

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 13

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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 PETITIONS**

The following 4 petitions, lodged with the Clerk by Senator Bartlett, were received:

From 1 207 petitioners, requesting that the Senate take action to establish an inquiry into all aspects of live animal exports from Australia, with particular reference to animal welfare.

Three petitions similar in wording, from 6 875, 24 507 and 9 636 petitioners, requesting that the Senate take action to end the export of live animals from Australia to the Middle East.

**3 NOTICES**

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That—

- (1) There be laid on the table, by each minister in the Senate, in respect of each department or agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 7 days before the commencement of the budget estimates, supplementary budget estimates and additional estimates hearings:
  - (a) a list of all appointments made by the Government (through Executive Council, Cabinet and ministers) to statutory authorities, executive agencies, advisory boards, government business enterprises and all other Commonwealth bodies including the term of the appointment and remuneration for the position; and
  - (b) a list of existing vacancies to be filled by government appointment to statutory authorities, executive agencies, advisory boards, government business enterprises and all other Commonwealth bodies.
- (2) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.
- (3) This order is of continuing effect. (*general business notice of motion no. 94*)

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That—

- (1) There be laid on the table, by each minister in the Senate, in respect of each department or agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 7 days before the commencement of the budget estimates, supplementary budget estimates and additional estimates hearings:
 

A list of all grants approved in each portfolio or agency, including the value of the grant, recipient of the grant and the program from which the grant was made.
- (2) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.
- (3) This order is of continuing effect. (*general business notice of motion no. 95*)

Senator Siewert: To move on the next day of sitting—

- (1) That the Senate:
  - (a) notes the report of the Community Affairs References Committee, *Beyond petrol sniffing: renewing hope for Indigenous communities*, dated June 2006, and the current expenditure on programs aimed at addressing petrol sniffing; and
  - (b) expresses concern at recent reports on the increase of petrol sniffing in central Australia.
- (2) That the following matters be referred to the Community Affairs Committee for inquiry and report by 16 October 2008:
  - (a) the ongoing effectiveness of the eight-point plan in combating petrol sniffing in central Australia;
  - (b) the extent of the rollout of Opal fuel;
  - (c) the delivery of youth services in affected areas;
  - (d) the effectiveness and adequacy of resources provided to address petrol sniffing and substance abuse in central Australia; and
  - (e) what more needs to be done to effectively address petrol sniffing.

The Leader of the Australian Greens (Senator Bob Brown): To move on 26 August 2008—That the following matters be referred to the Community Affairs Committee for inquiry and report by 26 November 2008:

- (a) exemptions for the Exclusive Brethren and its members from Australian laws or administrative decisions;
- (b) public funding, tax or other arrangements which do or may advantage the Exclusive Brethren over other community organisations;
- (c) the activities of the Exclusive Brethren or its members which threaten or harm families, in particular, the best interests of children;
- (d) the covert, as against overt, activities of the Exclusive Brethren or its members in the political process in Australia; and
- (e) any related matters.

#### 4 HOURS OF MEETING AND ROUTINE OF BUSINESS—STATEMENT BY LEAVE

The Minister for Human Services (Senator Ludwig), by leave, made a statement relating to the hours of meeting and routine of business for today.

*Statement by leave:* Senator Ellison, by leave, made a statement relating to the matter.

#### 5 ORDER OF BUSINESS—REARRANGEMENT

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

- No. 2 Commonwealth Authorities and Companies Amendment Bill 2008.
- No. 3 Statute Law Revision Bill 2008.
- No. 4 Offshore Petroleum Amendment (Miscellaneous Measures) Bill 2008.
- No. 5 Superannuation Legislation Amendment (Trustee Board and Other Measures) (Consequential Amendments) Bill 2008.

Question put and passed.

Senator Ludwig, by leave, moved—That a motion relating to the 2008-09 Budget be considered during general business today.

Question put and passed.

