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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 NOTICES

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

- (a) notes the study published in the Australian and New Zealand Journal of Public Health (Vol. 31, Issue 6, pp 551-7, December 2007) by Yazahmeidi and Holman, School of Population Health, University of Western Australia, 'A survey of suppression of public health information by Australian governments' which found that:
 - (i) just under one-third of academics had witnessed the suppression of health information by Australian governments in the past 5.5 years,
 - (ii) more than one-fifth had experienced such events personally,
 - (iii) no state or territory in which the survey took place was immune,
 - (iv) governments most commonly hindered research by sanitising, delaying or prohibiting the publication of findings but 'there was no part of the research process beyond their reach',
 - (v) most of the affected researchers believed that their work had been targeted because it drew attention to failings in health service delivery, uncovered bad news about the health of a vulnerable group, or pointed to a harmful exposure in the environment, and
 - (vi) in most instances the government agency seeking to suppress the health information succeeded and, consequently the public was left uninformed or given a false impression; and
- (b) calls on the Government to take up the recommendations of the study with state and territory governments, including:
 - (i) adopting policies that match or exceed the Organisation for Economic Cooperation and Development's 'Guidelines for managing conflict of interest in the public service',
 - (ii) adopting a charter by government health agencies and research and academic institutions that supports the independent role of health researchers in evaluating the health system,
 - (iii) establishing parliamentary ombudsmen or ombudswomen in mediating the resolution of complaints by researchers concerning suppression,
 - (iv) promoting a culture that avoids blame and values constructive criticism,
 - (v) promoting the role of institutional ethics committees in scrutinising the ethical behaviour of government agencies and researchers who work together, and
 - (vi) establishing a surveillance system to monitor the occurrence of suppression events and report on their trends. (*general business notice of motion no. 43*)

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

- (a) notes that:
 - (i) the South Australian Government has agreed to host the Asia Pacific Defence and Security exhibition and conference in Adelaide from 11 to 13 November 2008, and
 - (ii) the stated object of the exhibition and conference is to provide an international forum for arms manufacturers wishing to expand their business in the Asia Pacific region; and
- (b) calls on the South Australian Government to renege on its agreement to host the exhibition and conference. (*general business notice of motion no. 44*)

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

- (a) notes that:
 - (i) Crown Casino in Melbourne continues to burn large quantities of gas, and therefore contribute significantly to global warming, for the purpose of holding fireball shows at the front of the complex, and
 - (ii) the fireball shows take place approximately 3 000 times a year, and each show consists of hundreds of fireballs with diameters of between 3 and 7 metres; and
- (b) calls on the Victorian Government to introduce legislation that would prevent Crown Casino from continuing to hold the fireball shows. (*general business notice of motion no. 45*)

3 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

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

- (1) On Monday, 17 March 2008:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 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 11 pm.
- (2) On Tuesday, 18 March 2008:
 - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
 - (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 11 pm.

Debate ensued.

Question put and passed.

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 2 Higher Education Support Amendment (VET FEE-HELP Assistance) Bill 2008.

No. 3 Therapeutic Goods Amendment (Poisons Standard) Bill 2008.

No. 4 Trade Practices Amendment (Access Declarations) Bill 2008.

Screen Australia Bill 2008

National Film and Sound Archive Bill 2008

Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Bill 2008.

Question put and passed.

Senator Ludwig, by leave, moved—That the order of general business for consideration today be as follows:

(a) motion relating to the budget and the economy; and

(b) orders of the day relating to government documents.

Question put and passed.

5 POSTPONEMENT

The following item of business was 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 17 March 2008.

**6 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—
EXTENSION OF TIME TO REPORT**

Senator Parry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 42—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.

Question put and passed.

**7 SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE BOARD AND OTHER
MEASURES) (CONSEQUENTIAL AMENDMENTS) BILL 2008**

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 government business notice of motion no. 1—That the following bill be introduced:

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

Question put and passed.

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

Explanatory memorandum: Senator Ludwig 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.

8 **DRINK CONTAINER RECYCLING BILL 2008**

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 40—That the following bill be introduced:

A Bill for an Act to provide for product control and payment and refund of deposits in relation to certain drink containers in order to protect the environment, and for related purposes.

Question put and passed.

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

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

9 **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 the Parliamentary Joint Committee on Intelligence and Security, as follows:

Message no. 29, dated 12 March 2008—Mr Bevis, Mr Downer, Mr Dreyfus, Mr Melham and Mr Ruddock.

10 **SCREEN AUSTRALIA BILL 2008**

NATIONAL FILM AND SOUND ARCHIVE BILL 2008

SCREEN AUSTRALIA AND THE NATIONAL FILM AND SOUND ARCHIVE (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2008

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

Message no. 27, dated 12 March 2008—A Bill for an Act to establish Screen Australia, and for related purposes.

Message no. 26, dated 12 March 2008—A Bill for an Act to establish the National Film and Sound Archive, and for related purposes.

Message no. 25, dated 12 March 2008—A Bill for an Act to deal with transitional and consequential matters in connection with the *Screen Australia Act 2008* and the *National Film and Sound Archive Act 2008*, 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.

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.

11 TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT BILL 2008

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

Message no. 28, dated 12 March 2008—A Bill for an Act to amend the *Telecommunications (Interception and Access) Act 1979*, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

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

12 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.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

13 DEFENCE LEGISLATION AMENDMENT BILL 2008

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

Message no. 31, dated 13 March 2008—A Bill for an Act to amend legislation relating to defence, and for related purposes.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) 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 Conroy moved—That this bill be now read a second time.

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

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 Special Minister of State (Senator Faulkner) the bill was read a third time.

14 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 12.45 pm: Debate was interrupted while Senator Eggleston was speaking.

15 HIGHER EDUCATION SUPPORT AMENDMENT (VET FEE-HELP ASSISTANCE) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the bill was read a third time.

16 THERAPEUTIC GOODS AMENDMENT (POISONS STANDARD) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the bill was read a third time.

17 TRADE PRACTICES AMENDMENT (ACCESS DECLARATIONS) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the bill was read a third time.

18 SCREEN AUSTRALIA BILL 2008

NATIONAL FILM AND SOUND ARCHIVE BILL 2008

**SCREEN AUSTRALIA AND THE NATIONAL FILM AND SOUND ARCHIVE
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2008**

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 Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the bills were read a third time.

Suspension of sitting: On the motion of Senator Stephens the sitting of the Senate was suspended at 1.20 pm till 2 pm.

At 2 pm—

19 QUESTIONS

Questions without notice were answered.

20 MOTION TO TAKE NOTE OF ANSWERS

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

Debate ensued.

Question put and passed.

21 WHEAT EXPORT MARKETING BILL 2008—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Wheat Export Marketing Bill 2008—Ministerial statement by the Minister for Agriculture, Fisheries and Forestry (Mr Burke), dated 13 March 2008.

22 DOCUMENTS

The following documents were tabled by the Clerk:

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

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

30 of 2008—Reporting standard ARS 320.0 Statement of Financial Position (Domestic Books) [F2008L00453].

31 of 2008—Reporting standard ARS 320.1 Debt Securities Held [F2008L00454].

32 of 2008—Reporting standard ARS 320.2 Equity Securities Held [F2008L00455].

33 of 2008—Reporting standard ARS 320.3 Debt Securities on Issue [F2008L00456].

Fuel Tax Act—Road User Charge Determination 2008 (No. 1) [F2008L00713]*.

National Health Act—Instruments Nos PB—

31 of 2008—Amendment determination – pharmaceutical benefits [F2008L00692]*.

32 of 2008—Amendment determination – responsible persons [F2008L00696]*.

33 of 2008—Amendment – price determinations and special patient contributions [F2008L00698]*.

34 of 2008—Amendment determination – conditions [F2008L00699]*.

36 of 2008—Amendment Special Arrangements – Highly Specialised Drugs Program [F2008L00701]*.

37 of 2008—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2008L00702]*.

39 of 2008—Determination – drugs on F1 [F2008L00703]*.

* Explanatory statement tabled with legislative instrument.

23 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended on 18 September 2002:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health funds and providers in relation to private health insurance for the period 1 July 2006 to 30 June 2007.

24 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was 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—Statement of compliance—Department of Broadband, Communications and the Digital Economy.

25 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—Health and Ageing portfolio agencies.

26 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2008

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

Message no. 30, dated 13 March 2008—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Climate Change and Water (Senator Wong) 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 Wong moved—That this bill be now read a second time.

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

General business was called on.

27 BUDGET AND THE ECONOMY

Senator Eggleston moved—That the Senate—

(a) notes:

(i) the concern of Australians given the impending budget cuts proposed by Labor's razor gang, and

(ii) that Labor is showing with its backflips and ill-conceived proposals that it has no idea how to run our trillion dollar economy; and

(b) calls on Labor's razor gang to ensure that no Australian will be worse off when the Budget is delivered in May 2008.

Debate ensued.

At 6 pm: Debate was interrupted while the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) was speaking.

28 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following order of the day relating to government documents was considered:

Great Barrier Reef Marine Park Authority—Report for 2006-07. Motion of Senator Nash to take note of document debated. Debate adjourned till Thursday at general business, the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) in continuation.

General business concluded.

29 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:

Economics—Standing Committee—Interim report—Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008 and National Market Driven Energy Efficiency Target Bill 2007. Motion of Senator Wortley to take note of report agreed to.

Foreign Affairs, Defence and Trade—Standing Committee—Interim report—The changing nature of Australia's involvement in peacekeeping operations. Motion of Senator Wortley to take note of report agreed to.

Legal and Constitutional Affairs—Standing Committee—Report—Crimes Legislation Amendment (Child Sex Tourism Offences and Related Measures) Bill 2007 [Provisions]. Motion of Senator Wortley to take note of report agreed to.

Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of three terrorist organisations. Motion of Senator Wortley to take note of report agreed to.

30 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—Audit report no. 10 of 2007-08—Performance audit—Whole of Government Indigenous service delivery arrangements. Motion of Senator Bartlett to take note of document debated and agreed to.

Auditor-General—Audit report no. 26 of 2007-08—Performance audit—Tasmanian forest industry development and assistance programs—Department of Agriculture, Fisheries and Forestry. Motion of Senator Abetz to take note of document called on. On the motion of Senator Wortley debate was adjourned till the next day of sitting.

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

31 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.22 pm till Monday, 17 March 2008 at 12.30 pm.

32 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate