



# Senate Daily Summary

Wednesday, 9 February 2011

The Senate met from 9.30 am until 7.59 pm

## Legislation

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[For bills and related documents](#)

### Bills considered

The following bill was introduced

- ❑ Federal Financial Relations Amendment (National Health and Hospitals Network) Bill 2010 [passed by the House of Representatives on 24 November 2010]

The following bill was debated

- ❑ Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010—second reading debate commenced [[first speaker](#)]

### Notices of motion to introduce bills

- ❑ Higher Education Support Amendment (No. 1) Bill 2011—notice given by the Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans)
- ❑ National Vocational Education and Training Regulator (Consequential Amendments) Bill 2011—notice given by the Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans)
- ❑ Wild Rivers (Environmental Management) Bill 2011—notice given by Senator Scullion

### Messages from the House of Representatives

Agreeing to the amendments made by the Senate to the following bills

- ❑ Airports Amendment Bill 2010
- ❑ Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2010
- ❑ Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010

[These bills will now be assented to]

### Returning the following bills without amendment

- ❑ Native Title Amendment Bill (No. 1) 2010
- ❑ Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010

[These bills will now be assented to]

### Bills assented to

[Assent](#) to a number of laws was reported in the Senate.

See **Committees** for details of reports relating to legislation

## Committees

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For scheduled [public committee hearings](#)

For [committee reports](#)

### Estimates

[Additional information](#) arising from estimates hearings was tabled.

### Reports tabled

#### Reports on legislation

- ❑ Civil Dispute Resolution Bill 2010–Legal and Constitutional Affairs Legislation Committee [\[report\]](#)
- ❑ Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Budget and Other Measures) Bill 2010–Schedule 4–Legal and Constitutional Affairs Legislation Committee [\[report\]](#)
- ❑ Federal Financial Relations Amendment (National Health and Hospitals Network) Bill 2010–Economics Legislation Committee [a motion to take note of the report was debated–[first speaker](#)] [\[report\]](#)
- ❑ Human Rights (Parliamentary Scrutiny) Bill 2010 and a related bill–Legal and Constitutional Affairs Legislation Committee–[Interim report](#) and [final report](#)
- ❑ Social Security Amendment (Income Support for Regional Students) Bill 2010–Education, Employment and Workplace Relations Legislation Committee [\[report\]](#)
- ❑ Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010–Legal and Constitutional Affairs Legislation Committee [\[report\]](#)

#### Other reports

- ❑ Community Affairs References Committee–Gene patents [\[report\]](#)
- ❑ Economics References Committee–Decision of the Australian Competition and Consumer Commission on the proposed acquisition of Franklins by Metcash Trading Limited–[Interim report](#) [reporting date for the final report extended to 28 February 2011]
- ❑ Education, Employment and Workplace Relations References Committee–Administration and reporting of NAPLAN testing [\[report\]](#)
- ❑ Foreign Affairs, Defence and Trade References Committee–The Torres Strait: bridge and border [\[report\]](#)

- Legal and Constitutional Affairs References Committee—Review of government compensation payments [[report](#)]
- Rural Affairs and Transport References Committee—Australian horse industry and an emergency animal disease response agreement [[report](#)]
- Public Accounts and Audit Joint Committee—
  - [418th report](#)—Review of Auditor-General’s reports nos 4 to 38 (2009-10)
  - [419th report](#)—Inquiry into the *Auditor-General Act 1997*  
[a [motion](#) to take note of the reports was agreed to]
- Publications Committee—[2nd Report](#) [report adopted]
- Scrutiny of Bills Committee—[Alert Digest No. 1](#) of 2011 and [1st report](#) of 2011 [contain assessments of bills on civil liberties and related grounds] [a [motion](#) to take note was agreed to]
- Treaties Joint Committee—[114th report](#)—Treaties referred on 16 November 2010 (Part 1) [a [motion](#) to take note of the report was debated]

