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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

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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:

Migration Act 1958—

Reports for the period 1 July to 31 October 2007—

Section 91Y—Protection visa processing taking more than 90 days.

Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days.

Section 486O—Assessment of appropriateness of detention arrangements—
Personal identifiers 347/08 to 365/08—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response, dated
11 March 2008.

Treaties—

Bilateral—

Text, together with national interest analysis and annexures—

Agreement between the Government of Australia and the Government of the Kingdom of Tonga relating to Air Services, done at Neiafu, Tonga on 23 August 2003 [*Replacement for document previously tabled on 11 September 2007*].

Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the co-production of films (Sydney, 7 September 2007).

Film Co-production Agreement between the Government of Australia and the Government of the People's Republic of China (Beijing, 27 August 2007).

Treaty between Australia and the State of the United Arab Emirates on Mutual Legal Assistance in Criminal Matters (Hobart, 26 July 2007) [*Replacement for document previously tabled on 18 September 2007*].

Treaty on Extradition between Australia and the State of the United Arab Emirates (Hobart, 26 July 2007) [*Replacement for document previously tabled on 18 September 2007*].

Text, together with national interest analysis, regulation impact statement and annexures—Convention between Australia and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on Income, and Protocol, done at Tokyo on 31 January 2008.

*Multilateral—*Text, together with national interest analysis and annexures—

Amendments, agreed at The Hague, Netherlands, in June 2007, to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora of 3 March 1973.

Constitutional amendments to the *Convention Establishing the World Intellectual Property Organization* and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003: Convention Establishing the World Intellectual Property Organization; Paris Convention for the Protection of Industrial Property; Nice Agreement Concerning the International Classification of Goods and

Services for the Purposes of Registration of Marks; Patent Cooperation Treaty; Strasbourg Agreement concerning the International Patent Classification; Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure; Berne Convention for the Protection of Literary and Artistic Works, 1971 [*Replacement for document previously tabled on 11 September 2007*].

Fourth Agreement to Extend the 1987 Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology, done at Vienna on 22 June 2006.

Patent Law Treaty, done at Geneva on 1 June 2000 [*Replacement for document previously tabled on 15 August 2007*].

Singapore Treaty on the Law of Trademarks adopted at Singapore on 27 March 2006 [*Replacement for document previously tabled on 15 August 2007*]

Withdrawal of Australia's exemption for the use of mirex under Article 4 of the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001 [*Replacement for document previously tabled on 11 September 2007*]

**3 COMMUNICATIONS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES)
BILL 2008**

The Minister for Immigration and Citizenship (Senator Evans), at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and pursuant to notice, moved government business notice of motion no. 1—That the following bill be introduced:

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

Question put and passed.

Senator Evans presented the bill and 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 Evans moved—That this bill be now read a second time.

Explanatory memorandum: Senator Evans tabled an explanatory memorandum relating to the bill.

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.

**4 SOCIAL SECURITY AND VETERANS' AFFAIRS LEGISLATION AMENDMENT
(ENHANCED ALLOWANCES) BILL 2008**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Nettle moved the following request for amendment:

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

Page 30 (after line 24), at the end of the bill, add:

Schedule 4—Same-sex entitlements

Social Security Act 1991

1 Subsection 4(1)

Insert:

de facto partner means one of two people in a de facto relationship.

de facto relationship means a relationship, irrespective of gender, between two people living together as a couple on a genuine domestic basis, where the relationship is not a marital relationship and, in determining whether two people are in a de facto relationship, all the circumstances of the relationship must be taken into account, including but not limited to:

- (a) the length of their relationship;
- (b) how long and under what circumstances they have lived together;
- (c) whether there is a sexual relationship between them;
- (d) their degree of financial dependence or interdependence, and any arrangements for financial support, between or by them;
- (e) the ownership, use and acquisition of their property, including any property that they own individually;
- (f) their degree of mutual commitment to a shared life;
- (g) whether they mutually care for and support children;
- (h) the performance of household duties;
- (i) the reputation, and public aspects, of the relationship between them;
- (j) the existence of a statutory declaration signed by both persons stating that they regard themselves to be in a de facto relationship with the other person;

and to avoid doubt, two people may still be in a de facto relationship if they are living apart from each other on a temporary basis.

recognised partner means one of two people in a recognised relationship.

recognised relationship means any relationship that is registered with a State or Territory Registry of Births, Deaths and Marriages under a State or Territory law allowing for the official registration of that

relationship and includes but is not limited to relationships recognised as civil unions, civil partnerships, significant relationships, domestic relationships or relationships established through a Deed of Relationship. To avoid doubt, the requirements for beginning or ending any recognised relationship are to be determined by the relevant State or Territory law.

2 Subparagraph 4(2)(b)(i)

Omit “a person of the opposite sex”, substitute “another person”.

3 Subparagraph 4(2)(b)(iii)

Omit “marriage-like relationship”, substitute “de facto relationship or a recognised relationship”.

4 Subparagraph 4(3)(e)(iv)

Omit “marriage-like relationship”, substitute “de facto relationship or a recognised relationship”.

5 Subsection 4(3A)

Omit “marriage-like relationship”, substitute “de facto relationship or a recognised relationship”.

6 Subsection 5(1) (at the end of subparagraph (a)(ii) of the definition of *parent*)

Add “or the de facto or recognised partner of the adoptive parent of the young person”.

7 Subsection 23(1) (definition of *widow*)

Repeal the definition, substitute:

widow means a woman who was a partner of a person immediately before that person died.

8 Subparagraph 1067C(1)(b)(i)

Omit “a person of the opposite sex”, substitute “another person”.

9 Subparagraph 1067C(2)(b)(i)

Omit “a person of the opposite sex”, substitute “another person”.

10 Section 1067C

Omit “marriage-like relationship” (wherever occurring), substitute “de facto relationship or a recognised relationship”.

Veterans’ Entitlements Act 1986

11 Section 5 (table)

Insert:

de facto partner	5E(1)
de facto relationship	5E(1), 11A
recognised partner	5E(1)
recognised relationship	5E(1), 11A

12 Section 5 (table item dealing with marriage-like relationships)

Repeal the table item.

13 Subsection 5E(1)

Insert:

de facto partner means one of two people in a de facto relationship.

de facto relationship means a relationship, irrespective of gender, between two people living together as a couple on a genuine domestic basis, where the relationship is not a marital relationship and, in determining whether two people are in a de facto relationship, all the circumstances of the relationship must be taken into account, including but not limited to:

- (a) the length of their relationship;
- (b) how long and under what circumstances they have lived together;
- (c) whether there is a sexual relationship between them;
- (d) their degree of financial dependence or interdependence, and any arrangements for financial support, between or by them;
- (e) the ownership, use and acquisition of their property, including any property that they own individually;
- (f) their degree of mutual commitment to a shared life;
- (g) whether they mutually care for and support children;
- (h) the performance of household duties;
- (i) the reputation, and public aspects, of the relationship between them;
- (j) the existence of a statutory declaration signed by both persons stating that they regard themselves to be in a de facto relationship with the other person;

and to avoid doubt, two people may still be in a de facto relationship if they are living apart from each other on a temporary basis.

recognised partner means one of two people in a recognised relationship.

recognised relationship means any relationship that is registered with a State or Territory Registry of Births, Deaths and Marriages under a State or Territory law allowing for the official registration of that relationship and includes but is not limited to relationships recognised as civil unions, civil partnerships, significant relationships, domestic relationships or relationships established through a Deed of Relationship. To avoid doubt, the requirements for beginning or ending any recognised relationship are to be determined by the relevant State or Territory law.

14 Subsection 5E(1) (before paragraph (a) of the definition of *non-illness separated spouse*)

Insert:

- (aa) who is a de facto or recognised partner of another person but living separately and apart from that other person on a permanent basis; or

15 Subsection 5E(1) (paragraph (a) of the definition of widow)

Repeal the paragraph, substitute:

- (a) a woman who was the partner of a person immediately before that person died; or

16 Subsection 5E(1) (paragraph (a) of the definition of widower)

Repeal the paragraph, substitute:

- (a) a man who was the partner of a person immediately before that person died; or

17 Subparagraph 5E(2)(b)(i)

Omit “a person of the opposite sex”, substitute “another person”.

18 Subparagraph 5E(2)(b)(iii)

Omit “marriage-like relationship”, substitute “de facto relationship or a recognised relationship”.

