

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 9

WEDNESDAY, 19 MARCH 2008

**Contents**

1	Meeting of Senate.....	281
2	Government Documents .....	281
3	Statute Law Revision Bill 2008 Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 .....	281
4	Consideration of Legislation .....	282
5	Infrastructure Australia Bill 2008 .....	282
6	Matters of Public Interest .....	286
7	Questions.....	286
8	Department of Parliamentary Services—Appointment of Secretary— Statement by President .....	286
9	Motions to Take Note of Answers .....	286
10	Notices .....	286
11	Selection of Bills—Standing Committee—Report No. 3 of 2008 .....	288
12	Postponements .....	290
13	Foreign Affairs—Tibet .....	290
14	Electoral Matters—Joint Standing Committee—Reference.....	291
15	Economics—Standing Committee—References.....	291
16	Rural and Regional Affairs and Transport—Standing Committee— Reference .....	292
17	Death of Mr William Alfred (Bill) Brown, OAM .....	293
18	Regional and Remote Indigenous Communities—Select Committee— Appointment.....	293
19	Scrutiny of Bills—Standing Committee—2nd Report and Alert Digest No. 2 of 2008.....	295
20	Public Works—Joint Statutory Committee—1st, 2nd, 3rd and 4th Reports of 2008.....	296
21	ASEAN Inter-Parliamentary Organisation—28th General Assembly— Document.....	296
22	Documents.....	296

23	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents.....	299
24	Departmental and Agency Contracts—Order for Production of Documents—Document .....	299
25	Interstate Road Transport Charge Amendment Bill 2008 Road Transport Charges (Australian Capital Territory) Repeal Bill 2008.....	299
26	Infrastructure Australia Bill 2008 .....	300
27	Interstate Road Transport Charge Amendment Bill 2008 Road Transport Charges (Australian Capital Territory) Repeal Bill 2008.....	301
28	Committee Membership .....	301
29	Order of Business—Rearrangement.....	302
30	Appropriation Bill (No. 3) 2007-2008 Appropriation Bill (No. 4) 2007-2008.....	302
31	Adjournment.....	302
32	Attendance.....	303

**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 GOVERNMENT DOCUMENTS**

The following government documents were tabled:

Australian Competition and Consumer Commission—Telstra's compliance with the price control arrangements—Report for the period 1 January 2006 to 30 June 2007.

*Medical Indemnity Act 2002*—Costs of the Australian Government's run-off cover scheme for medical indemnity insurers—Report for 2006-07.

Regional Forest Agreements between the Commonwealth of Australia and New South Wales—Reports on implementation—

Eden Region—

2002-03.

2003-04.

North East Region—

2002-03.

2003-04.

Southern Region—

2002-03.

2003-04.

*Telecommunications Act 1997*—Funding of research and consumer representation in relation to telecommunications—Report for 2006-07.

Treaties—List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at March 2008.

**3 STATUTE LAW REVISION BILL 2008****TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK) BILL 2008**

The Minister for Innovation, Industry, Science and Research (Senator Carr), at the request of the Minister for Human Services (Senator Ludwig) and the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and pursuant to notice, moved government business notices of motion nos 1 and 2—That the following bills be introduced:

A Bill for an Act to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes.

A Bill for an Act to amend legislation relating to telecommunications, and for other purposes.

Question put and passed.

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

Question put and passed.

Bills read a first time.

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

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

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

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

Question put and passed.

#### 4 CONSIDERATION OF LEGISLATION

The Minister for Innovation, Industry, Science and Research (Senator Carr), at the request of the Minister for Human Services (Senator Ludwig) and pursuant to notice, moved government business notice of motion no. 3—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Interstate Road Transport Charge Amendment Bill 2008  
Road Transport Charges (Australian Capital Territory) Repeal Bill 2008  
Tradex Scheme Amendment Bill 2008.

Question put and passed.

#### 5 INFRASTRUCTURE AUSTRALIA BILL 2008

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

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*In the committee*

Bill, taken as a whole by leave, debated.

Senator Milne moved the following amendments together by leave:

Clause 5, page 3 (after line 17), after paragraph (1)(b), insert:

(ba) greenhouse gas emission and oil consumption implications of any development;

Clause 5, page 4 (lines 12 and 13), omit paragraph (2)(g).

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 7

Senators—

Allison  
Bartlett

Brown, Bob  
Milne

Murray  
Nettle

Siewert (Teller)

## NOES, 42

Senators—

Barnett	Crossin	Joyce	Payne
Bernardi	Eggleston	Kirk	Polley
Birmingham	Evans	Ludwig	Ray
Bishop	Fielding	Lundy	Scullion
Boswell	Fierravanti-Wells	Marshall	Sterle
Brandis	Fifield	McEwen	Trood
Brown, Carol	Forsshaw	McLucas	Watson
Bushby	Hogg	Moore	Webber
Campbell	Humphries	Nash	Wortley (Teller)
Colbeck	Hurley	O'Brien	
Cormann	Hutchins	Parry	

Question negatived.

The Leader of The Nationals in the Senate (Senator Scullion) moved the following amendments together by leave:

No. 1—Clause 5, page 4 (lines 18 and 19), omit subclause (2)(j), substitute:

(j) any functions that the Minister, by writing, directs Infrastructure Australia to perform, provided that the Minister must first table in each House of the Parliament a description of the additional functions the Minister proposes that Infrastructure Australia perform;

No. 2—Clause 5, page 4 (lines 23 to 26), omit subclause (3), substitute:

(3) Infrastructure Australia may perform a function under subsection (1) or paragraph (2)(a), (b), (c), (d), (e), (f), (g) or (i) if it thinks fit.

No. 3—Clause 5, page 4 (lines 27 and 28), omit subclause (4).

No. 4—Clause 5, page 4 (lines 29 to 31), omit subclause (5).

No. 5—Clause 29, page 16 (after line 5), after subclause (1), insert:

(1A) Before appointing the Infrastructure Coordinator, the Minister must consult with the Chair and members of Infrastructure Australia.

Debate ensued.

The question was divided—

Question—That amendment no. 1 be agreed to—put and passed.

Question—That amendments nos 2 to 5 be agreed to—put.

The committee divided—

## AYES, 32

Senators—

Adams	Colbeck	Joyce	Nash (Teller)
Barnett	Cormann	Kemp	Parry
Bernardi	Eggleston	Lightfoot	Payne
Birmingham	Ferguson	Macdonald, Ian	Ronaldson
Boswell	Fierravanti-Wells	Macdonald, Sandy	Scullion
Brandis	Fifield	Mason	Troeth
Bushby	Humphries	McGauran	Trood
Chapman	Johnston	Minchin	Watson

## NOES, 31

Senators—

Allison	Faulkner	Lundy	O'Brien
Bartlett	Fielding	Marshall	Polley
Bishop	Forshaw	McEwen	Ray
Brown, Bob	Hogg	McLucas	Siewert
Brown, Carol	Hurley	Milne	Sterle
Campbell	Hutchins	Moore	Webber
Crossin	Kirk	Murray	Wortley (Teller)
Evans	Ludwig	Nettle	

Question agreed to.

Senator Milne moved the following amendment:

Page 5 (after line 13), after Division 1, insert:

**Division 1A—Reference of advice of Infrastructure Australia to the  
Parliamentary Standing Committee on Public Works**

**6A Reference of advice of Infrastructure Australia to the Parliamentary  
Standing Committee on Public Works**

- (1) If Infrastructure Australia provides advice in accordance with its functions under section 5 in support of infrastructure the estimated cost of which exceeds the threshold amount, the advice stands referred to the Parliamentary Standing Committee on Public Works for consideration and report.
- (2) On receiving the advice of Infrastructure Australia in support of infrastructure the estimated cost of which exceeds the threshold amount, the Minister must cause a copy of the advice to be laid before each House of the Parliament within 5 sitting days of that House after the day on which the Minister receives the advice, together with:
  - (a) a statement in relation to the infrastructure; and
  - (b) such plans, specifications and other particulars as the Minister thinks necessary.
- (3) Development of infrastructure which is the subject of advice that has been referred to the committee in accordance with this section must not be commenced before a report of the committee concerning the work has been presented to both Houses of the Parliament.
- (4) If, after a report of the committee in accordance with this section, on advice of Infrastructure Australia on the development of the infrastructure, has been presented to both Houses of the Parliament and before the development of the infrastructure has been commenced, each House resolves that, for reasons or purposes stated in the resolution, the advice in support of the infrastructure be again referred to the committee for consideration and report, the committee must further consider the advice and the development of the infrastructure must not be commenced before a further report of the committee concerning the advice has been presented to both Houses.
- (5) The development of the infrastructure the subject of advice that has been referred to the committee must not be commenced unless, after the report of the committee (or, if there has been a further reference of the advice under subsection (4), the report of the committee on the

further reference) has been presented to both Houses of the Parliament, both Houses have resolved that it is expedient to carry out the development of the infrastructure.

- (6) The development of the infrastructure the estimated cost of which exceeds the threshold amount must not be commenced unless:
- (a) the committee has reported on the advice of Infrastructure Australia in relation to the infrastructure in accordance with this section; or
  - (b) both Houses have resolved that, by reason of the urgent nature of the development of the infrastructure, it is expedient that it be carried out without the advice of Infrastructure Australia in relation to that infrastructure having been referred to the committee; or
  - (c) the Governor-General has, by order, declared that the development of the infrastructure is for defence purposes and that the reference of the advice in relation to the development of the infrastructure to the committee would be contrary to the public interest; or
  - (d) the development of the infrastructure has been declared, by a notice under subsection (7), to be a repetitive development for the purposes of this subsection.
- (7) The Minister may, by notice published in the *Gazette*, declare the development of the infrastructure to be a repetitive development for the purposes of subsection (8) if:
- (a) he or she is satisfied that the development of the infrastructure is substantially similar to other development of infrastructure that has been carried out, is being carried out or is likely to be carried out from time to time by or for the Commonwealth, or by or for an authority of the Commonwealth to which the *Public Works Committee Act 1969* applies; and
  - (b) the committee has agreed to the development of the infrastructure being so declared.
- (8) In this section:
- committee** means the Parliamentary Standing Committee on Public Works for the time being constituted in accordance with the *Public Works Committee Act 1969*.
- estimated cost**, in relation to the development of infrastructure, means an estimate of cost made when all particulars of the development of the infrastructure substantially affecting its cost have been determined.
- threshold amount** means:
- (a) \$50,000,000; or
  - (b) if another lower amount is specified in the regulations for the purposes of this definition—that other amount.

Debate ensued.

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

#### 6 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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*At 2 pm—*

#### 7 QUESTIONS

Questions without notice were answered.

#### 8 DEPARTMENT OF PARLIAMENTARY SERVICES—APPOINTMENT OF SECRETARY— STATEMENT BY PRESIDENT

The President informed the Senate of the appointment of Mr Alan Thompson as Secretary of the Department of Parliamentary Services.

#### 9 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Johnston moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Chapman today relating to electricity prices and the renewable energy target.

Debate ensued.

Question put and passed.

Senator Murray 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 Murray today relating to taxation.

Question put and passed.

#### 10 NOTICES

*Notices of motion:*

The Chair of the Select Committee on State Government Financial Management (Senator Ian Macdonald): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on State Government Financial Management be extended to 27 August 2008. (*general business notice of motion no. 59*)

Senator Stott Despoja: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *A New Tax System (Family Assistance) Act 1999* to give all adopting parents access to baby bonus payments, and for related purposes. *A New Tax System (Family Assistance) (Improved Access to Baby Bonus) Amendment Bill 2008*. (*general business notice of motion no. 60*)



The Leader of the Australian Democrats (Senator Allison): To move on the next day of sitting—That the Senate—

- (a) notes the reports in the *Sydney Morning Herald* regarding concerns about the Mercy Ministries residential programs for young women suffering from psychological illnesses, in particular that despite advertising that residents would receive support from psychologists, general practitioners, dieticians, and social workers, former residents report receiving only an occasional visit to a general practitioner; and
- (b) calls on the Government to instruct the Australian Competition and Consumer Commission to investigate whether Mercy Ministries has engaged in misleading and deceptive conduct. (*general business notice of motion no. 61*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 be referred to the Environment, Communications and the Arts Committee for inquiry and report by 7 May 2008.

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That, in considering the Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008, the Economics Committee have power to consider and use the records of the Economics Committee appointed in the previous Parliament relating to its consideration of an earlier version of the bill. (*general business notice of motion no. 62*)

Senator Bernardi: To move on the next day of sitting—That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 9 June 2008:

An examination into the effectiveness of the broadcasting codes of practice operating within the radio and television industry, with particular reference to:

- (a) the frequency and use of coarse and foul language (swearing) in programs;
- (b) the effectiveness of the current classification standards as an accurate reflection of the content contained in the program;
- (c) the operation and effectiveness of the complaints process currently available to members of the public; and
- (d) any other related matters.

Senator Birmingham: To move on the next day of sitting—That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by August 2008:

Management of Australia's waste streams, with particular reference to:

- (a) trends in waste production in Australia across household, consumer, commercial and industrial waste streams;
- (b) effectiveness of existing strategies to reduce, recover or reuse waste from different waste streams;
- (c) potential new strategies to reduce, recover or reuse waste from different waste streams;
- (d) the economic, environmental and social benefits and costs of such strategies;
- (e) policy priorities to maximise the efficiency and efficacy of efforts to reduce, recover or reuse waste from different waste streams; and
- (f) consideration of the Drink Container Recycling Bill 2008.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Minister for Foreign Affairs (Mr Smith) to seek the abandonment of the death sentence in China. (*general business notice of motion no. 63*)

*Notice of motion withdrawn:* Senator Bartlett, at the request of Senator Stott Despoja, withdrew business of the Senate notice of motion no. 3 standing in the name of Senator Stott Despoja for today, proposing a reference to the Economics Committee.

#### 11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2008

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

##### SELECTION OF BILLS COMMITTEE REPORT NO. 3 OF 2008

1. The committee met in private session on Tuesday, 18 March 2008 at 4.17 pm.
2. The committee resolved to recommend—That—
  - (a) the Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 16 September 2008;
  - (b) the *provisions* of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 be *referred immediately* to the Community Affairs Committee for inquiry and report by 7 May 2008;
  - (c) the *provisions* of the Telecommunications Legislation Amendment (Communications Fund) Bill 2008 be *referred immediately* to the Environment, Communications and the Arts Committee for inquiry and report by 30 April 2008; and
  - (c) the Telecommunications (Interception and Access) Amendment Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 1 May 2008.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Cluster Munitions (Prohibition) Bill 2006 [2008]
  - Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001 [2008]
  - Constitution Alteration (Electors' Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2008]
  - Electoral (Greater Fairness of Electoral Processes) Amendment Bill 2007 [2008]
  - Electoral Amendment (Political Honesty) Bill 2003 [2008]
  - Euthanasia Laws (Repeal) Bill 2004 [2008]
  - Genetic Privacy and Non-discrimination Bill 1998 [2008]
  - Horse Disease Response Levy Bill 2008
  - Horse Disease Response Levy Collection Bill 2008
  - Horse Disease Response Levy (Consequential Amendments) Bill 2008

Interstate Road Transport Charge Amendment Bill 2008  
 Road Transport Charges (Australian Capital Territory) Repeal Bill 2008  
 Migration Legislation Amendment (Access to Judicial Review of Migration Decisions) Bill 2007 [2008]  
 Migration Legislation Amendment (Complementary Protection Visas) Bill 2006 [2008]  
 Migration Legislation Amendment (End of Mandatory Detention) Bill 2006 [2008]  
 Migration Legislation Amendment (Migration Zone Excision Repeal) Bill 2006 [2008]  
 Migration Legislation Amendment (Migration Zone Excision Repeal) (Consequential Provisions) Bill 2006 [2008]  
 Migration Legislation Amendment (Provisions Relating to Character and Conduct) Bill 2006 [2008]  
 Migration Legislation Amendment (Restoration of Rights and Procedural Fairness) Bill 2007 [2008]  
 Migration Legislation Amendment (Temporary Protection Visas Repeal) Bill 2006 [2008]  
 Ministers of State (Post-Retirement Employment Restrictions) Bill 2002 [2008]  
 Parliamentary Charter of Rights and Freedoms Bill 2001 [2008]  
 Patents Amendment Bill 1996 [2008]  
 Peace and Non-Violence Commission Bill 2007 [2008]  
 Privacy (Data Security Breach Notification) Amendment Bill 2007 [2008]  
 Privacy (Extension to Political Acts and Practices) Amendment Bill 2006 [2008]  
 Protecting Children from Junk Food Advertising Bill 2006 [2008]  
 Public Interest Disclosures Bill 2007 [2008]  
 Qantas Sale (Keep Jetstar Australian) Amendment Bill 2007 [2008]  
 Repatriation of Citizens Bill 2007 [2008]  
 Republic (Consultation of the People) Bill 2001 [2008]  
 Same-Sex Marriages Bill 2006 [2008]  
 Same-Sex: Same Entitlements Bill 2007 [2008]  
 Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2008  
 State Elections (One Vote, One Value) Bill 2001 [2008]  
 Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008  
 Taxation Laws Amendment (Scholarships) Bill 2005 [2008]  
 Textbook Subsidy Bill 2003 [2008]  
 Uranium Mining in or near Australian World Heritage Properties (Prohibition) Bill 1998 [2008]  
 Veterans' Entitlements Legislation Amendment (2007 Election Commitments) Bill 2008  
 Workplace Relations (Guaranteeing Paid Maternity Leave) Amendment Bill 2007 [2008].

***The committee recommends accordingly.***

4. The committee deferred consideration of the following bills to its next meeting:
  - Drink Container Recycling Bill 2008
  - Tax Laws Amendment (2008 Measures No. 1) Bill 2008

Trade Practices (Creeping Acquisitions) Amendment Bill 2007 [2008].

Kerry O'Brien

Chair

19 March 2008.

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

Debate ensued.

Question put and passed.

## 12 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 41 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for 20 March 2008, proposing the introduction of the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008, postponed till 13 May 2008.

General business notice of motion no. 55 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to funding of schools, postponed till 20 March 2008.

## 13 FOREIGN AFFAIRS—TIBET

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 57—That the Senate urges the Government to initiate or support moves to have a fact-finding delegation from the United Nations, or its Human Rights Council, visit Tibet as a matter of urgency.

Question put.

The Senate divided—

### AYES, 8

Senators—

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

### NOES, 53

Senators—

Adams	Conroy	Kemp	Polley
Barnett	Cormann	Kirk	Ronaldson
Bernardi	Crossin	Ludwig	Scullion
Birmingham	Eggleston	Lundy	Sherry
Bishop	Ellison	Macdonald, Sandy	Stephens
Boswell	Ferguson	Marshall	Sterle
Boyce	Fierravanti-Wells	Mason	Troeth
Brandis	Fifield	McEwen	Trood
Brown, Carol	Fisher	Moore	Watson
Bushby	Forshaw	Nash	Webber
Campbell	Heffernan	O'Brien (Teller)	Wortley
Carr	Hogg	Parry	
Chapman	Hurley	Patterson	
Colbeck	Hutchins	Payne	

Question negatived.

**14 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REFERENCE**

Senator Parry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 58—That the provisions of Schedule 1 of the Tax Laws Amendment (2008 Measures No. 1) Bill 2008 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by June 2009.

Question put and passed. All Government and Australian Democrats senators, by leave, recorded their votes for the noes.

**15 ECONOMICS—STANDING COMMITTEE—REFERENCES**

Senator Chapman, also on behalf of Senators Hurley and Stott Despoja, amended business of the Senate notice of motion no. 4 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Economics Committee for inquiry and report no later than October 2008 with an interim report by 23 June 2008:

The current state of Australia's space science and industry sector, examining options to strengthen and expand Australia's position in fields that strongly align with space science and industry, giving consideration to any national strategic coordination requirements and taking into account findings and policy options of the National Innovation System Review, with particular reference to:

- (a) Australia's capabilities in space science, industry and education, including:
  - (i) existing Australian activity of world-class standard, and
  - (ii) areas in which there is currently little or no activity but that are within the technical and intellectual capacity of the country;
- (b) arguments for and against expanded Australian activity in space science and industry, including:
  - (i) an assessment of the risks to Australia's national interest of Australia's dependence on foreign-owned and operated satellites,
  - (ii) the potential benefits that could accrue to Australia through further development of our space capability,
  - (iii) economic, social, environmental, national security and other needs that are not being met or are in danger of not being met by Australia's existing space resources or access to foreign resources,
  - (iv) impediments to strengthening and expanding space science and industry in Australia, including limiting factors relating to spatial information and global positioning systems, including but not limited to ground infrastructures, intergovernmental arrangements, legislative arrangements and government/industry coordination, and
  - (v) the goals of any strengthening and expansion of Australia's space capability both in the private sector and across government; and
- (c) realistic policy options that facilitate effective solutions to cross-sector technological and organisational challenges, opportunity capture and development imperatives that align with national need and in consideration of existing world-class capability.

Question put and passed.

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—

- (1) That the Senate notes:
  - (a) the housing affordability crisis in Australia and the need for a national affordable housing agreement;
  - (b) the need to upgrade Australia's building stock and strengthen building regulations to increase the energy efficiency of existing and new buildings, both residential and commercial;
  - (c) the central role played by the Housing Industry Association in developing government policy;
  - (d) the relationship between housing affordability and mandatory privatised last resort builders warranty insurance particularly, the increasing number of complaints from builders and consumers concerning the failure of the last resort warranty insurance regime to provide consumer or builder protection; and
  - (e) the decision in March 2002 to remove all Commonwealth and state regulatory controls over last resort warranty insurance.
- (2) That the following matter be referred to the Economics Committee for inquiry and report by May 2008:
 

Australia's mandatory Last Resort Home Warranty Insurance scheme, including:

  - (a) the appropriateness and effectiveness of the current mandatory privatised Last Resort Builders Warranty Insurance scheme in providing appropriate consumer protection and industry management;
  - (b) the reasons for and consequences of the ministerial decisions relating to the removal of consumer protection provisions in respect of Corporations Regulation 7.1.12(2);
  - (c) the ramifications for the future supply of this insurance product following the draft recommendations from the Productivity Commission report released in December 2007;
  - (d) any potential reforms and their costs and benefits which may lead to appropriate consumer and builder protection and improved housing affordability; and
  - (e) any related matters.

Question put and passed.

**16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—  
REFERENCE**

Senator Heffernan, 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 Rural and Regional Affairs and Transport Committee for inquiry and report by 4 September 2008:

Concerns in relation to meat marketing, with particular reference to the need for effective supervision of national standards and controls and the national harmonisation of regulations applying to the branding and marketing of meat.

Question put and passed.

**17 DEATH OF MR WILLIAM ALFRED (BILL) BROWN, OAM**

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 56—That the Senate—

- (a) notes with deep regret the passing of Mr William Alfred (Bill) Brown, OAM on 16 March 2008;
- (b) acknowledges the significant contribution Mr Brown made to:
  - (i) Australia as a member of the Royal Australian Air Force during World War II, seeing action in the Pacific, and
  - (ii) Australian cricket through his career as a batsman, Australian captain and as a mentor to other cricketers;
- (c) notes that at the time of his passing Mr Brown was Australia's oldest surviving test cricketer, and was the last survivor of one of the defining moments in Australian cricket history, the 1934 Test defeat to England at Lords; and
- (d) offers its condolences to his family and friends.

Question put and passed.

**18 REGIONAL AND REMOTE INDIGENOUS COMMUNITIES—SELECT COMMITTEE—APPOINTMENT**

Senator Ellison, by leave and at the request of the Leader of The Nationals in the Senate (Senator Scullion), moved general business notice of motion no. 49—

- (1) That a select committee, to be known as the Select Committee on Remote Indigenous Communities, be appointed to inquire into and report on:
  - (a) the effectiveness of Australian Government policies following the Northern Territory Emergency Response, specifically on the state of health, welfare, education and law and order in remote Indigenous communities;
  - (b) the impact of state and territory government policies on the wellbeing of remote Indigenous communities;
  - (c) the health, welfare, education and security of children in remote Indigenous communities; and
  - (d) the employment and enterprise opportunities in remote Indigenous communities.
- (2) That the committee report to the Senate on 30 September 2008, 30 March 2009, 30 September 2009, 30 March 2010 and 30 September 2010.
- (3) That the committee consist of 6 members, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by any minority group or groups or independent senator or independent senators.
- (4)
  - (a) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;
  - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of committee, but may not vote on any questions before the committee; and

- (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
- (6) That the committee elect an Opposition member as chair.
- (7) That the committee elect a Government member as deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (9) That the quorum of the committee be 4 members.
- (10) That the committee have power to appoint subcommittees consisting of 2 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and interim recommendations.
- (12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Debate ensued.

Senator Siewert moved the following amendment:

Omit paragraph (1), substitute:

- (1) That a select committee, to be known as the Select Committee on Regional and Remote Indigenous Communities, be appointed to inquire into and report on:
  - (a) the effectiveness of Australian Government policies following the Northern Territory Emergency Response, specifically on the state of health, welfare, education and law and order in regional and remote Indigenous communities;
  - (b) the impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities;
  - (c) the health, welfare, education and security of children in regional and remote Indigenous communities; and
  - (d) the employment and enterprise opportunities in regional and remote Indigenous communities.

Debate ensued.

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



Senator Bartlett moved the following amendments together by leave:

Omit paragraph (6), substitute:

- (6) That the chair of the committee be elected by and from the members of the committee, and in the absence of agreement on the election of a chair, duly notified to the President, the allocation of the chair be determined by the Senate.

Omit paragraph (7), substitute:

- (7) That the Deputy chair of the committee being a member of a different party or group from the chair, be elected by and from the members of the committee immediately after the election of the chair.

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

Main question, as amended, put.

The Senate divided—

AYES, 41

Senators—

Adams	Chapman	Johnston	Nettle
Allison	Colbeck	Joyce (Teller)	Parry
Barnett	Cormann	Kemp	Payne
Bartlett	Eggleston	Lightfoot	Scullion
Bernardi	Ellison	Macdonald, Ian	Siewert
Birmingham	Fielding	Macdonald, Sandy	Troeth
Boswell	Fierravanti-Wells	Mason	Trood
Boyce	Fifield	McGauran	Watson
Brandis	Fisher	Milne	
Brown, Bob	Heffernan	Murray	
Bushby	Humphries	Nash	

NOES, 22

Senators—

Bishop	Hogg	McEwen	Stephens
Brown, Carol	Hurley	McLucas	Sterle
Campbell	Hutchins	Moore	Webber (Teller)
Carr	Kirk	O'Brien	Wortley
Crossin	Lundy	Polley	
Forshaw	Marshall	Sherry	

Question agreed to.

**19 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND ALERT DIGEST NO. 2 OF 2008**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Ellison) tabled the following report and document:

Scrutiny of Bills—Standing Committee—

2nd report of 2008, dated 19 March 2008.

Alert Digest No. 2 of 2008, dated 19 March 2008.

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

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

Question put and passed.

**20 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—1ST, 2ND, 3RD AND 4TH REPORTS OF 2008**

Senator Troeth, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—

1st report of 2008—71st annual report, dated March 2008

2nd report of 2008—HMAS *Creswell* redevelopment, Jervis Bay Territory, dated March 2008.

3rd report of 2008—Land Engineering Agency test services relocation, Monegeetta, Victoria, dated March 2008.

4th report of 2008—Refurbishment of staff apartments, Australian Embassy complex, Tokyo, Japan, dated March 2008.

Senator Troeth moved—That the Senate take note of the reports.

Question put and passed.

**21 ASEAN INTER-PARLIAMENTARY ORGANISATION—28TH GENERAL ASSEMBLY—DOCUMENT**

Senator Watson, by leave, tabled the following document:

ASEAN Inter-Parliamentary Assembly (AIPA)—Report of the Australian parliamentary delegation to the 28th General Assembly, Kuala Lumpur, Malaysia, 18 to 24 August 2007 and bilateral visit to Indonesia, 24 to 27 August 2007, dated March 2008.

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

Question put and passed.

**22 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Christmas Island Act—List of applied Western Australian Acts for the period 16 September to 15 March 2007.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 16 September 2007 to 15 March 2008.

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

105—

AD/BEECH 33/28—Elevator Control Push Rods [F2008L00744]\*.

AD/BEECH 200/28—Forward R.H. Cabin Service Panel Retainer [F2008L00755]\*.

AD/BEECH 200/29 Amdt 1—Fuselage Avionics Compartment Floor [F2008L00754]\*.

AD/BEECH 200/44 Amdt 1—Rear Fuselage, Stabilisers and Fin Sealing and Draining [F2008L00750]\*.

AD/CESSNA 210/7—Elevator Tab Actuator – Modification [F2008L00741]\*.

AD/CESSNA 210/25—Main Gear Wheel Assemblies – Modification [F2008L00740]\*.

AD/CESSNA 310/7—Right Front Seat Back – Installation of Stop [F2008L00738]\*.

AD/CESSNA 310/14—Fin Spar Attachment Bolts – Inspection [F2008L00737]\*.

AD/DH 60/8—Streamline Wires [F2008L00735]\*.

AD/DH 82/14—Streamline Wires [F2008L00734]\*.

AD/ERJ-190/1—Air Data Smart Probes [F2008L00789]\*.

AD/ERJ-190/2—Full Authority Digital Engine Control Software [F2008L00788]\*.

AD/ERJ-190/3—Flight Guidance Control System [F2008L00790]\*.

AD/IAI-W/9 Amdt 3—Horizontal Stabiliser Rear Spar Splice Fitting [F2008L00725]\*.

AD/TBM 700/34 Amdt 1—Pilot Seat & Front Passenger Seat [F2008L00718]\*.

107—

AD/PARA/12 Amdt 1—Parachutes de France – Emergency Parachutes [F2008L00722]\*.

AD/PARA/16 Amdt 2—Techno 240-B Reserve Parachute [F2008L00721]\*.

Customs Act—Tariff Concession Orders—

0719750 [F2008L00677]\*.

0719767 [F2008L00674]\*.

0720053 [F2008L00675]\*.

0720068 [F2008L00683]\*.

0720095 [F2008L00673]\*.

0720374 [F2008L00676]\*.

0720913 [F2008L00682]\*.

0720931 [F2008L00680]\*.

Financial Sector (Collection of Data) Act—Explanatory statement and Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—

49 of 2008—Reporting standard ARS 391.0 Commercial Finance [F2008L00514].

50 of 2008—Reporting standard ARS 392.0 Housing Finance [F2008L00516].

51 of 2008—Reporting standard ARS 393.0 Lease Finance [F2008L00518].

55 of 2008—Reporting standard RRS 320.0 Statement of Financial Position [F2008L00522].

Higher Education Support Act—Funding Agreements under section 30-25, in respect of grant years—

2007, dated—

19 October 2007—The Australian National University.

17 December 2007—

Australian Maritime College.

Batchelor Institute of Indigenous Tertiary Education.

Central Queensland University.

Charles Darwin University.

Curtin University of Technology.

Edith Cowan University.

Griffith University.

James Cook University.

- La Trobe University.  
Macquarie University.  
Murdoch University.  
Southern Cross University.  
The University of New England.  
The University of Queensland.  
University of Ballarat.  
University of Canberra.  
University of Southern Queensland.
- 2008, dated—
- 9 November 2007—University of South Australia.  
13 November 2007—  
Australian Catholic University.  
Curtin University of Technology.  
Monash University.  
The Flinders University of South Australia.  
15 November 2007—La Trobe University.  
19 November 2007—Batchelor Institute of Indigenous Tertiary Education.  
30 November 2007—Queensland University of Technology.  
10 December 2007—  
Macquarie University.  
Southern Cross University.  
The University of Notre Dame Australia.  
19 December 2007—Edith Cowan University.  
29 January 2008—La Trobe University.
- 2008, 2009 and 2010, dated—
- 18 October 2007—  
Murdoch University.  
University of Canberra.  
19 October 2007—The Australian National University.  
29 October 2007—The University of New South Wales.  
31 October 2007—The University of Melbourne.  
7 November 2007—  
The University of Western Australia.  
University of Technology, Sydney.  
12 November 2007—Charles Sturt University.  
20 November 2007—  
University of Wollongong.  
Victoria University.  
23 November 2007—  
The University of Queensland.  
University of Western Sydney.  
26 November 2007—  
Deakin University.  
Royal Melbourne Institute of Technology.  
Tabor College Adelaide.  
University of Newcastle.  
30 November 2007—  
Christian Heritage College.  
Swinburne University of Technology.  
Tabor College Victoria.

The University of Adelaide.  
 University of the Sunshine Coast.  
 University of Tasmania.  
 10 December 2007—  
 Avondale College.  
 Charles Darwin University.  
 The University of Sydney.  
 University of Ballarat.  
 University of Southern Queensland.  
 13 December 2007—James Cook University.  
 14 December 2007—  
 Griffith University.  
 University of New England.  
 19 December 2007—Central Queensland University.

Sydney Airport Curfew Act—Dispensation Report 03/08 [12 dispensations].

\* Explanatory statement tabled with legislative instrument.

**23 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2007—Statements of compliance—

Attorney-General's portfolio agencies.

Defence.

Department of Families, Housing, Community Services and Indigenous Affairs.

Department of Foreign Affairs and Trade.

Department of the Prime Minister and Cabinet.

**24 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2007—Letter of advice—Veterans' Affairs portfolio agencies.

**25 INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2008  
 ROAD TRANSPORT CHARGES (AUSTRALIAN CAPITAL TERRITORY) REPEAL  
 BILL 2008**

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

Message no. 34, dated 19 March 2008—A Bill for an Act to amend the *Interstate Road Transport Charge Act 1985*, and for related purposes.

Message no. 35, dated 19 March 2008—A Bill for an Act to repeal the *Road Transport Charges (Australian Capital Territory) Act 1993*, and for related purposes.

Senator O'Brien, at the request of the Minister for Human Services (Senator Ludwig), 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 O'Brien moved—That these bills be now read a second time.

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

## 26 INFRASTRUCTURE AUSTRALIA BILL 2008

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

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### *In the committee*

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Milne (see entry no. 5).

Debate resumed.

Question—That the amendment be agreed to—put.

The committee divided—

#### AYES, 6

Senators—

Allison  
Bartlett

Brown, Bob  
Milne

Nettle

Siewert (Teller)

#### NOES, 30

Senators—

Adams  
Bernardi  
Birmingham  
Bishop  
Brown, Carol  
Crossin  
Fielding  
Fierravanti-Wells

Fifield  
Fisher  
Hogg  
Hurley  
Hutchins  
Joyce  
Lundy  
Marshall

McEwen  
McGauran  
McLucas  
Moore  
Nash  
O'Brien  
Parry  
Scullion

Sherry  
Sterle  
Troeth  
Watson  
Webber (Teller)  
Wortley

Question negatived.

On the motion of the Leader of the Australian Democrats (Senator Allison) the following amendment was debated and agreed to:

At the end of subclause 5(3), as amended, add “or on request by the Minister”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the report from the committee was adopted and the bill read a third time.

**27 INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2008  
ROAD TRANSPORT CHARGES (AUSTRALIAN CAPITAL TERRITORY) REPEAL  
BILL 2008**

Order of the day read for the adjourned debate on the motion of Senator O'Brien—  
That these bills be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 28

Senators—

Allison	Hogg	McLucas	Ray
Bartlett	Hurley	Milne	Sherry
Bishop	Hutchins	Moore	Siewert
Brown, Carol	Kirk	Murray	Stephens
Campbell	Lundy	Nettle	Sterle
Crossin	Marshall	O'Brien (Teller)	Webber
Forshaw	McEwen	Polley	Wortley

NOES, 32

Senators—

Abetz	Bushby	Fifield	McGauran
Adams (Teller)	Chapman	Fisher	Nash
Barnett	Cormann	Heffernan	Parry
Bernardi	Eggleston	Humphries	Payne
Birmingham	Ellison	Kemp	Ronaldson
Boswell	Ferguson	Macdonald, Ian	Scullion
Boyce	Fielding	Macdonald, Sandy	Troeth
Brandis	Fierravanti-Wells	Mason	Watson

Question negatived.

**28 COMMITTEE MEMBERSHIP**

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

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Economics—Standing Committee—**

Appointed—Participating members: Senators Campbell and Stott Despoja

**Education, Employment and Workplace Relations—Standing Committee—**

Appointed—Participating member: Senator Campbell

**Foreign Affairs, Defence and Trade—Joint Standing Committee—**

Discharged—Senator Eggleston

Appointed—Senator Payne

**Legal and Constitutional Affairs—Standing Committee—**

Appointed—

Substitute member: Senator Hogg to replace Senator Hurley for the committee's inquiries into the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 and the Stolen Generation Compensation Bill 2008

Participating member: Senator Hurley

**Regional and Remote Indigenous Communities—Select Committee—**

Appointed—

Senators Crossin and Moore

Participating members: Senators Bishop, Carol Brown, Campbell, Forshaw, Hogg, Hurley, Hutchins, Kirk, Lundy, Marshall, McEwen, McLucas, O'Brien, Polley, Ray, Stephens, Sterle, Webber and Wortley.

Question put and passed.

**29 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That consideration of government documents not be proceeded with today and that consideration of government business continue till 7.20 pm.

Question put and passed.

**30 APPROPRIATION BILL (NO. 3) 2007-2008  
APPROPRIATION BILL (NO. 4) 2007-2008**

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.

Senator Murray moved the following amendment:

At the end of the motion, add “, and the Senate, noting the comments in the report of the Finance and Public Administration Committee on the 2007-08 additional estimates in relation to the lack of clarity in the portfolio additional estimates statements, and programs or projects that may have been inappropriately included in the appropriation bill for the ordinary annual services of the government, calls on the Government:

- (a) to respond as soon as practicable to the March 2007 report of the Finance and Public Administration Committee on *Transparency and accountability of Commonwealth public funding and expenditure*, particularly the recommendation of the committee that expenditure should be reported at the level of programs; and
- (b) to resolve the outstanding issue reported on by the Standing Committee on Appropriations and Staffing in its annual reports for 2005-06 and 2006-07 in relation to the ordinary annual services of the government and appropriation bills”.

Debate ensued.

At 7.20 pm: Debate was interrupted.

**31 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.55 pm till Thursday, 20 March 2008 at 9.30 am.



**32 ATTENDANCE**

Present, all senators except Senator Stott Despoja (on leave).

**HARRY EVANS**  
Clerk of the Senate