### **[Government responses](#) tabled**

- Community Affairs Committee—Funding and operation of the Commonwealth State/Territory Disability Agreement
- Community Affairs References Committee—The hidden toll: Suicide in Australia—Replacement government response of document tabled on 24 November 2010
- Economics References Committee—Employee share schemes
- Environment, Communications and the Arts References Committee—Australia Post’s treatment of injured and ill workers

### **Documents tabled**

- President of the Senate—[Report to the Senate](#) on government responses outstanding to parliamentary committee reports as at 25 November 2010
- Publications Joint Committee—Presiding Officers’ [response to report](#)—Inquiry into the development of a digital repository and electronic distribution of the Parliamentary Papers Series
- Senators’ Interests Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations of interests lodged between 22 June and 13 December 2010

### **New inquiries**

The Senate referred the following matters to committees:

- Economics References Committee—Capital market for social economy organisations—to report by 31 October 2011 [[terms of reference](#)]
- Foreign Affairs, Defence and Trade References Committee—Procurement procedures for defence capital projects—to report by 30 November 2011 [[terms of reference](#)]
- Legal and Constitutional Affairs References Committee—*Water Act 2007* provisions relating to the development of a basin plan—to report by 11 May 2011 [[terms of reference](#)]

A message was received from the House of Representatives informing the Senate of a resolution of the House referring matters relating to the access for small and medium business to finance to the Corporations and Financial Services Joint Committee to report by 30 April 2011.

### **Meetings during the sitting of the Senate**

The Senate authorised the following meetings to be held while the Senate is sitting:

- Corporations and Financial Services Joint Committee—10 February 2011 from 11.30 am—Private meeting otherwise than in accordance with standing order 33(1)
- Economics Legislation Committee—10 February, 3 and 24 March 2011 from 3.00 pm to 4.00 pm—Private meetings otherwise than in accordance with standing order 33(1)
- Economics References Committee—
  - 9 February 2011 from 6.00 pm—Competition within the Australian banking sector, and the amendments proposed by Senator Cormann to the Tax Laws Amendment (2010 Measures No. 4) Bill 2010
  - 10 February, 3 and 24 March 2011 from 3.00 pm to 4.00 pm—Private meetings otherwise than in accordance with standing order 33(1)
- Public Accounts and Audit Joint Committee—
  - 28 February 2011 from 10.00 am to 1.30 pm—Review of the Defence major projects report
  - 2 and 23 March from 11.00 am to 1.00 pm and 21 March 2011 from 10.00 am to 1.30 pm—Review of Auditor-General's reports

### **Reporting dates extended**

The Senate extended reporting dates for the following inquiries:

- Community Affairs Legislation Committee—Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010—to report by 16 June 2011
- Education, Employment and Workplace Relations References Committee—
  - Industry Skills Council—to report by 23 March 2011
  - Primary Schools for the 21st Century program—to report by 24 March 2011
- Legal and Constitutional Affairs Legislation Committee—Sex and Age Discrimination Legislation Amendment Bill 2010—to report by 22 March 2011

### **Notices of motion given**

To extend a reporting deadline

- Community Affairs References Committee—Commonwealth contribution to former forced adoption policies—to report by 30 June 2011

### **[To refer matters to committees](#)**

- Impact on the South Australian timber industry of a sale of assets—Rural Affairs and Transport References Committee—to report by 15 April 2011—notice given by Senator Xenophon

- Impact on the Australian dairy industry of discounted milk prices—Economics References Committee—to report by 15 April 2011—notice given by Senators Xenophon, Colbeck and Milne

### Membership

The Senate agreed to [various changes](#) to committee membership.

## Documents

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### Delegated legislation

See [Disallowance Alert](#) for a complete list of notices of motion to disallow (and outcomes)

- [Clerk's documents](#) were tabled [legislative instruments and other documents required by statute to be tabled]

### Orders for the production of documents

Motions agreed to

The Senate agreed to the following orders:

- Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans) to [table documents](#) relating to the Building the Education Revolution program—no later than 4.00 pm on 10 February 2011
- Minister representing the Minister for Sustainability, Environment, Water, Population and Communities (Senator Conroy) to [table documents](#) relating to the legal interpretation of the *Water Act 2007*—no later than 10 February 2011

Documents tabled

The following documents were tabled in response to orders of the Senate:

- Correspondence from—
  - the Australian Information Commissioner [see Journals entries nos [39](#) and [40](#)] a motion to take note of the correspondence was debated—[first speaker](#)]
  - the Productivity Commissioner [order agreed to on [16 November 2010](#)]
- Documents relating to—
  - the administration of the Department of Education, Employment and Workplace Relations [tabled in response to the order of the Senate agreed to on [24 November 2010](#)]
  - the Home Insulation Safety Program [tabled in response to the order of the Senate agreed to on [24 November 2010](#)]
  - a proposed variation to the GST Agreement [tabled in response to the order of the Senate agreed to on [23 November 2010](#)]

Notice of motion given

Senator Cormann gave a [notice of motion](#) to require the Productivity Commissioner to table the report requested by the Senate on [16 November 2010](#) relating to superannuation.

## Orders with continuing effect

### *Departmental and agency appointments and vacancies*

Letters of advice for the various portfolios [see Journals entries [63](#) and [92](#)] were tabled [Lists of appointments made and existing vacancies are [required to be tabled](#) 7 days before the commencement of budget, supplementary budget and additional estimates hearings]

### *Departmental and agency grants*

Letters of advice for various portfolios [see Journals entries [64](#) and [93](#)] were tabled [Lists of all grants approved are [required to be tabled](#) 7 days before the commencement of budget, supplementary budget and additional estimates hearings]

### *Indexed lists of departmental and agency files published on the Internet*

Statements of compliance for the Education, Employment and Workplace Relations portfolio and the Australian Institute of Family Studies were tabled [Letters of advice about certain files created by departments and agencies are [required to be tabled](#) twice a year]

## Documents tabled

- ❑ Auditor-General–Audit reports nos 16 to 26 of 2010-11 [see Journals entries [58](#) and [70](#)]
- ❑ Australian parliamentary delegation–Holy See and Italy for the canonisation of the Blessed Mary MacKillop–13 to 19 October 2010–Report
- ❑ [Business of the Senate](#)–1 January to 31 December 2010 [a digest of all business considered by the Senate in 2010]
- ❑ Correspondence relating to Australia Day from the Ambassador of the Russian Federation (Mr Vladimir N Morozov)
- ❑ Department of Defence–Special purpose flights–Schedule for the period 1 January to 30 June 2010
- ❑ Department of Finance and Deregulation–
  - Former parliamentarians’ expenditure on entitlements–1 January to 30 June 2010
  - Parliamentarians’ expenditure on entitlements–1 January to 30 June 2010
- ❑ Department of the Senate–Register of Senate senior executive officers’ interests incorporating notifications of alterations of interests of Senate senior executive officers lodged between 22 June and 13 December 2010
- ❑ Government documents [see Journals entries nos [2](#) and [57](#)] [[and considered](#)]
- ❑ Messages of condolence relating to the recent flood devastation [see Journals entry [no. 83](#)]
- ❑ Odgers’ Australian Senate Practice–[Supplement to the 12th edition](#)–Updates to 31 December 2010
- ❑ Orders of the Court of Disputed Returns in Hawkins v Abetz and Peebles v Rhiannon & Ors [see Journals entry no. [67](#)]
- ❑ Parliamentarians’ overseas study travel reports–1 January to 30 June 2010
- ❑ [Questions on notice summary](#)–28 September to 31 December 2010
- ❑ Responses to Senate resolutions about:
  - Anti-discrimination laws–from the Attorney-General (Mr McClelland) [resolution agreed to [16 November 2010](#)]

- Global Framework For Action On Water And Sanitation—from the Minister for Foreign Affairs (Mr Rudd) [resolution agreed to on [18 November 2010](#)]
  - Government responses outstanding to reports of the Migration Joint Committee—from the Minister for Immigration and Citizenship (Mr Bowen) [resolution agreed to [29 September 2010](#)]
  - Human trafficking and slavery—from the Minister for Home Affairs (Mr O'Connor) [resolution agreed to on [24 November 2010](#)]
  - Insight Education Centre for the Blind and Vision Impaired—from the Minister for School Education, Early Childhood and Youth (Mr Garrett) and the Parliamentary Secretary for Disabilities and Carers (Senator McLucas) [resolution agreed to on [18 November 2010](#)]
  - Sakineh Mohammadi-Ashtiani—from the Minister for Foreign Affairs (Mr Rudd) [resolution agreed to on [24 November 2010](#)]
  - The Philippines— Minister for Foreign Affairs (Mr Rudd) and the Chargé d'Affaires, a.i. of the Philippine Embassy (Mary Anne A. Padua) [resolution agreed to on [24 November 2010](#)]
- [2 petitions](#)

### Ministerial statements tabled

The Minister for Sport (Senator Arbib) tabled a ministerial statement and a related report about Indigenous Australians - Closing the gap [a [motion](#) to take note of the statement was agreed to].

A statement and documents relating to the Montara Commission of Inquiry were also tabled.

### Other business

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[Questions without notice and issues arising during question time—first question](#)  
[Matters of public interest debate—first speaker](#)  
[Adjournment debate—first speaker](#)

### Motions agreed to

- [Bund at Narrung](#), South Australia—moved by Senator Hanson-Young
- [Elimination of violence](#) against women—moved by Senator Ludlam
- [Suspected Illegal Entry Vessel 221](#)—moved by Senator Hanson-Young

### Motions negatived

- [Murray-Darling Basin Authority](#)—moved by Senator Hanson-Young

### Matter of public importance discussed

- [Proposed income tax levy](#)—proposed by Senator Fifield [[first speaker](#)]

### Ministerial arrangements

The Acting Leader of the Government in the Senate (Senator Conroy) informed the Senate of changes to the [Gillard Ministry](#).

### **Address-in-reply**

The [Address-in-reply](#) to the Governor-General's speech was further debated and agreed to [[first speaker](#)].

### **Questions on notice—Failure to provide answers**

[Senator Cormann](#) asked the Minister representing the Assistant Treasurer (Senator Sherry) why an answer had not been provided to question on notice no. 367 asked on 17 December 2010 relating to superannuation contributions. [Senator Sherry](#) provided an explanation. A motion to take note of the explanation was debated and agreed to [[first speaker](#)].

[Senator Cash](#) asked the Minister representing the Minister for Immigration and Citizenship (Senator Carr) why answers had not been provided to questions placed on notice during the consideration by the Legal and Constitutional Affairs Legislation Committee of the 2010-11 supplementary Budget estimates. [Senator Carr](#) provided an explanation. A [motion](#) to take note of the explanation was agreed to.

### **Message from the House of Representatives**

A message was received requiring the concurrence of the Senate with a resolution of the House relating to mental health. The message will be considered on a future sitting day.

### **Notices of motion**

[Notices of motion](#) given today are available in the Senate Journals.

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#### **Online**

The *Senate Daily Summary* is available on the Internet at [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

It is issued by the Senate Table Office as a convenient summary of each day's proceedings in the Senate. For a complete account see the official record, the *Journals of the Senate*, on the Internet at <http://www.aph.gov.au/senate/pubs/index.htm>

#### **Related resources**

The *Order of Business* (or 'Senate Red') and the *Dynamic Red* (which updates the *Order of Business* throughout the sitting day) are also available on the Internet at [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

#### **Contact details**

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