19 Subsection 5F(1) (at the end of the definition of parent)

Add “or the de facto or recognised partner of the adoptive parent of the child”.

20 Section 11A

Omit “marriage-like” (wherever occurring), substitute “de facto relationship or a recognised relationship”.

Note: The heading to section 11A is replaced by the heading “**De facto and recognised relationships**”.

Debate ensued.

Question—That the request be agreed to—put.

The committee divided—

AYES, 6

Senators—

Allison	Brown, Bob	Nettle	Siewert (Teller)
Bartlett	Murray		

NOES, 50

Senators—

Adams	Eggleston	Lundy	Polley
Barnett	Evans	Macdonald, Ian	Ray
Bernardi	Fielding	Marshall	Ronaldson
Birmingham	Fierravanti-Wells	Mason	Scullion
Bishop	Fifield	McEwen	Stephens
Boyce	Fisher	McGauran	Sterle
Brown, Carol	Forshaw	McLucas	Troeth
Bushby	Hogg	Moore	Watson
Campbell	Hurley	Nash	Webber
Chapman	Joyce	O'Brien (Teller)	Wong
Colbeck	Kemp	Parry	Wortley
Cormann	Kirk	Patterson	
Crossin	Ludwig	Payne	

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the report from the committee was adopted and the bill read a third time.

5 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT (2008 MEASURES NO. 1) BILL 2008

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

Message no. 22, dated 11 March 2008—A Bill for an Act to amend the *Indigenous Education (Targeted Assistance) Act 2000*, and for related purposes.

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

Debate ensued.

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 Human Services (Senator Ludwig) the bill was read a third time.

6 SKILLS AUSTRALIA BILL 2008

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

Message no. 23, dated 12 March 2008—A Bill for an Act to establish Skills Australia, and for related purposes.

The Minister for Human Services (Senator Ludwig) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ludwig moved—That this bill be now read a second time.

Debate ensued.

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

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Special Minister of State (Senator Faulkner) the sitting of the Senate was suspended at 1.44 pm till 2 pm.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Vietnam led by the President of the National Assembly of the Socialist Republic of Vietnam Parliament, His Excellency Mr Trong, and, with the concurrence of honourable senators, invited Mr Trong to take a seat on the floor of the chamber.

Further questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from the Republic of Estonia led by the President of the Parliament, Ms Ene Ergma, and, with the concurrence of honourable senators, invited Ms Ergma to take a seat on the floor of the chamber.

Further questions without notice were answered.

9 MOTIONS TO TAKE NOTE OF ANSWERS

The Leader of The Nationals in the Senate (Senator Scullion) moved—That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Scullion today relating to the Northern Territory intervention and comments made by Senator Crossin during the debate on the address-in-reply to the Governor-General's opening speech on 11 March 2008.

Debate ensued.

Question put and passed.

Senator Siewert 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 the Leader of the Australian Greens (Senator Bob Brown) today relating to the proposed culling of kangaroos in the Australian Capital Territory.

Question put and passed.

10 PETITION

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

From 35 petitioners, requesting that the Senate take action to ensure that Western Australia remains free of nuclear waste.

11 NOTICE

The Minister for Superannuation and Corporate Law (Senator Sherry): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to superannuation, and for related purposes. *Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008*.

12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 2 OF 2008

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 2 OF 2008

1. The committee met in private session on Tuesday, 11 March 2008 at 4.28 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Tax Laws Amendment (Personal Income Tax Reduction) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 1 May 2008;
 - (b) the Poker Machine Harm Reduction Tax (Administration) Bill 2008 be *referred immediately* to the Community Affairs Committee for inquiry and report by 25 June 2008;
 - (c) the Renewable Energy Legislation Amendment (Renewable Power Percentage) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 30 May 2008;
 - (d) the Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 1 May 2008;
 - (e) the Stolen Generation Compensation Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 16 June 2008; and
 - (f) the National Market Driven Energy Efficiency Target Bill 2007 [2008] be *referred immediately* to the Economics Committee for inquiry and report by 30 May 2008.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Classification (Publications, Films and Computer Games) Amendment (Assessments and Advertising) Bill 2008
 - Commonwealth Authorities and Companies Amendment Bill 2008
 - Cross-Border Insolvency Bill 2008
 - Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008
 - Defence Legislation Amendment Bill 2008
 - Financial Sector Legislation Amendment (Review of Prudential Decisions) Bill 2008
 - Higher Education Support Amendment (Removal of the Higher Education Workplace Relations Requirements and National Governance Protocols Requirements and Other Matters) Bill 2008
 - Higher Education Support Amendment (VET FEE-HELP Assistance) Bill 2008

