

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

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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 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senators Boyce and McGauran, from 177 and 19 petitioners, respectively, requesting that the Senate amend the Social Security and Veterans' Entitlements Amendment (Commonwealth Seniors Health Card) Bill 2009 to exclude already taxed superannuation monies from the taxable income threshold used to determine the eligibility for the Commonwealth Seniors Health Card.

3 NOTICE

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Infrastructure Australia Act 2008* to ensure proper assessment of the proposed National Broadband Network and other projects, and for related purposes. ***Infrastructure Australia Amendment (National Broadband Network and Other Projects) Bill 2009.*** (general business notice of motion no. 436)

4 ORDER OF BUSINESS—REARRANGEMENT

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

Tax Laws Amendment (Small Business and General Business Tax Break) Bill 2009.

No. 6 Customs Legislation Amendment (Name Change) Bill 2009.

No. 7 Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008.

No. 8 Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008.

No. 9 Telecommunications Interception Legislation Amendment Bill (No. 2) 2008.

Question put and passed.

Senator Ludwig, by leave, moved—That a motion relating to the 2009-10 Budget be considered during general business today.

Question put and passed.

5 FOREIGN AFFAIRS—NUCLEAR NON-PROLIFERATION

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 434—That the Senate—

(a) notes:

- (i) the efforts of the Australian and Japanese governments to advance the nuclear disarmament and non-proliferation agenda through the formation of the International Commission on Nuclear Non-proliferation and Disarmament,

- (ii) that the third session of the Preparatory Committee for the 2010 Non-Proliferation Treaty Review Conference (the Review Conference) is currently taking place in New York,
 - (iii) the participation of numerous parliamentarians in the meeting, and the increased engagement of parliamentarians in nuclear non-proliferation and disarmament initiatives, and
 - (iv) Australia's statements that currently it is experiencing the highest level of political will on nuclear disarmament and non-proliferation in decades, and that all states have responsibilities to seize the moment to strengthen the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (the Treaty); and
- (b) calls on the Government to take every effort to ensure that the Preparatory Committee forwards consensus recommendations to the Review Conference, to provide sufficient guidance for its substantive work, and to signal the commitment of all states that are parties to the Treaty.

Question put and passed.

6 ENVIRONMENT PROTECTION (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 433—That the following bill be introduced:

A Bill for an Act to provide for environmentally sustainable use of resources and best practice in waste management by establishing a national beverage container deposit and recovery scheme, and for related purposes.

Question put and passed.

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

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

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

**7 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 426—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the import risk analysis for the importation of Cavendish bananas from the Philippines be extended to 22 May 2009.

Question put and passed.

8 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 427—That the time for the presentation of the report of the Economics Legislation Committee on the 2009-10 Budget estimates be extended to 25 June 2009.

Question put and passed.

9 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 428—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 22 June 2009, from 12.30 pm, to take evidence on matters arising from consideration of the 2009-10 Budget estimates.

Question put and passed.

10 CONSIDERATION OF LEGISLATION

The Minister for Human Services (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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:

Financial Assistance Legislation Amendment Bill 2009

Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Bill 2009

Tax Laws Amendment (Small Business and General Business Tax Break) Bill 2009.

Question put and passed.

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

11 INDIGENOUS AUSTRALIANS—NATIONAL SORRY DAY

Senator Crossin, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 430—That, as recommended in the *Bringing them home* report tabled in the Senate on 26 May 1997, the Senate recognises that 26 May is National Sorry Day, a day of remembrance each year to commemorate the history of forcible removal of Aboriginal and Torres Strait Islander children and its effects on individuals, families and communities.

Question put and passed.

12 SPORT—CODE OF CONDUCT

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 431—That the Senate—

(a) recognises:

- (i) the need for cultural change within some sporting organisations relating to problems including violence and attitudes towards women, and
- (ii) the high regard in which professional sportspeople are held in this country, and the role model status that they hold for young Australians; and

- (b) calls on the Government to:
- (i) facilitate dialogue of representatives from all sporting codes to discuss best practice in managing behaviour, and the possibility of establishing a universal code of conduct in professional sport, and
 - (ii) invest in educational programs to promote more positive behaviours and attitudes.

Question put and passed.

13 ADMINISTRATION—TASMANIAN GOVERNMENT

The Leader of the Australian Greens (Senator Bob Brown), also on behalf of Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 432—That the Senate calls on the Tasmanian Government not to disband the Department of Environment, Parks, Heritage and the Arts, which was originally established by the Bethune Liberal Government in 1972.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 51

Senators—

Adams	Cash	Humphries	O'Brien
Arbib	Collins	Hurley	Parry (Teller)
Back	Cormann	Hutchins	Payne
Barnett	Crossin	Joyce	Polley
Bernardi	Farrell	Kroger	Ronaldson
Bilyk	Feeney	Ludwig	Ryan
Birmingham	Ferguson	Macdonald	Scullion
Bishop	Fielding	McEwen	Sterle
Boswell	Fifield	McGauran	Trood
Boyce	Fisher	McLucas	Williams
Brandis	Forshaw	Minchin	Wong
Brown, Carol	Furner	Moore	Wortley
Cameron	Hogg	Nash	

Question negatived.

Statements by leave: Senators Parry and Bob Brown, by leave, made statements relating to the motion.

14 POSTPONEMENT

Senator Xenophon, by leave, moved—That business of the Senate notice of motion no. 1 standing in his name for today, proposing a reference to the Standing Committee of Senators' Interests, be postponed till the next day of sitting.

Question put and passed.

15 PARLIAMENTARY SUPERANNUATION AMENDMENT (REMOVAL OF EXCESSIVE SUPER) BILL 2009

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. 414—That the following bill be introduced:

A Bill for an Act to amend the *Parliamentary Contributory Superannuation Act 1948* to remove excessive superannuation arrangements for federal politicians, 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.

