

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 62

THURSDAY, 12 MARCH 2009

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**1 MEETING OF SENATE**

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

**2 VACANCY IN THE REPRESENTATION OF WESTERN AUSTRALIA—CHOICE OF CHRISTOPHER JOHN BACK**

The President informed the Senate that he had received, through the Governor-General, from the Governor of Western Australia, a copy of the certificate of the choice by the Parliament of Western Australia of Christopher John Back to fill the vacancy caused by the resignation of Senator Ellison.

The President tabled the copy of the certificate as follows:

Government House  
Perth

His Excellency Dr Ken Michael, AC  
Governor of Western Australia

11 March 2009

Her Excellency Ms Quentin Bryce AC  
Governor-General of the Commonwealth of Australia  
Government House  
Dunrossil Drive  
YARRALUMLA ACT 2600

Your Excellency

I have the honour to inform you that the President of the Legislative Council of Western Australia has advised me in the following terms:

“MAY IT PLEASE YOUR EXCELLENCY

With reference to Your Excellency’s Message to Parliament enclosing copy of a notification from the Honourable the President of the Senate of the Commonwealth, that a vacancy had happened in the representation of Western Australia in the Senate of the Commonwealth, I do myself the honour to inform you that a joint sitting of the Houses of Parliament of the State of Western Australia, held at Perth on the 11th day of March 2009, the Members of such Houses sitting and voting together, in pursuance of Section 15 of The Commonwealth of Australia Constitution Act, did choose Dr Christopher John Back, Company Director, of 4 Wren Street, Mount Pleasant, Western Australia, to hold the place vacated by Senator Chris Ellison.”

Yours sincerely  
Ken Michael  
Governor.

*Senator sworn:* Senator Back, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

**3 DEPARTMENT OF PARLIAMENTARY SERVICES—MR TREVOR FOWLER—RETIREMENT—STATEMENT BY PRESIDENT**

The President made a statement relating to the retirement of Mr Trevor Fowler, Director of Hansard Projects, Department of Parliamentary Services.

#### 4 NOTICES

The Leader of the Australian Greens (Senator Bob Brown): To move on 17 March 2009—That the Senate calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to prevent any deliberate action which would increase the prospect of Australia's swift parrot going to extinction. (*general business notice of motion no. 387*)

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

- (a) notes the vital role played by the Australian Broadcasting Corporation (ABC) in promoting high quality, innovative local content in broadcast media to the broad spectrum of Australians throughout the nation;
- (b) recognises the achievements of the ABC in developing new digital media services to better meet the needs of the Australian audience; and
- (c) calls on the Government to increase funding to the ABC in the next funding arrangement to ensure that the ABC continues to develop new and innovative products in a range of areas including local drama and innovative arts and youth content. (*general business notice of motion no. 388*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the following matters be referred to the Economics Committee for inquiry and report by 17 June 2009:

To review the wherewithal of the Foreign Investment Review Board and the Government to act in the national interest with respect to foreign investment in Australia, including investment controlled or directed by foreign governments and any related matters.

Senator Macdonald, pursuant to standing order 76(6), gave a notice of motion in general terms, as follows: To move on the next day of sitting—That an additional term of reference be added to an inquiry currently before the Parliamentary Joint Committee on Corporations and Financial Services. (*general business notice of motion no. 389*)

#### 5 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That the order of general business for consideration today be as follows:

- (a) general business order of the day no. 67 (Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008); and
- (b) orders of the day relating to government documents.

Question put and passed.

#### 6 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

*Statements by leave:* The Minister for Human Services (Senator Ludwig), Senator Parry, the Leader of the Australian Greens (Senator Bob Brown) and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to government business notice of motion no. 1.

Senator Ludwig amended government business notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That—

- (1) On Monday, 16 March 2009:
  - (a) the hours of meeting shall be noon to 6.30 pm and 7.30 pm to 11.30 pm;

(b) the routine of business from 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 10.50 pm.

(2) On Tuesday, 17 March 2009:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.40 pm;

(b) the routine of business from 7 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 11 pm.

Question put and passed.

**7 COMMUNITY AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Community Affairs Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 367—That the time for the presentation of the report of the Community Affairs Committee on the provisions of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and a related bill be extended to 16 March 2009.

Question put and passed.

**8 ECONOMICS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 376—That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 March 2009, from 6.30 pm, to take evidence for the committee's inquiry into bank mergers.

Question put and passed.

**9 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Finance and Public Administration Committee (Senator Polley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 377—That the time for the presentation of the report of the Finance and Public Administration Committee on annual reports tabled by 31 October 2008 be extended to 19 March 2009.

Question put and passed.

**10 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 378—That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on annual reports tabled by 31 October 2008 be extended to 17 March 2009.

Question put and passed.

**11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—  
EXTENSIONS OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 379—That the time for the presentation of reports of the Rural and Regional Affairs and Transport Committee be extended as follows:

- (a) natural resource management and conservation challenges—to 12 May 2009;
- (b) management of the Murray-Darling Basin system—to 12 May 2009; and
- (c) 2008-09 additional estimates—to 31 March 2009.

Question put and passed.

**12 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—LEAVE  
TO MEET DURING SITTING**

Senator O'Brien, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 380—That the Rural and Regional Affairs and Transport Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 16 March 2009, from 4.45 pm, to take evidence for the committee's inquiry into the management of the Murray-Darling Basin system.

Question put and passed.

**13 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—EXTENSION OF TIME TO  
REPORT**

Senator O'Brien, at the request of the Chair of the Select Committee on the National Broadband Network (Senator Fisher) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 384—That the time for the presentation of the report of the Select Committee on the National Broadband Network be extended to 22 June 2009.

Question put and passed.

**14 FOREIGN AFFAIRS—TIBET—HUMAN RIGHTS**

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. 381—That the Senate—

- (a) notes:
  - (i) the 50th anniversary of the Tibetan uprising of 10 March 1959 and the Dalai Lama's exile to India, and
  - (ii) the continuing human rights concerns in Tibet;
- (b) acknowledges the Tibetans' half century of peaceful resistance to policies undermining their religion, culture and livelihoods and expresses solidarity with the Tibetan people;
- (c) notes with concern the Chinese Government's outright rejection of the Tibetans' Memorandum on Genuine Autonomy for the Tibetan People, a detailed proposal for resolving the Tibet issue through proper implementation of existing provisions for regional ethnic autonomy contained in the constitution of the People's Republic of China; and

- (d) acknowledges that recent unilateral efforts by concerned governments, including Australia, have failed to secure meaningful negotiations on Tibet's future.

*Statements by leave:* The Minister for Human Services (Senator Ludwig) and Senator Bob Brown, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 5

Senators—

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

NOES, 46

Senators—

Abetz	Collins	Hutchins	Polley
Back	Coonan	Kroger	Pratt
Barnett	Cormann	Ludwig	Ronaldson
Bernardi	Crossin	Lundy	Ryan
Bilyk	Eggleston	Marshall	Stephens
Bishop	Farrell	Mason	Sterle
Boswell	Feeney	McEwen	Troeth
Boyce	Fielding	Moore	Trood
Brown, Carol	Fierravanti-Wells	Nash	Williams
Bushby	Fisher	O'Brien (Teller)	Wortley
Cameron	Furner	Parry	
Cash	Hogg	Payne	

Question negatived.

#### 15 FOREIGN AFFAIRS—CHINA—CHINALCO

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. 382—That the Senate—

- (a) notes that, according to the Aluminum Corporation of China (Chinalco), the Chinese Government has potential control over Chinalco through the power of appointment and removal of the president and members of the executive committee of Chinalco exercisable by the State Council and the State Assets Supervision and Administration Committee; and
- (b) calls on the Treasurer (Mr Swan) not to approve Chinalco's proposed deal with the Rio Tinto group unless he can be assured that a foreign government does not have the capacity to appoint or remove any of Chinalco's staff.

Question put.

The Senate divided—

AYES, 5

Senators—

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

## NOES, 42

Senators—

Abetz	Cash	Hogg	Polley
Back	Coonan	Hutchins	Ronaldson
Barnett	Cormann	Ludwig	Ryan
Bernardi	Crossin	Lundy	Stephens
Bilyk	Eggleston	Marshall	Sterle
Bishop	Farrell	Mason	Troeth
Boswell	Feeney	Moore	Trood
Boyce	Fielding	Nash	Williams
Brown, Carol	Fierravanti-Wells	O'Brien	Wortley
Bushby	Fisher	Parry (Teller)	
Cameron	Furner	Payne	

Question negatived.

## 16 ECONOMICS—EXECUTIVE SALARIES

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. 383—That the Senate—

- (a) supports the measures to address the excesses of executives in the United States of America proposed by President Obama which include:
- (i) a \$500 000 salary cap for executives of companies which have received financial support from the government,
  - (ii) a limit on executive compensation packages to be in restricted stock that will not vest until taxpayers are reimbursed,
  - (iii) tougher restrictions on 'golden parachute' severance payments, particularly on banks, and
  - (iv) new transparency rules on corporate jets, office renovations and entertainment which require companies to publicise large expenditures; and
- (b) calls on the Government to introduce similar measures in Australia.

Question put.

The Senate divided—

## AYES, 6

Senators—

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

## NOES, 36

Senators—

Abetz	Cash	Hutchins	Polley
Back	Cormann	Ludwig	Ronaldson
Barnett	Crossin	Lundy	Ryan
Bilyk	Eggleston	Marshall	Stephens
Bishop	Farrell	Moore	Sterle
Boswell	Feeney	Nash	Troeth
Boyce	Fierravanti-Wells	O'Brien	Trood
Brown, Carol	Furner	Parry (Teller)	Williams
Cameron	Hogg	Payne	Wortley

Question negatived.

**17 FOREIGN AFFAIRS—BURMA**

Senator Ludlam amended general business notice of motion no. 385 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the presence in the chamber during question time on Thursday, 12 March 2009, of three Burmese who were elected in the 1990 election but denied the right to exercise their mandate and regrettably not sworn in as Members of Parliament in Burma; and
- (b) expresses its support for the democratic aspirations of the people of Burma.

Question put and passed.

**18 FOREIGN AFFAIRS—BURMA HUMAN RIGHTS DAY**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 386—That the Senate—

- (a) notes that:
  - (i) 13 March is recognised as Burma Human Rights Day,
  - (ii) the global campaign ‘Free Burma’s Political Prisoners Now!’ will commence on 13 March 2009,
  - (iii) the democratically-elected parliament was not convened in Burma after the 1990 election, and
  - (iv) the referendum on the current constitution held immediately following Cyclone Nargis was a sham and the result cannot be considered credible;
- (b) calls on the Australian Government to:
  - (i) use all diplomatic means to encourage the Burmese regime to make meaningful progress towards democracy and to immediately and unconditionally release all political prisoners, including Daw Aung San Suu Kyi,
  - (ii) refuse to endorse the outcomes of the election in 2010 unless the political climate improves in Burma,
  - (iii) press the Burmese regime to engage in genuine multi-party talks leading to an inclusive, open and transparent political process, including constitutional reform, and
  - (iv) engage other nations through the United Nations and other multilateral fora to press for multiparty talks and an inclusive, open and transparent political process; and
- (c) expresses its support for the democratic aspirations of the people of Burma.

Question put and passed.

**19 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2008-09**

Senator O’Brien, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), tabled the following additional information received by the committee:

Legal and Constitutional Affairs—Standing Committee—Budget estimates (supplementary)—Additional information received between 11 February and 10 March 2009—

- Attorney-General’s portfolio.
- Immigration and Citizenship portfolio.

**20 FEDERAL FINANCIAL RELATIONS BILL 2009  
FEDERAL FINANCIAL RELATIONS (CONSEQUENTIAL AMENDMENTS AND  
TRANSITIONAL PROVISIONS) BILL 2009**

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

Message no. 280, dated 11 March 2009—A Bill for an Act to provide financial assistance to the States, the Australian Capital Territory and the Northern Territory, and for related purposes.

Message no. 279, dated 11 March 2009—A Bill for an Act to deal with consequential and transitional matters arising from the enactment of the *Federal Financial Relations Act 2009*, and for other purposes.

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 Ludwig moved—That these bills 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 COMMITTEES—REPORTS—ANNUAL REPORTS**

Pursuant to order, Senator O'Brien, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to committees—No. 1 of 2009, dated March 2009—

Community Affairs Committee.

Economics Committee.

Education, Employment and Workplace Relations Committee.

Environment, Communications and the Arts Committee.

Foreign Affairs, Defence and Trade Committee.

Rural and Regional Affairs and Transport Committee.

Reports ordered to be printed on the motion of Senator O'Brien.

**22 TAX LAWS AMENDMENT (2008 MEASURES NO. 6) BILL 2009**

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 Broadband, Communications and the Digital Economy (Senator Conroy) the bill was read a third time.

**23 TAX AGENT SERVICES BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—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 Broadband, Communications and the Digital Economy (Senator Conroy) the bill was read a third time.

**24 FEDERAL FINANCIAL RELATIONS BILL 2009  
FEDERAL FINANCIAL RELATIONS (CONSEQUENTIAL AMENDMENTS AND  
TRANSITIONAL PROVISIONS) BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Ludwig)—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 Minister for Superannuation and Corporate Law (Senator Sherry) the bills were read a third time.

*Suspension of sitting:* On the motion of Senator Sherry the sitting of the Senate was suspended at 12.49 pm till 2 pm.

—————

*At 2 pm—*

**25 QUESTIONS**

Questions without notice were answered.

**26 MOTION TO TAKE NOTE OF ANSWERS**

Senator Mason moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

**27 URGENCY MOTION—ECONOMICS—QUEENSLAND—PROPOSED EMISSIONS TRADING SCHEME**

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

The failure of the Rudd Labor Government to consider the interests of the state of Queensland, and, in particular the Queensland economy, in the development of the proposed Emissions Trading Scheme.

The proposal was supported by four senators.

The Leader of The Nationals in the Senate (Senator Joyce), at the request of Senator Brandis, moved the motion.

Debate ensued.

Question put and passed.

**28 FOREIGN AFFAIRS—SRI LANKA—DOCUMENT**

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

Foreign affairs—Sri Lanka—Letter to the President of the Senate from the Sri Lankan High Commissioner (Senaka Walgampaya, PC) responding to the resolution of the Senate of 11 February 2009, dated 27 February 2009.

**29 WATER ACT 2007—CRITICAL HUMAN WATER NEEDS—DEFINITIONS AND CRITERIA—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT**

Pursuant to the order of the Senate of 3 December 2008, the Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

*Water Act 2007*—Critical human water needs—Definitions and criteria—Response.

**30 DOCUMENTS**

The following documents were tabled by the Clerk:

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

2008, dated 15 December 2008—Edit Cowan University [revised].

2008, 2009 and 2010, dated—

12 December 2008—

Avondale College.

Charles Darwin University.

Charles Sturt University.

Deakin University.

Royal Melbourne Institute of Technology.

Tabor College Adelaide.

Tabor College Victoria.

The University of Sydney.

University of Newcastle.

University of Technology, Sydney.

University of Wollongong.

15 December 2008—

Griffith University.

Murdoch University.

- The University of Adelaide.
- The University of Melbourne.
- The University of Queensland.
- The University of Western Australia.
- University of Ballarat.
- University of Canberra.
- University of Southern Queensland.
- University of Tasmania.
- University of the Sunshine Coast.
- 18 December 2008—
  - Central Queensland University.
  - Christian Heritage College.
  - Swinburne University of Technology.
  - The Australian National University.
  - The University of New South Wales.
  - University of New England.
  - Victoria University.
- 19 December 2008—University of Western Sydney.
- 23 December 2008—James Cook University.
- 2009, 2010 and 2011, dated—
  - 12 December 2008—
    - Batchelor Institute of Indigenous Tertiary Education.
    - Curtin University of Technology.
    - Edith Cowan University.
    - Macquarie University.
    - Monash University.
    - La Trobe University.
    - University of South Australia.
  - 15 December 2008—
    - Australian Catholic University.
    - Southern Cross University.
    - The Flinders University of South Australia.
    - Queensland University of Technology.
  - 18 December 2008—The University of Notre Dame Australia.

**31 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 2008—Statements of compliance—
  - Attorney-General's portfolio agencies.
  - Australian Public Service Commission.
  - Australian Taxation Office.
  - Commonwealth Ombudsman.
  - Department of the Prime Minister and Cabinet.
  - Human Services portfolio agencies.
  - Immigration and Citizenship portfolio agencies.
  - National Archives of Australia.
  - Office of the Privacy Commissioner.
  - Old Parliament House.
  - Treasury portfolio agencies.

## 32 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Troeth) 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:

**Agricultural and Related Industries—Select Committee—**

Appointed—Participating member: Senator Back

**Appropriations and Staffing—Standing Committee—**

Discharged—Senator Nash

Appointed—Senator Williams

**Community Affairs—Standing Committee—**

Appointed—Participating member: Senator Back

**Economics—Standing Committee—**

Appointed—Participating member: Senator Back

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

Discharged—Senator Fisher

Appointed—

Senator Back

Participating member: Senator Fisher

**Environment, Communications and the Arts—Standing Committee—**

Appointed—Participating member: Senator Back

**Finance and Public Administration—Standing Committee—**

Appointed—Participating members: Senators Back and Fifield

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

Appointed—Participating member: Senator Back

**Fuel and Energy—Select Committee—**

Appointed—Participating member: Senator Back

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

Appointed—Participating member: Senator Back

**Men's Health—Select Committee—**

Appointed—Participating member: Senator Back

**National Broadband Network—Select Committee—**

Appointed—Participating member: Senator Back

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

Appointed—Participating member: Senator Back

**Regulations and Ordinances—Standing Committee—**

Appointed—Senator Back

**Rural and Regional Affairs and Transport—Standing Committee—**

Discharged—Senator Williams

Appointed—

Senator Nash

Participating members: Senators Back and Williams.

Question put and passed.

*General business was called on.*

**33 PROTECTING CHILDREN FROM JUNK FOOD ADVERTISING (BROADCASTING AMENDMENT) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Leader of the Australian Greens (Senator Bob Brown)—That this bill be now read a second time.

Debate resumed.

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

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

The following orders of the day were considered:

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Land and Water Resources Research and Development Corporation (Land & Water Australia)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Bureau of Meteorology—Report for 2007-08. Motion of Senator Williams to take note of document debated. Debate adjourned till Thursday at general business, the Leader of the Australian Greens (Senator Bob Brown) in continuation.

Australian Centre for International Agricultural Research—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Communications and Media Authority—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Airservices Australia—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.

Department of Infrastructure, Transport, Regional Development and Local Government—Report for 2007-08. Motion of Senator Williams to take note of document debated. Debate adjourned till Thursday at general business, Senator Brandis in continuation.

Wet Tropics Management Authority—Report for 2007-08, including State of the Wet Tropics report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Trade Commission (Austrade)—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Customs Service—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Department of Resources, Energy and Tourism—Report for the period 3 December 2007 to 30 June 2008. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Department of the Environment, Water, Heritage and the Arts—Reports for 2007-08—

Volume 1—Department of the Environment, Water, Heritage and the Arts.

Volume 2—Legislation.

—Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

National Transport Commission (NTC Australia)—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Bureau of Statistics—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Commonwealth Ombudsman—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Institute of Health and Welfare—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Electoral Commission (AEC)—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Human Rights and Equal Opportunity Commission—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Fair Pay Commission—Report for 2007-08. Motion of Senator Adams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Australian Fair Pay Commission Secretariat—Report for 2007-08. Motion of Senator Adams to take note of document called on. On the motion of Senator Parry debate was adjourned till Thursday at general business.

Department of Immigration and Citizenship—Report for 2007-08—Corrections. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

National Health and Medical Research Council (NHMRC)—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Sugar Research and Development Corporation—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian River Co. Limited—Report for 1 December 2006 to 30 November 2007. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Audio-Visual Copyright Society Limited (Screenrights)—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Great Barrier Reef Marine Park Authority—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Murray-Darling Basin Commission—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

General Practice Education and Training Limited—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*Aged Care Act 1997*—Report for 2007-08 on the operation of the Act. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers 481/08 to 491/08—Government response to Commonwealth Ombudsman's reports. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers 481/08 to 491/08—Commonwealth Ombudsman's reports. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities—Report for 2007-08—Australian Crime Commission. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

National Rural Advisory Council—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Fisheries Management Authority—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*Schools Assistance (Learning Together - Achievement Through Choice and Opportunity) Act 2004*—Report on financial assistance granted to each state in respect of 2007. Motion to take note of document moved by Senator Mason. Debate adjourned till Thursday at general business, Senator Mason in continuation.

Australian Public Service Commission—State of the service—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Telstra Sale Company Limited—Report for 2007-08. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

*General business concluded.*

**35 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—  
CONSIDERATION**

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

Legal and Constitutional Affairs—Standing Committee—Report—Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. Motion of Senator Barnett to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Standing Committee—Report: Australia's public diplomacy: Building our image—Government response. Motion of Senator Trood to take note of document agreed to.

Scrutiny of Bills—Standing Committee—First report of 2009. Motion of the chairman of the committee (Senator Coonan) to take note of report agreed to.

Education, Employment and Workplace Relations—Standing Committee—Report—Allegations of academic bias in universities and schools. Motion of Senator Crossin to take note of report agreed to.

Economics—Standing Committee—Report—Disclosure regimes for charities and not-for-profit organisations. Motion of Senator Crossin to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

Community Affairs—Standing Committee—Report—Government expenditure on Indigenous affairs and social services in the Northern Territory. Motion of Senator Crossin to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport—Standing Committee—Report—Climate change and the Australian agricultural sector. Motion of Senator Crossin to take note of report debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.

Economics—Standing Committee—Report—Matters relating to the gas explosion at Varanus Island, Western Australia. Motion of Senator Cameron to take note of report agreed to.

Economics—Standing Committee—Report—Joint marketing arrangements on the North West Shelf project. Motion of Senator McEwen to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Opportunity not opportunism: Improving conduct in Australian franchising. Motion of Senator Williams to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

National Broadband Network—Select Committee—Interim report. Motion of Senator Parry to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Finance and Public Administration—Standing Committee—Report—Item 16525 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007. Motion of the chair of the committee (Senator Polley) to take note of report agreed to.

Community Affairs—Standing Committee—Report—Poker Machine Harm Reduction Tax (Administration) Bill 2008, Poker Machine Harm Minimisation Bill 2008 and ATMs and Cash Facilities in Licensed Venues Bill 2008. Motion of the chair of the committee (Senator Moore) to take note of report agreed to.

Community Affairs—Standing Committee—Report—Towards recovery: Mental health services in Australia. Motion of the chair of the committee (Senator Moore) to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

**36 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Australian National Audit Office—Report for 2007-08. Motion of Senator Boyce to take note of document agreed to.

Auditor-General—Audit report no. 11 of 2008-09—Performance audit—Disability employment services—Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations. Motion to take note of document moved by Senator Parry. Debate adjourned till the next of sitting, Senator Parry in continuation.

Orders of the day nos 2 to 4 and 6 to 18 relating to reports of the Auditor-General were called on but no motion was moved.

**37 CLOSURE OF DEBATE—STATEMENT BY PRESIDENT**

The President made a statement relating to standing order 199, and a matter raised by the Leader of the Australian Greens (Senator Bob Brown) during debate on the Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008 today.

**38 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.30 pm till Monday, 16 March 2009 at noon.

**39 ATTENDANCE**

Present, all senators except Senators Adams\* and Xenophon (\* on leave).

**HARRY EVANS**  
Clerk of the Senate