**6 POSTPONEMENT**

The following item of business was postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing a reference to the Environment, Communications and the Arts Committee, postponed till 16 June 2008.

**7 UNIT PRICING (EASY COMPARISON OF GROCERY PRICES) BILL 2008**

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 88—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.

Question put and passed.

Senator Fielding presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

**8 COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That—

(1) The Senate:

(a) notes:

- (i) the inclusion in 2006 of Part 3.18A – Private financial provision for certain people with disabilities – to the *Social Security Act 1991* to enable the establishment of special disability trusts, and
- (ii) that since the introduction of Part 3.18A and to 31 December 2007 only 22 trusts have been established; and

(b) recognises the potential benefits that special disability trusts can deliver for those living with a disability, but is concerned that there remain barriers to the establishment of special disability trusts that are limiting their wider beneficial application.

(2) The following matters relating to special disability trusts be referred to the Community Affairs Committee for inquiry and report by 18 September 2008:

- (a) why more families of dependents with disabilities are not making use of the current provisions to establish special disability trusts;
- (b) the effectiveness of Part 3.18A of the *Social Security Act 1991*;
- (c) barriers in the relevant legislation to the establishment of special disability trusts; and
- (d) possible amendments to the relevant legislation.

Question put and passed.

### 9 ECONOMICS—STANDING COMMITTEE—PROPOSED REFERENCE

The Leader of the Australian Democrats (Senator Allison), also on behalf of Senator Murray, amended general business notice of motion no. 72 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

- (1) That the Senate—
  - (a) notes the report by CHOICE on charities, published online in March 2008, that highlights the wide variability and inconsistency in the way that charities disclose information to the public; and
  - (b) acknowledges that the 27 recommendations from the inquiry into the definition of charities and related organisations, which reported in 2001, have not been implemented.
- (2) The following matters be referred to the Economics Committee for inquiry and report by the last sitting day in November 2008:
  - (a) to investigate the relevance and appropriateness of current disclosure regimes for charities and all other not-for-profit organisations;
  - (b) to identify models of regulation and legal forms that would improve governance and management of charities and not-for-profit organisations and cater for emerging social enterprises; and
  - (c) to identify other measures that can be taken by government and the not-for-profit sector to assist the sector to improve governance, standards, accountability and transparency in its use of public and government funds.

Question put.

The Senate divided—

#### AYES, 35

Senators—

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

#### NOES, 37

Senators—

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

Question negatived.

*Statement by leave:* Senator Allison, by leave, made a statement relating to the motion.

**10 FOREIGN AFFAIRS—TIBET**

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 86 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the continuing human rights concerns in Tibet and restrictions on entry to areas in Tibet by journalists, international observers, non-government 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 further 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 support to help bring about a positive outcome.

Question put and passed.

**11 FOREIGN AFFAIRS—PALESTINE**

Senator Nettle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 79—That the Senate—

- (a) acknowledges and sympathises with the Palestinian families whose homes were destroyed or seized, and family members killed or injured, 60 years ago at the inception of the State of Israel which the Palestinians call 'Al Nakba', the catastrophe;
- (b) remembers with shame the failure of the international community to prevent the bloody events that followed the unilateral declaration of independent statehood by the Israeli leaders and the many millions of victims who continue to suffer to this day;
- (c) acknowledges the unique relationship which exists between Australia and Palestine, a bond highlighted by our commitment to the rights and liberties of our citizens and encouragement of cultural diversity;
- (d) commends the Palestinian authority's commitment to democracy, the rule of law and pluralism;
- (e) reiterates Australia's commitment to:
  - (i) Palestine's right to exist and our ongoing support to the peaceful establishment of a two-state solution to the Israeli-Palestinian issue, and
  - (ii) the pursuit of peace and stability throughout the Middle East; and
- (f) on this, the 60th anniversary of Al Nakba, pledges our friendship, commitment and enduring support to the people of Palestine as we remember this dark chapter in history together.

