementation (AASB and AUASB) Bill 2008.
- No. 9 Civil Aviation Legislation Amendment (1999 Montreal Convention and Other Measures) Bill 2008.
- No. 10 Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Bill 2008
Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) (Consequential Amendments) Bill 2008.
- No. 11 Sydney Airport Demand Management Amendment Bill 2008.
- No. 12 Governor-General Amendment (Salary and Superannuation) Bill 2008.

Question put and passed.

5 ROUTINE OF BUSINESS—VARIATION

The Minister for Human Services (Senator Ludwig), by leave, moved—That at 5.30 pm today, Senator Webber may make a valedictory statement for not longer than 20 minutes.

Question put and passed.

6 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 123 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, relating to an amendment to the reporting date for the Joint Standing Committee on Electoral Matters inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, postponed till 26 August 2008.

7 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Minister for Human Services (Senator Ludwig), by leave, moved—That senators be discharged from and appointed to committees as follows:

Agricultural and Related Industries—Select Committee—

Appointed—Participating member: Senator Siewert

Economics—Standing Committee—

Appointed—

Substitute members:

Senator Cormann to replace Senator Joyce for the committee's inquiry into the Excise Legislation Amendment (Condensate) Bill 2008 and a related bill

Senator Cormann to replace Senator Bushby for the committee's inquiry into the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008

Participating members: Senators Bushby and Joyce

Fuel and Energy—Select Committee—

Appointed—

Senators Bushby, Cormann, Fierravanti-Wells and Joyce

Participating members: Senators Abetz, Adams, Barnett, Bernardi, Birmingham, Boswell, Boyce, Brandis, Colbeck, Coonan, Eggleston, Ellison, Ferguson, Fifield, Fisher, Heffernan, Humphries, Johnston, Ian Macdonald, Mason, McGauran, Milne, Minchin, Nash, Parry, Payne, Ronaldson, Scullion, Troeth and Trood

National Broadband Network—Select Committee—

Appointed—

Senators Birmingham, Fisher, Ian Macdonald and Nash

Participating members: Senators Abetz, Adams, Barnett, Bernardi, Boswell, Boyce, Brandis, Bushby, Colbeck, Coonan, Cormann, Eggleston, Ellison, Ferguson, Fierravanti-Wells, Fifield, Heffernan, Humphries, Johnston, Joyce, Mason, McGauran, Minchin, Parry, Payne, Ronaldson, Scullion, Troeth and Trood

Rural and Regional Affairs and Transport—Standing Committee—

Discharged—Senator Siewert, from 23 August 2008

Appointed—

Senator Milne, from 23 August 2008

Participating member: Senator Siewert, from 23 August 2008.

Question put and passed.

8 WORLD YOUTH DAY 2008

Senator Stephens, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 141—That the Senate—

(a) notes that:

- (i) Australia will host the visit of Pope Benedict XVI for World Youth Day 2008 from 15 July to 20 July 2008, in Sydney,
- (ii) the Catholic Archdiocese of Sydney, with the support of the New South Wales and Australian Governments, was successful in bidding for the World Youth Day 2008 celebrations and all have worked tirelessly to ensure the event showcases Australia to the world,
- (iii) more than 225 000 young pilgrims are expected to take part in the World Youth Day celebrations, including more than 125 000 overseas pilgrims and up to 500 000 are expected to participate in the final mass celebrated by the Holy Father at Randwick Racecourse on 20 July 2008,
- (iv) 40 000 Sydneysiders have opened up their homes as home stay accommodation for pilgrims, and

- (v) 8 000 volunteers will assist in ensuring that this celebration of spirituality and youth is a safe and successful event;
- (b) welcomes the Holy Father for his first visit as Head of State to Australia;
- (c) congratulates him on his commitment to interfaith dialogue whilst in Australia; and
- (d) wishes all involved in World Youth Day 2008 a successful and uplifting week of celebration.

Question put and passed.

9 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—REFERENCE

The Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall), 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 Education, Employment and Workplace Relations Committee for inquiry and report by 20 March 2009:

Developing Australia's capacity in the area of climate change, with particular reference to:

- (a) the ability of universities and other research and training institutions to meet current and future demand for climate change professionals; and
- (b) measures to assist understanding of climate change in the Asia-Pacific region, including provision of training and skills assistance.

Question put and passed.

10 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REFERENCE

The Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), 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 Legal and Constitutional Affairs Committee for inquiry and report:

The effectiveness of the *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality, with particular reference to:

- (a) the scope of the Act, and the manner in which key terms and concepts are defined;
- (b) the extent to which the Act implements the non-discrimination obligations of the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization or under other international instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- (c) the powers and capacity of the Human Rights and Equal Opportunity Commission and the Sex Discrimination Commissioner, particularly in initiating inquiries into systemic discrimination and to monitor progress towards equality;
- (d) consistency of the Act with other Commonwealth and state and territory discrimination legislation, including options for harmonisation;
- (e) significant judicial rulings on the interpretation of the Act and their consequences;
- (f) impact on state and territory laws;
- (g) preventing discrimination, including by educative means;

- (h) providing effective remedies, including the effectiveness, efficiency and fairness of the complaints process;
- (i) addressing discrimination on the ground of family responsibilities;
- (j) impact on the economy, productivity and employment (including recruitment processes);
- (k) sexual harassment;
- (l) effectiveness in addressing intersecting forms of discrimination;
- (m) any procedural or technical issues;
- (n) scope of existing exemptions; and
- (o) other matters relating and incidental to the Act.

