

2008

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 39

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**1 MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair and read prayers.

**2 GOVERNMENT DOCUMENTS**

The following documents were tabled:

Aboriginal Land Commissioner—Report for 2007-08.

Australian Federal Police (AFP)—Report for 2007-08.

Australian Film, Television and Radio School (AFTRS)—Report for 2007-08.

Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2007-08.

Australian Postal Corporation (Australia Post)—Report for 2007-08.

Australian Radiation Protection and Nuclear Safety Agency—Report for 2007-08.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2007-08.

Commissioner of Taxation—Report for 2007-08, including financial statements for the Australian Taxation Office and Australian Valuation Office.

*Commonwealth Electoral Act 1918*—2008 redistributions into electoral divisions—Northern Territory—Report, together with composite map and disc containing supporting information.

CrimTrac Agency—Report for 2007-08.

Defence Force Retirement and Death Benefits Authority—Report for 2007-08.

Indigenous Land Corporation—Report for 2007-08.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers 455/08 to 480/08—

Commonwealth Ombudsman's reports.

Government response to Commonwealth Ombudsman's reports.

Military Superannuation and Benefits Board of Trustees—Report for 2007-08, including financial statements for the Military Superannuation and Benefits Fund.

Regional Telecommunications Independent Review Committee—Regional telecommunications review: Framework for the future—Report, September 2008.

Torres Strait Regional Authority—Report for 2007-08.

Wreck Bay Aboriginal Community Council—Report for 2007-08.

**3 FAMILY LAW AMENDMENT (DE FACTO FINANCIAL MATTERS AND OTHER MEASURES) 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.

On the motion of the Minister for Human Services (Senator Ludwig) consideration of the bill in committee of the whole was made an order of the day for a later hour.

**4 SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—SUPERANNUATION) BILL 2008**

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

Debate resumed.

Senator Hanson-Young, by leave, moved the following amendment:

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

- (a) calls on the Government to introduce amendments to the *Superannuation Industry (Supervision) Act 1993* to remove discrimination in the administration of private superannuation funds by mandating that where such funds recognise opposite-sex de facto couples they must also recognise same-sex de facto couples;
- (b) recommends that the umbrella term ‘couple relationship’ be retained in this bill and also be extended to registered relationships in this bill and in similar legislation to ensure:
  - (i) equal treatment of same-sex and opposite-sex relationships for the payment of death benefits, and
  - (ii) that the courts do not treat married, registered or de facto couples differently, in that each would have unique criteria but be provided with equal ‘couple relationship’ entitlements; and
- (c) recommends that the terms used to define parents and their children be simplified wherever possible in this and similar legislation to ‘parent’ and ‘child’, and applied consistently to ensure children across Australia are equitably included and the distinction between parents, co-parents and step-parents not be inappropriately or unnecessarily blurred”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 5**

Senators—

Brown, Bob	Ludlam	Siewert (Teller)	Xenophon
Hanson-Young			

**NOES, 47**

Senators—

Abetz	Cash	Forshaw	McLucas
Adams (Teller)	Colbeck	Furner	Nash
Arbib	Cormann	Humphries	Parry
Barnett	Crossin	Hurley	Payne
Bilyk	Eggleston	Hutchins	Pratt
Birmingham	Farrell	Kroger	Ronaldson
Boyce	Feeney	Ludwig	Ryan
Brandis	Ferguson	Lundy	Stephens
Brown, Carol	Fielding	Macdonald	Sterle
Bushby	Fierravanti-Wells	Marshall	Williams
Cameron	Fifield	Mason	Wortley
Carr	Fisher	McEwen	

Question negatived.

Main question put and passed.

Bill read a second time.

On the motion of the Minister for Human Services (Senator Ludwig) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

5 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Human Services (Senator Ludwig) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008).

Question put and passed.

6 **TAX LAWS AMENDMENT (MEDICARE LEVY SURCHARGE THRESHOLDS) BILL (NO. 2) 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.

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.

