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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 PETITION

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

From 534 petitioners, requesting that the Senate take action to initiate an independent investigation into the administration of the Prince Albert Memorial Hospital in Tenterfield, New South Wales.

3 NOTICES

Senator Mason: To move on 14 May 2008—That Amendment 2 to the Commonwealth Grant Scheme Guidelines No. 1 made under section 238-10 of the *Higher Education Support Act 2003*, be disallowed.

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

(a) notes:

- (i) in March 2005, at the 5th Ministerial Conference on Environment and Development (MCED) held in Seoul, representatives from 52 member and associate member countries of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) embraced the approach of Environmentally Sustainable Economic Growth (Green Growth),
- (ii) a green growth approach requires that environmental and ecological consideration must be integral to policy planning to ensure long-term economic and social viability, and economic growth should not be measured in gross domestic product alone but also in a set of eco-indicators,
- (iii) the MCED adopted a Regional Implementation Plan for Sustainable Development in Asia and the Pacific 2006-2010 and the Seoul Initiative on Sustainable Economic Growth (Green Growth),
- (iv) UNESCAP's member and associated countries have repeatedly confirmed their commitment to green growth since 2005 and have requested that the UNESCAP Secretariat continue to act as a catalyst for a conducive environment for green growth through developing the conceptual and analytical framework and by providing capacity building support to governments,
- (v) the green growth approach has become prominent in the region and has received highest political acceptance by heads of state of UNESCAP member states and, in February 2008, the Secretary-General of the United Nations noted that the world is on the cusp of 'the age of green economics', and
- (vi) Australia signed the regional implementation plan but has since failed to attend green growth policy dialogues and Seoul Initiative Network on Green Growth forums; and

(b) calls on the Government to:

- (i) immediately re-engage with UNESCAP's initiatives to promote green growth principles in our region, and

- (ii) send delegates from the Department of the Treasury and the Department of the Environment, Water, Heritage and the Arts to future relevant meetings. (*general business notice of motion no. 64*)

The Leader of The Nationals in the Senate (Senator Scullion): To move on the next day of sitting—That the Road User Charge Determination 2008 (No. 1), made under the *Fuel Tax Act 2006*, be disallowed.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Prime Minister (Mr Rudd) and future Prime Ministers to refrain from engaging Australia in war without first gaining the agreement of the Australian Parliament. (*general business notice of motion no. 65*)

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

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the Plastic Bag Levy (Assessment and Collection) Bill 2002 be restored to the *Notice Paper* and that consideration of the bill resume at the stage reached in the 40th Parliament. (*general business notice of motion no. 66*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Minister for Foreign Affairs (Mr Smith) to seek the abandonment of the death sentence, including that on Australian citizen Ms Jasmine Luong in Vietnam. (*general business notice of motion no. 67*)

4 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Human Services (Senator Ludwig) moved—That the government business order of the day relating to the Tradex Scheme Amendment Bill 2008 be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

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

- (a) general business order of the day no. 42 (Migration Legislation Amendment (Complementary Protection Visas) Bill 2006 [2008]); 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. 55 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to funding of schools, postponed till 13 May 2008.

6 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—REFERENCES

The Minister for Human Services (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 be referred to the Environment, Communications and the Arts Committee for inquiry and report by 7 May 2008.

Question put and passed.

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 9 June 2008:

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

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

Question put and passed.

Senator Birmingham, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by August 2008:

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

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

Question put and passed.

7 A NEW TAX SYSTEM (FAMILY ASSISTANCE) (IMPROVED ACCESS TO BABY BONUS) AMENDMENT BILL 2008

Senator Bartlett, at the request of Senator Stott Despoja and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 60—That the following bill be introduced:

A Bill for an Act to amend the *A New Tax System (Family Assistance) Act 1999* to give all adopting parents access to baby bonus payments, and for related purposes.

Question put and passed.

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

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

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

8 LAW AND JUSTICE—MERCY MINISTRIES

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. 61—That the Senate—

- (a) notes the reports in the *Sydney Morning Herald* regarding concerns about the Mercy Ministries residential programs for young women suffering from psychological illnesses, in particular that despite advertising that residents would receive support from psychologists, general practitioners, dieticians, and social workers, former residents report receiving only an occasional visit to a general practitioner; and
- (b) calls on the Government to instruct the Australian Competition and Consumer Commission to investigate whether Mercy Ministries has engaged in misleading and deceptive conduct.

Question put and passed (*but see entry no. 12*).

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

The Chair of the Select Committee on State Government Financial Management (Senator Ian Macdonald), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 59—That the time for the presentation of the report of the Select Committee on State Government Financial Management be extended to 27 August 2008.

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

10 ECONOMICS—STANDING COMMITTEE—REFERENCE

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. 62—That, in considering the Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008, the Economics Committee have power to consider and use the records of the Economics Committee appointed in the previous Parliament relating to its consideration of an earlier version of the bill.

Question put and passed.

11 FOREIGN AFFAIRS—CHINA

Motion determined as not formal: The Leader of the Australian Greens (Senator Bob Brown) requested that general business notice of motion no. 63 standing in his name for today, relating to China, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Proposed suspension of standing orders: Senator Bob Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 63.

Debate ensued.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 48

Senators—

Adams	Crossin	Hutchins	Parry (Teller)
Barnett	Eggleston	Johnston	Patterson
Bernardi	Ellison	Kemp	Payne
Birmingham	Evans	Kirk	Polley
Bishop	Faulkner	Ludwig	Ray
Boyce	Ferguson	Lundy	Sherry
Bushby	Fierravanti-Wells	Macdonald, Ian	Stephens
Campbell	Fifield	McGauran	Sterle
Carr	Fisher	McLucas	Troeth
Chapman	Forshaw	Moore	Trood
Colbeck	Hogg	Nash	Watson
Cormann	Humphries	O'Brien	Wortley

Question negatived.

12 **LAW AND JUSTICE—MERCY MINISTRIES**

Senator Parry asked that the question on general business notice of motion no. 61 be put again (*see entry no. 8*).

Leave was granted for the question to be put again.

Question—That the motion be agreed to—put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 35

Senators—

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

Question negatived.

Statements by leave: The Leader of the Australian Democrats (Senator Allison) and Senator Parry, by leave, made statements relating to the motion.

13 PUBLICATIONS—STANDING COMMITTEE—1ST REPORT

The Chair of the Standing Committee on Publications (Senator Carol Brown) tabled the following report:

PUBLICATIONS COMMITTEE 1ST REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 20 September 2007, recommends that the following be printed:

- Aboriginal Hostels Limited—Report for 2006-07.
- Aboriginal Land Commissioner—Report for 2006-07.
- Administrative Appeals Tribunal—Report for 2006-07.
- Administrative Review Council—Report for 2006-07.
- Aged Care Act 1997*—Report for 2006-07 on the operation of the Act, incorporating a correction.
- Aged Care Commissioner—Report for the period 1 May to 30 June 2007, and final report of the Commissioner for Complaints (Aged care) for the period 1 July 2006 to 30 April 2007.
- Aged Care Standards and Accreditation Agency Limited—Report for 2006-07.
- Airservices Australia—Report for 2006-07.
- Albury-Wodonga Development Corporation—Report for 2006-07.
- Anglo-Australian Telescope Board—Report for 2006-07.
- Anindilyakwa Land Council—Report for 2006-07.
- Attorney-General's Department—Report for 2006-07.
- Australia Council—Report for 2006-07.
- Australian Broadcasting Corporation (ABC)—Report for 2006-07.
- Australian Building and Construction Commissioner—Report for 2006-07.
- Australian Bureau of Statistics—Report for 2006-07.
- Australian Centre for International Agricultural Research—Report for 2006-07.
- Australian Commission for Law Enforcement Integrity—Report for the period 30 December 2006 to 30 June 2007.