Question put and passed.

11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REFERENCE

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

- (a) the Senate notes the significant natural resource management and conservation challenges faced by Australia; and
- (b) the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 27 November 2008:
 - (i) the lessons learned from the successes and failures of three decades of Commonwealth investment in resource management including Landcare, the National Heritage Trust, the National Action Plan for Salinity and Water Quality, and other national programs,
 - (ii) how we can best build on the knowledge and experience gained from these programs to capitalise on existing networks and projects, and maintain commitment and momentum among land-holders,
 - (iii) the overall costs and benefits of a regional approach to planning and management of Australia's catchments, coasts and other natural resources,
 - (iv) the need for a long-term strategic approach to natural resource management (NRM) at the national level,
 - (v) the capacity of regional NRM groups, catchment management organisations and other national conservation networks to engage land managers, resource users and the wider community to deliver on-the-ground NRM outcomes as a result of the recent changes to funding arrangements under the new Caring for our Country program, and
 - (vi) the extent to which the Caring for our Country program represents a comprehensive approach to meeting Australia's future NRM needs.

Question put and passed.

12 ENVIRONMENT—TIMOR LESTE—SUGAR PLANTATION AND ETHANOL PLANT

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. 143—That the Senate asks the Minister for Foreign Affairs (Mr Smith) to assess the memorandum of understanding between the Government of Timor Leste and GT Leste Biotech for a 100 000 hectare sugar plantation and ethanol plant to ensure Australian funds are not involved if there are adverse social or environmental consequences.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 50

Senators—

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

Question negatived.

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

13 ENVIRONMENT—CLIMATE CHANGE

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. 142—That the Senate—

- (a) notes the International Whaling Commission 2008 *State of the Cetacean Environment* report, which lists the impact of climate change and ocean pollution on the world's whales, dolphins and porpoises;
- (b) notes, with concern, that the coastal areas along Australia's seaboard, which are 'dead zones' due to deoxygenation, are expanding; and
- (c) calls on the Government to report to the Senate by 1 October 2008 on this growing threat and the Government's comprehensive strategy to reverse it.

Question put and passed.

14 LAW AND JUSTICE—JAPAN—WHALING PROGRAM

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 140—That the Senate—

- (a) expresses concern for the plight of two Japanese Greenpeace activists who are to be held another 10 days without charge by Japanese police for their role in exposing the embezzlement of thousands of dollars' worth of whale meat from the Japanese Government-sponsored whaling program;
- (b) notes that no charges have been laid relating to the embezzlement of whale meat, and that the Japanese Public Prosecutor has subsequently dropped his investigation into the involvement of the crew and whaling officials in this illegal trade;
- (c) expresses concern that the response of Japanese authorities in sending 40 police officers to raid the Greenpeace offices and seize all computers and financial records is a disproportionate reaction to this matter, which raises concerns that this is a politically-motivated action designed to shut down the successful Greenpeace public education campaign within Japan at the time of the International Whaling Commission meeting; and
- (d) calls on the Australian Government to press the Japanese Government to take action on the alleged embezzlement of whale meat, and to either charge the Greenpeace activists with an offence or release them.

Question put and passed.

15 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2006-07 AND 2007-08 AND ADDITIONAL ESTIMATES 2006-07 AND 2007-08

Senator O'Brien, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2006-07 (supplementary)—

Finance and Public Administration—Standing Committee—Additional information received between 15 May and 25 June 2008—Prime Minister and Cabinet portfolio.

Additional estimates 2006-07—

Community Affairs—Standing Committee—Additional information received on 27 May 2008—Families, Housing, Community Services and Indigenous Affairs portfolio.

Economics—Standing Committee—Additional information received between 16 August 2007 and 25 June 2008—Treasury portfolio.

Budget estimates 2007-08—

Community Affairs—Standing Committee—Additional information received between 23 May and 27 May 2008—Families, Housing, Community Services and Indigenous Affairs portfolio.

Economics—Standing Committee—Additional information received between—

20 September 2007 and 25 June 2008—Industry, Tourism and Resources portfolio.

18 January and 25 June 2008—Treasury portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 19 March and 25 June 2008—Attorney-General's portfolio.

Additional estimates 2007-08—

Community Affairs—Standing Committee—Additional information received between—

14 May and 12 June 2008—Families, Housing, Community Services and Indigenous Affairs portfolio.

15 May and 27 May 2008—Health and Ageing portfolio.

Economics—Standing Committee—Additional information received between 20 February and 25 June 2008—

Innovation, Industry, Science and Research portfolio.

Resources, Energy and Tourism portfolio.

Treasury portfolio.

Education, Employment and Workplace Relations—Standing Committee—

Additional information received between 11 April and 28 May 2008—

Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts—Standing Committee—

Additional information received between 15 May and 23 May 2008—

Broadband, Communications and the Digital Economy portfolio.

Environment, Water, Heritage and the Arts portfolio.