Senator Xenophon moved the following amendments together by leave:

Schedule 1, item 2, page 3 (line 13) to page 4 (line 6), omit section 5A, substitute:

**5A What is the singles surcharge threshold?**

- (1) The *singles surcharge threshold* for a person for the 2008-09 year of income is \$69,000.
- (2) This threshold is indexed for each year of income after 2008-09 by multiplying the threshold by the indexation factor in subsection (3) and rounding the result down to the nearest multiple of \$1,000.
- (3) The *indexation factor* is:

$$\frac{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the current year}}{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the previous year}}$$

Sum of the index numbers for the CPI quarters for the  
12 months ending on 31 March of the previous year

where:

**CPI quarter** means a period of 3 months ending 31 March, 30 June, 30 September or 31 December.

**index number** means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician.

The indexation factor is to be calculated to 3 decimal places, but increased by .001 if the fourth decimal place is more than 4.

## Calculations:

- (a) are to be made using only the index numbers published in terms of the most recently published reference base for the Consumer Price Index; and
- (b) are to disregard index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the reference base).

Schedule 1, item 4, page 4 (line 21), omit “\$150,000”, substitute “\$138,000”.

Schedule 1, item 4, page 4 (line 21), omit “\$153,000”, substitute “\$141,000”.

Schedule 1, item 7, page 5 (lines 5 to 24), omit section 3AA, substitute:

**3AA Meaning of *singles surcharge threshold***

- (1) The *singles surcharge threshold* for a person for the 2008-09 year of income is \$69,000.
- (2) This threshold is indexed for each year of income after 2008-09 by multiplying the threshold by the indexation factor in subsection (3) and rounding the result down to the nearest multiple of \$1,000.
- (3) The *indexation factor* is:

$$\frac{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the current year}}{\text{Sum of the index numbers for the CPI quarters for the 12 months ending on 31 March of the previous year}}$$

Sum of the index numbers for the CPI quarters for the  
12 months ending on 31 March of the previous year

where:

***CPI quarter*** means a period of 3 months ending 31 March, 30 June, 30 September or 31 December.

***index number*** means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician.

The indexation factor is to be calculated to 3 decimal places, but increased by .001 if the fourth decimal place is more than 4.

## Calculations:

- (a) are to be made using only the index numbers published in terms of the most recently published reference base for the Consumer Price Index; and
- (b) are to disregard index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the reference base).

Schedule 1, item 8, page 6 (line 14), omit “\$150,000”, substitute “\$138,000”.

Schedule 1, item 8, page 6 (line 14), omit “\$153,000”, substitute “\$141,000”.

Debate ensued.

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

**7 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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At 2 pm—

**8 QUESTIONS**

Questions without notice were answered.

**9 MOTION TO TAKE NOTE OF ANSWERS**

Senator Fifield moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) and the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked today.

Debate ensued.

Question put and passed.

**10 NOTICES**

The Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on Agricultural and Related Industries into pricing and supply arrangements in the Australian and global fertiliser market be extended to 2 December 2008. (*general business notice of motion no. 249*)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the important work being done by the international ‘Make Poverty History’ campaign and the tireless effort of the many non-government agencies, faith groups, community organisations and individuals working around the world to end poverty, and
- (ii) the impact that poverty has on child and maternal health;

(b) recognises:

- (i) the 2008 United Nations report on the Millennium Development Goals that highlights maternal mortality decreased by less than 1 per cent between 1990 and 2005, far below the 5.5 per cent annual reduction needed,
- (ii) more than half of the 29 developing countries are not on track to achieve the child health goal or the maternal health goal, and
- (iii) each year 34 000 mothers and more than 400 000 children die in our immediate region; and

(c) calls on the Government to work with each of the key maternal health agencies in the region to identify the core funding arrangements they require to ensure that Australia is actively promoting the need to reduce the current child and maternal health mortality rate in developing countries. (*general business notice of motion no. 250*)

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

- (a) notes that the eighth round of the Sino-Tibetan dialogue is due to take place in October or November 2008;
- (b) recognises the Dalai Lama's 'middle way' approach to autonomy for Tibet within China; and
- (c) appreciates the offer by the People's Republic of China to host the dialogue and wishes both parties a successful breakthrough and outcome. (*general business notice of motion no. 251*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 11 November 2008—That the following bill be introduced: A Bill for an Act to require a plebiscite on whether Australia should become a Republic. ***Plebiscite for an Australian Republic Bill 2008***. (*general business notice of motion no. 252*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Archives Amendment Bill 2008
- Broadcasting Legislation Amendment (Digital Radio) Bill 2008
- International Tax Agreements Amendment Bill (No. 2) 2008.

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*Documents:* Senator Ludwig tabled the following documents:

Consideration of legislation—Statements of reasons [3] for introduction and passage of the bills in the 2008 spring sittings.

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

- (a) notes ABC Radio National's decision to axe the Religion Report, the Media Report and the Sports Factor;
- (b) notes that:
  - (i) the Religion Report is one of the most important programs on the Australian Broadcasting Corporation (ABC) with a rapidly growing international audience, and
  - (ii) this program broke the Peter Hollingworth scandal, has applied critical analysis of the Exclusive Brethren, Anglican, Catholic and Muslim religions amongst others and provided insightful commentary of various religions over many years; and
- (c) calls on the ABC management:
  - (i) publicly to reveal all formal and informal criticisms made against this program over recent years, and
  - (ii) immediately to make public the reasons for this decision. (*general business notice of motion no. 253*)

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

- (a) notes:
  - (i) that the week beginning 19 October 2008 is Carers Week,
  - (ii) that there are more than 2.5 million carers in Australia today, and

- (iii) the release on 14 October 2008 of a report into carers by the Australian Bureau of Statistics which stated that:
  - (A) almost half of all carers provided care for more than 40 hours per week, the equivalent of a full-time job, and
  - (B) more than 15 per cent of carers reported difficulties in paying bills and more than 20 per cent had borrowed money; and
- (b) calls on the Government to ensure that carers are provided with greater access to respite services and financial support to ensure they are able to continue in their vital work. (*general business notice of motion no. 254*)

#### 11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 13 OF 2008

The Acting Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 13 OF 2008

1. The committee met in private session on Tuesday, 14 October 2008 at 4.20 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Interstate Road Transport Charge Amendment Bill (No. 2) 2008 and the Road Charges Legislation Repeal and Amendment Bill 2008 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 21 November 2008;
  - (b) the Migration Legislation Amendment (Worker Protection) Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 7 November 2008;
  - (c) the *provisions* of the Schools Assistance Bill 2008 and the Education Legislation Amendment Bill 2008 be *referred immediately* to the Education, Employment and Workplace Relations Committee for inquiry and report by 27 November 2008;
  - (d) the *provisions* of the Water Amendment Bill 2008 be *referred immediately* to the Rural and Regional Affairs and Transport Committee for inquiry and report by 19 November 2008; and
  - (e) upon introduction in the House of Representatives, the *provisions* of a Bill for an Act about the Building Australia Fund, the Education Investment Fund and the Health and Hospitals Fund, and for other purposes **and a related bill**, together with the *provisions* of a bill to establish the COAG Reform Fund, and for other purposes, be *referred immediately* to the Economics Committee for inquiry and report by 10 November 2008.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Dairy Adjustment Levy Termination Bill 2008
  - Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill (No. 2) 2008
  - Trade Practices Amendment (Clarity in Pricing) Bill 2008
  - Transport Security Amendment (2008 Measures No. 1) Bill 2008
  - Urgent Relief for Single Age Pensioners Bill 2008.

***The committee recommends accordingly.***

Anne McEwen  
Acting Chair  
15 October 2008.

Senator McEwen moved—That the report be adopted.

Question put and passed.

**12 POSTPONEMENTS**

The following items of business were postponed:

General business notice of motion no. 233 standing in the name of Senator Xenophon for today, proposing an order for the production of a report by the Productivity Commission, postponed till 16 October 2008.

General business notice of motion no. 242 standing in the name of Senator Hutchins for today, relating to the assassination of the former Sri Lankan High Commissioner to Australia, Major General Janaka Perera, and Mrs Perera, postponed till 16 October 2008.

**13 FAMILY AND COMMUNITY SERVICES—PENSIONERS**

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. 247—That the Senate—

(a) notes the following statement of claims from the Fair Go for Pensioners Coalition:

1. That the Federal Government increases the pension rate from 25% of average weekly earnings to 35% of average weekly earnings until a more appropriate pension measure is developed.
2. That proper and improved healthcare measures for pensioners are prioritised, including medical, dental, optical, hearing, pharmaceutical and culturally appropriate services.
3. That the level of funding for aged care services, including culturally appropriate services, is significantly increased and extended to meet the growing demand in this area.
4. That our pensions are not restricted due to overseas travel to visit loved ones.
5. That legislation/regulations be enacted to protect older people considering taking out reverse mortgages.
6. That a thorough review of the means test and GST impact for pensioners and concessions should be undertaken to ensure that pensioners are not losing out; and

(b) asks the Government to consider it for inclusion in the 2008-09 Budget.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob  
Fielding

Hanson-Young  
Ludlam

Siewert (Teller)

Xenophon

## NOES, 40

Senators—

Abetz	Cash	Furner	Parry (Teller)
Adams	Colbeck	Humphries	Polley
Arbib	Collins	Hurley	Pratt
Bilyk	Coonan	Joyce	Ronaldson
Birmingham	Cormann	Kroger	Ryan
Boswell	Farrell	Ludwig	Scullion
Boyce	Feeney	Lundy	Stephens
Brown, Carol	Ferguson	McEwen	Sterle
Bushby	Fifield	McLucas	Williams
Cameron	Fisher	Nash	Wortley

Question negatived.

## 14 IMMIGRATION—SIEV X

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 248—That the Senate—

(a) notes that:

- (i) 19 October 2008 marks the 7th anniversary of a boat known as the Suspected Illegal Entry Vessel X (SIEV X), bound for Australia and carrying 421 passengers and crew,
- (ii) this boat sank with the tragic loss of 353 lives, including 146 children, and
- (iii) in Opposition, the Government repeatedly expressed its anger and frustration with the former Government's inaction on establishing a full judicial inquiry into the SIEV X tragedy;

(b) expresses its regret and sympathy at the tragic loss of so many innocent lives; and

(c) calls on the Government immediately to establish an independent judicial inquiry into all aspects of the 'People Smuggling Strike Team' operated by the Commonwealth Government from 2000 to date, in particular the boat known as SIEV X.

Question put.

The Senate divided—

## AYES, 6

Senators—

Brown, Bob	Hanson-Young	Siewert (Teller)	Xenophon
Fielding	Ludlam		

## NOES, 40

Senators—

Abetz	Cash	Furner	Parry (Teller)
Adams	Colbeck	Humphries	Polley
Arbib	Coonan	Hurley	Pratt
Bilyk	Cormann	Joyce	Ronaldson
Birmingham	Crossin	Kroger	Ryan
Boswell	Farrell	Ludwig	Scullion
Boyce	Feeney	Lundy	Stephens
Brown, Carol	Ferguson	McEwen	Sterle
Bushby	Fifield	McLucas	Williams
Cameron	Fisher	Nash	Wortley

Question negatived.

**15 ECONOMICS—CHIEF EXECUTIVE OFFICERS—TERMINATION PAYOUTS**

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 227 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That, in light of the \$US700 billion economic reform package to address the financial crisis in the United States of America (US) passed by the US Congress, which includes potential restrictions on chief executive officers' 'golden handshakes', the Senate calls on the Australian Government to investigate similar measures for termination payouts for executives.

Question put.

The Senate divided—

**AYES, 6**

Senators—

Brown, Bob  
Fielding

Hanson-Young  
Ludlam

Siewert (Teller)

Xenophon

**NOES, 40**

Senators—

Abetz  
Adams  
Arbib  
Bilyk  
Birmingham  
Boswell  
Boyce  
Brown, Carol  
Bushby  
Cameron

Cash  
Colbeck  
Collins  
Coonan  
Cormann  
Crossin  
Farrell  
Feeney  
Ferguson  
Fifield

Fisher  
Furner  
Humphries  
Hurley  
Joyce  
Kroger  
Ludwig  
Lundy  
McEwen  
Nash

Parry (Teller)  
Polley  
Pratt  
Ronaldson  
Ryan  
Scullion  
Stephens  
Sterle  
Williams  
Wortley

Question negatived.