Question put.

The Senate divided—

AYES, 5

Senators—

Allison	Milne	Nettle	Siewert (Teller)
Brown, Bob			

NOES, 48

Senators—

Adams	Collins	Johnston	Murray
Barnett	Cormann	Joyce	O'Brien
Bernardi	Crossin	Kirk	Parry (Teller)
Bishop	Eggleston	Ludwig	Patterson
Boswell	Ellison	Lundy	Payne
Boyce	Ferguson	Macdonald, Sandy	Polley
Brown, Carol	Fielding	Marshall	Ronaldson
Bushby	Fifield	Mason	Stephens
Campbell	Fisher	McEwen	Sterle
Carr	Forshaw	McGauran	Watson
Chapman	Hurley	McLucas	Webber
Colbeck	Hutchins	Moore	Wortley

Question negatived.

## 12 RENEWABLE ENERGY (ELECTRICITY) AMENDMENT (FEED-IN-TARIFF) BILL 2008

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 89—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.

Question put and passed.

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

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

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

## 13 COMMONWEALTH ELECTORAL AMENDMENT (POLITICAL DONATIONS AND OTHER MEASURES) BILL 2008

The Minister for Human Services (Senator Ludwig), at the request of the Special Minister of State (Senator Faulkner) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:



A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, and for related purposes.

Question put and passed.

Senator Ludwig presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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*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.

#### 14 CONSIDERATION OF LEGISLATION

The Minister for Human Services (Senator Ludwig), at the request of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—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.

Question put and passed.

#### 15 SCIENCE AND TECHNOLOGY—COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION—VICTORIA—WOOL SCOUR CLOSURE

Senator Milne amended general business notice of motion no. 91 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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) further notes the efforts of the Government to date and 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.

Question put and passed.

#### 16 FOREIGN AFFAIRS—CHINA

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. 90—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.

Question put and passed.

#### 17 PARLIAMENTARY (JUDICIAL MISBEHAVIOUR OR INCAPACITY) COMMISSION BILL 2007—RESTORATION TO NOTICE PAPER

Senator Kirk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 85—

- (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.

Question put and passed.

#### 18 WOMEN—HEALTH—ACUTE INPATIENT FACILITIES

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. 83—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.

Question put and passed.

**19 HEALTH—INTERNATIONAL MYALGIC ENCEPHALOMYELITIS/CHRONIC FATIGUE SYNDROME AND FIBROMYALGIA AWARENESS WEEK**

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. 82—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.

Question put and passed.

**20 HEALTH—HEROIN—PILOT MEDICAL SCHEME**

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. 70—That the Senate—

- (a) notes that:
  - (i) the Danish Parliament approved in February 2008 a pilot medical scheme to prescribe heroin to 500 of Denmark’s most seriously addicted and marginalised citizens,
  - (ii) heroin is to be prescribed in combination with methadone with the aim of rehabilitation and to reduce the criminal activity of addicts,
  - (iii) prescription heroin for treatment of severe cases of addiction exists as a therapeutic option in the United Kingdom, Switzerland and the Netherlands and is being established in Germany, and
  - (iv) trials of prescribing heroin for the treatment of opiate dependency in Spain and Canada also show favourable results; and
- (b) encourages the Government to closely monitor this and other pilot programs and to consider conducting a similar project in Australia.

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

**21 HEALTH—SMOKING**

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. 73—That the Senate—

(a) notes:

- (i) the recent research done by the Cancer Council of New South Wales indicating that 70 per cent of top box office films contained depictions of smoking, including 75 per cent of the most popular PG-rated films,
- (ii) the research by the American Lung Association showing that more than two-thirds of the top 50 United States of America box office films of 2004-05 classified for children's viewing depicted smoking, some with as many as 14 depictions of smoking an hour,
- (iii) that positive depictions of smoking in films normalise and promote smoking, particularly for young people, and that on-screen smoking influences children's attitudes and behaviour to the extent that it can increase a child's chance of becoming a smoker later in life, and
- (iv) that evidence overseas shows that the tobacco industry has provided inducements for such positive depictions of smoking and that this is not consistent with the objectives of the *Tobacco Advertising Prohibition Act 1992*; and

(b) urges the Government to heed the latest call by the Australian Medical Association and adopt strategies and regulatory measures to counter the influence of smoking in films, including:

- (i) a film classification system that provides clear warnings about the extent and nature of smoking in films with films attracting an appropriate descriptor such as 'pervasive smoking' in the same way that descriptors warn of coarse language, sexual references, nudity and violence,
- (ii) anti-smoking announcements before films that depict smoking, and
- (iii) changes to guidelines to ensure that public funds are not used to support Australian films that glamorise or promote smoking.

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

**22 FOREIGN AFFAIRS—BURMA**

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. 92—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.

Question put and passed.

**23 ENVIRONMENT—RADIOACTIVE WASTE DUMP SITES**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 93—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 Muckatj, which was nominated by the Northern Land Council.

Question put.

The Senate divided—

AYES, 7

Senators—

Allison	Brown, Bob	Nettle	Stott Despoja
Bartlett	Milne	Siewert (Teller)	

NOES, 48

Senators—

Abetz	Collins	Kemp	Parry
Adams	Cormann	Kirk	Patterson
Barnett	Crossin	Ludwig	Payne
Bernardi	Eggleston	Lundy	Polley
Birmingham	Ellison	Macdonald, Sandy	Ronaldson
Bishop	Faulkner	Marshall	Stephens
Boyce	Ferguson	Mason	Sterle
Brown, Carol	Fielding	McEwen	Troeth
Bushby	Fifield	McGauran	Trood
Campbell	Fisher	McLucas	Watson
Chapman	Forshaw	Moore	Webber
Colbeck	Johnston	O'Brien (Teller)	Wortley

Question negatived.

**24 AGRICULTURAL AND RELATED INDUSTRIES—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT—VARIATION OF APPOINTMENT**

Senator Parry, at the request of the Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 84—

- (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.

Question put and passed.

#### 25 DEFENCE—PROCUREMENT PROJECTS—ORDER FOR PRODUCTION OF DOCUMENTS

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. 87—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.

Question put and passed.

#### 26 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received a letter nominating a senator to be a member of a committee.

The Minister for Human Services (Senator Ludwig), by leave, moved—That Senator Forshaw be appointed as a member of the Parliamentary Joint Committee on Intelligence and Security.

Question put and passed.

#### 27 COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Colbeck, by leave, moved—That—

- (1) The following matters be referred to the Community Affairs Committee for inquiry and report by 24 June 2008:
  - (a) the effectiveness of the Government’s proposed changes to the alcohol excise regime in reducing the claims of excessive consumption of ready-to-drink alcohol beverages;
  - (b) the consumption patterns of ready-to-drink alcohol beverages by sex and age group;
  - (c) the consumption patterns of all alcohol beverages by sex and age group;
  - (d) the impact of these changes on patterns of overall full strength spirit consumption, including any increased consumption of standard drinks of alcohol;
  - (e) the evidence underpinning the claims of significant public health benefit in the increase of excise on this category of alcohol;
  - (f) applicability of incentives to encourage production and consumption of lower alcohol content beverages;
  - (g) the modelling underpinning the Government’s revenue estimates of this measure;
  - (h) the effectiveness of excise increases as a tool in reducing the levels of alcohol-related harm;
  - (i) the empirical evidence on which the Government’s decision to increase the excise on ready-to-drink alcohol beverages was based; and

- (j) the effect of alternative means of limiting excessive alcohol consumption and levels of alcohol-related harm among young people.
- (2) The committee is to include hearing evidence from health experts, representatives of the ready-to-drink alcohol industry, spirits industry, hotels and liquor retailers and government officials familiar with the modelling and health policy data used to underpin this policy decision.

Debate ensued.

Question put.

The Senate divided—

AYES, 44

Senators—

Abetz	Bushby	Fisher	Murray
Adams	Chapman	Heffernan	Nettle
Allison	Colbeck	Johnston	Parry (Teller)
Barnett	Coonan	Joyce	Patterson
Bartlett	Cormann	Kemp	Payne
Bernardi	Eggleston	Lightfoot	Ronaldson
Birmingham	Ellison	Macdonald, Sandy	Scullion
Boswell	Ferguson	Mason	Siewert
Boyce	Fielding	McGauran	Stott Despoja
Brandis	Fierravanti-Wells	Milne	Troeth
Brown, Bob	Fifield	Minchin	Watson

NOES, 24

Senators—

Bishop	Forshaw	Lundy	Polley
Brown, Carol	Hogg	Marshall	Sherry
Campbell	Hurley	McEwen	Stephens
Collins	Hutchins	McLucas	Sterle
Crossin	Kirk	Moore	Webber
Faulkner	Ludwig	O'Brien	Wortley (Teller)

Question agreed to.

**28 COMMITTEES—ADDITIONAL INFORMATION—ADDITIONAL ESTIMATES 2007-08**

Senator O'Brien, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2007-08—

Community Affairs—Standing Committee—Additional information received between 20 March and 14 May 2008—

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

Environment, Communications and the Arts—Standing Committee—Additional information received between—

20 March and 14 May 2008—Broadband, Communications and the Digital Economy portfolio.

20 March and 15 May 2008—Environment, Water, Heritage and the Arts portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 20 March and 14 May 2008—

Finance and Deregulation portfolio.

Human Services portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade—Standing Committee—Additional information received between 10 April and 14 May 2008—

Defence portfolio.

Foreign Affairs Defence and Trade portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 25 February and 13 May 2008—

Agriculture, Fisheries and Forestry portfolio.

Infrastructure, Transport, Regional Development and Local Government portfolio.

## 29 PUBLICATIONS—STANDING COMMITTEE—2ND REPORT

Senator O'Brien, at the request of the Chair of the Standing Committee on Publications (Senator Carol Brown), tabled the following report:

### PUBLICATIONS COMMITTEE 2ND 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 March 2008, recommends that the following be printed:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2007—

Native title.

Social justice.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2006-07.

Cancer Australia—Report for 2006-07.

Commonwealth Grants Commission—Report—Indian Ocean Territories 2007.

Finance—Budget 2008-09—Ministerial statements—

Australia's international development assistance program.

Climate change, the economy, the environment.

Closing the gap between Indigenous and non-Indigenous Australians.

Strengthening rural and regional Australia.

The education revolution.

Fisheries Research and Development Corporation—Report for 2006-07—Correction.

Foreign Investment Review Board—Report for 2006-07.

Productivity Commission—Reports—

No. 44—Safeguards inquiry into the import of pigmeat, 31 March 2008.

No. 45—Review of Australia's consumer policy framework—Volumes 1 and 2—30 April 2008.

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

Wheat Export Authority—Report for 2006-07.

Senator Carol Brown

Chair

15 May 2008.

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

Question put and passed.



**30 TREATIES—JOINT STANDING COMMITTEE—90TH REPORT**

The Deputy Chair of the Joint Standing Committee on Treaties (Senator Sandy Macdonald) tabled the following report:

Treaties—Joint Standing Committee—90th report—Treaties tabled on 12 March 2008, dated March 2008.

Senator Sandy Macdonald moved—That the Senate take note of the report.

Question put and passed.

**31 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That—

- (a) business of the Senate order of the day no. 1, relating to the presentation of the report of the Community Affairs Committee on the provisions of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008; and
- (b) government business notice of motion no. 3 standing in the name of the Minister for Human Services (Senator Ludwig) for today, relating to the routine of business for 15 May 2008,

be postponed till a later hour.

Question put and passed.

**32 HIGHER EDUCATION SUPPORT AMENDMENT (REMOVAL OF THE HIGHER EDUCATION WORKPLACE RELATIONS REQUIREMENTS AND NATIONAL GOVERNANCE PROTOCOLS REQUIREMENTS AND OTHER MATTERS) BILL 2008  
VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (2007 ELECTION COMMITMENTS) BILL 2008**

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

Message no. 48, dated 14 May 2008—A Bill for an Act to amend the *Higher Education Support Act 2003*, and for related purposes.

Message no. 47, dated 14 May 2008—A Bill for an Act to amend the law relating to veterans' entitlements, and for related purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) 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 Sherry moved—That these bills be now read a second time.

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

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

Question put and passed.

**33 SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (ONE-OFF PAYMENTS AND OTHER BUDGET MEASURES) BILL 2008**

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

Message no. 46, dated 14 May 2008—A Bill for an Act to amend the law relating to social security and veterans' entitlements, and for other purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) 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 Sherry moved—That this bill be now read a second time.

Debate ensued.

Question put and passed.

Bill read a second time.

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

On the motion of Senator Sherry the bill was read a third time.

#### 34 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change and Water (Senator Wong)—That this bill be now read a second time.

Debate resumed.

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*Document:* Senator Murray, by leave, tabled the following document:

Tax Laws Amendment (Personal Income Tax Reduction) Bill 2008—Explanatory note relating to the Australian Democrats amendments to be moved to the bill.

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Debate continued.

On the motion of the Minister for Human Services (Senator Ludwig) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

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

The Minister for Human Services (Senator Ludwig) amended government business notice of motion no. 3 by leave and, pursuant to notice, moved—That, on Thursday, 15 May 2008:

- (a) divisions may take place after 4.30 pm;
- (b) the sitting of the Senate not be suspended at 6 pm;
- (c) the routine of business from 6 pm to 8 pm be consideration of any message from the House of Representatives relating to the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008; and
- (d) the routine of business from 8 pm shall be:
  - (i) Budget statement and documents—responses by party leaders,
  - (ii) further consideration of the message in paragraph (c), and
  - (iii) adjournment.

Question put and passed.

**36 TAX LAWS AMENDMENT (PERSONAL INCOME TAX REDUCTION) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change and Water (Senator Wong)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

All Australian Greens senators, by leave, recorded their votes for the noes in respect of the question for the second reading.

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*At 12.45 pm—*

**37 COMMONWEALTH AUTHORITIES AND COMPANIES 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 Senator Conroy the bill was read a third time.

**38 STATUTE LAW REVISION 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.

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.

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

Debate ensued.

Question put and passed.

Bill read a third time.

**39 OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) 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.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the bill was read a third time.

**40 SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE BOARD AND OTHER MEASURES) (CONSEQUENTIAL AMENDMENTS) 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.

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*In the committee*

Bill, taken as a whole by leave, debated and agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Climate Change and Water (Senator Wong) the report from the committee was adopted and the bill read a third time.

*Suspension of sitting:* On the motion of Senator Wong the sitting of the Senate was suspended at 1.07 pm till 2 pm.

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*At 2 pm—*

**41 FOREIGN AFFAIRS—FIJI—AUSTRALIAN HIGH COMMISSION—SECURITY THREATS—MINISTERIAL STATEMENT**

The Special Minister of State (Senator Faulkner), by leave, made a statement relating to security threats made against the Australian High Commissioner and his staff in Fiji.

**42 QUESTIONS**

Questions without notice were answered.

**43 ADMINISTRATION—CENTRELINK—CHIEF EXECUTIVE OFFICER—STATEMENT BY LEAVE**

The Minister for Human Services (Senator Ludwig), by leave, made a statement relating to the retirement of the Chief Executive Officer of Centrelink, Mr Jeff Whalan.

**44 MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Watson moved—That the Senate take note of the further answer given by the Minister for Human Services (Senator Ludwig) today to a question without notice asked by Senator Watson on 14 May 2008 relating to health services in Tasmania.

Question put and passed.

Senator Coonan moved—That the Senate take note of the answers given by the Minister for Human Services (Senator Ludwig) and the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked today relating to the 2008-09 Budget.

Debate ensued.

Question put and passed.

**45 AUDITOR-GENERAL—AUDIT REPORT NO. 33 OF 2007-08—DOCUMENT**

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

Auditor-General—Audit report no. 33 of 2007-08—Performance audit—The National Capital Authority's management of national assets—National Capital Authority.

**46 PRIVILEGES—STANDING COMMITTEE—133RD REPORT**

The Chair of the Standing Committee of Privileges (Senator Brandis) tabled the following report:

Privileges—Standing Committee—133rd report—Possible false or misleading evidence before the Legal and Constitutional Affairs Committee, dated May 2008.

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

Senator Brandis, by leave, moved—That the Senate endorse the finding at paragraph 1.31 of the 133rd report of the Committee of Privileges.

Debate ensued.

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

**47 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (EMERGENCY RESPONSE CONSOLIDATION) BILL 2008**

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

Community Affairs—Standing Committee—Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 [Provisions]—Report, dated May 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**48 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Financial Management and Accountability Act—Financial Management and Accountability Determinations—

2008/08 – Coordinated Procurement Contracting Special Account Establishment 2008 [F2008L01479]\*.

2008/09 – Business Services Special Account Variation 2008 [F2008L01480]\*.

2008/10 – Campaign Advertising Special Account Variation and Abolition 2008 [F2008L01481]\*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

\* Explanatory statement tabled with legislative instrument.

**49 COMMITTEE MEMBERSHIP**

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

The Minister for Climate Change and Water (Senator Wong), by leave, moved—That senators be discharged from and appointed to committees as follows:

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

Appointed—Participating members: Senators Abetz, Adams, Barnett, Bernardi, Birmingham, Bishop, Boswell, Boyce, Brandis, Carol Brown, Bushby, Campbell, Chapman, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Ellison, Ferguson, Fierravanti-Wells, Fifield, Forshaw, Hogg, Humphries, Hurley, Hutchins, Johnston, Joyce, Kemp, Kirk, Lightfoot, Lundy, Ian Macdonald, Sandy Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Minchin, Moore, Parry, Patterson, Payne, Polley, Ronaldson, Scullion, Stephens, Troeth, Trood, Watson, Webber and Wortley

**Community Affairs—Standing Committee—**

Appointed—Substitute member: Senator Colbeck to replace Senator Adams for the committee's inquiry into ready-to-drink alcohol beverages

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

Appointed—Participating member: Senator Forshaw.

Question put and passed.

*General business was called on.*

**50 BUDGET 2008-09**

Senator Parry moved—That the Senate acknowledges that the first Rudd-Gillard Government budget is a high taxing, high spending, old fashioned Labor budget that is not inflation fighting.

Debate ensued.

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*Documents:* The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) tabled the following documents:

Budget 2008-09—

‘Alcohol in Europe: A public health perspective’—Report for the European Commission by Peter Anderson and Ben Baumberg, Institute of Alcohol Studies, UK, dated June 2006.

‘The Northern Territory’s living with alcohol program, 1992-2002: Revisiting the evaluation’—Report by T Chikritzhs, T Stockwell, R Pascal and P Catalano, National Drug Research Institute, Curtin University of Technology, Perth, WA, dated November 2004.

‘Summary: The prevention of substance use, risk and harm in Australia: A review of the evidence’—Ministerial Council on Drug Strategy.

At 6 pm: Debate was interrupted while Senator McLucas was speaking.

*General business concluded.*

#### 51 TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK) BILL 2008

A message from the House of Representatives was reported agreeing to the following bill with amendments:

Message no. 51, dated 15 May 2008—Telecommunications Legislation Amendment (National Broadband Network) 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*

SCHEDULE OF THE AMENDMENTS MADE BY THE  
HOUSE OF REPRESENTATIVES

- (1) Schedule 1, item 10A, page 4 (lines 16 to 18), omit the item.  
**[voluntary disclosure arrangement]**
- (2) Schedule 1, item 11, page 5 (line 1), omit “An eligible carrier”, substitute “A carrier”.  
**[eligible carrier]**
- (3) Schedule 1, item 11, page 5 (lines 20 to 28), omit all the words beginning with “If a carrier enters” and ending with “direction issued by the Minister.”.  
**[voluntary disclosure arrangement]**
- (4) Schedule 1, item 11, page 6 (lines 10 and 11), omit the definition of *eligible carrier* in section 531B.  
**[eligible carrier]**
- (5) Schedule 1, item 11, page 8 (before line 18), 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
- [voluntary information]**
- (6) Schedule 1, item 11, page 8 (line 26) to page 9 (line 20), omit “eligible carrier” (wherever occurring), substitute “carrier”.
- [eligible carrier]**
- (7) Schedule 1, item 11, page 11 (line 1), omit “Eligible carriers”, substitute “Carriers”.
- [eligible carrier]**
- (8) Schedule 1, item 11, page 11 (line 3), omit “Eligible carriers”, substitute “Carriers”.
- [eligible carrier]**
- (9) Schedule 1, item 11, page 11 (lines 6 to 16), omit “eligible carrier” (wherever occurring), substitute “carrier”.
- [eligible carrier]**
- (10) Schedule 1, item 11, page 11 (line 27), to page 12 (line 33), omit section 531FA.
- [voluntary disclosure arrangement]**
- (11) Schedule 1, item 11, page 13 (lines 8 to 12), omit subsection 531G(1A).
- [entrusted public official]**
- (12) Schedule 1, item 11, page 18 (after line 26), 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).
- [use of information]**
- (13) Schedule 1, item 11, page 20 (lines 29 to 33), omit subsection 531K(1A).
- [entrusted company officer]**
- (14) Schedule 1, item 11, page 22 (lines 26 to 33), omit “subsections (1) and (1A)” (wherever occurring), substitute “subsection (1)”.
- [entrusted company officer]**
- (15) Schedule 1, item 11, page 23 (lines 10 to 16), omit paragraph 531L(1)(ca).
- [compensation]**
- (16) Schedule 1, item 11, page 23 (lines 22 to 25), omit subsection 531L(2).
- [compensation]**
- (17) Schedule 1, item 11, page 25 (lines 9 to 12), omit subsection 531P(1), substitute:



(1) The Minister may, by legislative instrument, make rules relating to the storage, handling or destruction of protected carrier information.

**[storage, handling or destruction of protected carrier information]**

(18) Schedule 1, item 11, page 26 (line 3) to page 31 (line 13), omit Division 4.

**[Ministerial advisory process]**

Senator Conroy moved—That the committee agree to the amendments made by the House of Representatives to the bill.

Debate ensued.

Question put and passed.

Resolution to be reported.

---

The Deputy President (Senator Hogg) resumed the chair and the Chair of Committees reported that the committee had considered message no. 51 from the House of Representatives relating to the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 and had agreed to the amendments made by the House to the bill.

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

*Suspension of sitting:* On the motion of Senator Conroy the sitting of the Senate was suspended at 6.21 pm till 8 pm.

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*At 8 pm—*

#### 52 BUDGET STATEMENT AND DOCUMENTS 2008-09

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That the Senate take note of the Budget statement and documents.

Debate resumed.

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the debate was adjourned till the next day of sitting.

#### 53 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.31 pm till Monday, 16 June 2008 at 12.30 pm.

#### 54 ATTENDANCE

Present, all senators except Senators Ian Macdonald and Nash.

**HARRY EVANS**  
Clerk of the Senate