Finance and Public Administration—Standing Committee—Additional

information received between 15 May and 25 June 2008—Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade—Standing Committee—Additional

information received between 10 April and 26 June 2008—Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 19 March and 25 June 2008—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional

information received between 13 May and 24 June 2008—Infrastructure, Transport, Regional Development and Local Government portfolio.

16 PUBLICATIONS—STANDING COMMITTEE—3RD REPORT

The Chair of the Standing Committee on Publications (Senator Carol Brown) tabled the following report:

PUBLICATIONS COMMITTEE
3RD 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 5 June 2008, recommends that the following be printed:

AusLink—Report for 2006-07.

Australian Competition and Consumer Commission—Telecommunications reports for 2006-07—Report 1: Telecommunications competitive safeguards; Report 2: Changes in the prices paid for telecommunications services in Australia.

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

Australian National University—Report for 2007.

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

Defence Force Discipline Act 1982—

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

Judge Advocate General—Report for 2007.

Department of Education, Employment and Workplace Relations—Australian vocational education and training system—Report for 2006.

Equine Influenza—Commission of inquiry into the August 2007 outbreak in Australia—Report of the Commissioner, the Hon. Ian Callinan AC, April 2008.

REPORT ON COMMITTEE ACTIVITIES

In accordance with an undertaking given in their May 2006 report on the distribution of the Parliamentary Papers Series, the Publications Committee is pleased to report that at this time no agencies are in default of their obligations for documents presented in the years 2006 and 2007.

Senator Carol Brown

Chair

26 June 2008.

Senator Carol Brown moved—That the report be adopted.

Question put and passed.

17 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—PET REVIEW OF 2000

The Chair of the Community Affairs Committee (Senator Moore) tabled the following report and documents:

Community Affairs—Standing Committee—A matter relating to the PET review of 2000—Report, dated June 2008, Hansard record of proceedings, documents presented to the committee and additional information.

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

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

Debate ensued.

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

18 TREATIES—JOINT STANDING COMMITTEE—91ST REPORT

Senator Wortley, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—91st report—Treaties tabled on 12 March 2008, dated June 2008.

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

Question put and passed.

19 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—410TH REPORT

Senator Watson, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—410th report—Tax administration, dated June 2008.

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

Debate ensued.

Question put and passed.

20 GOVERNANCE REVIEW IMPLEMENTATION (AASB AND AUASB) BILL 2008

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

Message no. 120, dated 24 June 2008—A Bill for an Act to amend the *Australian Securities and Investments Commission Act 2001*, 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.

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

21 PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2008

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

Message no. 122, dated 25 June 2008—A Bill for an Act to amend the law in relation to the protection of the sea, and shipping and marine navigation levies, 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 COMMUNICATIONS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008**STATUTE LAW REVISION BILL 2008**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 124, dated 25 June 2008—Communications Legislation Amendment (Miscellaneous Measures) Bill 2008.

Message no. 123, dated 25 June 2008—Statute Law Revision Bill 2008.

23 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—ACCESS TO COMMITTEE RECORDS

A message from the House of Representatives was reported informing the Senate of a resolution of that House:

Message no. 119, dated 24 June 2008, relating to access to records of the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into the loss of HMAS *Sydney*.

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Access to committee records—Letter to the President of the Senate from the Honourable TRH Cole, AO, RFD, QC, President of the HMAS *Sydney II* Commission of Inquiry, dated 5 June 2008.

The Minister for Human Services (Senator Ludwig), by leave, moved—That the Senate concur in the resolution of the House of Representatives.

Question put and passed.

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

A message from the House of Representatives was reported as follows:

Message no. 125, dated 25 June 2008—Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008, agreeing to amendments nos 1, 2, 3, 6 and 7 made by the Senate and disagreeing to amendments nos 4 and 5.

Ordered, on the motion of the Minister for Human Services (Senator Ludwig), that the message be considered in committee of the whole immediately.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE
TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

- (4) Schedule 3, page 20 (line 2) to page 23 (line 24), omit the Schedule.
- (5) Schedule 5, page 32 (lines 2 to 13), omit the Schedule.

Senator Ludwig moved—That the committee does not insist on its amendments nos 4 and 5 to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Murray) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 125 from the House of Representatives relating to the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008 and had resolved not to insist on amendments nos 4 and 5 made by the Senate to which the House had disagreed.

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

**25 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—
REPORT—SEXUALISATION OF CHILDREN IN THE MEDIA**

Pursuant to order, the Chair of the Environment, Communications and the Arts Committee (Senator McEwen) tabled the following report and documents:

Environment, Communications and the Arts—Standing Committee—Sexualisation of children in the contemporary media—Report, dated June 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

**26 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—
RIGHTS OF THE TERMINALLY ILL (EUTHANASIA LAWS REPEAL) BILL 2008**

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

Legal and Constitutional Affairs—Standing Committee—Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008—Report, dated June 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

Debate adjourned till the next day of sitting, the Leader of the Family First Party (Senator Fielding) in continuation.

27 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Special Minister of State (Senator Faulkner), at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and pursuant to notice, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services, relating to the construction of a childcare centre.

Debate ensued.

Question put and passed.

28 TAX LAWS AMENDMENT (2008 MEASURES NO. 1) BILL 2008

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

In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Milne:

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

Schedule 7—Safeguards on the establishment of carbon sink forests

Income Tax Assessment Act 1997

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

Insert:

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

2 After subsection 40-1010(3)

Insert:

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

3 After section 40-1015

Insert:

40-1016 Ecosystem evaluation

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

- (a) an assessment of impact of the carbon sink forest on the hydrology of the catchments within which it is situated;
- (b) an assessment of the local and regional linkage and connectivity values of the site, including potential links in relation to any other remnant vegetation areas;
- (c) identification of constrained areas such as steep land and land adjacent to waterways which are likely to have particular management requirements;
- (d) an assessment of fire risk within the site and in relation to adjacent premises including areas of native forest;

- (e) identification of any other environmentally sensitive areas which may potentially be impacted by the proposed use;
- (f) identification of any likely conflicts between the proposed carbon sink forest use and any adjacent or nearby premises or places;
- (g) identification of a selection of suitably benign species for planting.

Debate resumed.

At 12.45 pm: The Acting Deputy President (Senator Bishop) resumed the chair and the Temporary Chair of Committees reported progress.

29 AUSTRALIAN ENERGY MARKET AMENDMENT (MINOR AMENDMENTS) BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—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 Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

30 VETERANS' AFFAIRS LEGISLATION AMENDMENT (INTERNATIONAL AGREEMENTS AND OTHER MEASURES) BILL 2008

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

Debate resumed.

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 Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

31 MILITARY MEMORIALS OF NATIONAL SIGNIFICANCE 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 Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

32 CUSTOMS AMENDMENT (STRENGTHENING BORDER CONTROLS) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

33 CUSTOMS LEGISLATION AMENDMENT (MODERNISING) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

34 LANDS ACQUISITION LEGISLATION AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of Senator Carr the bill was read a third time.

35 GOVERNANCE REVIEW IMPLEMENTATION (AASB AND AUASB) BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Ludwig)—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 Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

- 36 **CIVIL AVIATION LEGISLATION AMENDMENT (1999 MONTREAL CONVENTION AND OTHER MEASURES) BILL 2008**
Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Faulkner)—That this bill be now read a second time.
Debate resumed.
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 Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.
- 37 **PROTECTION OF THE SEA (CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE) BILL 2008**
PROTECTION OF THE SEA (CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE) (CONSEQUENTIAL AMENDMENTS) BILL 2008
Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Faulkner)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the bills were read a third time.
- 38 **SYDNEY AIRPORT DEMAND MANAGEMENT AMENDMENT BILL 2008**
Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Faulkner)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
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 McLucas) the bill was read a third time.
- 39 **GOVERNOR-GENERAL AMENDMENT (SALARY AND SUPERANNUATION) 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.

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

Debate ensued.

Question put and passed.

Bill read a third time.

40 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) moved—That government business order of the day no. 1 (Tax Laws Amendment (2008 Measures No. 1) Bill 2008) be called on immediately and considered till not later than 2 pm.

Debate ensued.

Question put and passed.

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

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

In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Milne (see entry no. 28).

Debate resumed.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Marshall) reported progress.

42 QUESTIONS

Questions without notice were answered.

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

Ministerial staff—Code of conduct for ministerial staff.

Further questions without notice were answered.

43 OFFICE OF PRESIDENT OF THE SENATE—STATEMENT BY PRESIDENT

The President made a statement relating to the office of President of the Senate.

Statements by leave: The Deputy President (Senator Hogg), the Minister for Immigration and Citizenship (Senator Evans), the Leader of the Opposition in the Senate (Senator Minchin), the Leader of the Australian Democrats (Senator Allison), the Leader of The Nationals in the Senate (Senator Scullion) and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to the matter.

44 DEFENCE—PROCUREMENT PROJECTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Special Minister of State (Senator Faulkner), by leave, made a statement relating to the order of the Senate of 25 June 2008 for the production of documents concerning defence procurement projects and tabled the following document:

Defence—Procurement projects—Letter to the President of the Senate from the Minister for Defence (Mr Fitzgibbon) responding to the resolution of the Senate of 25 June 2008, dated 25 June 2008.

45 MOTION TO TAKE NOTE OF ANSWER

Senator Colbeck moved—That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Colbeck today relating to taxation.

Debate ensued.

Question put and passed.

—————
At 3.45 pm—

46 TAX LAWS AMENDMENT (2008 MEASURES NO. 1) BILL 2008

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

—————
In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Milne (see entry no. 28).

Debate resumed.

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

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

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

Schedule 8—Conditions for the establishment of carbon sink forests

Income Tax Assessment Act 1997

1 Paragraph 40-1010(2)(c)

After “1990”, insert “or at any time since”.

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

Senator Milne moved the following amendments together by leave:

Clause 2, page 1 (line 7) to page 2 (line 6), 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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
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 9	Immediately after the commencement of Part 1 of Schedule 8 of the <i>Tax Laws Amendment (2008 Measures No. 2) Act 2008</i> .	24 June 2008

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.

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

Schedule 9—Provisions relating to capital expenditure for the establishment of trees in carbon sink forests

1 Application of Schedule 8 of the *Tax Laws Amendment (2008 Measures No. 2) Act 2008*

The *Income Tax Assessment Act 1997* has effect as if Schedule 8 of the *Tax Laws Amendment (2008 Measures No. 2) Act 2008* had not been enacted.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

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

NOES, 50

Senators—

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

Question negatived.