- Australian Communications and Media Authority—Report for 2006-07.
- Australian Competition and Consumer Commission—
Telstra's compliance with price control arrangements—Report for
the period 1 January 2006 to 30 June 2007
Report for 2006-07, incorporating report of the Australian Energy
Regulator.
- Australian Crime Commission—Report for 2006-07.
- Australian Customs Service—Report for 2006-07.
- Australian Electoral Commission—Report for 2006-07.
- Australian Fair Pay Commission—Report for 2006-07.
- Australian Fair Pay Commission Secretariat—Report for 2006-07.
- Australian Federal Police—Report for 2006-07.
- Australian Film Commission—Report for 2006-07.
- Australian Film Television and Radio School—Report for 2006-07.
- Australian Fisheries Management Authority—Report for 2006-07.
- Australian Government Solicitor—Report for 2006-07.
- Australian Hearing—Report for 2006-07.
- Australian Industrial Relations Commission and Australian Industrial
Registry—Report for 2006-07.
- Australian Industry Development Corporation—Report for 2006-07.
- Australian Institute of Aboriginal and Torres Strait Islander Studies—
Report for 2006-07.
- Australian Institute of Criminology and Criminology Research
Council—Reports for 2006-07.
- Australian Institute of Family Studies—Report for 2006-07.
- Australian Institute of Health and Welfare—
Australia's welfare 2007.
Report for 2006-07.
- Australian Institute of Marine Science—Report for 2006-07.
- Australian Law Reform Commission—Reports Nos—
106—Report for 2006-07.
107—Privilege in perspective: Client legal privilege in federal
investigations.
- Australian Maritime Safety Authority—Report for 2006-07.
- Australian National Maritime Museum—Report for 2006-07.
- Australian Nuclear Science and Technology Organisation—Report for
2006-07.
- Australian Pesticides and Veterinary Medicines Authority—Report for
2006-07.
- Australian Postal Corporation (Australia Post)—Report for 2006-07.
- Australian Prudential Regulation Authority—Report for 2006-07.
- Australian Public Service Commissioner—Report for 2006-07,
incorporating the report of the Merit Protection Commissioner.
- Australian Radiation Protection and Nuclear Safety Agency—Report for
2006-07.
- Australian Research Council—Report for 2006-07.
- Australian Reward Investment Alliance—Commonwealth
Superannuation Scheme, Public Sector Superannuation Scheme and
Public Sector Superannuation Accumulation Plan—Report for 2006-07.

- Australian Safeguards and Non-Proliferation Office—Report for 2006-07.
- Australian Securities and Investments Commission—Report for 2006-07.
- Australian Security Intelligence Organisation—Report for 2006-07.
- Australian Sports Anti-Doping Authority—Report for 2006-07.
- Australian Sports Commission—Report for 2006-07.
- Australian Trade Commission (Austrade)—Report for 2006-07.
- Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2006-07.
- Australian Wine and Brandy Corporation—Report for 2006-07.
- Bankruptcy Act 1966*—Report for 2006-07 on the operation of the Act.
- Bureau of Meteorology—Report for 2006-07.
- Centrelink—Report for 2006-07.
- Civil Aviation Safety Authority—Report for 2006-07.
- Classification Board and Classification Review Board—Report for 2006-07.
- Comcare—Report for 2006-07.
- Commissioner for Superannuation—Report for 2006-07.
- Commissioner of Taxation—Report for 2006-07.
- Commonwealth Director of Public Prosecutions—Report for 2006-07.
- Commonwealth Grants Commission—
Report for 2006-07.
Report on State revenue sharing relativities—2008 update,
incorporating a corrigendum.
- Commonwealth Ombudsman—
Report for 2006-07.
Report for 2006-07 on the Ombudsman's activities in monitoring
controlled operations conducted by the Australian Crime
Commission, Australian Federal Police and Australian Commission
for Law Enforcement Integrity.
Report for 30 December 2006 to 30 June 2007 on the Ombudsman's
activities under Part V of the *Australian Federal Police Act 1979*.
- Commonwealth Scientific and Industrial Research Organisation
(CSIRO)—Report for 2006-07.
- Copyright Agency Limited—Report for 2006-07.
- Cotton Research and Development Corporation—Report for 2006-07.
- Crimes Act 1914*—Controlled operations—Report for 2006-07.
- CrimTrac Agency—Report for 2006-07.
- Dairy Adjustment Authority—Report for 2006-07.
- Defence Force Retirement and Death Benefits Authority—Report for
2006-07.
- Defence Housing Australia—Report for 2006-07.
- Department of Agriculture, Fisheries and Forestry—Report for 2006-07.
- Department of Communications, Information Technology and the
Arts—Report for 2006-07.
- Department of Defence—Reports for 2006-07—
Volume 1—Department of Defence.
Volume 2—Defence Materiel Organisation.