Indigenous Education (Targeted Assistance) Amendment (2008 Measures No. 1) Bill 2008
 Infrastructure Australia Bill 2008
 Lands Acquisition Legislation Amendment Bill 2008
 Marriage (Relationships Equality) Amendment Bill 2008
 National Film and Sound Archive Bill 2008
 Offshore Petroleum Amendment (Miscellaneous Measures) Bill 2008
 Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Bill 2008
 Screen Australia Bill 2008
 Social Security and Veterans' Affairs Legislation Amendment (Enhanced Allowances) Bill 2008
 Therapeutic Goods Amendment (Poisons Standard) Bill 2008
 Trade Practices Amendment (Access Declarations) Bill 2008
 Tradex Scheme Amendment Bill 2008.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
- Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008
 - 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]
 - Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008
 - Genetic Privacy and Non-discrimination Bill 1998 [2008]
 - Horse Disease Response Levy (Consequential Amendments) Bill 2008
 - Horse Disease Response Levy Bill 2008
 - Horse Disease Response Levy Collection Bill 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]
 - Skills Australia Bill 2008

State Elections (One Vote, One Value) Bill 2001 [2008]
Tax Laws Amendment (2008 Measures No. 1) Bill 2008
Taxation Laws Amendment (Scholarships) Bill 2005 [2008]
Telecommunications (Interception and Access) Amendment Bill 2008
Telecommunications Legislation Amendment (Communications Fund)
Bill 2008
Textbook Subsidy Bill 2003 [2008]
Trade Practices (Creeping Acquisitions) Amendment Bill 2007 [2008]
Uranium Mining in or near Australian World Heritage Properties
(Prohibition) Bill 1998 [2008]
Workplace Relations (Guaranteeing Paid Maternity Leave) Amendment Bill
2007 [2008].

Kerry O'Brien

Chair

12 March 2008.

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

Question put and passed.

13 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 26 standing in the name of Senator Bartlett for today, proposing the introduction of the National Commissioner for Children Bill 2008, postponed till 13 March 2008.

General business notice of motion no. 32 standing in the name of Senator Murray for today, relating to donations to political parties, postponed till 18 March 2008.

General business notice of motion no. 37 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Gaza, postponed till 13 March 2008.

General business notice of motion no. 40 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Drink Container Recycling Bill 2008, postponed till 13 March 2008.

General business notice of motion no. 41 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008, postponed till 18 March 2008.

14 FOREIGN AFFAIRS—VIENNA FORUM TO FIGHT HUMAN TRAFFICKING

Senator Ellison, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 33—That the Senate—

- (a) notes that at the first ever global forum to fight the crime of human trafficking, the Vienna Forum to Fight Human Trafficking was held from 13 February to 15 February 2008 and convened by the United Nations (UN) Global Initiative to Fight Human Trafficking, an initiative launched by UN Office on Drugs and Crime and several UN partners in 2007; and
- (b) urges the new Government to continue the initiatives of the previous Government to combat human trafficking:

- (i) by ensuring that Australian agencies are properly funded in the upcoming budget to fight human trafficking and continues to be a world leader in this important area,
- (ii) developing initiatives with regional partners to address this important issue, and
- (iii) requiring the new Government to report to the Senate on the measures it will take to ensure that Australia is at the forefront of combating human trafficking.

Question put and passed.

**15 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—
REFERENCE**

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

- (1) The following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 23 June 2008:
The sexualisation of children in the contemporary media environment, including radio and television, children’s magazines, other print and advertising material and the Internet.
- (2) In undertaking the inquiry, the committee, in particular:
 - (a) examine the sources and beneficiaries of premature sexualisation of children in the media;
 - (b) review the evidence on the short- and long-term effects of viewing or buying sexualising and objectifying images and products and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs; and
 - (c) examine strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects, including the role of school-based sexuality and reproductive health education and change in media and advertising regulation such as the Commercial Television Industry Code of Practice and the Commercial Radio Codes of Practice.

The Minister for Human Services (Senator Ludwig), by leave and at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), moved the following amendments together by leave:

Paragraph (1), omit “radio and”.

Omit paragraph (2), substitute:

- (2) In undertaking the inquiry the committee, in particular:
 - (a) review the evidence on the short- and long-term effects of viewing or buying sexualising and objectifying images and products and their influence on children; and
 - (b) examine strategies to prevent and/or reduce the sexualisation of children in the media and the effectiveness of different approaches in ameliorating its effects.

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

Main question put and passed.

16 FAMILY AND COMMUNITY SERVICES—ALCOHOL ABUSE

Senator Murray, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 31—

- (1) That the Senate, noting concern in the community at the abuse of alcohol, asks that the Government refer the following matter to a parliamentary committee, an appropriate body or a specially-established task force for inquiry and report: The need to significantly reduce alcohol abuse in Australia, especially in geographic or demographic hot spots, and what the Commonwealth, states and territories should separately and jointly do with respect to:
 - (a) the pricing of alcohol, including taxation;
 - (b) the marketing of alcohol; and
 - (c) regulating the distribution, availability and consumption of alcohol.
- (2) That, in undertaking the inquiry, regard is to be had to:
 - (a) economic as well as social issues;
 - (b) alcohol rehabilitation and education;
 - (c) the need for a flexible, responsive and adaptable regulatory regime; and
 - (d) the need for a consistent, harmonised Australian approach.

Question put and passed.

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

The Minister for Human Services (Senator Ludwig), at the request of the Minister for Superannuation and Corporate Law (Senator Sherry) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the exposure drafts of the Wheat Export Marketing Bill 2008 and the Wheat Export Marketing (Repeal and Consequential Amendments) Bill 2008 be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 11 April 2008.

Question put and passed.

18 STATE GOVERNMENT FINANCIAL MANAGEMENT—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Select Committee on State Government Financial Management (Senator Ian Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 30—That the time for the presentation of the report of the Select Committee on State Government Financial Management be extended to 18 June 2008.

Question put and passed.

19 COMMUNICATIONS—FUNDING—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 28—That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy, no later than 4.30 pm on Thursday, 20 March 2008, a copy of the KPMG *ABC Funding Adequacy and Efficiency Review* report.

Question put and negatived.

20 WOMEN—OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senator Stott Despoja, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 34—That the Senate—

- (a) notes that:
- (i) 8 March was International Women's Day,
 - (ii) Australia trails other comparable economies in the area of gender equity,
 - (iii) despite achieving the universal right to equal pay more than 35 years ago, Australian women still experience a pay gap of 16 per cent compared with their male counterparts, and
 - (iv) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was established more than 8 years ago to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms; and
- (b) calls on the Government to stand by its promise and ratify the Optional Protocol to the CEDAW as a matter of urgency.

Question put and passed.

21 SPECIAL BROADCASTING SERVICE AMENDMENT (PROHIBITION OF DISRUPTIVE ADVERTISING) BILL 2008

The Leader of the Australian Democrats (Senator Allison), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 39—That the following bill be introduced:

A Bill for an Act to prohibit disruptive advertising during SBS television programs, and for related purposes.

Question put and passed.

Senator Allison presented the bill and 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 Allison moved—That this bill be now read a second time.

Explanatory memorandum: Senator Allison, by leave, tabled an explanatory memorandum relating to the bill.

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

22 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REFERENCE

Senator Ronaldson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 38—

- (1) That the following matter be referred to the Joint Standing Committee on Electoral Matters for inquiry and report:
All aspects of the 2007 Federal Election and matters related thereto, with particular reference to:

- (a) the level of donations, income and expenditure received by political parties, associated entities and third parties at recent local, state and federal elections;
- (b) the extent to which political fundraising and expenditure by third parties is conducted in concert with registered political parties;
- (c) the take up, by whom and by what groups, of current provisions for tax deductibility for political donations as well as other groups with tax deductibility that involve themselves in the political process without disclosing that tax deductible funds are being used;
- (d) the provisions of the Act that relate to disclosure and the activities of associated entities, and third parties not covered by the disclosure provisions;
- (e) the appropriateness of current levels of public funding provided for political parties and candidates contesting federal elections;
- (f) the availability and efficacy of 'free time' provided to political parties in relation to federal elections in print and electronic media at local, state and national levels;
- (g) the public funding of candidates whose eligibility is questionable before, during and after an election with the view to ensuring public confidence in the public funding system;
- (h) the relationship between public funding and campaign expenditure; and
- (i) the harmonisation of state and federal laws that relate to political donations, gifts and expenditure.

- (2) That in conducting the review the committee undertake hearings in all capital cities and major regional centres and call for submissions.

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

23 **BILLS—RESTORATION TO NOTICE PAPER**

The Leader of the Australian Democrats (Senator Allison), at the request of Senator Bartlett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 36—

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the following bills be restored to the *Notice Paper* and that consideration of each bill resumed at the stage reached in the 41st Parliament:
 - Migration Legislation Amendment (Migration Zone Excision Repeal) Bill 2006
 - Migration Legislation Amendment (Migration Zone Excision Repeal) (Consequential Provisions) Bill 2006
 - Migration Legislation Amendment (Temporary Protection Visas Repeal) Bill 2006
 - Migration Legislation Amendment (Provisions Relating to Character and Conduct) Bill 2006
 - Migration Legislation Amendment (End of Mandatory Detention) Bill 2006
 - Migration Legislation Amendment (Complementary Protection Visas) Bill 2006
 - Migration Legislation Amendment (Access to Judicial Review of Migration Decisions) Bill 2006

Migration Legislation Amendment (Restoration of Rights and Procedural Fairness) Bill 2007.

Question put and passed.

24 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—REFERENCE—STATEMENT BY LEAVE

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy), by leave, made a statement relating to a reference to the Environment, Communications and the Arts Committee agreed to earlier today (*see entry no. 15*).

25 SCRUTINY OF BILLS—STANDING COMMITTEE—1ST REPORT AND ALERT DIGEST NO. 1 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—

1st report of 2008, dated 12 March 2008.

Alert Digest No. 1 of 2008, dated 12 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.

26 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2007-08

Senator O'Brien, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop), tabled the following document:

Foreign Affairs, Defence and Trade—Standing Committee—Budget estimates 2007-08—Additional information received between 23 November 2007 and 11 March 2008—Defence portfolio.

27 FAMILY AND COMMUNITY SERVICES—FERTILITY POLICY—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Human Services (Senator Ludwig) tabled the following document:

Family and community services—Fertility policy—Ministerial statement by the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin), dated 12 March 2008.

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

Question put and passed.

28 COMMONWEALTH PARLIAMENTARY ASSOCIATION—53RD CONFERENCE—DOCUMENT

The Deputy President (Senator Hogg) tabled the following document:

Commonwealth Parliamentary Association—53rd Commonwealth Parliamentary Conference, New Delhi, India, 21 to 29 September 2007 and bilateral visit to the Republic of the Philippines, 1 to 5 October 2007—Report, dated March 2008.

29 DOCUMENTS

The following documents were tabled by the Clerk:

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

Civil Aviation Act—Civil Aviation Safety Regulations—

Airworthiness Directives—Part 105—

AD/B737/316—Floor Beam Web [F2008L00694]*.

AD/B737/317—Section 48 cavity [F2008L00704]*.

AD/J4100/24—Fuel Boost Pump and Fuel Tank High Level Sensor Wiring [F2008L00695]*.

AD/J4100/25—Fuel Tank Bonding Leads and Fuel Pipe Clearances [F2008L00697]*.

Instrument No. CASA EX18/08—Exemption – provision of ARFFS at Sunshine Coast Airport, Maroochydore [F2008L00621]*.

Extradition Act—Select Legislative Instrument 2008 No. 12—Extradition (Hong Kong) Regulations 2008 [F2008L00529]*.

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

26 of 2008—Reporting standard ARS 231.1b International Exposures: Locational (Liabilities) Part 1 [F2008L00449].

27 of 2008—Reporting standard ARS 231.2 International Exposures: Locational Part 2 [F2008L00450].

National Health Act—Privacy Guidelines for the Medicare Benefits and Pharmaceutical Benefits Programs [F2008L00706]*.

Social Security Act—

Social Security Exempt Lump Sum (Exceptional Circumstances Exit Grant) (DEEWR) Determination 2008 [F2008L00707]*.

Social Security Exempt Lump Sum (Exceptional Circumstances Exit Grant) (FaHCSIA) Determination 2008 [F2008L00705]*.

Trade Practices Act—Select Legislative Instruments 2008 Nos—

16—Trade Practices Amendment Regulations 2008 (No. 1) [F2008L00671]*.

17—Trade Practices (Consumer Product Safety Standard) (Hot Water Bottles) Regulations 2008 [F2008L00651]*.

Veterans' Entitlements Act—Select Legislative Instrument 2008 No. 14—Veterans' Entitlements (DFISA-like Payment) Amendment Regulations 2008 (No. 1) [F2008L00575]*.

* Explanatory statement tabled with legislative instrument.

30 COMMITTEE MEMBERSHIP

The Deputy President (Senator Hogg) informed the Senate that the President had received letters nominating senators to be members of committees.

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

Community Affairs—Standing Committee—

Appointed—Participating members: Senators Bishop, Campbell, Crossin, Forshaw, Hogg, Hurley, Hutchins, Kirk, Marshall, McEwen, McLucas, O'Brien, Ray, Stephens, Sterle, Webber and Wortley

Economics—Standing Committee—

Appointed—Participating members: Senators Carol Brown, Crossin, Forshaw, Hogg, Hutchins, Kirk, Lundy, Marshall, McEwen, McLucas, Moore, O'Brien, Polley, Ray, Stephens, Sterle and Wortley

Education, Employment and Workplace Relations—Standing Committee—

Appointed—Participating members: Senators Bishop, Carol Brown, Crossin, Forshaw, Hogg, Hurley, Hutchins, Kirk, Lundy, McEwen, McLucas, Moore, O'Brien, Polley, Ray, Stephens and Webber

Environment, Communications and the Arts—Standing Committee—

Appointed—Participating members: Senators Bishop, Carol Brown, Campbell, Crossin, Forshaw, Hogg, Hurley, Hutchins, Kirk, Marshall, McLucas, Moore, O'Brien, Polley, Ray, Stephens and Sterle

Finance and Public Administration—Standing Committee—

Appointed—Participating members: Senators Bishop, Campbell, Crossin, Hogg, Hurley, Hutchins, Kirk, Lundy, Marshall, McEwen, McLucas, O'Brien, Ray, Stephens, Sterle, Webber and Wortley

Foreign Affairs, Defence and Trade—Standing Committee—

Appointed—Participating members: Senators Carol Brown, Campbell, Crossin, Hurley, Hutchins, Kirk, Lundy, Marshall, McLucas, Moore, O'Brien, Polley, Ray, Stephens, Sterle, Webber and Wortley

House—Standing Committee—

Appointed—Senator Heffernan

Housing Affordability in Australia—Select Committee—

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

Legal and Constitutional Affairs—Standing Committee—

Appointed—Participating members: Senators Bishop, Carol Brown, Campbell, Forshaw, Hogg, Hurley, Hutchins, Lundy, McEwen, Moore, O'Brien, Polley, Ray, Stephens, Sterle, Webber and Wortley

Procedure—Standing Committee—

Appointed—Senator Ellison

Publications—Standing Committee—

Appointed—Senators Bernardi and Parry

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—Participating members: Senators Bishop, Carol Brown, Campbell, Crossin, Forshaw, Hogg, Kirk, Lundy, Marshall, McEwen, McLucas, Moore, Polley, Ray, Stephens, Webber and Wortley

State Government Financial Management—Select Committee—

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

Question put and passed.

31 ADVISORY COUNCIL ON AUSTRALIAN ARCHIVES—SENATE MEMBER OF COUNCIL—PARLIAMENTARY RETIRING ALLOWANCES TRUST—APPOINTMENT OF TRUSTEE

The Deputy President (Senator Hogg) informed the Senate that the President had received letters from the Leader of the Government in the Senate (Senator Evans) nominating Senators Lundy and O'Brien to fill vacancies on certain statutory authorities.

The Minister for Human Services (Senator Ludwig), by leave, moved—

- (1) That, in accordance with the provisions of the *Archives Act 1983*, the Senate elect Senator Lundy to be a member of the Advisory Council on Australian Archives for a period of 3 years, on and from 12 March 2008, in place of Senator Faulkner.
- (2) That, in accordance with the provisions of the *Parliamentary Contributory Superannuation Act 1948*, the Senate appoint Senator O'Brien as a trustee to serve on the Parliamentary Retiring Allowances Committee Trust on and from 12 March 2008, in place of Senator Faulkner.

Question put and passed.

32 COMMITTEE MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to joint committees, as follows:

Message no. 20, dated 11 March 2008—

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Mr Pyne and Mr McGauran

Australian Crime Commission—Joint Statutory Committee—Mr Wood and Mr Pyne

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—Mr Hawker and Mr Lindsay

Corporations and Financial Services—Joint Statutory Committee—Mr Keenan and Mr Robert

Public Accounts and Audit—Joint Statutory Committee—Mr Georgiou, Mr Baldwin, Mr Morrison and Mr Robert

Public Works—Joint Statutory Committee—Mr Lindsay, Mr Forrest and Mr Slipper

Electoral Matters—Joint Standing Committee—Mr Morrison and Mr Scott

Foreign Affairs, Defence and Trade—Joint Standing Committee—
Mr Hawker, Mr Robb, Mr Macfarlane, Mr Scott, Mr Baldwin, Mrs Mirabella,
Mr Robert and Mr Ruddock

Migration—Joint Standing Committee—Mrs DS Vale, Mr Randall and
Mr Georgiou

National Capital and External Territories—Joint Standing Committee—
Mr Seeker and Mr Neville

Parliamentary Library—Joint Standing Committee—Mr Hawker,
Mrs Mirabella and Mr Broadbent

Treaties—Joint Standing Committee—Mr Andrews, Mr Forrest and
Mr Simpkins.

33 THERAPEUTIC GOODS AMENDMENT (POISONS STANDARD) BILL 2008
TRADE PRACTICES AMENDMENT (ACCESS DECLARATIONS) BILL 2008

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

Message no. 24, dated 12 March 2008—A Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

Message no. 21, dated 11 March 2008—A Bill for an Act to amend the *Trade Practices Act 1974*, and for related 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.

Explanatory memorandum: Senator Ludwig tabled a revised explanatory memorandum relating to the Therapeutic Goods Amendment (Poisons Standard) Bill 2008.

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

Consideration of legislation: Senator Ludwig moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

34 SKILLS AUSTRALIA BILL 2008

Order 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.

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

In the committee

Bill taken as a whole by leave.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment:

Page 5 (after line 20), after clause 9, insert:

9A Procedures for merit selection of appointments

- (1) The Minister must, by legislative instrument, determine a code of practice for appointing members of Skills Australia that sets out, in addition to the requirements outlined in subsection 9(2), general principles on which appointments are to be made, including (but not limited to):
 - (a) merit; and
 - (b) independent scrutiny of appointments; and
 - (c) probity.
- (2) Not later than the fifth anniversary after a code of practice has been determined, the Minister must review the code.
- (3) In reviewing a code of practice, the Minister must invite the public to comment on the code.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

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

35 GOVERNOR-GENERAL'S OPENING SPEECH—ADDRESS-IN-REPLY

Order of the day read for the adjourned debate on the motion of Senator Wortley—That the address-in-reply be agreed to (*see entry no. 4, 13 February 2008*).

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator McGauran was speaking.

36 NOTICE

Senator Parry, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Rural and Regional Affairs and Transport Committee report on its inquiry into the exposure drafts of the Wheat Export Marketing Bill 2008 and the Wheat Export Marketing (Repeal and Consequential Amendments) Bill 2008 by 24 April 2008. (*general business notice of motion no. 42*)

37 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Kirk) informed the Senate that the President had received a letter nominating senators to be members of a committee.

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That Senators McGauran and Nash be appointed to the Parliamentary Joint Committee on Intelligence and Security.

Question put and passed.

38 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2007. Motion to take note of document moved by Senator Bartlett and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to reports by the Commonwealth Ombudsman—Personal identifiers 347/08 to 365/08. Motion to take note of document moved by Senator Bartlett and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 347/08 to 365/08. Motion to take note of document moved by Senator Bartlett and agreed to.

39 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.48 pm till Thursday, 13 March 2008 at 9.30 am.

40 ATTENDANCE

Present, all senators except Senators Milne and Stott Despoja* (* on leave).

HARRY EVANS
Clerk of the Senate