Bill, as amended, further debated and agreed to.

Bill to be reported with amendments.

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

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That the report from the committee be adopted.

Reference to committee: Senator Ronaldson moved the following amendment:

At the end of the motion, add “and the Senate refers the following matter to the Rural and Regional Affairs and Transport Committee for inquiry and report by 22 August 2008:

The implementation, operation and administration of the legislation underpinning Carbon Sink Forests, and any related matter”.

Senator Bob Brown moved the following amendment to Senator Ronaldson’s proposed amendment:

At the end of the amendment, add “and that further consideration of the bill be an order of the day for the first sitting day after the day on which the committee reports”.

Question—That Senator Bob Brown’s amendment to Senator Ronaldson’s proposed amendment be agreed to—put and negatived.

Question—That the amendment be agreed to—put and passed. All Australian Greens senators and the Leader of the Family First Party (Senator Fielding), by leave, recorded their votes for the ayes.

Main question, as amended, put and passed.

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

Question put.

The Senate divided—

AYES, 28

Senators—

Allison	Fielding	McEwen	Polley
Bartlett	Hogg	McLucas	Sherry
Bishop	Hurley	Milne	Siewert
Brown, Bob	Hutchins	Moore	Stephens
Brown, Carol	Kirk	Murray	Sterle
Collins	Lundy	Nettle	Webber
Crossin	Marshall	O’Brien (Teller)	Wortley

NOES, 31

Senators—

Abetz	Bushby	Fisher	Minchin
Adams	Chapman	Heffernan	Parry (Teller)
Barnett	Cormann	Humphries	Patterson
Bernardi	Eggleston	Joyce	Ronaldson
Birmingham	Ellison	Kemp	Scullion
Boswell	Ferguson	Lightfoot	Troeth
Boyce	Fierravanti-Wells	Macdonald, Ian	Watson
Brandis	Fifield	McGauran	

Question negatived.

47 NOTICE

Senator O'Brien gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 30 March 2009:

- (a) whether the decision of the Australian Football League (AFL) Board of Commission to prioritise admission to its competition of teams from Western Sydney and the Gold Coast over a proposed team from Tasmania is fair and equitable;
- (b) the capacity of the State of Tasmania to sustain a team in the peak national Australian Rules Football competition;
- (c) the regional implications of the establishment of an AFL team in Tasmania for economic development;
- (d) whether the AFL commissioners' obligations to current supporters of the game override their desire to promote larger television audiences for it; and
- (e) other related matters.

48 PRIMARY INDUSTRIES—EQUINE INFLUENZA INQUIRY—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Primary industries—Report of the equine influenza inquiry and government response—Ministerial statement by the Minister for Agriculture, Fisheries and Forestry (Mr Burke), dated 26 June 2008.

49 SCRUTINY OF BILLS—STANDING COMMITTEE—GOVERNMENT RESPONSE—12TH REPORT OF 2006

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Scrutiny of Bills—Standing Committee—12th report of 2006—Entry, search and seizure provisions in Commonwealth legislation—Government response, dated January 2008.

50 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—REVIEW OF THE RE-LISTING OF TERRORIST ORGANISATIONS

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Intelligence and Security—Joint Statutory Committee—Reports—Government response—

Review of the re-listing of Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (the al-Zarqawi network) as a terrorist organisation.

Review of the re-listing of Hizballah's External Security Organisation (ESO).

Review of the re-listing of three terrorist organisations.

51 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT'S REPORT—GOVERNMENT RESPONSES OUTSTANDING

The President tabled the following document:

President's report to the Senate on government responses outstanding to parliamentary committee reports as at 26 June 2008.

52 AUSTRALIAN PARLIAMENTARY DELEGATION TO EUROPEAN PARLIAMENTS AND INSTITUTIONS—DOCUMENT

The President tabled the following document:

European Parliaments and Institutions in the Netherlands, Belgium, France and Austria—Report of the Australian parliamentary delegation, 4 to 20 April 2008, dated June 2008.

53 UNITED KINGDOM AND PORTUGAL—VISIT BY THE PRESIDENT—DOCUMENT

The President tabled the following document:

United Kingdom and Portugal—Visit by the President, 24 to 30 April 2008—Report by the Honourable Alan Ferguson, President of the Senate, dated April 2008.

54 AUDITOR-GENERAL—AUDIT REPORT NO. 45 OF 2007-08—DOCUMENT

The President tabled the following document:

Auditor-General—Audit report no. 45 of 2007-08—Performance audit—Specific purpose payments: General recurrent grants for government schools—Department of Education, Employment and Workplace Relations.

55 PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Parliamentarians' travel paid by the Department of Finance and Deregulation—1 July to 31 December 2007, dated June 2008.

56 FORMER PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Former parliamentarians' travel paid by the Department of Finance and Deregulation—1 July to 31 December 2007, dated June 2008.

57 PARLIAMENTARIANS' OVERSEAS STUDY TRAVEL REPORTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Parliamentarians' overseas study travel reports—1 July to 31 December 2007, dated June 2008.

58 FORMER GOVERNORS-GENERAL TRAVEL COSTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Expenditure on travel by former Governors-General paid by the Department of the Prime Minister and Cabinet—1 July to 31 December 2007.