**16 REGIONAL AUSTRALIA—REGIONAL PARTNERSHIPS PROGRAM—PEEL HEALTH CAMPUS**

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 237—That the Senate—

(a) notes:

- (i) that in September 2007, the Howard Government provided \$502 700 in funding towards the establishment of a much-needed paediatric ward at the Peel Health Campus under the Regional Partnerships Program,
- (ii) the significant efforts made by the local community in raising \$2.4 million in funding through raffles, fund raising and other community events to raise the total project cost of \$3.8 million (including building and capital equipment),
- (iii) that the Western Australian Government committed to providing \$750 000 in funding towards this project,
- (iv) the Rudd Labor Government's shambolic approach to this very meritorious Regional Partnerships Project having:
  - (A) initially halted funding for the Peel Health Campus paediatric ward as part of its blanket decision to end all funding under the Regional Partnerships Program,
  - (B) then, in the face of a major public outcry, agreed to re-examine projects that had already been approved,

- (C) then, on 29 May 2008 reinstated funding to the Peel Health Campus subject to the project meeting certain conditions, and
- (D) then, by letter dated 1 August, cruelly cancelled funding for the paediatric ward at Peel Health Campus again, claiming that the local project proponents had not complied with all the bureaucratic requirements, even though those had not been properly communicated,
- (v) that communications between the Department of Infrastructure, Transport, Regional Development and Local Government and the Peel Health Campus at no point revealed any obstacles that would stop the contracts being signed before the cut-off date of 31 July 2008,
- (vi) that as at 31 July 2008 the contracts were not signed and the Peel Health Campus Trust was informed by letter, dated 1 August 2008, that their application had been rejected, and
- (vii) the Rudd Government's attempts to hide behind cold bureaucratic stone walling claiming that its outrageous decision was based on:
  - (A) concern over management of the building contract for the project, even though this issue had been resolved in early July, and
  - (B) concern that a funding commitment of \$330 000 from a third party (the Variety Club) was not finalised by 30 June 2008, even though the project had sufficient funding from other contributors and was never dependant on the Variety Club funding; and
- (b) calls on the Rudd Government immediately to reinstate its share of funding for the much needed paediatric ward at the Peel Health Campus to the agreed level of \$502 700 so that the children of the rapidly growing Mandurah region will not have to continue to be treated in adult wards.

Question put and passed.

#### 17 COMMUNITY AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

The Acting Chair of the Community Affairs Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 246—That the Community Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 October 2008, from 3.30 pm, to take evidence for the committee's inquiries into the Poker Machine Harm Reduction Tax (Administration) Bill 2008, the Poker Machine Harm Minimisation Bill 2008 and the ATMs and Cash Facilities in Licensed Venues Bill 2008.

Question put and passed.

#### 18 WOMEN—'RECLAIM THE NIGHT'—VIOLENCE AGAINST WOMEN

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 244—That the Senate—

- (a) notes that:
  - (i) Friday, 31 October 2008 marks the 30th anniversary of the annual 'Reclaim the Night' day of action in Australia,
  - (ii) this day of action was established to highlight every woman's basic human right to live in freedom from discrimination and fear of violence, and
  - (iii) more than two-thirds of women experience some form of physical or sexual violence in their lives;

- (b) recognises that:
  - (i) Reclaim the Night represents a symbol of unity as well as an affirmation and celebration of women's strength, and has international, multi-partisan political support, and
  - (ii) these marches are an extremely powerful means by which women can raise the issue of sexual assault and sexual violence; and
- (c) calls on the Rudd Government, as part of the *National Plan to Reduce Violence against Women and their Children*, to work constructively to further develop and support national anti-violence public awareness and education campaigns as part of Australia's commitment as a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

Question put and passed.

#### 19 TRANSPORT—1999 MONTREAL CONVENTION

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 234—That the Senate calls on the Prime Minister (Mr Rudd) and the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese) to take immediate action:

- (a) to secure from the Executive Council approval for Australia to enter into the 1999 Montreal Convention to ensure just compensation for Australian passengers injured on international flights; and
- (b) to lodge Australia's formal instrument of accession to the convention with the International Civil Aviation Organization.

*Statement by leave:* The Minister for Human Services (Senator Ludwig), by leave, made a statement relating to the motion.

Question put and passed.

#### 20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMICS—MANAGEMENT OF THE ECONOMY

The Deputy President (Senator Ferguson) informed the Senate that Senator Abetz had proposed that the following matter of public importance be submitted to the Senate for discussion:

The resilience of the Australian economy which is a direct result of the responsible economic management of the former Coalition Government; and that it is only as a result of the economic leadership and management provided by the Coalition Government that Labor has been able to implement the policy measures announced on 14 October 2008.

The proposal was supported by four senators and the matter was discussed.

#### 21 SCRUTINY OF BILLS—STANDING COMMITTEE—11TH REPORT AND ALERT DIGEST NO. 11 OF 2008

Senator Ellison, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan), tabled the following report and document:

- Scrutiny of Bills—Standing Committee—
  - 11th report of 2008, dated 15 October 2008.
  - Alert Digest No. 11 of 2008, dated 15 October 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.

**22 FOREIGN AFFAIRS—IRAN—MINISTERIAL STATEMENT—DOCUMENT**

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

Foreign Affairs—Iran—Ministerial statement by the Minister for Foreign Affairs (Mr Smith), dated 15 October 2008.

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

Debate ensued.

Question put and passed.

**23 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency appointments and vacancies—Supplementary budget estimates—Letters of advice—

Climate Change and Water portfolio agencies.

Foreign Affairs and Trade portfolio agencies.

Infrastructure, Transport, Regional Development and Local Government portfolio agencies.

**24 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Supplementary budget estimates—Letters of advice—

Department of Climate Change.

Foreign Affairs and Trade portfolio agencies.

Infrastructure, Transport, Regional Development and Local Government portfolio agencies.

**25 COMMITTEE MEMBERSHIP**

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

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—**

Discharged—Senator Fierravanti-Wells

Appointed—Senator Johnston

**Corporations and Financial Services—Joint Statutory Committee—**

Appointed—Senator Mason

**Environment, Communications and the Arts—Standing Committee—**

Discharged—Senator Williams

Appointed—Senator Boswell.

Question put and passed.

**26 PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2008—  
CONSIDERATION**

Order of the day read for the consideration of the Procedure Committee's second report of 2008.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) moved—That the amendments to standing order 72, contained in the attachment of the second report, be adopted immediately as a temporary order and operate for the remainder of 2008.

Question put and passed.

Accordingly standing order 72 was amended to operate as a temporary order for the remainder of 2008 as follows:

**72 Questions without notice**

- (1) At the time provided questions may be put to ministers relating to public affairs.
- (2) (a) The asking of each question shall not exceed one minute and the answering of each question shall not exceed 4 minutes.  
(b) The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.
- (3) (a) After question time motions may be moved without notice to take note of answers given that day to questions.  
(b) A senator may speak for not more than 5 minutes on such a motion.  
(c) The time for debate on all motions relating to answers to questions without notice on any day shall not exceed 30 minutes.

**27 TAX LAWS AMENDMENT (MEDICARE LEVY SURCHARGE THRESHOLDS) BILL  
(NO. 2) 2008**

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

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*In the committee*

Consideration resumed of the bill—and of the amendments moved by Senator Xenophon (see entry no. 6).

Debate resumed.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

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The Acting Deputy President (Senator Parry) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bill, made progress and asked leave to sit again.

Ordered, on the motion of Senator Conroy, that the committee have leave to sit again on the next day of sitting.

- 28 **OFFSHORE PETROLEUM AMENDMENT (GREENHOUSE GAS STORAGE) BILL 2008**  
**OFFSHORE PETROLEUM (ANNUAL FEES) AMENDMENT (GREENHOUSE GAS STORAGE) BILL 2008**  
**OFFSHORE PETROLEUM (REGISTRATION FEES) AMENDMENT (GREENHOUSE GAS STORAGE) BILL 2008**  
**OFFSHORE PETROLEUM (SAFETY LEVIES) AMENDMENT (GREENHOUSE GAS STORAGE) BILL 2008**

Order of the day read for the adjourned debate on the motions of the Minister for Superannuation and Corporate Law (Senator Sherry) and the Minister for Human Services (Senator Ludwig)—That these bills be now read a second time.

Debate resumed.

*At 6.50 pm:* Debate was interrupted while Senator Sterle was speaking.

29 **GOVERNMENT DOCUMENTS—CONSIDERATION**

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

Regional Telecommunications Independent Review Committee—Regional telecommunications review: Framework for the future—Report, September 2008. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

General business orders of the day nos 5 to 20 relating to government documents were called on but no motion was moved.

30 **ADJOURNMENT**

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

The Senate adjourned at 6.52 pm till Thursday, 16 October 2008 at 9.30 am.

31 **ATTENDANCE**

Present, all senators except Senators Milne\*, Moore\*, O'Brien\*, Troeth\* and Wong\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate