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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 November 2007 to 29 February 2008—

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 366/08 to 412/08—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response, 13 May 2008.

*Telecommunications (Interception and Access) Act 1979—*Report for 2006-07 on the operation of the Act—Corrigendum.

Treaties—

Bilateral—

Agreement between the Government of Australia and the Government of the Russian Federation on Cooperation in the Use of Nuclear Energy for Peaceful Purposes, done at Canberra on 7 September 2007—Text, together with national interest analysis and regulation impact statement.

Text, together with national interest analysis—

Protocol Amending the Agreement between the Government of Australia and the Government of the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of 1999, done at Pretoria on 31 March 2008.

Treaty between the Government of Australia and the Government of the United States of America concerning Cooperation in Defense Trade, done at Sydney on 5 September 2007.

Multilateral—

Explanatory statement 1 of 2008—Amendment, adopted at London in July 2007, to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code).

International Tropical Timber Agreement, Geneva, 27 January 2006—Text, together with national interest analysis and annexure.

3 TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT 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.

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

In the committee

Bill taken as a whole by leave.

Senator Bartlett moved the following amendment:

Page 2 (after line 11), after clause 3, insert:

4 Review of operation of Act

- (1) The Minister must cause an independent review of the operation of this Act to be completed at the end of every five years, with the first review due for completion on 30 June 2013.
- (2) In conducting the review, consideration must include:
 - (a) the efficacy of the interception powers available under this Act;
 - (b) the degree to which the available powers are used in successful prosecutions;
 - (c) the compatibility of this Act with Australia's obligations under international law;
 - (d) the balance between necessary, lawful and proportionate access by law enforcement agencies to telecommunications data with the public's right to communicate free from surveillance;
 - (e) whether the powers are subject to sufficient independent oversight;
 - (f) whether agencies have the ability to uniquely and indelibly identify telecommunications devices for the purposes of interception;
 - (g) whether adequate provision is made for the collection, accuracy, secure storage and destruction of data and for the use and disclosure of information and data intercepted under this Act;
 - (h) the ongoing appropriateness of the current telecommunications interception regime and (if relevant) alternatives for the lawful access to content;
 - (i) the protection of information systems from attack by means of the telecommunications system, including the use of intrusion detection systems and like measures;
 - (j) the cost implications, including cost recovery mechanisms; and
 - (k) the appropriateness of exemptions which allow access to telecommunications for law enforcement and intelligence agencies and whether it is appropriate to extend such exemptions to any other sector.
- (3) The person undertaking the review must give the Minister a written report of the review.
- (4) The Minister must cause a copy of the report of the review to be tabled in both Houses of the Parliament within 15 sitting days of receiving the report.

Debate ensued.

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

Explanatory memorandum: Senator Ludwig tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Ludwig the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 2 (table item 8), omit the table item, substitute:

| | | |
|---------------------------------|---|-------------|
| 8. Schedule 1, items 38 and 39 | The day on which this Act receives the Royal Assent. | |
| 9. Schedule 1, item 39A | At the same time as the provision(s) covered by table item 3. | |
| 10. Schedule 1, items 40 to 43 | The day on which this Act receives the Royal Assent. | |
| 11. Schedule 1, item 43A | 1 July 2008. | 1 July 2008 |
| 12. Schedule 1, items 44 to 46 | The day on which this Act receives the Royal Assent. | |
| 13. Schedule 1, item 46A | 1 July 2008. | 1 July 2008 |
| 14. Schedule 1, items 47 and 48 | The day on which this Act receives the Royal Assent. | |

Schedule 1, items 3 to 5, page 3 (lines 13 to 22), omit the items, substitute:

3 Subparagraph 9A(1)(b)(ii)

After “telecommunications device”, insert “or particular telecommunications devices”.

4 Paragraph 9A(1A)(b)

After “telecommunications device”, insert “or telecommunications devices”.

5 Subsection 9A(1A) (note)

After “telecommunications device”, insert “or telecommunications devices”.

Schedule 1, item 6, page 3 (lines 26 and 27), omit “any telecommunications device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.

Schedule 1, item 6, page 3 (line 28), after “sufficient to identify the”, insert “telecommunications device or”.

Schedule 1, item 7, page 3 (line 31) to page 4 (line 2), omit the item, substitute:

7 Subsection 9A(3)

After “telecommunications device”, insert “or telecommunications devices”.

Schedule 1, items 8 to 10, page 4 (lines 3 to 11), omit the items, substitute:

8 Subparagraph 11B(1)(a)(ii)

After “telecommunications device”, insert “or particular telecommunications devices”.

9 Paragraph 11B(1A)(b)

After “telecommunications device”, insert “or telecommunications devices”.

10 Subsection 11B(1A) (note)

After “telecommunications device”, insert “or telecommunications devices”.

Schedule 1, item 11, page 4 (lines 15 and 16), omit “any telecommunications device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.

Schedule 1, item 11, page 4 (line 17), after “sufficient to identify the”, insert “telecommunications device or”.

Schedule 1, item 12, page 4 (lines 20 to 22), omit the item, substitute:

12 Subsection 11B(3)

After “telecommunications device”, insert “or telecommunications devices”.

Schedule 1, items 13 and 14, page 4 (lines 23 to 28), omit the items, substitute:

13 Paragraph 16(1)(aa)

After “telecommunications device”, insert “or telecommunications devices”.

14 Paragraph 16(1A)(b)

After “telecommunications device”, insert “or telecommunications devices”.

14A Paragraph 16(2)(a)

After “telecommunications device”, insert “or telecommunications devices”.

14B Paragraph 16(2)(b)

Omit “that device”, substitute “the device or devices”.

Schedule 1, item 20, page 5 (line 33) to page 6 (line 1), omit “any telecommunications device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.

Schedule 1, item 20, page 6 (line 2), after “sufficient to identify the”, insert “telecommunications device or”.

Schedule 1, item 21, page 6 (lines 4 and 5), omit the item, substitute:

21 Subparagraph 46A(1)(d)(ii)

After “telecommunications device”, insert “or particular telecommunications devices”.

Schedule 1, items 23 to 25, page 6 (lines 8 to 16), omit the items, substitute:

23 Subsection 46A(1) (note)

After “telecommunications device”, insert “or telecommunications devices”.

24 Subparagraph 46A(2)(a)(ii)

After “telecommunications device”, insert “or particular telecommunications devices”.

25 Subsection 46A(3)

After “telecommunications device”, insert “or telecommunications devices”.

Schedule 1, item 31, page 7 (lines 19 and 20), omit “any telecommunications device”, substitute “a telecommunications device or telecommunications devices identified in the warrant”.

Schedule 1, item 35, page 8 (lines 10 to 12), omit the item, substitute:

35 Paragraph 60(4)(aa)

After “telecommunications device”, insert “or telecommunications devices”.

Schedule 1, item 37, page 8 (lines 15 to 17), omit the item, substitute:

37 Paragraph 60(4A)(b)

After “telecommunications device”, insert “or telecommunications devices”.

Schedule 1, page 8 (after line 23), after item 39, insert:

39A Paragraph 60(5)(b)

After “a particular device”, insert “or particular devices”.

Schedule 1, page 9 (after line 4), after item 43, insert:

43A Paragraph 100(1)(ec)

Repeal the paragraph, substitute:

- (ec) in relation to all named person warrants issued during that year on application made by each agency or authority:
 - (i) the total number of telecommunications services intercepted under those of the warrants that did not authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and
 - (ii) the total number of telecommunications services intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and
 - (iii) the total number of telecommunications devices by means of which communications were intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and

Schedule 1, page 9 (after line 10), after item 46, insert:

46A Paragraph 100(2)(ec)

Repeal the paragraph, substitute:

- (ec) in relation to all named person warrants issued during that year:
 - (i) the total number of telecommunications services intercepted under those of the warrants that did not authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and
 - (ii) the total number of telecommunications services intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and

- (iii) the total number of telecommunications devices by means of which communications were intercepted under those of the warrants that did authorise the interception of communications made by means of a telecommunications device or telecommunications devices identified in the warrant; and

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 1, item 31, subsection 59A(3).

Question—That Schedule 1, item 31, subsection 59A(3) stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Ludwig the report from the committee was adopted and the bill read a third time.

4 **TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—That this bill be now read a second time.

Debate resumed.

Senator Ronaldson moved the following amendment:

At the end of the motion, add “but the Senate condemns:

- (a) the Government’s disorganised and unprofessional fibre to the node process overseen by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), where interested parties are keen to proceed but are impeded by the Government’s: lack of sound public policy; self-imposed ridiculous timeframes; absence of regulatory, access, pricing, competition and network architecture guidance; inability to articulate governance, structural and public expenditure requirements; and failure to understand the proper and durable role of the private and public sector in the provision of key infrastructure;
- (b) the sidelining of the Australian Competition and Consumer Commission (ACCC), Productivity Commission and Infrastructure Australia from what is increasingly appearing to be a purely political process;
- (c) the Government’s failure to acknowledge the existence of significant fibre-based broadband infrastructure assets;
- (d) the Government’s failure to provide detail about the operative ‘instruments’;
- (e) the Government’s exposure to risk of information ‘seekers’ and ‘respondents’ about the lack of specific information about key safeguards, assurance and requirements;

- (f) the unprecedented and heavy-handed intervention despite a willingness of telcos to cooperate and existing ACCC and commercial information gathering and sharing processes;
- (g) the multiple breaches of the Commonwealth's own procurement requirements, the Auditor-General's August 2007 Better Practice Guide *Fairness and Transparency in Purchasing Decisions – Probity in Australian Government Procurement* and the sound principles of fairness, transparency, probity and value for money; and
- (h) the lack of a consumer advocate and 'last mile' expertise on the Minister's Expert Panel".

Debate ensued.

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

Main question, as amended, 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.

On the motion of Senator Ronaldson the following amendments, taken together by leave, were agreed to:

Schedule 1, page 4 (after line 15), after item 10, insert:

10A Section 7

Insert:

voluntary disclosure arrangement has the meaning given by section 531FA.

Schedule 1, item 11, page 4 (line 23), omit "A carrier", substitute "An eligible carrier".

Schedule 1, item 11, page 5 (after line 17), at the end of the text box in section 531A, add:

- If a carrier enters into a voluntary disclosure arrangement:
 - (a) information subject to the voluntary disclosure arrangement may be disclosed or used only as specified in the arrangement; and
 - (b) the carrier is exempt from compulsory disclosure of any information under this Part where voluntary disclosure information provided wholly or substantially amounts to compliance with a direction issued by the Minister.

Schedule 1, item 11, page 5 (after line 22), after the definition of *authorised information officer* in section 531B, insert:

eligible carrier means a carrier other than a carrier in relation to which section 531FA applies.

Schedule 1, item 11, page 8 (line 1) to page 9 (line 5), omit "carrier" (wherever occurring), substitute "eligible carrier".

Schedule 1, item 11, page 10 (line 10), omit "Carriers", substitute "Eligible carriers".

Schedule 1, item 11, page 10 (line 12), omit “**Carriers**”, substitute “**Eligible carriers**”.

Schedule 1, item 11, page 10 (lines 15 to 24), omit “carrier” (wherever occurring), substitute “eligible carrier”.

Explanatory memorandum: The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Conroy the following amendments, taken together by leave, were agreed to:

Schedule 1, item 11, page 5 (line 1), after “disclosed”, insert “or used”.

Schedule 1, item 11, page 11 (lines 7 to 9), omit subsection 531G(1), substitute:

- (1) If a person has obtained protected carrier information in the person’s capacity as an entrusted public official, the person must not:
 - (a) disclose the information to another person; or
 - (b) use the information.

Schedule 1, item 11, page 11 (line 10), after “prohibition”, insert “of disclosure”.

Schedule 1, item 11, page 13 (after line 37), after subsection 531G(3), insert:

- (3A) Each of the following is an exception to the prohibition of use in subsection (1):
 - (a) the information is used for the purposes of the consideration by the Cabinet of:
 - (i) a matter preparatory to the publication of a designated request for proposal notice; or
 - (ii) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or
 - (iii) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to an invitation set out in a designated request for proposal notice; or
 - (iv) a matter that is ancillary or incidental to a matter referred to in subparagraph (i), (ii) or (iii);
 - (b) the information is used for the purposes of the consideration by the Minister of:
 - (i) a matter preparatory to the publication of a designated request for proposal notice; or
 - (ii) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or

- (iii) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to an invitation set out in a designated request for proposal notice; or
 - (iv) a matter that is ancillary or incidental to a matter referred to in subparagraph (i), (ii) or (iii);
- (c) the information is used for the purposes of advising:
- (i) the Cabinet; or
 - (ii) a Minister; or
 - (iii) a Secretary of a Department;
- about:
- (iv) a matter preparatory to the publication of a designated request for proposal notice; or
 - (v) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or
 - (vi) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to an invitation set out in a designated request for proposal notice; or
 - (vii) a matter that is ancillary or incidental to a matter referred to in subparagraph (iv), (v) or (vi);
- (d) the information is used for the purposes of the Australian Security Intelligence Organisation, the ACCC or the ACMA giving advice to:
- (i) the Commonwealth; or
 - (ii) a Minister; or
 - (iii) a committee established under the executive power of the Commonwealth;
- in relation to:
- (iv) a matter preparatory to the publication of a designated request for proposal notice; or
 - (v) the approach to be taken in relation to the consideration of submissions that could be made, after the publication or proposed publication of a designated request for proposal notice, in response to an invitation set out in the notice; or
 - (vi) action to be taken by the Commonwealth or a Minister in relation to a proposal set out in a submission made in response to an invitation set out in a designated request for proposal notice; or
 - (vii) a matter that is ancillary or incidental to a matter referred to in subparagraph (iv), (v) or (vi);
- (e) the information is used for a purpose specified in the regulations;
- (f) the information is used for the purposes of:
- (i) giving advice to an authorised information officer in relation to action to be taken by the officer under section 531H; or
 - (ii) assisting an authorised information officer in relation to the exercise of the officer's powers under section 531H;

- (g) the information is used for the purposes of:
 - (i) enabling an authorised information officer to make a decision under section 531H; or
 - (ii) enabling an authorised information officer to disclose the information under section 531H;
- (h) the carrier who gave the information to an authorised information officer has consented to the use of the information;
- (i) the information has been made publicly known by:
 - (i) the carrier who gave the information to an authorised information officer; or
 - (ii) a person authorised by the carrier to make the information publicly known;
- (j) the use is authorised by or under a law of the Commonwealth, a State or a Territory.

(3B) Paragraph (3A)(e) ceases to have effect at the end of the period of 12 months beginning on the day on which this subsection commenced.

Schedule 1, item 11, page 15 (line 30), at the end of subsection 531J(1), add “or a decision to use information under subsection 531G(3A)”.

Schedule 1, item 11, page 15 (line 34), after “531H(1)”, insert “or a decision to use information under subsection 531G(3A)”.

Schedule 1, item 11, page 16 (lines 2 to 4), omit subsection 531K(1), substitute:

- (1) If a person has obtained protected carrier information in the person’s capacity as an entrusted company officer of a company, the person must not:
 - (a) disclose the information to another person; or
 - (b) use the information.

Schedule 1, item 11, page 16 (line 5), after “prohibition”, insert “of disclosure”.

Schedule 1, item 11, page 17 (after line 2), after subsection 531K(2), insert:

- (2A) Each of the following is an exception to the prohibition of use in subsection (1):
 - (a) the information is used for the purposes of:
 - (i) the consideration by the company of whether to make a submission in response to an invitation set out in a designated request for proposal notice; or
 - (ii) the preparation of a submission by the company in response to an invitation set out in a designated request for proposal notice; or
 - (iii) if the company has made a submission in response to an invitation set out in a designated request for proposal notice—the consideration by the company of whether to vary the submission; or
 - (iv) if the company has made a submission in response to an invitation set out in a designated request for proposal notice—the preparation by the company of a variation of the submission;
 - (b) the carrier who gave the information to an authorised information officer has consented to the use of the information;

- (c) the information has been made publicly known by:
 - (i) the carrier who gave the information to an authorised information officer; or
 - (ii) a person authorised by the carrier to make the information publicly known;
- (d) the use was authorised by or under a law of the Commonwealth, a State or a Territory.

On the motion of Senator Conroy the following amendment was agreed to:

Schedule 1, item 11, page 5 (lines 20 to 22), omit the definition of *authorised information officer* in section 531B, substitute:

authorised information officer means:

- (a) the Secretary of the Department; or
- (b) a Deputy Secretary of the Department; or
- (c) an individual:
 - (i) who is an SES employee in the Department; and
 - (ii) whose duties relate to the National Broadband Network Task Force; or
- (d) a person for whom an appointment as an authorised information officer is in force under section 531M.

Senator Conroy moved the following amendments together by leave:

Schedule 1, item 11, page 7 (before line 32), before paragraph (a) of the definition of *protected carrier information* in section 531B, insert:

- (aa) any information that was given by a carrier to an authorised information officer during the period:
 - (i) beginning on 27 February 2008; and
 - (ii) ending 12 months after the commencement of this Part;
 where, after the information was given, an authorised information officer gave the carrier a written undertaking, on behalf of the Commonwealth, that:
 - (iii) after the commencement of this Part, the information would be treated as protected carrier information for the purposes of this Part; and
 - (iv) the information would not be disclosed by an authorised information officer before the commencement of this Part; or

Schedule 1, item 11, page 14 (after line 3), after subsection 531G(4), insert:

- (4A) An entrusted public official is not required to give a carrier an opportunity to be heard in relation to a decision to use information under subsection (3A).

Debate ensued.

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

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

7 MOTION TO TAKE NOTE OF ANSWERS

Senator Johnston moved—That the Senate take note of the answers given by ministers to questions without notice asked today relating to the 2008-09 Budget.

Debate ensued.

Question put and passed.

8 NOTICES

Senator Watson: To move on 17 June 2008—That ASIC Class Order [CO 07/753], made under paragraphs 601QA(1)(a), 911A(2)(l), 1020F(1)(a) and 1020F(1)(c) of the *Corporations Act 2001*, be disallowed.

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

- (a) notes that the week beginning 11 May 2008 is International Myalgic Encephalomyelitis/Chronic Fatigue Syndrome and Fibromyalgia Awareness Week;
- (b) recognises that:
 - (i) these conditions can strike at any time and affect children as well as adults,
 - (ii) sufferers of these conditions experience abnormal levels of exhaustion which often stops them from working, studying or socialising, and
 - (iii) the cause of these conditions is currently unknown and there is no single diagnostic test to accurately diagnose them; and
- (c) calls on the Government to:
 - (i) support research into encephalomyelitis, chronic fatigue syndrome and fibromyalgia, and
 - (ii) adequately support non-government organisations that provide support, education and resources to consumers, the community, health professionals and policy makers about the encephalomyelitis/chronic fatigue syndrome and fibromyalgia. (*general business notice of motion no. 82*)

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

- (a) notes that:
 - (i) throughout Australian hospitals patients are managed in mixed gender wards and assault, trauma and violence are too often perpetrated on women patients in acute inpatient facilities,
 - (ii) a survey on assaults on women while being treated as inpatients in public hospitals shows that 27 per cent of female patients questioned had experienced broadly defined physical assault, 63 per cent had experienced verbal assault and 58.5 per cent felt intimidated and unsafe in the inpatient unit,

- (iii) many male patients are admitted to hospital because their behaviour (due to their illness) is often disinhibited or aggressive,
 - (iv) many female patients have sexual abuse histories and hence fare very badly in this environment, and
 - (v) women patients cannot lock the doors to their hospital rooms for treatment safety reasons and so feel totally vulnerable; and
- (b) calls on the Government to raise with the states, as a matter of urgency, the need to re-designate acute psychiatry inpatient units to have ‘women-only areas’ and/or separate male and female wards, as is the case in many other countries, for the safety and privacy of women in these settings. (*general business notice of motion no. 83*)

The Special Minister of State (Senator Faulkner): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes. ***Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008***.

The Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan): To move on the next day of sitting—

- (1) That the time for the presentation of the report of the Select Committee on Agricultural and Related Industries be extended to 16 October 2008.
- (2) That the resolution of appointment of the Select Committee on Agricultural and Related Industries be amended to provide for participating membership, as follows:

After paragraph (2), insert:

- (2A) (a) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;
- (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
- (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present. (*general business notice of motion no. 84*)

Senator Kirk: 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 Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007 be restored to the *Notice Paper* and that consideration of the bill resume at the stage reached in the 41st Parliament. (*general business notice of motion no. 85*)

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

- (a) notes the continuing human rights crisis in Tibet and restrictions on entry to areas in Tibet by journalists, international observers, aid agencies and foreign diplomats;

- (b) welcomes the informal talks between the Chinese Government and representatives of the 14th Dalai Lama on 4 May and 5 May 2008 in Shenzhen, China and the agreement to hold a seventh round of the China-Tibet dialogue;
- (c) encourages both parties to work sincerely towards a peaceful and mutually agreeable resolution of the China-Tibet issue;
- (d) welcomes the forthright statements by the Prime Minister (Mr Rudd) during his recent trip to China, both in public and in private talks with the Chinese Premier (Wen Jiabao) and President (Hu Jintao), on the need for constructive dialogue;
- (e) appreciates the Prime Minister's commitment to being a *zhengyou*, or a 'true friend', to the Chinese leadership and his willingness to raise challenging issues including Tibet; and
- (f) requests the Government to actively support and monitor the progress of the China-Tibet dialogue and offer its good offices to help bring about a positive outcome. (*general business notice of motion no. 86*)

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Defence, no later than 4 pm on Thursday, 19 June 2008, the red folder brandished by the Minister which he claims contains details of 'problematic' defence procurement projects. (*general business notice of motion no. 87*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That, on Thursday, 15 May 2008:

- (a) the routine of business from 8 pm shall be:
 - (i) Budget statement and documents—responses by party leaders,
 - (ii) government business, and
 - (iii) adjournment;
- (b) divisions may take place after 4.30 pm; and
- (c) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 and the Social Security and Veterans' Entitlements Legislation Amendment (One-Off Payments and Other Budget Measures) Bill 2008.

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to require unit prices of grocery products sold by measure, weight or volume to be displayed, and for related purposes. ***Unit Pricing (Easy comparison of grocery prices) Bill 2008***. (*general business notice of motion no. 88*)

Senator Milne: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Renewable Energy (Electricity) Act 2000* to support the greater commercialisation of renewable energy technologies, and for related purposes. ***Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008***. (*general business notice of motion no. 89*)

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Social Security and Veterans' Entitlements Legislation Amendment (One-Off Payments and Other Budget Measures) Bill 2008, allowing it to be considered during this period of sittings.

Document: Senator McLucas tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Social Security and Veterans' Entitlements Legislation Amendment (One-Off Payments and Other Budget Measures) Bill 2008 in the 2008 Budget sittings.

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

- (a) expresses its deep sorrow and condolences at the massive destruction and loss of life and trauma suffered by people affected by the earthquake in southwest China; and
- (b) hopes the rescue services have maximum success and that suffering is minimised by the rapid assistance from the Chinese people and the international community. (*general business notice of motion no. 90*)

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

- (a) notes that:
 - (i) the closure of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) wool scour at Belmont in Victoria will impact on thousands of Australian individuals, small businesses and a number of large Australian companies,
 - (ii) the CSIRO scouring plant is vital infrastructure to businesses, researchers and enterprises associated with the Australian speciality fibre industries (ultra and superfine wools, coloured wool, cashmere, mohair, alpaca and commercial processors) and small lot wool processors, and
 - (iii) it is the only scour in Australia commercially scouring small lots and coloured fibre and its closure will threaten the viability of industry members and force others offshore for processing; and
- (b) calls on the Government to ensure that the CSIRO scouring plant is not decommissioned and, if privatised, is required to prioritise research and development and provide ongoing long-term access to scouring services in Victoria for the speciality fibre industries and small lot wool processors. (*general business notice of motion no. 91*)

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

- (a) recognises the massive destruction of cyclone Nargis in Burma; and
- (b) calls on the Burmese authorities to urgently remove all impediments to international aid and assistance for all those who are suffering. (*general business notice of motion no. 92*)

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

- (a) notes that:
 - (i) the *Commonwealth Radioactive Waste Management Act 2005* and the *Commonwealth Radioactive Waste Management Legislation Amendment Act 2006* facilitated the Howard Government's plan to develop a Commonwealth radioactive waste dump in the Northern Territory, and

- (ii) prior to the federal election, the Australian Labor Party committed to repealing this legislation, if elected; and
- (b) calls on the Government to:
 - (i) announce the schedule for the repeal of this legislation and notify all affected communities and stakeholder organisations, and
 - (ii) repeal all sites proposed or nominated under the legislation for the Commonwealth radioactive waste facility, including Muckaty, which was nominated by the Northern Land Council. (*general business notice of motion no. 93*)

9 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2008

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2008

1. The committee met in private session on Tuesday, 13 May 2008 at 4.15 pm.
2. The committee resolved to recommend—That the *provisions* of the Reserve Bank Amendment (Enhanced Independence) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 31 May 2008.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - A New Tax System (Family Assistance) (Improved Access to Baby Bonus) Amendment Bill 2008
 - Australian Energy Market Amendment (Minor Amendments) Bill 2008
 - Civil Aviation Legislation Amendment (1999 Montreal Convention and Other Measures) Bill 2008
 - Customs Amendment (Strengthening Border Controls) Bill 2008
 - Customs Legislation Amendment (Modernising) Bill 2008
 - Export Market Development Grants Amendment Bill 2008
 - Fisheries Legislation Amendment (New Governance Arrangements for the Australian Fisheries Management Authority and Other Matters) Bill 2008
 - Freedom of Information Amendment (Open Government) Bill 2003 [2008]
 - Health Insurance Amendment (90 Day Pay Doctor Cheque Scheme) Bill 2008
 - Military Memorials of National Significance Bill 2008
 - National Commissioner for Children Bill 2008
 - Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Bill 2008
 - Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) (Consequential Amendments) Bill 2008
 - Quarantine Amendment (National Health Security) Bill 2008
 - Statute Law Revision Bill 2008
 - Sydney Airport Demand Management Amendment Bill 2008
 - Tax Laws Amendment (2008 Measures No. 1) Bill 2008
 - Tax Laws Amendment (2008 Measures No. 2) Bill 2008
 - Veterans' Affairs Legislation Amendment (International Agreements and Other Measures) Bill 2008.

The committee recommends accordingly.

4. The committee deferred consideration of the Trade Practices (Creeping Acquisitions) Amendment Bill 2007 [2008] to its next meeting.

Kerry O'Brien
Chair
14 May 2008.

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

Question put and passed.

10 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 69 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to music education, postponed till 17 June 2008.

General business notice of motion no. 70 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to a pilot medical scheme to prescribe heroin, postponed till 15 May 2008.

General business notice of motion no. 72 standing in the names of the Leader of the Australian Democrats (Senator Allison) and Senator Murray for today, relating to disclosure of information by charities, postponed till 15 May 2008.

General business notice of motion no. 73 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to smoking in films, postponed till 15 May 2008.

11 COMMONWEALTH ELECTORAL (ABOVE-THE-LINE VOTING) AMENDMENT BILL 2008

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 41—That the following bill be introduced:

A Bill for an Act to amend the *Commonwealth Electoral Act 1918* to repeal provisions relating to group voting tickets and provide for preferential above-the-line voting, and for related purposes.

Question put and passed.

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

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

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

12 PLASTIC BAG LEVY (ASSESSMENT AND COLLECTION) BILL 2002—RESTORATION TO NOTICE PAPER

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 66—

- (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.

Question put and passed.

13 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Parliamentary Joint Committee on the Australian Crime Commission (Senator Hutchins), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 77—That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 June 2008, from 3.30 pm to 7 pm, to take evidence for the committee's inquiry into the *Australian Crime Commission Amendment Act 2007*.

Question put and passed.

14 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 78—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Committee on Australia's involvement in peacekeeping operations be extended to 26 June 2008.

Question put and passed.

15 COMMUNITY AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Chair of the Community Affairs Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 81—That the Community Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 15 May 2008, from 3.30 pm to 7.15 pm, to take evidence for the committee's inquiry into the Alcohol Toll Reduction Bill 2007 [2008].

Question put and passed.

16 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REFERENCE

The Leader of the Australian Democrats (Senator Allison), at the request of Senator Murray and 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 matters be referred to the Finance and Public Administration Committee for inquiry and report by the first sitting Thursday of August 2008:

- (a) the lobbying code of conduct issued by the Government;

- (b) whether the proposed code is adequate to achieve its aims and, in particular, whether:
 - (i) a consolidated code applying to members of both Houses of the Parliament and their staff, as well as to ministers and their staff, should be adopted by joint resolution of the two Houses,
 - (ii) the code should be confined to organisations representing clients, or should be extended to organisations which lobby on their own behalf, and
 - (iii) the proposed exemptions are justified; and
- (c) any other relevant matters.

Question put and passed.

17 FOREIGN AFFAIRS—VIETNAM—DEATH PENALTY

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 67—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.

Question put and passed.

18 FOREIGN AFFAIRS—GLOBAL FUND TO FIGHT AIDS, TB AND MALARIA

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. 71—That the Senate—

- (a) notes the Government's pre-election promise of a \$75 million 'Debt2Health' swap with Indonesia which would allow Indonesia to benefit from additional funding from the Global Fund to Fight AIDS, TB and Malaria; and
- (b) urges the Government to significantly increase overseas aid funds for the treatment and prevention of tuberculosis.

Question put and passed.

19 FAMILY AND COMMUNITY SERVICES—NATIONAL VOLUNTEER WEEK

Senator Siewert amended general business notice of motion no. 74 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that the week beginning 12 May 2008 is National Volunteer Week, which celebrates the contribution of Australia's 5.4 million volunteers who annually contribute an estimated 700 million hours of unpaid work;
- (b) acknowledges the role of volunteers in supporting the Australian economy and enriching Australian society in their work as carers, counsellors, educators, sporting coaches, school canteen workers, and through their participation in a wide range of community organisations; and
- (c) calls on Australian governments to:
 - (i) ensure that volunteers are properly protected in their workplaces, and
 - (ii) support volunteers by addressing the barriers to their participation in voluntary activities.

Question put and passed.

20 DEATH OF MR JACK GIBSON, OAM

Senator Hutchins, also on behalf of Senator Forshaw, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 75—That the Senate—

- (a) notes with great sadness the passing of ‘supercoach’ Mr Jack Gibson, OAM, one of Australia’s greatest rugby league coaches, on 9 May 2008;
- (b) recognises and applauds the tremendous contribution that he made to Australian sport and his achievements as a rugby league player, coach and commentator;
- (c) notes his success in winning five premierships as a first grade coach – back-to-back victories with Eastern Suburbs in 1974 and 1975 and three in a row with Parramatta between 1981 and 1983;
- (d) notes his significant and commendable work with charitable organisations; and
- (e) expresses its deep and sincere condolences to his family and the rugby league community.

Question put and passed.

21 HISTORICAL EVENTS—SOUTH VIETNAM—BATTLES OF FIRE SUPPORT BASES CORAL AND BALMORAL

Senator Parry, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 76—That the Senate—

- (a) notes that 12 May to 6 June 2008 is the 40th anniversary of the battles of Fire Support Bases Coral and Balmoral in South Vietnam in 1968;
- (b) notes the 1st Australian Task Force played a key role in the success of Operation Toan Thang but the battles resulted in heavy casualties including the death of 26 Australian soldiers and 99 wounded; and
- (c) remembers and acknowledges the valuable contribution of Australian service personnel during these battles.

Question put and passed.

22 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REFERENCE

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 80—That the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008 be referred to the Joint Standing Committee on Electoral Matters as a particular part of its inquiry into all aspects of the 2007 Federal Election.

Senator Parry, by leave, moved the following amendment:

At the end of the motion, add “for inquiry and report not before June 2009”.

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

Main question, as amended, put and passed.

23 EDUCATION—SCHOOLS FUNDING

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. 55—That the Senate—

- (a) notes the comments by the Minister for Education (Ms Gillard) that she is considering extending the Federal Government's method of funding private schools on a socioeconomic basis to the public school system;
- (b) recognises the limitations of this model, as evidenced by the fact that 51 per cent of non-government schools receive more money than they are entitled to on the basis of their socioeconomic status (SES) score and that many issues affect the resourcing needs of schools, aside from socioeconomic status; and
- (c) urges the Government to commit to ensuring that any changes to funding models for public schools:
 - (i) guarantee that no school will lose money, as was promised when the SES model was introduced for private schools funding,
 - (ii) take into account the proportion of students who have special learning needs as a result of:
 - (A) intellectual or physical disabilities,
 - (B) learning difficulties or disabilities,
 - (C) a language background other than English,
 - (D) Aboriginal or Torres Strait Islander background,
 - (E) geographic isolation, and
 - (F) disruptive behaviour, and
 - (iii) raise the level of per capita funding for primary schools to that of secondary schools in recognition of the importance of early learning.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

24 ENVIRONMENT—MINISTERIAL CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 64—That the Senate—

- (a) notes that:
 - (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.

Question put.

The Senate divided—

AYES, 9

Senators—

| | | | |
|------------|----------|--------|------------------|
| Allison | Fielding | Murray | Siewert (Teller) |
| Bartlett | Milne | Nettle | Stott Despoja |
| Brown, Bob | | | |

NOES, 51

Senators—

| | | | |
|--------------|-------------------|----------|----------------|
| Adams | Collins | Hurley | O'Brien |
| Barnett | Cormann | Hutchins | Parry (Teller) |
| Bernardi | Crossin | Johnston | Payne |
| Birmingham | Eggleston | Kemp | Polley |
| Bishop | Ellison | Kirk | Ronaldson |
| Boswell | Ferguson | Ludwig | Sherry |
| Brandis | Fierravanti-Wells | Lundy | Stephens |
| Brown, Carol | Fifield | Marshall | Sterle |
| Bushby | Fisher | Mason | Troeth |
| Campbell | Forshaw | McEwen | Trood |
| Carr | Heffernan | McGauran | Watson |
| Chapman | Hogg | McLucas | Webber |
| Colbeck | Humphries | Moore | |

Question negatived.

Statement by leave: The Minister for Innovation, Industry, Science and Research (Senator Carr), by leave, made a statement relating to the motion.

25 DEFENCE—PARLIAMENTARY APPROVAL OF WAR

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 65—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.

Question put.

The Senate divided—

AYES, 9

Senators—

| | | | |
|------------|----------|--------|------------------|
| Allison | Fielding | Murray | Siewert (Teller) |
| Bartlett | Milne | Nettle | Stott Despoja |
| Brown, Bob | | | |

NOES, 53

Senators—

| | | | |
|--------------|-------------------|------------------|-----------|
| Adams | Cormann | Hutchins | Parry |
| Barnett | Crossin | Johnston | Payne |
| Bernardi | Eggleston | Joyce | Polley |
| Birmingham | Ellison | Kemp | Ronaldson |
| Bishop | Faulkner | Kirk | Sherry |
| Boswell | Ferguson | Ludwig | Stephens |
| Brandis | Fierravanti-Wells | Lundy | Sterle |
| Brown, Carol | Fifield | Marshall | Troeth |
| Bushby | Fisher | Mason | Trood |
| Campbell | Forshaw | McEwen | Watson |
| Carr | Heffernan | McGauran | Webber |
| Chapman | Hogg | McLucas | |
| Colbeck | Humphries | Moore | |
| Collins | Hurley | O'Brien (Teller) | |

Question negatived.

Statements by leave: The Special Minister of State (Senator Faulkner) and Senators Ellison, Bob Brown and Bartlett, by leave, made statements relating to the motion.

26 SCRUTINY OF BILLS—STANDING COMMITTEE—3RD REPORT AND ALERT DIGEST NO. 3 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—

3rd report of 2008, dated 14 May 2008.

Alert Digest No. 3 of 2008, dated 14 May 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.

**27 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—STATEMENT—
DRAFT ESTIMATES OF THE AUSTRALIAN NATIONAL AUDIT OFFICE**

Senator Hogg, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following document:

Public Accounts and Audit—Joint Statutory Committee—Statement on the draft budget estimates for the Australian National Audit Office for 2008-09, dated 14 May 2008.

28 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—46TH REPORT

The Acting Deputy President (Senator Chapman) tabled the following report:

Appropriations and Staffing—Standing Committee—46th report—Estimates for the Department of the Senate 2008-09, dated May 2008.

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

29 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Research Council Act—Approval of Proposals—Determinations Nos—
54—Linkage Learned Academies Special Projects funding commencing in 2008.

55—Linkage International Social Sciences Collaboration commencing in 2008.

56—Federation Fellowships commencing in 2008.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

214/08—Instructions – use of RNAV (GNSS) approaches by RNP-capable aircraft [F2008L01063]*.

EX22/08—Exemption – from take-off minima inside and outside Australian territory [F2008L01065]*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/A320/163 Amdt 1—Wing Trailing Edge Cable Routes [F2008L01371]*.

AD/BEECH 200/75—Tail Deicing Pneumatic Supply Tubes [F2008L01388]*.

AD/BEECH 300/22—Tail Deicing Pneumatic Supply Tubes [F2008L01389]*.

AD/BELL 205/74—Tail Rotor Blades – 2 [F2008L01397]*.

AD/BELL 212/69—Tail Rotor Blades – 2 [F2008L01398]*.

AD/BELL 412/55—Tail Rotor Blades – 2 [F2008L01399]*.

AD/DO 328/71—Wing Lower Inner Panel [F2008L01396]*.

106—AD/SMA/4—Air Inlet Manifold Hose Clamps [F2008L01368]*.

107—AD/TURBO/2—Kelly Aerospace Turbocharges [F2008L01387]*.

Customs Act—Tariff Concession Orders—

0721804 [F2008L01299]*.

0721974 [F2008L01302]*.

0800533 [F2008L01305]*.

0800534 [F2008L01306]*.

0800551 [F2008L01307]*.

Datacasting Charge (Imposition) Act—Datacasting Charge (Amount) Amendment Determination 2008 (No. 1) [F2008L01370]*.

Disability Services Act—

Disability Services (Eligibility — Targeted Support Services) Standards (FaHCSIA) 2008 [F2008L01372]*.

Disability Services (Eligible Services) Approval (FaHCSIA) 2008 [F2008L01381]*.

Financial Management and Accountability Act—

Financial Management and Accountability Determinations—

2008/05 – Services for Other Entities and Trust Moneys – Department of Resources, Energy and Tourism Special Account Establishment 2008 [F2008L01374]*.

2008/06 – Services for Other Entities and Trust Moneys – Bureau of Meteorology Special Account Establishment 2008 [F2008L01375]*.

2008/07 – Other Trust Moneys – Bureau of Meteorology Special Account Variation and Abolition 2008 [F2008L01378]*.

Net Appropriation Agreement for Cancer Australia [F2008L01318]*.

Higher Education Support Act— Higher Education Provider Approval—

(No. 4 of 2008)—Whitehouse Institute Pty Ltd [F2008L01334]*.

(No. 5 of 2008)—Leo Cussen Institute [F2008L01333]*.

National Health Act—Instruments Nos PB—

50 of 2008—Amendment declaration and determination – drugs and medicinal preparations [F2008L01382]*.

51 of 2008—Amendment determination – pharmaceutical benefits [F2008L01383]*.

52 of 2008—Amendment determination – responsible persons [F2008L01384]*.

53 of 2008—Amendment – price determinations and special patient contributions [F2008L01385]*.

54 of 2008—Amendment determination – conditions [F2008L01386]*.

55 of 2008—Amendment Special Arrangements – Highly Specialised Drugs Program [F2008L01390]*.

56 of 2008—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2008L01391]*.

58 of 2008—Determination – drugs on F1 [F2008L01392]*.

Remuneration Tribunal Act—Determination 2008/04: Remuneration and Allowances for Holders of Public Office [F2008L01340]*.

* Explanatory statement tabled with legislative instrument.

30 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Chapman) informed the Senate that the President had received a letter requesting changes in the membership of committees.

The Minister for Innovation, Industry, Science and Research (Senator Carr), by leave, moved—That senators be discharged from and appointed to committees as follows:

Appropriations and Staffing—Standing Committee—

Appointed—Senator Sherry

Community Affairs—Standing Committee—

Appointed—Participating member: Senator Collins

Economics—Standing Committee—

Appointed—Participating member: Senator Collins

Education, Employment and Workplace Relations—Standing Committee—

Appointed—Participating member: Senator Collins

Environment, Communications and the Arts—Standing Committee—

Appointed—Participating member: Senator Collins

Finance and Public Administration—Standing Committee—

Discharged—Senator Forshaw

Appointed—Senator Collins

Foreign Affairs, Defence and Trade—Standing Committee—

Appointed—Participating member: Senator Collins

Housing Affordability in Australia—Select Committee—

Appointed—Participating member: Senator Collins

Legal and Constitutional Affairs—Standing Committee—

Appointed—Participating member: Senator Collins

Privileges—Standing Committee—

Appointed—Senator Collins

Procedure—Standing Committee—

Appointed—Senator Ludwig

Regional and Remote Indigenous Communities—Select Committee—

Appointed—Participating member: Senator Collins

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—Participating member: Senator Collins

Scrutiny of Bills—Standing Committee—

Appointed—Senator Collins

State Government Financial Management—Select Committee—

Appointed—Participating member: Senator Collins.

Question put and passed.

31 CROSS-BORDER INSOLVENCY BILL 2008

FINANCIAL SECTOR LEGISLATION AMENDMENT (REVIEW OF PRUDENTIAL DECISIONS) BILL 2008

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 44, dated 13 May 2008—Cross-Border Insolvency Bill 2008.

Message no. 45, dated 13 May 2008—Financial Sector Legislation Amendment (Review of Prudential Decisions) Bill 2008.

**32 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT
(ASSESSMENTS AND ADVERTISING) BILL 2008
LANDS ACQUISITION LEGISLATION AMENDMENT BILL 2008
OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008**

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

Message no. 43, dated 13 May 2008—A Bill for an Act to amend the *Classification (Publications, Films and Computer Games) Act 1995*, and for related purposes.

Message no. 42, dated 13 May 2008—A Bill for an Act to amend legislation relating to lands acquisition, and for related purposes.

Message no. 41, dated 13 May 2008—A Bill for an Act to amend the *Offshore Petroleum Act 2006*, and for other purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

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

Question put and passed.

33 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

20 March 2008—Message—

No. 2—

Indigenous Education (Targeted Assistance) Amendment (2008 Measures No. 1) Act 2008 (Act No. 4, 2008)

Social Security and Veterans' Affairs Legislation Amendment (Enhanced Allowances) Act 2008 (Act No. 5, 2008).

No. 3—

Defence Legislation Amendment Act 2008 (Act No. 6, 2008)

Trade Practices Amendment (Access Declarations) Act 2008 (Act No. 7, 2008).

No. 4—*Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* (Act No. 8, 2008).

No. 5—

Therapeutic Goods Amendment (Poisons Standard) Act 2008 (Act No. 9, 2008)

Skills Australia Act 2008 (Act No. 10, 2008)

Higher Education Support Amendment (VET FEE-HELP Assistance) Act 2008 (Act No. 11, 2008).

No. 6—

Screen Australia Act 2008 (Act No. 12, 2008)

Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Act 2008 (Act No. 13, 2008)
National Film and Sound Archive Act 2008 (Act No. 14, 2008).

8 April 2008—Message—

No. 7—

Appropriation Act (No. 3) 2007-2008 (Act No. 15, 2008)

Appropriation Act (No. 4) 2007-2008 (Act No. 16, 2008).

No. 8—

Infrastructure Australia Act 2008 (Act No. 17, 2008)

Tradex Scheme Amendment Act 2008 (Act No. 18, 2008).

34 COMMONWEALTH GRANT SCHEME GUIDELINES—DISALLOWANCE

Senator Mason, pursuant to notice, moved business of the Senate notice of motion no. 1—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.

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

| | | | |
|------------|-------------------|------------------|-----------|
| Abetz | Chapman | Humphries | Patterson |
| Adams | Colbeck | Johnston | Payne |
| Barnett | Coonan | Joyce | Ronaldson |
| Bernardi | Cormann | Kemp | Scullion |
| Birmingham | Eggleston | Lightfoot | Troeth |
| Boswell | Ellison | Macdonald, Sandy | Trood |
| Boyce | Fierravanti-Wells | Mason | Watson |
| Brandis | Fifield | McGauran | |
| Bushby | Fisher | Parry (Teller) | |

NOES, 33

Senators—

| | | | |
|--------------|----------|------------------|---------------|
| Allison | Crossin | McEwen | Siewert |
| Bartlett | Fielding | McLucas | Stephens |
| Bishop | Forshaw | Milne | Sterle |
| Brown, Bob | Hogg | Moore | Stott Despoja |
| Brown, Carol | Hurley | Murray | Webber |
| Campbell | Hutchins | Nettle | Wong |
| Carr | Kirk | O'Brien (Teller) | |
| Collins | Ludwig | Polley | |
| Conroy | Lundy | Sherry | |

Question agreed to.

35 ROAD USER CHARGE DETERMINATION—DISALLOWANCE

The Leader of The Nationals in the Senate (Senator Scullion), pursuant to notice, moved business of the Senate notice of motion no. 2—That the Road User Charge Determination 2008 (No. 1), made under the *Fuel Tax Act 2006*, be disallowed.

Debate ensued.

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

36 **TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK) BILL 2008**

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

In the committee

Consideration resumed of the bill, as amended—and of the amendments moved by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) (see entry no. 4).

Debate resumed.

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

On the motion of Senator Conroy the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 11, page 7 (after line 30), after the definition of *entrusted public official* in section 531B, insert:

matter preparatory to the publication of a designated request for proposal notice includes a matter preparatory to the publication of a variation of a designated request for a proposal notice.

Schedule 1, item 11, page 10 (after line 4), at the end of section 531D, add:

- (3) For the purposes of subsection (1), it is immaterial whether the notice was published before or after the commencement of this section.

On the motion of Senator Ronaldson the following amendment was agreed to:

Schedule 1, item 11, page 11 (after line 4), at the end of Division 2, add:

531FA Voluntary disclosure of information

When section applies in relation to a carrier

- (1) This section applies in relation to a carrier (a *volunteering carrier*) if, whether before or after the commencement of this Part, the volunteering carrier has entered into an arrangement with the Commonwealth (a *voluntary disclosure arrangement*), whether by way of contract, confidentiality deed or other documentary form, which provides for volunteering carriers' information (*volunteered information*) to be disclosed to:
- (a) companies making or considering the making of submissions in response to an invitation set out in a designated request for proposal notice; and/or
 - (b) the Commonwealth in connection with a designated request for proposal notice.

Effect of voluntary disclosure

- (2) If a person has obtained volunteered information pursuant to a voluntary disclosure arrangement, the person must not disclose that information to any other person where that disclosure would be or would result in a breach by any person of the voluntary disclosure arrangement.

- (3) To avoid doubt, a reference to a voluntary disclosure arrangement includes a reference to undertakings given by way of contract, confidentiality deed or other documentary form to the volunteering carrier by a person receiving information pursuant to the arrangement.

Offences and civil penalties

- (4) Subsection (2) is a ***civil penalty provision*** in its application to a person other than a person who has obtained the volunteered information in the person's capacity as an entrusted public official.
- (5) For the purposes of subsection (4), if conduct is engaged in by an employee, agent or officer of a corporation or partnership acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, the conduct must also be attributed to the corporation or partnership.
- (6) If a person has obtained volunteered information in the person's capacity as an entrusted public official pursuant to the voluntary disclosure arrangement, section 70 of the *Crimes Act 1914* has effect in relation to the information as if the person were a Commonwealth officer.

On the motion of Senator Ronaldson the following amendments, taken together by leave, were agreed to:

Schedule 1, item 11, page 11 (after line 9), after subsection 531G(1), insert:

- (1A) If a person has obtained protected carrier information in the person's capacity as an entrusted public official, the person must not use the disclosed information for any other purpose whatsoever except for the preparation of proposals for the National Broadband Network.

Schedule 1, item 11, page 16 (after line 4), after subsection 531K(1), insert:

- (1A) If a person has obtained protected carrier information in the person's capacity as an entrusted company officer of a company, the person must not use the disclosed information for any other purpose whatsoever except for the preparation of proposals for the National Broadband Network.

Schedule 1, item 11, page 17 (lines 4 to 11), omit "subsection (1)" (wherever occurring), substitute "subsections (1) and (1A)".

Schedule 1, item 11, page 17 (after line 23), after paragraph 531L(1)(c), insert:

- (ca) the Court is satisfied that the conduct of an entrusted company officer can be attributed as a liability to the company after considering the following factors:
- (i) the actual or apparent scope of the entrusted company officer's employment; or
 - (ii) the actual or apparent authority of the entrusted company officer's employment; and

Schedule 1, item 11, page 17 (lines 29 and 30), omit subsection 531L(2), substitute:

- (2) Subsection (1) applies to:
- (a) an entrusted public official in the same way as it does to an entrusted company officer; and
 - (b) an agency of the Commonwealth as it does to a company.

- (3) An application under subsection (1) may be made at any time within 6 years after the contravention occurred.

On the motion of Senator Ronaldson the following amendment was agreed to:

Schedule 1, item 11, page 18 (lines 25 to 27), omit subsection 531P(1), substitute:

- (1) The Minister must, by legislative instrument, make rules relating to the storage, handling or destruction of protected carrier information before the Commonwealth receives any protected carrier information.

On the motion of Senator Conroy the following amendment was agreed to:

Schedule 1, item 11, page 17 (after line 30), at the end of section 531L, add:

- (3) If:
- (a) protected carrier information was given to an authorised information officer by a carrier; and
 - (b) the Federal Court is satisfied that an entrusted company officer of a company has contravened subsection 531K(1) or (3) in relation to the information; and
 - (c) the Court is satisfied that the carrier has suffered loss or damage as a result of the contravention; and
 - (d) the Court is satisfied that:
 - (i) the entrusted company officer was an employee or agent of the company; and
 - (ii) the entrusted company officer's conduct was within the entrusted company officer's actual or apparent authority as an employee or agent of the company;

the Court may, on the application of the carrier, make an order that the Court considers appropriate directing the company to compensate the carrier.

- (4) An application under subsection (3) may be made at any time within 6 years after the contravention occurred.
- (5) Compensation is not payable to a company under both:
- (a) subsection (1); and
 - (b) subsection (3);
- in respect of the same contravention of subsection 531K(1) or (3).

Senator Ronaldson moved the following amendment:

Schedule 1, item 11, page 19 (line 17), at the end of Part 27A, add:

Division 4—Ministerial advisory process

531R Purpose of Division

The purpose of this Division is to provide for processes to:

- (a) ensure rigorous, independent and transparent advice is provided to the Minister in relation to the National Broadband Network; and
- (b) ensure proper expert advice is included in the process mentioned in paragraph (a); and
- (c) guarantee public information about the National Broadband Network.

531S Expert Panel

- (1) An Expert Panel to examine, consult and provide advice to the Minister in relation to proposals and tenders for the National Broadband Network is established by this section.
- (2) The Expert Panel will provide rigorous, independent and transparent advice to the Minister to ensure that any decision, action or any transaction that may be undertaken as part of or related to the National Broadband Network Program is determined objectively and reflects a sound, principled, robust and durable involvement of the Commonwealth.
- (3) The Minister must seek the advice of the Expert Panel on the evaluation of proposals for the National Broadband Network in relation to all the matters in subsection (4).
- (4) The Expert Panel is to examine, publicly consult and provide advice to the Minister, with that advice to be publicly released within 7 days of being provided to the Minister, in relation to:
 - (a) options in relation to the nature, scope, cost and the potential benefits of credible forms of government intervention required to achieve the Government's stated public policy objectives;
 - (b) the identification of existing assets and opportunities for improved performance and efficiencies, determination of priorities for action according to need and future forecasts, the planning of future public and private investments and the mechanisms to drive investment to where it is needed, and the establishment of a sound and complementary best practice public policy framework;
 - (c) the formulation and administration of the public policy framework within which the National Broadband Network proposal is to operate;
 - (d) the role, impact and any proposed variation to the telecommunications industry regulatory framework relevant to National Broadband Network proposals;
 - (e) requirements and actions that contribute to optimising the competitive tensions of the National Broadband Network tender process and which facilitate accurately designed and costed proposals;
 - (f) the adherence of the tender process to the better practice guidance and advice of the Auditor-General and the principles of fairness, transparency, probity and value for money;
 - (g) the implications of proposed actions, decisions and public funding on consumer choice, costs and protection, competition, private investment, inflation and national productivity;
 - (h) the role of government and its relationship with the private sector and existing private investment in the telecommunications sector;
 - (i) the nature of any compensation or other remedies required to address any detriment, economic loss or disadvantage to consumers, property holders, businesses and related interests;

- (j) the future role, operation and responsibility for any network infrastructure likely to be rendered redundant, underutilised or excess to requirement as a result of National Broadband Network decisions and actions;
- (k) the interaction with and revision of community service obligations and subsidies for services to disadvantaged areas and consumers;
- (l) any dispute arising from the operation of this Act including but not limited to:
 - (i) the formulation, content and administration of instruments created under this Act;
 - (ii) the type, scope and presentation of information required to facilitate a competitive bid process;
 - (iii) the handling, availability and use of protected information;
 - (iv) the situation where a carrier believes it has wholly or substantially voluntarily satisfied a requirement to produce protected carrier information demanded in an instrument;
 - (iv) the nature, conclusions and public release of the advice provided to the Minister by the Expert Panel.

- (5) The Expert Panel is to be provided with such assistance as it requires from Commonwealth Government agencies and departments.

Note: Better practice in guidance paragraph (4)(f) refers to the August 2007 report of the Auditor-General entitled "Fairness and Transparency in Purchasing Decisions (Probity in Australian Government Procurement) and Commonwealth Procurement Guidelines".

531T Appointment of the Expert Panel

- (1) Members (including the Chair) of the Expert Panel are to be appointed by the Minister by written instrument.
- (2) In making appointments under subsection (1), the Minister must ensure that:
 - (a) he or she is satisfied that each member has knowledge of, or experience in, a field relevant to the objectives of the National Broadband Network;
 - (b) the Expert Panel is capable of objectively and competently evaluating and recommending a sound, principled, robust and durable involvement of the Commonwealth in the National Broadband Network;
 - (c) the analysis by the Expert Panel of possible options for Commonwealth involvement is rigorous, independent and transparent;
 - (d) the Expert Panel comprises members with expertise including but not limited to:
 - (i) public policy formulation and evaluation;
 - (ii) technical expertise including network architecture, interconnection and emerging technology;
 - (iii) regulatory framework, open access, competition and pricing practice;

- (iv) private sector telecommunications wholesale and retail business experience;
- (v) contemporary broadband investment, law and finance;
- (vi) network design, technical option and functionality of the 'last mile' link to premises;
- (e) specified appointees include:
 - (i) the Australian Competition and Consumer Commission chairperson or delegate;
 - (ii) the Productivity Commission chairperson or delegate;
 - (iii) the Infrastructure Australia chairperson, nominee or senior executive;
 - (iv) a consumer interest advocate selected from nominations provided by the Australian Telecommunications Users Group;
 - (v) the Secretary of the Department of Treasury;
 - (vi) the Secretary of the responsible Minister's department;
 - (vii) any other expertise the Minister considers necessary to ensure value for taxpayer money;
- (f) the Expert Panel will comprise a majority of appointees with private sector expertise;
- (g) the Expert Panel is provided with such assistance as it requires from Commonwealth Government agencies and departments.

531U Interdepartmental and multi-agency committee

- (1) The Minister may establish an interdepartmental and multi-agency committee to examine, consult and provide advice to the Minister.
- (2) The interdepartmental and multi-agency committee membership is to comprise, but is not limited to, senior representatives from:
 - (a) the Australian Competition and Consumer Commission;
 - (b) the Productivity Commission;
 - (c) Infrastructure Australia;
 - (d) the Department of Treasury;
 - (e) the responsible Minister's department;
 - (f) external relevant and competent expertise consistent with that listed in paragraph 531T(2)(d).
- (3) The interdepartmental and multi-agency committee must provide advice to the Minister on any matter referred to it by the Minister consistent with the matters referred to in subsection 531S(4).

531V Disclosure

- (1) The Expert Panel must prepare and maintain minutes of its meetings and publish a form of its minutes that ensure public disclosure of its deliberations and conclusions, recognising the public interest and investment involved while respecting commercial-in-confidence considerations and national security considerations.
- (2) The Department of Broadband, Communications and the Digital Economy will work with the Attorney-General's Department and other national security agencies to deal with any national security risk or consideration in determining what material is released as part of the public disclosure of the Expert Panel's deliberations, analysis and conclusions.

531W Dispute resolution

- (1) A protected network information provider or recipient may challenge the scope, content, adequacy, presentation, compliance with, safeguards and protections encompassed in the prescribed form.
- (2) Disputes are to be notified in writing to the Minister.
- (3) The Minister must cause the dispute notification to be published and referred to the Expert Panel for advice.
- (4) The Expert Panel's advice in relation to the dispute, the Minister's assessment of the merit of the dispute and the Minister's final determination of the matter must be published within 3 working days of a determination being made.

531X Minister's directions

- (1) The Minister may give written directions to the Expert Panel about its role, functions and performance as set out in section 531S.
- (2) The Minister must have regard to the current telecommunications legislative and regulatory environments and the role, function and determinations of the Australian Competition and Consumer Commission in giving directions under subsection (1).
- (3) Directions given by the Minister under subsection (1) must be of a general nature only.
- (4) The Minister must cause any direction he or she gives under subsection (1) to be published and notified to prospective bidders within 3 working days of the direction being given.
- (5) The Minister must not give directions about the content of any advice that may be given by the Expert Panel.
- (6) The Expert Panel must comply with any direction given by the Minister under subsection (1).
- (7) A direction given by the Minister under subsection (1) is a legislative instrument.

Debate ensued.

The Leader of the Australian Democrats (Senator Allison) moved the following amendment to Senator Ronaldson's proposed amendment:

Omit subparagraph 531T(2)(e)(iv), substitute:

- (iv) business and domestic consumer interest advocates;

Debate ensued.

Question—That Senator Allison's amendment to Senator Ronaldson's proposed amendment be agreed to—put and passed.

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

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Conroy the report from the committee was adopted and the bill read a third time.

Leave was granted for the consideration of government documents to be called on before 6.50 pm.

37 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Migration Act 1958—Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 November 2007 to 29 February 2008. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2007 to 29 February 2008. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Government response to reports by the Commonwealth Ombudsman—Personal identifiers 366/08 to 412/08, 13 May 2008. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Act 1958—Section 486O—Assessment of appropriateness of detention arrangements—Reports by the Commonwealth Ombudsman—Personal identifiers 366/08 to 412/08. Motion to take note of document moved by Senator Bartlett and agreed to.

General business orders of the day nos 13 to 35 relating to government documents were called on but no motion was moved.

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.30 pm till Thursday, 15 May 2008 at 9.30 am.

39 ATTENDANCE

Present, all senators except Senators Nash and Wortley.

HARRY EVANS
Clerk of the Senate