59 DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2007.

60 PRIVILEGES—STANDING COMMITTEE—ADDITIONAL INFORMATION—133RD REPORT

The Chair of the Standing Committee of Privileges (Senator Brandis) tabled the following document:

Privileges—Standing Committee—133rd report—Possible false or misleading evidence before the Legal and Constitutional Affairs Committee—Additional information.

61 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 7 OF 2008

The Chair of the Selection of Bills Committee (Senator O'Brien), by leave, tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 7 OF 2008

1. The committee met in private session on Thursday, 26 June 2008 at 10.50 am.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 27 August 2008;
 - (b) the *provisions* of the Tax Laws Amendment (2008 Measures No. 4) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 27 August 2008;

- (c) the Trade Practices (Creeping Acquisitions) Amendment Bill 2007 [2008] be *referred immediately* to the Economics Committee for inquiry and report by 27 August 2008; and
 - (d) the *provisions* of the Trade Practices Legislation Amendment Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 27 August 2008.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]
 - Migration Legislation Amendment Bill (No. 1) 2008
 - Telecommunications Interception Legislation Amendment Bill 2008.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
- Aviation Legislation Amendment (2008 Measures No. 1) Bill 2008
 - Aviation Legislation Amendment (International Airline Licences and Carriers' Liability Insurance) Bill 2008
 - Financial Framework Legislation Amendment Bill 2008
 - National Greenhouse and Energy Reporting Amendment Bill 2008
 - Plastic Bag Levy (Assessment and Collection) Bill 2002 [2008].

Kerry O'Brien
Chair
26 June 2008.

Senator O'Brien moved—That the report be adopted.

Question put and passed.

62 DOCUMENTS

The following documents were tabled by the Clerk:

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

Aged Care Act—Determinations—

Amount of flexible care subsidy—

Extended aged care at home—ACA Ch. 3 No. 19/2008 [F2008L02236]*.

Extended aged care at home – dementia—ACA Ch. 3 No. 20/2008 [F2008L02237]*.

Australian Passports (Application Fees) Act—Australian Passports Amendment Determination 2008 (No. 1) [F2008L02171]*.

Bankruptcy Act—Bankruptcy (Fees and Remuneration) Determination 2008 [F2008L02175]*.

Christmas Island Act—Utilities and Services Ordinance—Christmas Island Water and Sewer Services Fees and Charges Determination No. 1 of 2008 [F2008L02088]*.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part 105—

AD/CL-600/101—Main Landing Gear Trunnion Fitting Web [F2008L02226]*.

AD/EC 135/17—Main Gearbox Oil Sampling & Analysis [F2008L02201]*.

AD/EMB-145/16—Ailerons Power Control Actuator and Damper [F2008L02286]*.

AD/S-PUMA/78—Main Rotor Blade De-Icing System Clamps [F2008L02227]*.

Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Cocos (Keeling) Islands Water and Sewer Services Fees and Charges Determination No. 1 of 2008 [F2008L02087]*.

Corporations Act—Accounting Standard AASB 2008-4—Amendments to Australian Accounting Standard – Key Management Personnel Disclosures by Disclosing Entities [F2008L02242]*.

Financial Management and Accountability Act—

Determinations—

2008/34—Section 32 (Transfer of Functions from PM&C to FaHCSIA) [F2008L02291]*.

2008/35—Section 32 (Transfer of Functions from the former DEWR to FaHCSIA) [F2008L02293]*.

Select Legislative Instrument 2008 No. 108—Financial Management and Accountability Amendment Regulations 2008 (No. 2) [F2008L02162]*.

Private Health Insurance Act—

Private Health Insurance (Complying Product) Rules 2008 (No. 2) [F2008L02207]*.

Private Health Insurance (Prostheses) Rules 2008 (No. 1) [F2008L02219]*.

Quarantine Act—

Quarantine Amendment Proclamation 2008 (No. 1) [F2008L01163]*.

Select Legislative Instrument 2008 No. 101—Quarantine Amendment Regulations 2008 (No. 1) [F2008L01161]*.

Social Security Act—

Social Security Exempt Lump Sum (Climate Change Adjustment Program Re-establishment Grant) (DEEWR) Determination 2008 [F2008L02158]*.

Social Security (Means Test Treatment of Private Companies – Excluded Companies) (DEEWR) Declaration 2008 [F2008L02157]*.

Social Security (Means Test Treatment of Private Trusts – Excluded Trusts) (DEEWR) Declaration 2008 [F2008L02159]*.

Superannuation (Productivity Benefit) Act—

Superannuation (Productivity Benefit) (2008-2009 Continuing Contributions) Declaration 2008 [F2008L02214]*.

Superannuation (Productivity Benefit) (2008-2009 First Interest Factor) Declaration 2008 [F2008L02215]*.

Superannuation (Productivity Benefit) (2008-2009 Second Interest Factor) Declaration 2008 [F2008L02211]*.

Superannuation (Productivity Benefit) (Penalty Interest) Amendment Determination 2008 (No. 1) [F2008L02209]*.