Department of Education, Science and Training—Report for 2006-07.
Department of Employment and Workplace Relations—Report for 2006-07.
Department of Families, Community Services and Indigenous Affairs—Report for 2006-07.
Department of Finance and Administration—Report for 2006-07.
Department of Foreign Affairs and Trade—Reports for 2006-07—
Volume 1—Department of Foreign Affairs and Trade.
Volume 2—Australian Agency for International Development (AusAID).
Department of Health and Ageing—Report for 2006-07.
Department of Human Services—Report for 2006-07.
Department of Immigration and Citizenship—Report for 2006-07, incorporating an erratum.
Department of Industry, Tourism and Resources—Report for 2006-07.
Department of Parliamentary Services—Report for 2006-07.
Department of the Environment and Water Resources—Reports for 2006-07—
Volume 1—Department of the Environment and Water Resources.
Volume 2—Legislation.
Department of the Prime Minister and Cabinet—Report for 2006-07.
Department of the Treasury—Report for 2006-07.
Department of Transport and Regional Services—Report for 2006-07.
Director of National Parks—Report for 2006-07.
Employment Advocate—Report for 2006-07.
Environment Protection (Alligator Rivers Region) Act 1978—Report for 2006-07 on the operation of the Act.
Equal Opportunity for Women in the Workplace Agency—Report for 2006-07.
Export Finance and Insurance Corporation—Report for 2006-07.
Family Court of Australia—Report for 2006-07.
Family Law Council—Report for 2006-07.
Federal Court of Australia—Report for 2006-07.
Federal Magistrates Court of Australia—Report for 2006-07.
Film Australia Limited—Report for 2006-07.
Financial Reporting Council, Australian Accounting Standards Board and Auditing and Assurance Standards Board—Report for 2006-07.
Fisheries Research and Development Corporation—Report for 2006-07.
Food Standards Australia New Zealand—Report for 2006-07.
Forest and Wood Products Research and Development Corporation—Report for 2006-07.
Freedom of Information Act 1982—Report for 2006-07 on the operation of the Act.
Future Fund—Report for 2006-07.
Gene Technology Regulator—Report for 2006-07.
Grains Research and Development Corporation—Report for 2006-07.
Grape and Wine Research and Development Corporation—Report for 2006-07.

Great Barrier Reef Marine Park Authority—Report for 2006-07.
Health Services Australia (HSA Group)—Report for 2006-07.
High Court of Australia—Report for 2006-07.
Human Rights and Equal Opportunity Commission—
Report for 2006-07.
Reports Nos—
38—Report of an inquiry into a complaint by Mr Frank Ottaviano of discrimination in employment on the basis of criminal record against South Australia Police (State of South Australia).
39—Complaint by Mr Huong Nguyen and Mr Austin Okoye against the Commonwealth of Australia (Department of Immigration and Citizenship, formerly the Department of Immigration and Multicultural and Indigenous Affairs) and GSL (Australia) Pty Ltd.
Indigenous Business Australia—Report for 2006-07.
Indigenous Land Corporation—Report for 2006-07.
Industry Research and Development Board—Report for 2006-07.
Inspector-General of Intelligence and Security—Report for 2006-07.
Inspector-General of Taxation—Report for 2006-07.
International Air Services Commission—Report for 2006-07.
Land and Water Australia—Report for 2006-07.
Medibank Private—Report for 2006-07.
Medicare Australia—Report for 2006-07.
Migration Agents Registration Authority—Report for 2006-07.
Migration Review Tribunal and Refugee Review Tribunal—Report for 2006-07.
Military Rehabilitation and Compensation Commission—Report for 2006-07.
Military Superannuation and Benefits Board of Trustees—Report for 2006-07.
Murray-Darling Basin Commission—Report for 2006-07.
National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2006-07.
National Blood Authority—Report for 2006-07.
National Capital Authority—Report for 2006-07.
National Competition Council—Report for 2006-07.
National Environment Protection Council—Report for 2006-07.
National Gallery of Australia—Report for 2006-07.
National Health and Medical Research Council—Report for the period 1 January 2006 to 30 June 2007.
National Industrial Chemicals Notification and Assessment Scheme—
Report for 2006-07.
National Library of Australia—Report for 2006-07.
National Museum of Australia—Report for 2006-07.
National Native Title Tribunal—Report for 2006-07.
National Residue Survey—Report for 2006-07.
National Transport Commission—Report for 2006-07.

National Water Commission—Report for 2006-07.
Native Title Act 1993—Native title representative bodies—Reports for 2006-07—
 Central Land Council.
 Northern Land Council.
Natural Heritage Trust—Report for 2005-06.
Office of Parliamentary Counsel—Report for 2006-07
Office of the Official Secretary to the Governor-General—Report for 2006-07.
Office of Workplace Services—Report for 2006-07.
Parliamentary Service Commissioner—Report for 2006-07.
Pharmaceutical Benefits Pricing Authority—Report for 2006-07.
Privacy Act 1988—Report for 2006-07 on the operation of the Act.
Private Health Insurance Administration Council—
 Report for 2006-07.
 Report for 2006-07 on the operations of the private health insurers, incorporating a correction.
Private Health Insurance Ombudsman—Report for 2006-07.
Productivity Commission—
 Report for 2006-07.
 Report No. 42—Safeguards inquiry into the import of pigmeat: Accelerated report.
Professional Services Review—Report for 2006-07.
Remuneration Tribunal—Report for 2006-07.
Renewable Energy Regulator—Financial Report for 2006-07.
Repatriation Commission, National Treatment Monitoring Committee and Department of Veterans' Affairs—Reports for 2006-07.
Repatriation Medical Authority—Report for 2006-07.
Research Involving Human Embryos Act 2002—Report pursuant to section 47B, December 2007.
Royal Australian Mint—Report for 2006-07.
Rural Industries Research and Development Corporation—Report for 2006-07.
Safety, Rehabilitation and Compensation Commission—Report for 2006-07.
Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004—Report on financial assistance granted to each State in respect of 2006.
Screenrights—Report for 2006-07.
Seafarers Safety, Rehabilitation and Compensation Authority—Report for 2006-07.
Services Trust Funds—Report for 2006-07.
Social Security Appeals Tribunal—Report for 2006-07.
Special Broadcasting Service Corporation (SBS)—Report for 2006-07.
Sugar Research and Development Corporation—Report for 2006-07.
Telecommunications (Interception and Access) Act 1979—Report for 2006-07 on the operation of the Act.
Tiwi Land Council—Report for 2006-07.
Torres Strait Regional Authority—Report for 2006-07.

Tourism Australia—Report for 2006-07.
 Venture Capital Registration Board—Report for 2006-07.
 Veterans' Review Board—Report for 2006-07.
War Crimes Act 1945—Report for 2006-07 on the operation of the Act.
 Wet Tropics Management Authority—Report for 2006-07, including
 State of the Wet Tropics report for 2006-07.

Senator Carol Brown
 Chair
 20 March 2008.

Senator Carol Brown moved—That the report be adopted.

Question put and passed.

14 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENTS

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley) tabled the following documents:

Regulations and Ordinances—Standing Committee—
 Delegated legislation monitor—Disallowable legislative instruments tabled in
 the Senate in 2007, dated March 2008.
 Ministerial correspondence relating to the scrutiny of delegated legislation,
 February 2007 to March 2008.

**15 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—COST OF LIVING
 PRESSURES ON OLDER AUSTRALIANS**

Pursuant to order, the Chair of the Community Affairs Committee (Senator Moore) tabled the following report and documents:

Community Affairs—Standing Committee—A decent quality of life: Inquiry into
 the cost of living pressures on older Australians—Report, dated March 2008,
 Hansard record of proceedings, additional information and submissions.

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

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

Debate ensued.

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

**16 COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2002-03,
 2004-05, 2006-07 AND 2007-08 AND BUDGET ESTIMATES 2006-07 AND 2007-08**

Senator Wortley, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2002-03—Finance and Public Administration—Standing
 Committee—Additional information received between 11 February and 19 March
 2008—Finance portfolio.

Additional estimates 2004-05—Legal and Constitutional Affairs—Standing
 Committee—Additional information received between 20 September 2007 and
 19 March 2008—Attorney-General's portfolio.

Budget estimates 2006-07 (Supplementary)—
 Finance and Public Administration—Standing Committee—Additional
 information received between 13 February and 19 March 2008—Prime
 Minister and Cabinet portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 27 February 2007 and 18 March 2008—Agriculture, Fisheries and Forestry portfolio.

Additional estimates 2006-07—

Finance and Public Administration—Standing Committee—Additional information received between 13 February and 19 March 2008—Prime Minister and Cabinet portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 20 September 2007 and 19 March 2008—Attorney-General's portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 19 June 2007 and 18 March 2008—Agriculture, Fisheries and Forestry portfolio.

Budget estimates 2007-08—

Community Affairs—Standing Committee—Additional information received between 26 October 2007 and 20 February 2008—

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

Education, Employment and Workplace Relations—Standing Committee—Additional received between 3 December and 4 December 2007—Education, Science and Training portfolio.

Environment, Communications and the Arts—Standing Committee—Additional information received between 20 September 2007 and 18 February 2008—Broadband, Communications and the Digital Economy portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 13 February and 19 March 2008—Prime Minister and Cabinet portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between—

25 May 2007 and 19 February 2008—Immigration and Citizenship portfolio.

20 September 2007 and 19 March 2008—Attorney-General's portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 18 September 2007 and 18 March 2008—Agriculture, Fisheries and Forestry portfolio.

Additional estimates 2007-08—

Community Affairs—Standing Committee—Additional information received between—

20 February and 19 March 2008—Health and Ageing portfolio.

21 February and 19 March 2008—Families, Housing, Community Services and Indigenous Affairs portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 13 February and 19 March 2008—

Finance and Deregulation portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

17 WORKPLACE RELATIONS AMENDMENT (TRANSITION TO FORWARD WITH FAIRNESS) BILL 2008

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 36, dated 19 March 2008—Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008.

18 TRADEX SCHEME AMENDMENT BILL 2008

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

Message no. 37, dated 19 March 2008—A Bill for an Act to amend the *Tradex Scheme Act 1999*, 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.

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

**19 COMMONWEALTH AUTHORITIES AND COMPANIES AMENDMENT BILL 2008
TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMMUNICATIONS FUND)
BILL 2008**

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

Message no. 38, dated 19 March 2008—A Bill for an Act to amend the *Commonwealth Authorities and Companies Act 1997*, and for related purposes.

Message no. 39, dated 19 March 2008—A Bill for an Act to amend the law relating to telecommunications, and for other purposes.

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

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

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

Question put and passed.

20 INFRASTRUCTURE AUSTRALIA BILL 2008

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:

Message no. 40, dated 19 March 2008—Infrastructure Australia Bill 2008.

Ordered, on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), that the message be considered in committee of the whole immediately.

In the committee

Senator Conroy moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Chapman) resumed the chair and the Temporary Chair of Committees (Senator Murray) reported that the committee had considered message no. 40 from the House of Representatives relating to the Infrastructure Australia Bill 2008 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of Senator Conroy the report from the committee was adopted.

21 COMMITTEES—REPORTS—ANNUAL REPORTS

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

Reports on annual reports referred to committees—No. 1 of 2008, dated March 2008—

Community Affairs Committee.

Economics Committee.

Education, Employment and Workplace Relations Committee.

Environment, Communications and the Arts Committee.

Finance and Public Administration Committee.

Foreign Affairs, Defence and Trade Committee.

Legal and Constitutional Affairs Committee.

Rural and Regional Affairs and Transport Committee.

Reports ordered to be printed on the motion of Senator Webber.

22 APPROPRIATION BILL (NO. 3) 2007-2008
APPROPRIATION BILL (NO. 4) 2007-2008

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Faulkner)—That these bills be now read a second time—and on the amendment moved by Senator Murray:

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

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

Debate resumed.

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

Main question, as amended, put and passed.

Bills read a second time.

No amendments or requests for amendments to the bills were circulated and the bills were not considered in committee.

On the motion of Senator Faulkner the bills were read a third time.

23 ADVANCE TO THE FINANCE MINISTER—2006-07

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

In the committee

The Special Minister of State (Senator Faulkner) moved—That the committee approves the statement of Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2007.

Question put and passed.

Resolution to be reported.

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

On the motion of Senator Faulkner the report from the committee was adopted.

24 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 Fisher was speaking.

25 TRADEX SCHEME AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—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 Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

26 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens), by leave, moved—That Senators Adams, Johnston and Scullion be appointed to the Select Committee on Regional and Remote Indigenous Communities.

Question put and passed.

Suspension of sitting: On the motion of Senator Stephens the sitting of the Senate was suspended at 12.53 pm till 2 pm.

At 2 pm—

27 QUESTIONS

Questions without notice were answered.

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

Law and justice—Copy of transcript of press conference by the Attorney-General (Mr McClelland) and former New South Wales Supreme Court Judge (the Honourable John Clarke QC), 'Judicial inquiry into the Mohamed Haneef case; counter-terrorism laws', dated 13 March 2008 .

28 QUESTION ON NOTICE—ANSWER AND EXPLANATION

The Leader of the Australian Democrats (Senator Allison), pursuant to standing order 74, asked the Minister for Innovation, Industry, Science and Research (Senator Carr) for an explanation of answers not being provided to questions on notice no. 92 (notice given 12 February 2008) relating to the Renewable Remote Power Generation Programme.

Senator Carr provided an explanation and an answer.

29 MOTION TO TAKE NOTE OF ANSWERS

Senator Mason moved—That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked today.

Debate ensued.

Question put and passed.

30 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—REPORT—45TH REPORT

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

Appropriations and Staffing—Standing Committee—Department of the Senate's Budget; Ordinary annual services of the government; Parliamentary computer network—Report, dated March 2008.

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

Statement by President: Senator Hogg made a statement relating to the Parliamentary computer network and Internet filtering.

31 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—

45 of 2008—Reporting standard ARS 330.2 Other Operating Income [F2008L00484].

46 of 2008—Reporting standard ARS 330.3 Other Operating Expenses [F2008L00486].

47 of 2008—Reporting standard ARS 331.0 Selected Revenue and Expenses [F2008L00512].

52 of 2008—Reporting standard ARS 394.0 Personal Finance [F2008L00519].

53 of 2008—Reporting standard ARS 395.0 Business Finance Statistics [F2008L00520].

54 of 2008—Reporting standard ARS 396.0 Points of Presence [F2008L00521].

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

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

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

- Australian Public Service Commission.
- Australian Taxation Office.
- Commonwealth Ombudsman.
- Department of Education, Employment and Workplace Relations, Human Services portfolio agencies.
- Infrastructure, Transport, Regional Development and Local Government portfolio agencies.
- Office of the Privacy Commissioner.
- Resources, Energy and Tourism portfolio agencies.
- Treasury portfolio agencies.

33 COMMITTEE MEMBERSHIP

The Deputy President (Senator Hogg) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs—Standing Committee—

Appointed—

Substitute member: Senator Crossin to replace Senator Polley for the committee's inquiry into the provisions of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008

Participating member: Senator Polley

Electoral Matters—Joint Standing Committee—

Discharged—Senator Fifield

Appointed—Senator Ronaldson

Regional and Remote Indigenous Communities—Select Committee—

Appointed—

Senator Siewert

Participating members: Senators Abetz, Barnett, Bartlett, Bernardi, Birmingham, Boswell, Boyce, Brandis, Bob Brown, Bushby, Chapman, Colbeck, Coonan, Cormann, Eggleston, Ellison, Fierravanti-Wells, Fifield, Fisher, Heffernan, Humphries, Johnston, Joyce, Kemp, Lightfoot, Ian Macdonald, Sandy Macdonald, Mason, Milne, Minchin, Nash, Nettle, Parry, Patterson, Payne, Ronaldson, Troeth, Trood and Watson

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—Participating member: Senator Murray.

Question put and passed.

General business was called on.

34 MIGRATION LEGISLATION AMENDMENT (COMPLEMENTARY PROTECTION VISAS) BILL 2006 [2008]

Order of the day read for the adjourned debate on the motion of Senator Bartlett—That this bill be now read a second time.

Debate resumed.

Question put and negatived.

35 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Great Barrier Reef Marine Park Authority—Report for 2006-07. Motion of Senator Nash to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Native Title Tribunal—Report for 2006-07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Sydney Harbour Federation Trust—Report for 2006-07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Native Title Act 1993—Native title representative bodies—Report for 2006-07—Central Land Council. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Native Title Act 1993—Native title representative bodies—Report for 2006-07—Northern Land Council. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Torres Strait Regional Authority—Report for 2006-07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Human Rights and Equal Opportunity Commission—Report for 2006-07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Department of Immigration and Citizenship—Report for 2006-07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2006-07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the *Research Involving Human Embryos Act 2002* for the period 1 April to 30 September 2007. Motion of Senator Bartlett to take note of document debated and agreed to.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to reports by the Commonwealth Ombudsman—Personal identifiers 221/07 to 346/07. Motion of Senator Bartlett to take note of document called on. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australia Business Arts Foundation Ltd—Financial statements for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Meat and Live-stock Industry Act 1997—Live-stock mortalities during exports by sea—Report for the period 1 July to 31 December 2007. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

General business orders of the day nos 4, 5, 9, 10, 16, 17, 19 to 21 and 23 to 33 were called on but no motion was moved.

General business concluded.

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

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

Education, Employment and Workplace Relations—Standing Committee—Report—Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008. Motion of the chair of the committee (Senator Marshall) to take note of report agreed to.

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

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

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 agreed to.

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 5 pm till Tuesday, 13 May 2008 at 12.30 pm.

39 ATTENDANCE

Present, all senators except Senators Hurley, McEwen, Minchin, Stott Despoja* and Wong (* on leave).

HARRY EVANS
Clerk of the Senate