16 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—VARIATION OF APPOINTMENT

The Chair of the Select Committee on the National Broadband Network (Senator Fisher), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 429—That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on the National Broadband Network, be amended as follows:

- (1) That the time for the presentation of the report of the committee be extended to 26 November 2009.
- (2) Omit paragraphs (1)(a) and (b) and (2), substitute:
 - (1) (a) the Government's decision to establish a company to build and operate a National Broadband Network (NBN) to:
 - (i) connect 90 per cent of all Australian homes, schools and workplaces with optical fibre to the premise (FTTP) to enable broadband services with speeds of 100 megabits per second,
 - (ii) connect all other premises in Australia with next generation wireless and satellite technologies to deliver broadband speeds of 12 megabits per second or more, and
 - (iii) directly support up to 25 000 local jobs every year, on average, over the 8 year life of the project; and
 - (b) the implications of the NBN for consumers and taxpayers in terms of:
 - (i) service availability, choice and costs,
 - (ii) competition in telecommunications and broadband services, and
 - (iii) likely consequences for national productivity, investment, economic growth, cost of living and social capital.
- (2) That the committee's investigation include, but not be limited to:
 - (a) any economic and cost/benefit analysis underpinning the NBN;

- (b) the ownership, governance and operating arrangements of the NBN company and any NBN related entities;
- (c) any use of bonds to fund the NBN;
- (d) any regulations or legislation pertaining to the NBN;
- (e) the availability, price, level of innovation and service characteristics of broadband products presently available, the extent to which those services are delivered by established and emerging providers, and the prospects for future improvements in broadband infrastructure and services (including through private investment);
- (f) the effects of the NBN on the availability, price, choice, level of innovation and service characteristics of broadband products in metropolitan, outer-metropolitan, semi-rural and rural and regional areas and towns;
- (g) the extent of demand for currently available broadband services, the factors influencing consumer choice for broadband products and the effect on demand if the Government's FTTP proposal proceeds;
- (h) any technical, economic, commercial, regulatory, social or other barriers that may impede attaining the Government's stated goal for broadband availability and performance in the specified time frame;
- (i) the appropriate public policy goals for communications in Australia and the nature of any necessary regulatory settings to continue to develop competitive market conditions, improved services, lower prices and innovation;
- (j) the role of government and its relationship with the private sector and existing private investment in the telecommunications sector;
- (k) the effect of the NBN on the delivery of Universal Service Obligations services; and
- (l) whether, and if so to what extent, the former Government's OPEL initiative would have assisted making higher speed and more affordable broadband services available.

Senator Ludlam, by leave, moved the following amendment:

Paragraph (1), omit "26 November 2009", substitute "23 November 2009".

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

Main question, as amended, put and passed.

17 COMMITTEES—REFERENCES

Senator Parry, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—That—

- (1) To ensure appropriate consideration of budget-related bills by Senate committees without undue delay, the provisions of all bills introduced into the Parliament after 12 May 2009 and before 5 June 2009 that are proposed to commence prior to 11 August 2009 are, contingent upon their introduction into the Parliament, referred to committees for inquiry and report by 16 June 2009.
- (2) The committee to which each bill is referred shall be determined in accordance with the order of 13 February 2008 allocating departments and agencies to standing committees.

- (3) This order may be superseded in relation to any bill by:
- (a) a subsequent order of the Senate, including the adoption of a recommendation of the Selection of Bills Committee that the bill not be referred or be referred on different terms; or
 - (b) a recommendation of the Selection of Bills Committee reported to the President when the Senate is not sitting that the bill not be referred or be referred on different terms.
- (4) A committee to which a bill has been referred may determine that there are no substantive matters that require examination and may report that fact to the Senate.
- (5) This order does not apply in relation to bills which contain no provisions other than provisions appropriating revenue or moneys (appropriation bills).

The Minister for Human Services (Senator Ludwig), by leave, moved the following amendment:

Paragraph (1), omit "all", substitute "these".

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

Main question, as amended, put and passed.

18 ENVIRONMENT—NEW SOUTH WALES—WETLANDS

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. 435—That the Senate supports the moves by the Minister for the Environment, Heritage and the Arts (Mr Garrett) to protect New South Wales wetlands which are the habitat of the vulnerable superb parrot from the dangers of logging.

Question put and passed.

19 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

Senator Scullion, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That—

- (a) the relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd (Centrecorp) be referred to the Finance and Public Administration References Committee for inquiry and report by 11 August 2009;
- (b) the committee must inquire into and report upon:
 - (i) the financial and management relationship between the Central Land Council and Centrecorp, including (without limitation) any equitable relationship between those entities,
 - (ii) whether taxpayers' funds have been paid or transferred to Centrecorp and how those monies have been treated in the accounts of the Central Land Council and Centrecorp,
 - (iii) the nature and extent of Centrecorp's business activities,
 - (iv) Centrecorp's sources of revenue,
 - (v) the beneficiaries of Centrecorp business and other activities and any additional revenue it receives,

- (vi) the nature and extent of Centrecorp disbursements to any charitable trusts or like entities,
 - (vii) the extent to which any Centrecorp beneficiaries and the Central Land Council are informed of Centrecorp's business activities,
 - (viii) how Aboriginal Australians living in the Central Australia region benefit from Centrecorp's business and charitable operations, and
 - (ix) all other matters considered necessary by the committee; and
- (c) the committee must hear evidence from inter alia:
- (i) the Central Land Council,
 - (ii) the Auditor-General, and
 - (iii) Centrecorp.

Question put.

The Senate divided—

AYES, 33

Senators—

Abetz	Colbeck	Johnston	Ryan
Adams	Cormann	Joyce	Scullion
Back	Eggleston	Kroger	Troeth
Barnett	Fielding	Macdonald	Trood
Bernardi	Fierravanti-Wells	Mason	Williams
Birmingham	Fifield	McGauran	Xenophon
Boswell	Fisher	Nash	
Boyce	Heffernan	Parry (Teller)	
Cash	Humphries	Payne	

NOES, 31

Senators—

Arbib	Crossin	Hutchins	O'Brien (Teller)
Bilyk	Farrell	Ludlam	Polley
Bishop	Feeney	Ludwig	Sherry
Brown, Bob	Forshaw	Marshall	Siewert
Brown, Carol	Furner	McEwen	Sterle
Cameron	Hanson-Young	McLucas	Wong
Carr	Hogg	Milne	Wortley
Collins	Hurley	Moore	

Question agreed to.

20 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters nominating senators to be members of committees.

The Minister for Human Services (Senator Ludwig), by leave, moved—That senators be appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—

Senators Adams, Boyce, Carol Brown, Furner, Moore and Siewert
 Participating members: Senators Abetz, Back, Barnett, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Brandis, Bob Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce,

Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Sterle, Troeth, Trood, Williams and Wortley

Community Affairs References Committee—

Appointed—

Senators Adams, Boyce, Carol Brown, Moore, Siewert and Williams
Participating members: Senators Abetz, Back, Barnett, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Brandis, Bob Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Sterle, Troeth, Trood and Wortley

Economics Legislation Committee—

Appointed—

Senators Cameron, Eggleston, Hurley, Joyce and Pratt
Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Trood, Williams and Wortley

Economics References Committee—

Appointed—

Senators Bushby, Eggleston, Hurley, Joyce and Pratt
Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hutchins, Johnston, Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Trood, Williams and Wortley

Education, Employment and Workplace Relations Legislation Committee—

Appointed—

Senators Bilyk, Cash, Collins, Hanson-Young, Humphries and Marshall
Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Colbeck, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Heffernan, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Macdonald, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Trood, Williams and Wortley

Education, Employment and Workplace Relations References Committee—

Appointed—

Senators Back, Cash, Collins, Hanson-Young, Humphries and Marshall
Participating members: Senators Abetz, Adams, Barnett, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Colbeck, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Heffernan, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Macdonald, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Trood, Williams and Wortley

Environment, Communications and the Arts Legislation Committee—

Appointed—

Senators Birmingham, Ludlam, Lundy, McEwen, Troeth and Wortley
Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Macdonald, Marshall, Mason, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Trood and Williams

Environment, Communications and the Arts References Committee—

Appointed—

Senators Birmingham, Boswell, Ludlam, McEwen, Troeth and Wortley
Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Bishop, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Lundy, Macdonald, Marshall, Mason, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Trood and Williams

Finance and Public Administration Legislation Committee—

Appointed—

Senators Bernardi, Cameron, Collins, Polley, Ryan and Siewert
Participating members: Senators Abetz, Adams, Back, Barnett, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cash, Colbeck, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Pratt, Ronaldson, Scullion, Sterle, Troeth, Trood, Williams and Wortley

Finance and Public Administration References Committee—

Appointed—

Senators Bernardi, Cameron, Parry, Polley, Ryan and Siewert

Participating members: Senators Abetz, Adams, Back, Barnett, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Payne, Pratt, Ronaldson, Scullion, Sterle, Troeth, Trood, Williams and Wortley

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—

Senators Bishop, Feeney, Forshaw, Kroger, Ludlam and Trood

Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Birmingham, Bilyk, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Williams and Wortley

Foreign Affairs, Defence and Trade References Committee—

Appointed—

Senators Bishop, Ferguson, Forshaw, Kroger, Ludlam and Trood

Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Birmingham, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Fielding, Fierravanti-Wells, Fifield, Fisher, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Williams and Wortley

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Senators Barnett, Crossin, Feeney, Fisher, Ludlam and Marshall

Participating members: Senators Abetz, Adams, Back, Bernardi, Birmingham, Bilyk, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Eggleston, Farrell, Ferguson, Fielding, Fierravanti-Wells, Fifield, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Lundy, Macdonald, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Trood, Williams and Wortley

Legal and Constitutional Affairs References Committee—

Appointed—

Senators Barnett, Crossin, Feeney, Fisher, Ludlam and Trood

Participating members: Senators Abetz, Adams, Back, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Eggleston, Farrell, Ferguson, Fielding, Fierravanti-Wells, Fifield, Forshaw, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Williams and Wortley

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—

Senators Heffernan, Hutchins, Nash, O'Brien, Siewert and Sterle

Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Humphries, Hurley, Johnston, Joyce, Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McGauran, McLucas, Milne, Minchin, Moore, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Troeth, Trood, Williams and Wortley

Rural and Regional Affairs and Transport References Committee—

Appointed—

Senators Heffernan, McGauran, Milne, Nash, O'Brien and Sterle

Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Birmingham, Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Ferguson, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Furner, Hanson-Young, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Lundy, Macdonald, Marshall, Mason, McEwen, McLucas, Minchin, Moore, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Troeth, Trood, Williams and Wortley.

Question put and passed.

**21 COMMUNITY AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—
PETROL SNIFFING AND SUBSTANCE ABUSE IN CENTRAL AUSTRALIA**

Senator O'Brien, at the request of the Chair of the Community Affairs Committee (Senator Moore), tabled the following document:

Community Affairs—Standing Committee—Report—Grasping the opportunity of Opal: Assessing the impact of the petrol sniffing strategy—Additional information.

22 PUBLICATIONS—STANDING COMMITTEE—10TH 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**10TH 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 19 March 2009, recommends that the following be printed:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2008—

Native title.

Social justice.