Superannuation (Resolution of Complaints) Act—Select Legislative Instrument 2008 No. 95—Superannuation (Resolution of Complaints) Amendment Regulations 2008 (No. 1) [F2008L01741]—Explanatory Statement [*in substitution for explanatory statement tabled with instrument on 16 June 2008*].

Trade Practices Act—Determination under section 152AQA—Pricing principles for Digital Data Access Service [F2008L02178]*.

Veterans' Entitlements Act—Statements of Principles concerning—
 Acquired Cataract No. 39 of 2008 [F2008L02190]*.
 Adjustment Disorder No. 37 of 2008 [F2008L02187]*.
 Adjustment Disorder No. 38 of 2008 [F2008L02189]*.

* Explanatory statement tabled with legislative instrument.

63 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

23 June 2008—Message—

No. 14—*Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Act 2008* (Act No. 26, 2008).

No. 15—

Defence Home Ownership Assistance Scheme Act 2008 (Act No. 27, 2008)
Defence Home Ownership Assistance Scheme (Consequential Amendments) Act 2008 (Act No. 28, 2008)

Tax Laws Amendment (Personal Income Tax Reduction) Act 2008 (Act No. 29, 2008).

No. 16—

Income Tax (Managed Investment Trust Transitional) Act 2008 (Act No. 30, 2008)

Income Tax (Managed Investment Trust Withholding Tax) Act 2008 (Act No. 31, 2008)

Tax Laws Amendment (Election Commitments No. 1) Act 2008 (Act No. 32, 2008)

Export Market Development Grants Amendment Act 2008 (Act No. 33, 2008).

64 PARLIAMENTARY RETIRING ALLOWANCES TRUST—APPOINTMENT OF TRUSTEE

The President informed the Senate that he had received a letter from the Leader of the Opposition in the Senate (Senator Minchin) nominating Senator Ferguson to serve as a trustee on the Parliamentary Retiring Allowances Trust consequent on the retirement of Senator Watson.

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That, in accordance with the provisions of the *Parliamentary Contributory Superannuation Act 1948*, the Senate appoints Senator Ferguson as a trustee to serve on the Parliamentary Retiring Allowances Trust on and from 1 July 2008, consequent on the retirement of Senator Watson.

Question put and passed.

65 COMMUNITY AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, by leave and at the request of the Chair of the Community Affairs Committee (Senator Moore), moved—That the time for the presentation of the report of the Community Affairs Committee on the Poker Machine Harm Reduction Tax (Administration) Bill 2008 be extended to 10 November 2008.

Question put and passed.

66 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2008-2009**APPROPRIATION BILL (NO. 1) 2008-2009****APPROPRIATION BILL (NO. 2) 2008-2009**

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

Debate resumed.

At 5.30 pm: Debate was interrupted while Senator Chapman was speaking.

67 VALEDICTORY STATEMENTS

Pursuant to order (*see entry no. 5*), Senator Webber made her valedictory statement and other senators, by leave, made statements relating to the retirement of senators.

68 HOURS OF MEETING—VARIATION

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That the Senate continue to sit between 6.30 pm and 7 pm.

Question put and passed.

69 VALEDICTORY STATEMENTS

Senators, by leave, made statements relating to the retirement of senators.

70 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Carol Brown) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That senators be discharged from and appointed to committees as follows:

(a) with effect from 1 July 2008:

Agricultural and Related Industries—Select Committee—

Appointed—Participating members: Senators Arbib, Bilyk, Cameron, Cash, Farrell, Feeney, Furner, Kroger, Pratt, Ryan, Williams and Xenophon

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—

Appointed—Senator Cameron

Community Affairs—Standing Committee—

Discharged—Senator Polley

Appointed—

Senators Bilyk and Siewert

Participating members: Senators Arbib, Cameron, Cash, Farrell, Feeney, Furner, Hanson-Young, Kroger, Ludlam, Polley, Pratt, Ryan, Williams and Xenophon

Corporations and Financial Services—Joint Statutory Committee—

Appointed—Senators Arbib, Coonan and Marshall

Economics—Standing Committee—

Discharged—Senators Bishop and McEwen

Appointed—

Senators Cameron, Furner and Pratt

Participating members: Senators Arbib, Bilyk, Bishop, Cash, Farrell, Feeney, Hanson-Young, Kroger, Ludlam, McEwen, Ryan, Williams and Xenophon

Education, Employment and Workplace Relations—Standing Committee—

Discharged—Senators Boyce, Sterle and Wortley

Appointed—

Senators Arbib, Cash, Collins, Humphries and Siewert

Participating members: Senators Bilyk, Cameron, Farrell, Feeney, Furner, Hanson-Young, Kroger, Ludlam, Pratt, Ryan, Sterle, Williams, Wortley and Xenophon

Environment, Communications and the Arts—Standing Committee—

Appointed—

Senators Ludlam, Pratt and Williams

Participating members: Senators Arbib, Bilyk, Cameron, Cash, Farrell, Feeney, Furner, Hanson-Young, Kroger, Ryan and Xenophon

Finance and Public Administration—Standing Committee—

Discharged—Senator Carol Brown

Appointed—

Senators Cameron and Ryan

Participating members: Senators Arbib, Bilyk, Carol Brown, Cash, Farrell, Feeney, Furner, Hanson-Young, Kroger, Ludlam, Pratt, Williams and Xenophon

Foreign Affairs, Defence and Trade—Standing Committee—

Discharged—Senator Hogg

Appointed—

Senators Feeney and Kroger

Participating members: Senators Arbib, Bilyk, Cameron, Cash, Farrell, Furner, Hanson-Young, Hogg, Ludlam, Pratt, Ryan, Williams and Xenophon

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed—Senators Arbib and O'Brien

Fuel and Energy—Select Committee—

Appointed—Participating members: Senators Arbib, Bilyk, Bishop, Carol Brown, Cameron, Cash, Collins, Crossin, Farrell, Feeney, Forshaw, Furner, Hogg, Hurley, Kroger, Lundy, McLucas, Marshall, Moore, O'Brien, Polley, Pratt, Ryan, Stephens, Sterle, Williams, Wortley and Xenophon

Legal and Constitutional Affairs—Standing Committee—

Discharged—Senator Hurley

Appointed—

Senators Farrell, Feeney and Hanson-Young

Participating members: Senators Arbib, Bilyk, Cameron, Cash, Furner, Kroger, Ludlam, McLucas, Pratt, Ryan, Williams and Xenophon

Migration—Joint Standing Committee—

Discharged—Senator Polley

Appointed—Senator Bilyk

National Broadband Network—Select Committee—

Appointed—Participating members: Senators Arbib, Bilyk, Bishop, Carol Brown, Cameron, Cash, Collins, Crossin, Farrell, Feeney, Forshaw, Furner, Hogg, Hurley, Hutchins, Kroger, Ludlam, McEwen, McLucas, Marshall, Moore, O'Brien, Polley, Pratt, Ryan, Stephens, Williams, Wortley and Xenophon

Parliamentary Library—Joint Standing Committee—

Appointed—Senators Bilyk and Cameron

Procedure—Standing Committee—

Appointed—Senator Siewert

Public Accounts and Audit—Joint Statutory Committee—

Appointed—Senators Boyce and Bushby

Publications—Standing Committee—

Discharged—Senator Wortley

Appointed—Senator Feeney

Regional and Remote Indigenous Communities—Select Committee—

Appointed—Participating members: Senators Arbib, Bilyk, Cameron, Farrell, Feeney, Furner, Cash, Kroger, Pratt, Ryan, Williams and Xenophon

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—Participating members: Senators Arbib, Bilyk, Cameron, Cash, Farrell, Feeney, Furner, Hanson-Young, Kroger, Ludlam, Pratt, Ryan, Williams and Xenophon

Scrutiny of Bills—Standing Committee—

Discharged—Senator McEwen

Appointed—Senator Cameron

Selection of Bills—Standing Committee—

Appointed—Senator McEwen

Senators' Interests—Standing Committee—

Appointed—Senators Bilyk, Fifield and Pratt

State Government Financial Management—Select Committee—

Appointed—

Senator Boyce

Participating members: Senators Arbib, Bilyk, Cameron, Cash, Farrell, Feeney, Furner, Kroger, Pratt, Ryan, Williams and Xenophon

Treaties—Joint Standing Committee—

Discharged—Senators Bushby, Marshall and Sterle

Appointed—Senators Cash, Farrell, McGauran and Pratt; and

(b) with effect from 26 August 2008:

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed—Senator Ferguson

Public Accounts and Audit—Joint Statutory Committee—

Discharged—Senator Hogg

Appointed—Senator Feeney.

Question put and passed.

Senator Sherry, by leave, moved—That senators be discharged from and appointed to committees as follows:

Agricultural and Related Industries—Select Committee—

Appointed—Participating member: Senator Fielding

Community Affairs—Standing Committee—

Appointed—

Substitute member: Senator Crossin replace Senator Carol Brown for the committee's inquiry into petrol sniffing and substance abuse in central Australia

Participating member: Senator Carol Brown

Fuel and Energy—Select Committee—

Appointed—Senators Fielding, Hutchins and McEwen

National Broadband Network—Select Committee—

Appointed—Senators Lundy and Sterle

State Government Financial Management—Select Committee—

Appointed—Participating member: Senator Humphries.

Question put and passed.

71 TEMPORARY CHAIRS OF COMMITTEES

The Acting Deputy President (Senator Carol Brown) tabled a warrant, dated 26 June 2008, nominating Senators Fierravanti-Wells, Humphries, Joyce, Parry and Trood as additional temporary chairs of committees.

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

Senator Bernardi, by leave, moved—That the Senate take note of the document tabled on 23 June 2008 (*see entry no. 27, 23 June 2008*) relating to an order for production of documents concerning grants for sports and recreation facilities.

Debate ensued.

Question put and passed.

**73 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2008-2009
 APPROPRIATION BILL (NO. 1) 2008-2009
 APPROPRIATION BILL (NO. 2) 2008-2009**

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

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments to the bills were circulated and the bills were not considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the bills were read a third time.

74 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Nash from 23 June to 26 June 2008 and Senator Fierravanti-Wells on 25 June 2008, for family reasons.

Question put and passed.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

75 ADJOURNMENT

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) moved—That the Senate do now adjourn till noon on 26 August 2008, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Debate ensued.

Question put and passed.

The Senate adjourned at 7.44 pm till Tuesday, 26 August 2008 at noon.

76 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate