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29	Adjournment	4400
30	Attendance	4400

1 MEETING OF SENATE

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

2 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts (Senator Ian Campbell), at the request of the Assistant Treasurer (Senator Kemp), amended Senator Kemp's notice of motion by leave and, pursuant to notice, moved—That on Tuesday, 26 June 2001:

- (a) the hours of meeting shall be 2.30 pm to 6.30 pm, and 7.30 pm to 11.10 pm;
- (b) the order of business from 7.30 pm shall be the Appropriation (Parliamentary Departments) Bill (No. 1) 2001-2002 and two related bills, second reading speeches only;
- (c) the question for the adjournment of the Senate shall be proposed at 10.30 pm; and
- (d) if a division is called for after 7.30 pm, the matter before the Senate shall be adjourned till the next day of sitting at a time fixed by the Senate.

Question put and passed.

**3 DAIRY PRODUCE LEGISLATION AMENDMENT (SUPPLEMENTARY ASSISTANCE)
BILL 2001**

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

Debate resumed.

Senator Harris moved the following amendment:

At the end of the motion, add "but the Senate is of the view that the bill should be amended to provide for the following:

- (a) that, if a dairy farm became unviable after deregulation, the farmer be permitted to receive the \$45 000 Dairy Exit Payment irrespective of whether the farmer continues to own the farm;
- (b) that dairy farmers who ran viable enterprises before deregulation but whose enterprises became unviable after deregulation be granted access, free of charge, to retraining programs, irrespective of whether the farmers continue to own their farms;
- (c) that dairy farmers who are of pensionable age and who ran viable enterprises before deregulation but whose enterprises became unviable after deregulation be given full access to the age pension and that their farms be excluded from the assets test, with a period of up to 3 years allowed for those farmers to dispose of their farms;
- (d) that dairy farmers whose farms have been resumed by the banks following mortgage foreclosures be given normal access to welfare payments; and

- (e) that, in relation to lessors:
 - (i) all income received by lessors, other than what is applicable to the lease arrangement on the dairy farm, be excluded from the criteria for lessors, and
 - (ii) that hardship be removed as a criterion for lessors”.

Debate ensued.

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

4 QUESTIONS

Questions without notice were answered.

5 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator O’Brien, pursuant to standing order 74, asked the Minister representing the Minister for Health and Aged Care (Senator Vanstone) and the Minister representing the Minister for Transport and Regional Services (Senator Ian Macdonald) for explanations of answers not being provided to questions on notice nos 3136 and 3137 (notice given 30 October 2000) and no. 3531 (notice given 22 March 2001).

Senators Vanstone and Ian Macdonald each provided an explanation.

Senator O’Brien moved—That the Senate take note of the explanations.

Debate ensued.

Question put and passed.

6 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by the Chair of the Legal and Constitutional Legislation Committee (Senator Payne) concerning the unauthorised disclosure of a draft report of the committee and indicated that the committee had investigated the matter in accordance with the order of the Senate of 20 June 1996.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, she had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following document:

Letter from Senator Payne to the President, dated 15 June 2001 and attachments [22].

Notice of motion: Senator Payne gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Committee of Privileges:

Having regard to the matter submitted to the Senate on 25 June 2001, whether there was an unauthorised disclosure of a draft report of the Legal and Constitutional Legislation Committee, and whether any contempt was committed in that regard.

7 TAXATION—ANSWERS TO QUESTIONS

Senator Schacht moved—That the Senate take note of the answers given by the Assistant Treasurer (Senator Kemp) to questions without notice asked today relating to taxation.

Debate ensued.

Question put and passed.

8 PUBLIC TRANSPORT—MELBOURNE—ANSWER TO QUESTION

Senator Greig moved—That the Senate take note of the answer given by the Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) to a question without notice asked by Senator Allison today relating to the funding of public transport in Melbourne.

Question put and passed.

9 PETITION

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

From 288 petitioners, requesting that the Senate take action to stop the sale of NDC Ltd by Telstra.

10 NOTICES

The Chair of the Economics References Committee (Senator Murphy): To move on the next day of sitting—That the time for the presentation of the report of the Economics References Committee on the framework for the market supervision of Australia's stock exchanges be extended to 9 August 2001.

The Chair of the Parliamentary Joint Committee on Corporations and Securities (Senator Chapman): To move on the next day of sitting—That the Parliamentary Joint Committee on Corporations and Securities be authorised to hold a public meeting during the sitting of the Senate on 27 June 2001, from 4.10 pm to 6.30 pm, to take evidence for the committee's inquiry into the provisions of the Financial Services Reform Bill 2001 and four related bills.

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

(a) notes that:

- (i) the fourth annual Human Rights Register was launched on 7 June 2001 by the Catholic Commission for Justice Development and Peace; former High Court Judge Sir Ronald Wilson; Reverend Tim Costello, President of the Baptist Union of Australia; and Chris Maxwell, QC of Liberty Victoria,
- (ii) the register was compiled for the period May 2000 to May 2001, and contains over 265 entries, of which 75 per cent are negative, and
- (iii) the most prominent issues on the register are:
 - (A) mandatory detention of asylum seekers and refugees (26 negative entries),
 - (B) the ongoing and high levels of inequality and disadvantage experienced by Aboriginal and Torres Strait Islander peoples as a result of mandatory sentencing legislation, disproportionately high rates of incarceration and deaths in custody (25 negative entries), and

- (c) Australia's partial withdrawal from the United Nation's Human Rights Treaty Committee system;
- (b) condemns the Government on its alarming responsibility for 40 per cent of all negative entries on the Human Rights Register; and
- (c) calls on the Government to:
 - (i) make a strong commitment to improve its record in subsequent Human Rights Registers, and
 - (ii) respect and fully implement its international human rights treaty obligations, and to work in co-operation with the United Nations treaty committee system to this end.

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Coonan): To move on the next day of sitting—That so much of standing order 36 be suspended as would prevent the Regulations and Ordinances Committee holding a private deliberative meeting on 27 June 2001, from 10.15 am to 11.15 am, with members of the Scrutiny of Legislation Committee of the Queensland Parliament in attendance.

The Chair of the Legal and Constitutional References Committee (Senator McKiernan): To move on the next day of sitting—That the time for the presentation of reports of the Legal and Constitutional References Committee be extended as follows:

- (a) the management arrangements and adequacy of funding of the Australian Federal Police and the National Crime Authority—to 28 August 2001; and
- (b) the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000—to 25 September 2001.

The Leader of the Australian Democrats (Senator Stott Despoja) and Senator Murray: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to alter the Constitution to ensure that if the Senate fails to pass a proposed law appropriating revenue or moneys for the ordinary annual services of the Government in respect of a year, an amount of money is appropriated for those services in respect of that year equal to the amount appropriated for those services in respect of the preceding year. ***Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001.***

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

- (a) notes that:
 - (i) Australian Labor Party and Australian Democrats senators are holding up a Senate committee report on the Innovation and Education Legislation Bill 2001, which contains vital start-up funding for dozens of new schools, until 28 June 2001, and
 - (ii) this action makes it unlikely that the bill will be passed during the winter sittings of Parliament, so some of these affected schools will not be able to be paid the first instalment of their establishment grant entitlement at the expected time;
- (b) condemns this delay, which could also affect schools educating students with disabilities and indigenous community schools which may not receive their full assistance;

- (c) criticises the Australian Labor Party's targeting of independent schools and the establishment of new schools, including those which serve the neediest communities; and
- (d) calls on all parties to support this bill so that schools can get on with the job of teaching Australia's children.

Senator Brown: To move on 27 June 2001—That the Senate—

- (a) notes that:
 - (i) provisions in the Northern Territory's Public Order and Anti-Social Conduct Bill will impact primarily on indigenous people, and
 - (ii) the legislation:
 - (A) gives police the power to determine acceptable behaviour,
 - (B) allows confiscation of property in certain circumstances,
 - (C) removes private property rights in certain circumstances,
 - (D) allows certain areas of private habitation to be declared 'notified' areas, and signposted as such for 2 years, and
 - (E) gives police the right to move people from private and public places in certain circumstances; and
- (b) calls on the Northern Territory Government to take a responsible approach and withdraw the bill.

11 LEAVE OF ABSENCE

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator Cook for the period 25 June to 28 June 2001, on account of parliamentary business overseas.

Question put and passed.

12 LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Coonan, by leave and at the request of the Chair of the Legal and Constitutional Legislation Committee (Senator Payne), moved—That the time for the presentation of the report of the committee on the Measures to Combat Serious and Organised Crime Bill 2001 be extended to 27 June 2001.

Question put and passed.

13 CORPORATIONS AND SECURITIES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Coonan, by leave and at the request of the Chair of the Parliamentary Joint Committee on Corporations and Securities (Senator Chapman), moved—That the Parliamentary Joint Committee on Corporations and Securities be authorised to hold a public meeting during the sitting of the Senate today, from 5.20 pm to 6.10 pm, to take evidence for the committee's inquiry into the provisions of the Financial Services Reform Bill 2001 and four related bills.

Question put and passed.

14 POSTPONEMENTS

Items of business were postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Brown for today, relating to the reference of a matter to the Environment, Communications, Information Technology and the Arts References Committee, postponed till 27 June 2001.

General business notice of motion no. 945 standing in the name of Senator Cook for today, relating to the establishment of a select committee on the impacts of the new tax system, postponed till 27 June 2001.

Business of the Senate notice of motion no. 3 standing in the name of Senator Bolkus for today, relating to the reference of matters to the Legal and Constitutional References Committee, postponed till 26 June 2001.

15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REFERENCE

Senator O'Brien amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 30 August 2001:

- (a) the role of Australian Search and Rescue (AusSAR) in the search for the fishing boat the *Margaret J* and its crew; and
- (b) all communications between AusSAR and the Tasmanian police regarding the role of the Tasmanian police in the search for the missing boat and other related matters.

Question put and passed.

16 ENVIRONMENT—SOUTH PACIFIC WHALE SANCTUARY

Senator Brown amended his notice of motion by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recalls the laudable role of the United Kingdom (UK) leading to a global agreement to ban commercial whaling 15 years ago;
- (b) notes speculation that the UK is reviewing that policy to allow for some commercial whale killing; and
- (c) calls on the Prime Minister of the UK, Tony Blair, and his government to hold firm to its policy of banning whaling, and to fully support Australia's plan for a South Pacific whale sanctuary at the London meeting of the International Whaling Commission in July 2001.

Question put and passed.

17 PARLIAMENT ACT—PARLIAMENTARY ZONE—WORKS PROPOSAL—DOCUMENTS

The Parliamentary Secretary to the Minister for Health and Aged Care (Senator Tambling) tabled the following documents;

Parliament Act—Proposal, together with supporting documentation, relating to the construction of Reconciliation Place.

Notice of motion: Senator Tambling, by leave, gave a notice of motion as follows: To move on the next day of sitting—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being the construction of Reconciliation Place in the Parliamentary Zone.

18 PRIVILEGES—STANDING COMMITTEE—96TH REPORT

The Chair of the Standing Committee of Privileges (Senator Ray) tabled the following report:

96th report—Possible misleading evidence to and improper interference with witnesses before the Employment, Workplace Relations, Small Business and Education Legislation Committee, dated June 2001.

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

Senator Ray, by leave, moved—That the Senate endorse the finding contained at page 12 of the 96th report of the Committee of Privileges.

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

19 ECONOMICS REFERENCES COMMITTEE—INTERIM REPORT—MASS MARKETED TAX EFFECTIVE SCHEMES AND INVESTOR PROTECTION

The Chair of the Economics References Committee (Senator Murphy) tabled the following report:

Mass marketed tax effective schemes and investor protection—Interim report, dated June 2001.

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

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

Debate ensued.

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

20 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—AUSTRALIA'S ROLE IN UNITED NATIONS REFORM

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) tabled the following report and documents:

Australia's role in United Nations reform, dated June 2001, *Hansard* record of the committee's proceedings [6 vols] and submissions [8 vols].

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

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

Debate ensued.

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

21 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—SECOND AUSTRALIAN GOVERNMENT LOAN TO PAPUA NEW GUINEA: VARIATION TO LOAN AGREEMENT

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Ferguson) tabled the following report:

Second Australian Government loan to Papua New Guinea: Variation to loan agreement, dated June 2001.

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

Senator Ferguson, by leave, moved—That the Senate take note of the document.

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

22 ASIA-PACIFIC PARLIAMENTARY FORUM—9TH ANNUAL MEETING—DOCUMENT

Senator Calvert, by leave, tabled the following document:

Asia-Pacific Parliamentary Forum—9th annual meeting, Valparaiso, Chile, 15 to 18 January 2001 and a bilateral visit to Chile, 11 to 14 January 2001—Report of the Australian parliamentary delegation, dated June 2001.

23 DOCUMENTS

The following documents were tabled by the Clerk:

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2001.

Air Navigation Act—Regulations—Statutory Rules 2001 No. 145.

Airports Act—Regulations—Statutory Rules 2001 No. 146.

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Directives—Part—

105, dated 13 and 14 June 2001.

106, dated 14 June 2001.

Class Ruling CR 2001/23.

Crimes Act—Regulations—Statutory Rules 2001 No. 138.

Electronic Transactions Act—Regulations—Statutory Rules 2001 No. 137.

Export Inspection (Establishment Registration Charges) Act—Regulations—Statutory Rules 2001 No. 135.

Health Insurance Act—

Declaration—QAA No. 3/2001.

Regulations—Statutory Rules 2001 No. 141.

Marine Navigation Levy Act—Regulations—Statutory Rules 2001 No. 147.

Marine Navigation (Regulatory Functions) Levy Act—Regulations—Statutory Rules 2001 No. 148.

Migration Act—Regulations—Statutory Rules 2001 Nos 142 and 143.

Migration Agents Registration Application Charge Act—Regulations—Statutory Rules 2001 No. 144.

Mutual Assistance in Criminal Matters Act—Regulations—Statutory Rules 2001 No. 139.

National Residue Survey (Customs) Levy Act—Regulations—Statutory Rules 2001 No. 136.

Primary Industries and Energy Research and Development Act—Regulations—Statutory Rules 2001 Nos 129-134.

Product Rulings—

PR 1999/25 (Addendum) and PR 1999/70 (Addendum).

PR 2000/30 (Addendum), PR 2000/75 (Addendum) and PR 2000/104 (Addendum).

PR 2001/44 (Addendum), PR 2001/45 (Addendum), PR 2001/49 (Addendum), PR 2001/89-2001/93.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 9/01.

Taxation Determination TD 2001/15.

Trade Practices Act—Regulations—Statutory Rules 2001 No. 149.

Workplace Relations Act—Regulations—Statutory Rules 2001 No. 140.

24 GOVERNOR-GENERAL'S PROCLAMATIONS—COMMENCEMENT OF AN ACT AND PROVISIONS OF AN ACT

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following Act and provisions of an Act to come into operation on the dates specified:

Crimes Amendment (Forensic Procedures) Act 2001—Schedule 1 (other than items 2 and 3)—20 June 2001 (*Gazette* No. GN 24, 20 June 2001).

Trade Marks Amendment (Madrid Protocol) Act 2000—11 July 2001 (*Gazette* No. GN 24, 20 June 2001).

25 APPROPRIATION (HIH ASSISTANCE) BILL 2001

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

Message no. 730, dated 21 June 2001—A Bill for an Act to appropriate money to provide financial assistance to HIH eligible persons, and for related purposes.

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) 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 Ian Macdonald moved—That this bill be now read a second time.

On the motion of Senator Ludwig the debate was adjourned.

On the motion of Senator Ian Macdonald the resumption of the debate was made an order of the day for a later hour.

26 TAXATION LAWS AMENDMENT BILL (NO. 3) 2001

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

Message no. 734, dated 21 June 2001—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) 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 Ian Macdonald moved—That this bill be now read a second time.

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

On the motion of Senator Denman the debate was adjourned.

On the motion of Senator Ian Macdonald the resumption of the debate was made an order of the day for a later hour.

27 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2001-2002**APPROPRIATION BILL (NO. 1) 2001-2002****APPROPRIATION BILL (NO. 2) 2001-2002**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 731, dated 21 June 2001—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 732, dated 21 June 2001—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 733, dated 21 June 2001—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for Regional Services, Territories and Local Government (Senator Ian Macdonald) 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 Ian Macdonald moved—That these bills be now read a second time.

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

28 **DAIRY PRODUCE LEGISLATION AMENDMENT (SUPPLEMENTARY ASSISTANCE) BILL
2001**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Transport and Regional Services (Senator Boswell)—That this bill be now read a second time—and on the amendment moved by Senator Harris (see entry no. 3).

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, debated.

Senator Forshaw moved the following request for an amendment:

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

Schedule 1, item 10, page 6 (after line 24), before subclause (1), insert:

Levels of additional market milk payment rights

(1A) It is a policy objective that there be 2 levels of additional market milk rights as follows:

- (a) *basic additional market milk rights*;
- (b) *additional market milk rights*.

Basic additional market milk rights

(1B) The basic additional market milk right is \$15,000.

(1C) It is a policy objective that an entity is not eligible to be granted a basic additional market milk payment right unless:

- (a) the entity has been granted a payment right under the DSAP scheme in respect of a dairy farm enterprise (the *qualifying enterprise*); and
- (b) the entity held an interest (of a kind referred to in the SDA scheme) in that enterprise, or in any other dairy farm enterprise, at a time referred to in the SDA scheme; and
- (c) the number (the *market milk number*) worked out in accordance with the following formula is at least 25.1 (rounding to 1 decimal place and rounding up if the second decimal place is 5 or more):

$$\frac{\begin{array}{c} \text{Total number of litres of market milk delivered} \\ \text{by the qualifying enterprise in the} \\ \text{1998-1999 financial year} \end{array}}{\begin{array}{c} \text{Total number of} \\ \text{litres of market milk} \\ \text{delivered by that} \\ \text{enterprise in that year} \end{array} + \begin{array}{c} \text{Total number of} \\ \text{litres of manufacturing} \\ \text{milk delivered by that} \\ \text{enterprise in that year} \end{array}} \times 100$$

Note: See also subclause (5) for how those delivery numbers are worked out.

Debate ensued.

On the motion of Senator Forshaw further consideration of the request was postponed.

Senator Woodley moved the following request for an amendment:

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

Schedule 1, item 10, page 8 (lines 5 to 7), omit “\$60,000” (wherever occurring), substitute “\$80,000”.

Debate ensued.

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

Consideration resumed of the request moved by Senator Forshaw and postponed earlier today.

Senator Forshaw, by leave, amended his request to read as follows:

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

Schedule 1, item 10, page 6 (after line 24), before subclause (1), insert:

Levels of additional market milk payment rights

(1A) It is a policy objective that there be 2 levels of additional market milk rights as follows:

- (a) *basic additional market milk rights*;
- (b) *additional market milk rights*.

(1B) It is a policy objective that an entity is eligible for the higher of either:

- (a) basic additional market milk rights; or
- (b) additional market milk rights;

but not both.

Basic additional market milk rights

(1C) The basic additional market milk right is \$15,000.

(1D) It is a policy objective that an entity is not eligible to be granted a basic additional market milk payment right unless:

- (a) the entity has been granted a payment right under the DSAP scheme in respect of a dairy farm enterprise (the *qualifying enterprise*); and
- (b) the entity held an interest (of a kind referred to in the SDA scheme) in that enterprise, or in any other dairy farm enterprise, at a time referred to in the SDA scheme; and

- (c) the number (the *market milk number*) worked out in accordance with the following formula is at least 25.1 (rounding to 1 decimal place and rounding up if the second decimal place is 5 or more):

$$\frac{\begin{array}{c} \text{Total number of litres of market milk delivered} \\ \text{by the qualifying enterprise in the} \\ \text{1998-1999 financial year} \end{array}}{\begin{array}{c} \text{Total number of} \\ \text{litres of market milk} \\ \text{delivered by that} \\ \text{enterprise in that year} \end{array} + \begin{array}{c} \text{Total number of} \\ \text{litres of manufacturing} \\ \text{milk delivered by that} \\ \text{enterprise in that year} \end{array}} \times 100$$

Note: See also subclause (5) for how those delivery numbers are worked out.

Debate resumed.

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

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

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

Schedule 1, item 10, page 9 (line 30), omit paragraph (c), substitute:

- (c) subject to subsection (1A)—the entity passes the lease income test.

Schedule 1, item 10, page 9 (after line 30), after subclause 37J(1), insert:

Exception

- (1A) For the purposes of this clause, an entity is taken to have passed the lease income test if the entity suffered a material fall in eligible lease income in the 1999-2000 or 2000-2001 income years because a lessee of the entity defaulted on a contract or leasing arrangement in relation to the dairy farm enterprise.

Schedule 1, item 10, page 10 (after line 5), after subclause (2), insert:

- (2A) It is a further policy objective that an entity to which subclause (1A) applies is entitled to be granted the same level of discretionary payment rights, in respect of a dairy farm enterprise that is subject to an eligible dairy leasing arrangement, as has been granted to the lessee.

Schedule 1, item 10, page 10 (after line 5), after subclause (2), insert:

- (2B) It is a further policy objective that an entity with a lessor interest in a dairy farm enterprise is entitled to be granted 80% of the discretionary payment rights granted to the lessee in respect of the enterprise.

Debate ensued.

At 9.50 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Lightfoot) reported progress.

29 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.44 pm till Tuesday, 26 June 2001 at 2.30 pm.

30 ATTENDANCE

Present, all senators except Senators Cook*, Crane, Lundy*, Mackay and Troeth. (* on leave).

HARRY EVANS
Clerk of the Senate