Australian Electoral Commission—2008 Redistribution into electoral divisions—Redistribution of Western Australia into electoral divisions—Replacement compact disc.

Australian Human Rights Commission—Report No. 40—Complaints by immigration detainees against the Commonwealth of Australia.

Australian Sports Anti-Doping Authority—Report for 2007-08—Addendum.

Department of Health and Ageing—Report for 2007-08—Correction.

Finance—Budget 2009-10—Ministerial statements—

Australia's international development assistance program: A good international citizen.

Building our rural and regional communities.

Climate change.

Closing the gap between Indigenous and non-Indigenous Australians.

Jobs, productivity and fairness – A foundation for recovery.

Productivity Commission—Reports—

No. 46—Government drought support, 27 February 2009.

No. 47—Paid parental leave: Support for parents with newborn children, 28 February 2009.

Senator Carol Brown

Chair

14 May 2009.

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

Question put and passed.

23 NATION-BUILDING FUNDS AMENDMENT BILL 2009

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

Message no. 303, dated 13 May 2009—A Bill for an Act to amend the *Nation-building Funds Act 2008*, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

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.

**24 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL AND OTHER BENEFITS—
COST RECOVERY) BILL 2008 [NO. 2]**

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

Message no. 304, dated 13 May 2009—A Bill for an Act to amend the *National Health Act 1953*, and for related purposes.

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

Question put and passed.

Bill read a first time.

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

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

**25 REMUNERATION AND ALLOWANCES FOR HOLDERS OF PUBLIC OFFICE—PROPOSED
DISAPPROVAL**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice, moved business of the Senate notice of motion no. 2—That Part 3 (clauses 3.1 to 3.3) of Determination 2009/04: Remuneration and Allowances for Holders of Public Office; and Members of Parliament – Entitlements and Office Holders Additional Salary, made pursuant to subsections 7(1), 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*, be disapproved.

Debate ensued.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 38

Senators—

Abetz	Colbeck	Hutchins	Scullion
Adams	Farrell	Ludwig	Sherry
Back	Faulkner	Macdonald	Sterle
Bernardi	Feeney	Marshall	Troeth
Birmingham	Fifield	McEwen	Trood
Bishop	Fisher	Moore	Williams
Boswell	Furner	O'Brien	Wong
Brown, Carol	Hogg	Parry (Teller)	Wortley
Cameron	Humphries	Payne	
Cash	Hurley	Ronaldson	

Question negatived.

26 ECONOMICS LEGISLATION COMMITTEE—REFERENCE

The Minister for Climate Change and Water (Senator Wong), pursuant to notice, moved business of the Senate notice of motion no. 3—That on the introduction of any of the following bills into the House of Representatives or any other bill that forms part of the Government’s Carbon Pollution Reduction Scheme, provisions of these bills be referred immediately to the Economics Legislation Committee for inquiry and report by 15 June 2009, including, but not limited to the following:

- (a) Australian Climate Change Regulatory Authority Bill 2009;
- (b) Carbon Pollution Reduction Scheme Bill 2009;
- (c) Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009;
- (d) Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009;
- (e) Carbon Pollution Reduction Scheme (Charges—General) Bill 2009;
- (f) Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009;
- (g) Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009;
- (h) Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009;
- (i) Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009;
- (j) Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009; and
- (k) Carbon Pollution Reduction Scheme (Household Assistance) Bill 2009.

Debate ensued.

Senator Parry moved the following amendment:

Omit “15 June 2009”, substitute “11 August 2009”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 34

Senators—

Abetz	Cormann	Johnston	Payne
Adams (Teller)	Eggleston	Joyce	Ronaldson
Back	Ferguson	Kroger	Ryan
Barnett	Fielding	Macdonald	Scullion
Bernardi	Fierravanti-Wells	Mason	Troeth
Boswell	Fifield	McGauran	Trood
Bushby	Fisher	Minchin	Williams
Cash	Heffernan	Nash	
Coonan	Humphries	Parry	

NOES, 34

Senators—

Arbib	Crossin	Hutchins	Sherry
Bilyk	Evans	Ludlam	Siewert
Bishop	Farrell	Ludwig	Stephens
Brown, Bob	Faulkner	Marshall	Sterle
Brown, Carol	Feeney	McEwen (Teller)	Wong
Cameron	Forshaw	Milne	Wortley
Carr	Furner	Moore	Xenophon
Collins	Hanson-Young	O’Brien	
Conroy	Hurley	Polley	

The ayes and noes were equal and so the question was negatived.

Main question put and passed.

- 27 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—
REPORT—REPORTING OF SPORTS NEWS AND THE EMERGENCE OF DIGITAL MEDIA**
- Pursuant to order, the Chair of the Environment, Communications and the Arts Committee (Senator McEwen) tabled the following report and documents:
- Environment, Communications and the Arts—Standing Committee—The reporting of sports news and the emergence of digital media—Report, dated May 2009, Hansard record of proceedings, documents presented to the committee and submissions.
- Report ordered to be printed on the motion of Senator McEwen.
- Senator McEwen, by leave, moved—That the Senate take note of the report.
- Debate adjourned till the next day of sitting, Senator McEwen in continuation.
- 28 COMMITTEES—ADDITIONAL INFORMATION—BUDGET AND ADDITIONAL ESTIMATES 2008-09**
- Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:
- Budget estimates 2008-09—
- Community Affairs—Standing Committee—Additional information received between 20 March and 13 May 2009—Families, Housing, Community Services and Indigenous Affairs portfolio.
- Budget estimates 2008-09 (Supplementary)—
- Environment, Communications and the Arts—Standing Committee—Additional information received between 4 February and 13 May 2009—
- Broadband, Communications and the Digital Economy portfolio.
- Environment, Water, Heritage and the Arts portfolio.
- Additional estimates 2008-09—
- Community Affairs—Standing Committee—Additional information received between 19 March and 13 May 2009—
- Families, Housing, Community Services and Indigenous Affairs portfolio.
- Health and Ageing portfolio.
- Indigenous issues across portfolios—Attorney-General's; Education, Employment and Workplace Relations; and Human Services.
- Economics—Standing Committee—Additional information received between 25 February and 13 May 2009—
- Innovation, Industry, Science and Research portfolio.
- Resources, Energy and Tourism portfolio.
- Treasury portfolio.
- Education, Employment and Workplace Relations—Standing Committee—Additional information received between 9 April and 13 May 2009—
- Education, Employment and Workplace Relations portfolio.
- Environment, Communications and the Arts—Standing Committee—Additional information received between—
- 19 March and 14 May 2009—Broadband, Communications and the Digital Economy portfolio.

19 March and 13 May 2009—Environment, Water, Heritage and the Arts portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 20 March and 14 May 2009—
 Department of Climate Change.
 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 9 April and 14 May 2009—
 Defence portfolio.
 Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 18 March and 12 May 2009—
 Attorney-General's portfolio.
 Immigration and Citizenship portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 5 February and 12 May 2009—
 Agriculture, Fisheries and Forestry portfolio.
 Infrastructure, Transport, Regional Development and Local Government portfolio.

29 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That intervening business be postponed till after consideration of the government business orders of the day relating to the Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Bill 2009 and the Financial Assistance Legislation Amendment Bill 2009.

Question put and passed.

30 SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (2009 BUDGET MEASURES) BILL 2009

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

31 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That consideration of the government business order of the day relating to the Financial Assistance Legislation Amendment Bill 2009 and government business order of the day no. 2 (Employment and Workplace Relations Amendment Bill 2008) may continue after 12.45 pm.

Question put and passed.

32 FINANCIAL ASSISTANCE LEGISLATION AMENDMENT BILL 2009

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.

Declaration of interest: Senator Macdonald declared an interest in relation to the bill.

Debate continued.

Question put and passed.

Bill read a second time.

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

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

33 EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—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.

Explanatory memorandum: The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled a supplementary explanatory memorandum relating to the government amendments and requests for amendments to be moved to the bill.

On the motion of Senator Stephens the following amendments and requests for amendments, taken together by leave, were agreed to:

Amendments—

Clause 2, page 2 (after table item 1), insert:

1A. Schedule 1, 1 July 2009.
items 1 and 2

1 July 2009

Clause 2, page 2 (before table item 3), insert:

2A. Schedule 1, items 6 and 7 The day on which this Act receives the Royal Assent.

2B. Schedule 1, items 8 to 13 The day after this Act receives the Royal Assent.

Schedule 1, item 6, page 6 (line 19), omit “at or after the commencement of this item”, substitute “on or after 1 July 2009”.

Schedule 1, item 7, page 6 (lines 25 and 26), omit “at or after the commencement of this item”, substitute “on or after 1 July 2009”.

Schedule 1, page 6 (after line 28), at the end of the Schedule, add:

Seafarers Rehabilitation and Compensation Act 1992

8 Subsection 23(1) (definition of *relevant amount*)

Omit “29(3), (4) or (5),”.

Note: The heading to section 23 is altered by adding at the end “—**Consumer Price Index**”.

9 After section 23

Insert:

23A Indexation—Wage Price Index

Definitions

(1) In this section:

index number, in relation to a quarter, means:

- (a) the Wage Price Index (total hourly rates of pay excluding bonuses/all sectors/all Australia/original) number published by the Australian Statistician in respect of that quarter; or
- (b) if:
 - (i) a series of index numbers is prescribed for the purposes of this paragraph; and
 - (ii) the Australian Statistician publishes an index number in respect of the quarter; and
 - (iii) that index number belongs to the series;
 that index number.

relevant amount means the amount specified in subsection 29(3), (4) or (5).

relevant year means:

- (a) the financial year starting on 1 July 2009; or
- (b) a later financial year.

Indexation

- (2) If the indexation factor for a relevant year is greater than one, this Act has effect as if for each relevant amount there were substituted, on the first day of that relevant year, an amount calculated by multiplying by that factor:
 - (a) if, because of one or more other applications of this section, this Act has effect as if another amount or amounts were substituted for the relevant amount—the substituted amount or the last substituted amount; or
 - (b) in any other case—the relevant amount.

Indexation factor

- (3) For the purposes of this section, the *indexation factor* for a relevant year is the number calculated, to 3 decimal places, using the formula:

$$\frac{\text{Index number for the reference December quarter}}{\text{Index number for the base December quarter}}$$

where:

base December quarter means the last December quarter before the reference December quarter.

reference December quarter means the last December quarter before the relevant year.

- (4) If the number calculated under subsection (3) for a relevant year would, if it were calculated to 4 decimal places, end with a number greater than 4, the number so calculated is increased by 0.001.

Other provisions

- (5) Subject to subsection (6), if at any time, whether before or after the commencement of this section, the Australian Statistician has published or publishes an index number for a quarter in substitution for an index number previously published for that quarter, the publication of the later index number is to be disregarded for the purposes of this section.
- (6) If at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the reference base for:
- (a) the Wage Price Index; or
 - (b) another index;

then, for the purposes of the application of this section after the change took place or takes place, regard is to be had only to the index number published in terms of the new reference base.

10 Paragraphs 29(3)(a) and (4)(a)

Omit "\$151,167.84", substitute "\$412,000".

11 Subsection 29(5)

Omit "\$50.38", substitute "\$113.30".

12 Application—compensation for the benefit of dependants

- (1) The amendments made by items 8 and 9, to the extent that they relate to subsections 29(3) and (4) of the *Seafarers Rehabilitation and Compensation Act 1992*, apply in relation to the death of an employee that occurs on or after 1 July 2009.
- (2) The amendment made by item 10 applies in relation to the death of an employee that occurs at or after the commencement of this item.

13 Application—compensation for the benefit of children

- (1) The amendments made by items 8 and 9, to the extent that they relate to subsection 29(5) of the *Seafarers Rehabilitation and Compensation Act 1992*, apply in relation to a payment for a week that begins on or after 1 July 2009.

- (2) The amendment made by item 11 applies in relation to a payment for a week that begins at or after the commencement of this item.

Requests—

That the House of Representatives be requested to make the following amendments:

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

2. Schedule 1, 13 May 2008. 13 May 2008
items 3, 4 and 5

Schedule 1, item 6, page 6 (line 21), omit “at or after the commencement of this item”, substitute “on or after 13 May 2008”.

Schedule 1, item 7, page 6 (line 28), omit “at or after the commencement of this item”, substitute “on or after 13 May 2008”.

Bill, as amended, agreed to, subject to requests.

Bill to be reported with amendments and requests.

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

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

34 CUSTOMS LEGISLATION AMENDMENT (NAME CHANGE) BILL 2009

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Senator Stephens the bill was read a third time.

35 CUSTOMS AMENDMENT (ENHANCED BORDER CONTROLS AND OTHER MEASURES) 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.

Question put and passed.

Bill read a second time.

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

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

36 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That government business order of the day no. 8 (Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008) be postponed till the next day of sitting.

Question put and passed.

**37 TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL
(NO. 2) 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.

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

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

**38 AUSTRALIAN BUSINESS INVESTMENT PARTNERSHIP BILL 2009
AUSTRALIAN BUSINESS INVESTMENT PARTNERSHIP (CONSEQUENTIAL
AMENDMENT) BILL 2009**

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

In the committee

Bills, taken together and as a whole by leave, debated.

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.

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

Ordered, on the motion of Senator Conroy, that the committee have leave to sit again at a later hour.

**39 TAX LAWS AMENDMENT (SMALL BUSINESS AND GENERAL BUSINESS TAX BREAK)
BILL 2009**

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

Message no. 306, dated 14 May 2009—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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.

**40 AUSTRALIAN BUSINESS INVESTMENT PARTNERSHIP BILL 2009
AUSTRALIAN BUSINESS INVESTMENT PARTNERSHIP (CONSEQUENTIAL
AMENDMENT) BILL 2009**

Order of the day read for the further consideration of the bills in committee of the whole.

In the committee

Consideration resumed of the bills.

Debate resumed.

Senator Abetz moved—That the committee report progress and ask leave to sit again.

Question put and passed.

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

Ordered, on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), that the committee have leave to sit again at a later hour.

**41 TAX LAWS AMENDMENT (SMALL BUSINESS AND GENERAL BUSINESS TAX BREAK)
BILL 2009—STATEMENT BY LEAVE**

Senator Abetz, by leave, made a statement relating to the Tax Laws Amendment (Small Business and General Business Tax Break) Bill 2009.

**42 AUSTRALIAN BUSINESS INVESTMENT PARTNERSHIP BILL 2009
AUSTRALIAN BUSINESS INVESTMENT PARTNERSHIP (CONSEQUENTIAL
AMENDMENT) BILL 2009**

Order of the day read for the further consideration of the bills in committee of the whole.

In the committee

Consideration resumed of the bills.

On the motion of the Leader of the Family First Party (Senator Fielding) the following amendments in respect of the Australian Business Investment Partnership Bill 2009, taken together by leave, were debated and agreed to:

Clause 4, page 2 (after line 25), after the definition of *enforcement resolution*, insert:

lending criteria means the criteria used by a provider of financing or refinancing to decide whether or not to provide financing or refinancing.

Clause 8, page 5 (line 11), omit “and (5)”, substitute “, (5) and (5A)”.

Clause 8, page 6 (after line 17), after subclause (5), insert:

Lending criteria

- (5A) ABIP Limited must be satisfied that the lending criteria applied by ABIP Limited in assessing the application for financing or refinancing under the arrangement are no less prudent than the lending criteria for investment grade loans that the members of ABIP Limited (other than the Commonwealth) would apply when deciding whether to enter into such an arrangement in the ordinary course of their business.

On the motion of Senator Fielding the following amendments in respect of the Australian Business Investment Partnership Bill 2009, taken together by leave, were agreed to:

Clause 7, page 5 (line 4), after “Limited”, insert “, and approved by the Minister,”.

Clause 8, page 6 (lines 8 to 11), omit paragraph (3)(b), substitute:

(b) is an arrangement of a kind:

(i) that all the members of ABIP Limited agree, in writing, that ABIP Limited may enter into; and

(ii) that the Minister approves in writing, provided that:

(A) the time provided for by section 46B of the *Acts Interpretation Act 1901* for the disallowance of the Minister’s approval has expired and the approval has not been disallowed by either House of the Parliament; or

(B) the Minister’s approval has been specifically approved by resolution of each House of the Parliament.

Clause 8, page 6 (before line 12), before subclause (4), insert:

- (3A) An approval under subparagraph (3)(b)(ii) is not a legislative instrument, but is a disallowable instrument for the purposes of section 46B of the *Acts Interpretation Act 1901*.

On the motion of Senator Xenophon the following amendments in respect of the Australian Business Investment Partnership Bill 2009, taken together by leave, were debated and agreed to:

Clause 4, page 2 (after line 7), after the definition of *ABIP Limited*, insert:

ACCC means the Australian Competition and Consumer Commission established by section 6A of the *Trade Practices Act 1974*, and includes a member of the Commission or a Division of the Commission performing the functions of the Commission.

Clause 4, page 3 (after line 5), after the definition of *loan*, insert:

member of the Commission has the same meaning as in the *Trade Practices Act 1974*.

Page 10 (after line 30), after clause 16, insert:

16A ACCC's functions

- (1) The ACCC's functions under this Act are set out in this section. In performing these functions the ACCC may exercise any of the powers it has under the *Trade Practices Act 1974*.

ACCC to prepare competition impact statement

- (2) The ACCC must prepare a competition impact statement in accordance with this section.
- (3) The statement must identify the potential costs and benefits to competition and consumers of exempting ABIP Limited and its activities from competition laws.
- (4) The ACCC must give to the Minister a copy of the statement not later than 3 months after the commencement of this Act. As soon as practicable after the Minister is given the copy, the Minister must cause it to be laid before each House of the Parliament.

ACCC to monitor competition exemption

- (5) The ACCC must prepare a competition exemption report in accordance with this section as soon as practicable after 30 June of each financial year:
- (a) that commences on or after 1 July 2010; and
 - (b) in which a financing arrangement is entered into under section 8.
- (6) The report must:
- (a) identify the costs and benefits to competition and consumers of exempting ABIP Limited and its activities from competition laws; and
 - (b) express an opinion as to:
 - (i) whether the benefits to competition and consumers of ABIP Limited and its activities during the preceding 12 months outweighed the costs to competition and consumers; and
 - (ii) if under subparagraph (i) the opinion is expressed that those benefits outweighed those costs during the preceding 12 months—whether there have been any material changes in circumstances such that the costs or potential costs to competition and consumers of ABIP Limited and its activities now outweigh the benefits to competition and consumers.
- (7) The ACCC must give to the Minister a copy of the report as soon as practicable after preparing it. As soon as practicable after the Minister is given the copy, the Minister must cause it to be laid before each House of the Parliament.

Identifying costs and benefits

- (8) In identifying and reporting on the costs and benefits to competition and consumers, the ACCC must have particular regard to the matters set out in Part IV of the *Trade Practices Act 1974*.

Interpretation

- (9) In this section:
exempting ABIP Limited and its activities from competition laws means specifying, and specifically authorising, the conduct referred to in subsection 16(1) for the purposes of subsection 51(1) of the *Trade Practices Act 1974*.

The Australian Business Investment Partnership Bill 2009, as amended, and the Australian Business Investment Partnership (Consequential Amendment) Bill 2009 further debated.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Forshaw) reported progress.

43 QUESTIONS

Questions without notice were answered.

44 MOTION TO TAKE NOTE OF ANSWERS

Senator Cormann moved—That the Senate take note of the answers given by the Minister for Human Services (Senator Ludwig) to questions without notice asked by Senators Cormann and Boyce today relating to private health insurance.

Debate ensued.

Question put and passed.

45 IMMIGRATION—PEOPLE SMUGGLING—PERSONAL EXPLANATION

Senator Fierravanti-Wells, by leave, made a personal explanation relating to comments made by the Parliamentary Secretary for Government Service Delivery (Senator Arbib) during the discussion of a matter of public importance on 12 May 2009 concerning people smuggling.

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

46 COMMUNITY AFFAIRS—STANDING COMMITTEE—GOVERNMENT RESPONSE—SPECIAL DISABILITY TRUSTS

The Parliamentary Secretary for Government Service Delivery (Senator Arbib) tabled the following document:

Community Affairs—Standing Committee—Report—Building trust: Supporting families through disability trusts—Government response, dated May 2009.

47 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—47TH REPORT

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

Appropriations and Staffing—Standing Committee—47th report—Estimates for the Department of the Senate 2009-10, dated May 2009.

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

48 ESTIMATES OF PROPOSED EXPENDITURE FOR 2009-10—PORTFOLIO BUDGET STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENT

The Parliamentary Secretary for Government Service Delivery (Senator Arbib) tabled the following document:

Estimates of proposed expenditure for 2009-10—Portfolio budget statements—Portfolios and executive departments—Attorney-General's portfolio—Correction.

49 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 5 OF 2009

Senator Farrell, by leave and at the request of the Chair of the Selection of Bills Committee (Senator O'Brien), tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 5 OF 2009

1. The committee met in private session on Thursday, 14 May 2009 at 11.34 am.
2. The committee resolved to recommend—That—
 - (a) the order of the Senate of 18 March 2009 adopting the committee's 3rd report of 2009 be varied to provide that the AusCheck Amendment Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 June 2009;
 - (b) the *provisions* of the Health Workforce Australia Bill 2009 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 15 June 2009; and
 - (c) the *provisions* of the Nation Building Program (National Land Transport) Amendment Bill 2009 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 15 June 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Car Dealership Financing Guarantee Appropriation Bill 2009
 - Family Assistance Legislation Amendment (Child Care) Bill 2009
 - Financial Assistance Legislation Amendment Bill 2009
 - Food Safety (Trans Fats) Bill 2009
 - International Monetary Agreements Amendment Bill 2009
 - National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008 [No. 2]
 - Nation-building Funds Amendment Bill 2009
 - Rural Adjustment Amendment Bill 2009
 - Safe Work Australia Bill 2008 [No. 2]
 - Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Bill 2009
 - Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009
 - Tax Laws Amendment (2009 Measures No. 3) Bill 2009.

The committee recommends accordingly.
4. The committee considered the Australian Climate Change Regulatory Authority Bill 2009 and nine related bills and noted that the Senate had agreed to refer the provisions of the bills to the Economics Legislation Committee for inquiry and report.

5. The committee deferred consideration of the following bills to its next meeting:
- Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009
 - Fair Work Amendment (Paid Parental Leave) Bill 2009
 - Parliamentary Superannuation Amendment (Removal of Excessive Super) Bill 2009.

Kerry O'Brien
Chair
14 May 2009.

Senator Farrell moved—That the report be adopted.

Question put and passed.

50 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 Nos—

2009/10—Defence Endowments Account Variation and Abolition 2009 [F2009L01750]*.

2009/11—Defence Endowments Special Account Establishment 2009 [F2009L01751]*.

2009/12—Fedorczenko Legacy Fund Account Variation and Abolition 2009 [F2009L01752]*.

2009/13—Fedorczenko Legacy Special Account Establishment 2009 [F2009L01753]*.

Fisheries Management Act—Eastern Tuna and Billfish Fishery Management Plan 2005—ETBF Direction No. 09/01—Daylight Setting Closure [F2009L01745]*.

Higher Education Support Act—Higher Education Provider Approval (No. 4 of 2009)—Southbank Institute of Technology [F2009L01780]*.

Military Rehabilitation and Compensation Act—Military Rehabilitation and Compensation (Pay-related Allowances) Determination 2009 (No. 2) [F2009L01615]*.

National Health Act—Instrument Nos PB—

40 of 2009—Amendment determination – pharmaceutical benefits [F2009L01712]*.

43 of 2009—Amendment Special Arrangements — Highly Specialised Drugs Program [F2009L01716]*.

44 of 2009—Amendment Special Arrangements — Chemotherapy Pharmaceuticals Access Program [F2009L01715]*.

* Explanatory statement tabled with legislative instrument.

51 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Budget estimates—Letter of advice—Broadband, Communications and the Digital Economy portfolio agencies.

52 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Budget estimates—Letter of advice—Broadband, Communications and the Digital Economy portfolio agencies.

53 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for Government Service Delivery (Senator Arbib), by leave, moved—That senators be discharged from and appointed to committees as follows:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—

Appointed—Senator Fielding

Community Affairs Legislation and References Committees—

Appointed—Participating member: Senator Xenophon

Economics Legislation Committee—

Appointed—Senator Xenophon

Economics References Committee—

Appointed—Participating member: Senator Xenophon

Education, Employment and Workplace Relations Legislation Committee—

Appointed—Participating member: Senator Xenophon

Education, Employment and Workplace Relations References Committee—

Appointed—

Substitute members:

Senator Siewert to replace Senator Hanson-Young for the committee's inquiry into the tender process for employment services contracts

Senator Milne to replace Senator Hanson-Young for the committee's inquiry into Australia's research and training capacity in the area of climate change

Participating members: Senators Hanson-Young and Xenophon

Environment, Communications and the Arts Legislation Committee—

Appointed—Participating member: Senator Xenophon

Environment, Communications and the Arts References Committee—

Appointed—

Substitute member: Senator Crossin to replace Senator Wortley for the committee's inquiry into forestry and mining operations on the Tiwi Islands

Participating members: Senators Wortley and Xenophon

Finance and Public Administration Legislation Committee—

Appointed—

Substitute member: Senator Bob Brown to replace Senator Siewert for the committee's inquiry into the Plebiscite for an Australian Republic Bill 2008

Participating members: Senators Siewert and Xenophon

Finance and Public Administration References Committee—

Appointed—

Substitute member: Senator Crossin to replace Senator Polley for the committee's inquiry into the relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd

Participating members: Senators Polley and Xenophon

Foreign Affairs, Defence and Trade Legislation Committee—

Discharged—Senator Feeney

Appointed—

Senator Farrell

Participating members: Senators Feeney and Xenophon

Foreign Affairs, Defence and Trade References Committee—

Appointed—Participating member: Senator Xenophon

Legal and Constitutional Affairs Legislation and References Committees—

Appointed—Participating member: Senator Xenophon

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Siewert for the committee's inquiry into the provisions of the Nation Building Program (National Land Transport) Amendment Bill 2009

Participating members: Senators Siewert and Xenophon

Rural and Regional Affairs and Transport References Committee—

Appointed—

Substitute members:

Senator Back to replace Senator Heffernan for the committee's inquiry into public passenger transport in Australia for 9 June and 10 June 2009

Senator Siewert to replace Senator Milne for the committee's inquiry into the management of the Murray-Darling Basin system

Senator Siewert to replace Senator Milne for the committee's inquiry into natural resource management and conservation challenges

Participating members: Senators Heffernan, Milne and Xenophon.

Question put and passed.

54 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following laws:

13 May 2009—Message No. 10—

Customs Tariff Validation Act 2009 (Act No. 29, 2009)

Excise Tariff Validation Act 2009 (Act No. 30, 2009).

General business was called on.

55 ECONOMICS—2009-10 BUDGET

Senator Brandis, at the request of Senator Parry, moved—That the Rudd Government's poor economic management and the 2009-10 Budget has crippled Australia's economic future for this generation and beyond.

Debate ensued.

At 6 pm: Debate was interrupted.

General business concluded.

56 HOURS OF MEETING—VARIATION

The Minister for Human Services (Senator Ludwig), by leave, moved—That the order of the Senate agreed to on 12 May 2009 be varied to provide that the hours of meeting for Thursday, 14 May 2009 be from 9.30 am to 6 pm and 7.55 pm to adjournment.

Question put and passed.

—————
At 7.55 pm—

57 EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 307, dated 14 May 2009—Employment and Workplace Relations Amendment Bill 2008.

On the motion of the Parliamentary Secretary for Government Service Delivery (Senator Arbib) the bill was read a third time.

58 BUDGET STATEMENT AND DOCUMENTS 2009-10

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 Government Service Delivery (Senator Arbib) the debate was adjourned till the next day of sitting.

59 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.22 pm till Monday, 15 June 2009 at 12.30 pm.

60 ATTENDANCE

Present, all senators except Senator Pratt (on leave).

HARRY EVANS
Clerk of the Senate