

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 68

WEDNESDAY, 13 MAY 2009

**Contents**

1	Meeting of Senate.....	1925
2	Government Documents .....	1925
3	Excise Tariff Validation Bill 2009 Customs Tariff Validation Bill 2009.....	1925
4	Australian Business Investment Partnership Bill 2009 Australian Business Investment Partnership (Consequential Amendment) Bill 2009 .....	1926
5	Matters of Public Interest.....	1926
6	Questions.....	1926
7	Motion to Take Note of Answers.....	1927
8	Petitions.....	1927
9	Notices .....	1927
10	Community Affairs—Standing Committee—Extension of Time to Report.....	1932
11	Economics—Standing Committee—Extension of Time to Report.....	1933
12	Treaties—Joint Standing Committee—Leave to Meet During Sitting.....	1933
13	Climate Policy—Select Committee—Extension of Time to Report .....	1933
14	Death of Former Deputy Clerk of the Senate Miss Anne Lynch .....	1933
15	Death of Mr Laurie Short.....	1933
16	Communications—National Broadband Network—Order for Production of Documents .....	1934
17	Foreign Affairs—Sri Lanka.....	1934
18	Fair Work Amendment (Paid Parental Leave) Bill 2009 .....	1934
19	Environment—Radioactive Waste.....	1935
20	Family and Community Services—National Volunteer Week.....	1936
21	Education, Employment and Workplace Relations—Standing Committee— Reference .....	1936
22	Discussion of Matter of Public Importance—Economics—Debt .....	1937
23	Scrutiny of Bills—Standing Committee—4th Report and Alert Digest No. 5 of 2009.....	1937
24	Public Accounts and Audit—Joint Statutory Committee—Statement— Draft Estimates of the Australian National Audit Office.....	1937

25	Documents.....	1938
26	Departmental and Agency Appointments—Order for Production of Documents—Document.....	1940
27	Departmental and Agency Grants—Order for Production of Documents—Document.....	1940
28	Committee Membership .....	1940
29	Financial Assistance Legislation Amendment Bill 2009 Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Bill 2009 .....	1940
30	Committee Proceedings—Public Interest Immunity Claims.....	1941
31	Procedure—Standing Committee—Second Report of 2009—Consideration...	1942
32	Legal and Constitutional Affairs—Standing Committee—Report—Native Title Amendment Bill 2009 .....	1946
33	Australian Business Investment Partnership Bill 2009 Australian Business Investment Partnership (Consequential Amendment) Bill 2009 .....	1946
34	Community Affairs—Standing Committee—Matters Referred to Committee.....	1947
35	Notice.....	1948
36	Employment and Workplace Relations Amendment Bill 2008.....	1948
37	Government Documents—Consideration.....	1948
38	Adjournment.....	1948
39	Attendance.....	1948

**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:

Medical Training Review Panel—Report for 2007-08.

*Migration Act 1958*—

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2008 to 28 February 2009.

Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 November 2008 to 28 February 2009.

Section 486O—Assessment of detention arrangements—Personal identifiers 509/09 to 533/09—

Commonwealth Ombudsman's reports.

Government response to Commonwealth Ombudsman's reports.

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.

Treaties—

*Bilateral*—

Explanatory statement 8 of 2009—Agreement to Amend the Agreement between the Government of Australia and the United States of America concerning certain Mutual Defence Commitments (Chapeau Defence Agreement) ([1995] ATS 35).

Text, together with national interest analysis—

Agreement between Australia and the Socialist Republic of Vietnam concerning the Transfer of Sentenced Persons, done at Canberra on 13 October 2008.

Agreement on Employment of the Spouses and Dependants of Diplomatic and Consular Personnel between Australia and the Portuguese Republic, done in Lisbon on 6 February 2009.

*Multilateral*—Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel (New York, 8 December 2005)—Text, together with national interest analysis.

Treaties—List of multilateral and bilateral treaties under negotiation, consideration or review by the Australian Government as at March 2009.

**3 EXCISE TARIFF VALIDATION BILL 2009  
CUSTOMS TARIFF VALIDATION BILL 2009**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—That these bills be now read a second time.

Debate resumed.

---

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

Excise Tariff Validation Bill 2009—Customs Tariff Validation Bill 2009—  
Ministerial Council on Drug Strategy, Communiqué, dated 24 April 2009.

---

Question put and passed.

Bills read a second time.

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

---

*In the committee*

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

Bills to be reported without requests for amendments.

---

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

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

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

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas)—That these bills be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Macdonald was speaking.

**5 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

*Suspension of sitting:* On the motion of the Special Minister of State (Senator Faulkner) the sitting of the Senate was suspended at 1.57 pm till 2 pm.

---

*At 2 pm—*

**6 QUESTIONS**

Questions without notice were answered.

## 7 MOTION TO TAKE NOTE OF ANSWERS

Senator Bushby moved—That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Minchin) and Senators Coonan and Brandis today relating to the 2009-10 Budget.

Debate ensued.

Question put and passed.

## 8 PETITIONS

The following 3 petitions, lodged with the Clerk by Senator Boyce, were received:

Three petitions, similar in wording, from 510, 45 and 103 petitioners, 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.

## 9 NOTICES

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

- (1) The Senate considers that, in addition to the existing resolutions in relation to the declaration by senators of interests and gifts, an accountability regime with the following elements should govern the declaration by senators of gifts and interests in the nature of sponsored travel, accommodation and hospitality:
  - (a) that a written report of the sponsored travel undertaken by the senator be tabled within 60 days of the conclusion of the travel, detailing:
    - (i) the cost or value of the sponsored travel, and
    - (ii) the purpose of the sponsored travel and information gained;
  - (b) that the written report be published on the Senate website within 14 days of the tabling of the report;
  - (c) that in the event of the sponsored travel not being disclosed and/or a written report not being provided within 60 days of the conclusion of the travel:
    - (i) the senator be required to refund the actual cost of the sponsored travel (or if that cannot be ascertained the reasonable equivalent value thereof) within 30 days into general revenue, and
    - (ii) that the matter be referred to the Privileges Committee to determine whether any contempt was committed in that regard.
- (2) The following matter be referred to the Committee of Senators' Interests, for inquiry and report:

The development of resolutions to give effect to an accountability regime for the declaration by senators of gifts and interests in the nature of sponsored travel, accommodation and hospitality, as outlined in paragraph (1).
- (3) For the purposes of the matter referred in paragraph (2):
  - (a) standing order 22A(2), relating to membership of the committee, be modified to provide that the committee consist of 9 senators, including 2 nominated by any minority groups or independent senators; and
  - (b) Senator Xenophon be appointed a member of the committee.

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on the import risk analysis for the importation of Cavendish bananas from the Philippines be extended to 22 May 2009. (*general business notice of motion no. 426*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the time for the presentation of the report of the Economics Committee on the 2009-10 Budget estimates be extended to 25 June 2009. (*general business notice of motion no. 427*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the Economics 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. (*general business notice of motion no. 428*)

The Chair of the Select Committee on the National Broadband Network (Senator Fisher): To move on the next day of sitting—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) and (2), substitute:
  - (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. (*general business notice of motion no. 429*)

Senator Crossin: To move on the next day of sitting—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. (*general business notice of motion no. 430*)

Special Minister of State (Senator Faulkner): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the appointment of a National Security Legislation Monitor, and for related purposes. ***National Security Legislation Monitor Bill 2009***.

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

The Minister for Climate Change and Water (Senator Wong): To move on the next day of sitting—

- (1) 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, certain 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.
- (2) That the inquiry considers only those elements of these bills which have not already been considered by the Economics Committee's report of 16 April 2009.

Senator Scullion: To move on the next day of sitting—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 inter alia from:
  - (i) the Central Land Council,

- (ii) the Auditor-General, and
- (iii) Centrecorp.

Senator Parry: To move on the next day of sitting—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; and
  - (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).

Senator Hanson-Young: To move on the next day of sitting—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) hold a roundtable 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. (*general business notice of motion no. 431*)

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:

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.

---

*Documents:* Senator Ludwig tabled the following documents:

Consideration of legislation—Statements of reasons [3] for introduction and passage of the bills in the 2009 Budget sittings.

---

The Leader of the Australian Greens (Senator Bob Brown) and Senator Milne: To move on the next day of sitting—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. (*general business notice of motion no. 432*)

Senator Ludlam: To move on the next day of sitting—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. ***Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009.*** (*general business notice of motion no. 433*)

Senator Ludlam: To move on the next day of sitting—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. (*general business notice of motion no. 434*)

#### 10 COMMUNITY AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Community Affairs Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 415—That the time for the presentation of the report of the Community Affairs Committee on compliance audits on Medicare benefits be extended to 10 June 2009.

Question put and passed.

**11 ECONOMICS—STANDING 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. 416—That the time for the presentation of the report of the Economics Committee on foreign investment in Australia be extended to 17 July 2009.

Question put and passed.

**12 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator O'Brien, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator McGauran) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 417—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Thursday, 14 May 2009, from 9.30 am.

Question put and passed.

**13 CLIMATE POLICY—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Select Committee on Climate Policy (Senator Colbeck) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 418—That the time for the presentation of the report of the Select Committee on Climate Policy be extended to 15 June 2009.

Question put and passed.

**14 DEATH OF FORMER DEPUTY CLERK OF THE SENATE MISS ANNE LYNCH**

Senator O'Brien, at the request of the President and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 419—That the Senate records its deep regret at the death, on 24 April 2009, of Miss Anne Lynch, former Deputy Clerk of the Senate, and places on record its appreciation of her long and meritorious public service and tenders its profound sympathy to her family in their bereavement.

Question put and passed.

**15 DEATH OF MR LAURIE SHORT**

Senator Hutchins, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 420—That the Senate—

(a) notes:

(i) the passing of the esteemed union leader and Australian Labor Party (ALP) hero, Mr Laurie Short, and

(ii) the international regard in which he was held as a prominent member of the Australian labour movement;

(b) acknowledges his substantial contribution to fighting the communist threat within the labour movement and the ALP;

(c) recognises that he made this contribution at a time when opposing the communists meant risking real physical harm, which he was subjected to from time to time; and

(d) passes its condolences to his daughter, Susanna Short and her family.

Question put and passed.

**16 COMMUNICATIONS—NATIONAL BROADBAND NETWORK—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Parry, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 421—

- (1) That the Senate notes that the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) is in contempt of the Senate for his failure to comply with a Senate order of 4 February 2009 for the production of documents relating to the National Broadband Network (NBN) tender process.
- (2) That there be laid on the table by 6.50 pm on Wednesday, 13 May 2009:
  - (a) the Australian Competition and Consumer Commission's formal report on the NBN proposals to the NBN Panel of Experts; and
  - (b) the final report provided to the Government from the NBN Panel of Experts on submissions to the NBN process.
- (3) That if the Government continues to refuse to comply with the orders of the Senate for the provision of these documents, consideration of any bill relating to the Government's 'new national broadband network' be postponed and made an order of the day for the next day of sitting after the documents described in (2)(a) and (2)(b) are laid on the table.

Question put and passed.

**17 FOREIGN AFFAIRS—SRI LANKA**

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. 422—That the Senate, in regard to the massacre of civilians, including hundreds of children in the Tamil homelands of northern Sri Lanka, calls on the Government to take decisive action commensurate with the need to immediately halt this unnecessary bloodshed.

*Statements by leave:* The Minister for Human Services (Senator Ludwig) and Senator Bob Brown, by leave, made statements relating to the motion.

Question put and passed.

**18 FAIR WORK AMENDMENT (PAID PARENTAL LEAVE) BILL 2009**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 423—That the following bill be introduced:

A Bill for an Act to amend the *Fair Work Act 2009* to guarantee 26 weeks government-funded paid parental leave, and for related purposes.

Question put and passed.

Senator Hanson-Young 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 Hanson-Young moved—That this bill be now read a second time.

---

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

---

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.

#### 19 ENVIRONMENT—RADIOACTIVE WASTE

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 424—That the Senate—

- (a) recalls the Government's election promise and policy platform to repeal the *Commonwealth Radioactive Waste Management Act 2005*;
- (b) notes:
  - (i) the statement given by the Minister for Resources and Energy (Mr Ferguson) on ABC Radio, Darwin, on 30 April 2009 which indicated that the Government will keep its election promise, but refused to confirm when this will occur, and
  - (ii) that the Minister indicated that scientific reports on the assessment of potential sites have almost been completed and that the Government will be making a recommendation on an appropriate site, but has not yet finalised its policy on community consultation; and
- (c) calls on the Government to establish a process for identifying suitable sites that is scientific, transparent, accountable, fair and allows access to appeal mechanisms, ensures full community consultation in radioactive waste decision-making processes, and for international best practice scientific processes, including transportation and storage, to underpin Australia's radioactive waste management.

Question put.

The Senate divided—

#### AYES, 6

Senators—

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

#### NOES, 36

Senators—

Adams	Cormann	Forshaw	McGauran
Arbib	Crossin	Furner	Moore
Back	Eggleston	Hurley	Nash
Bernardi	Farrell	Hutchins	O'Brien
Bilyk	Feeney	Joyce	Parry (Teller)
Brown, Carol	Ferguson	Kroger	Ryan
Cameron	Fielding	Ludwig	Sterle
Cash	Fifield	Lundy	Troeth
Collins	Fisher	Marshall	Williams

Question negatived.

**20 FAMILY AND COMMUNITY SERVICES—NATIONAL VOLUNTEER WEEK**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 425—That the Senate—

- (a) notes that the week beginning 11 May 2009 is National Volunteer Week;
- (b) recognises that more than 5.4 million Australian volunteers contribute more than 700 million hours of their time to support our community in a wide range of areas from aged cared, health, emergency services, education and sport;
- (c) acknowledges that community groups, charities and services would not be able to deliver their services without volunteers;
- (d) commends volunteers for their tireless contributions to our community; and
- (e) acknowledges the enormous role that volunteers play in civil society.

Question put and passed.

**21 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—REFERENCE**

Senator Siewert, also on behalf of Senator Fifield, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matters be referred to the Education, Employment and Workplace Relations Committee for inquiry and report by 25 June 2009:

- (a) the conduct of the 2009 tendering process by the Department of Education, Employment and Workplace Relations to award Employment Services contracts, with particular attention to:
  - (i) the design on the tender, including the weighting given to past performance and the weighting given to the ‘value for money’ delivered by previous and new service providers,
  - (ii) evaluation of the tenders submitted against the selection criteria, including the relationship between recent service performance evaluations in various existing programs (such as provider star ratings), selection criteria and tendering outcomes, and
  - (iii) the extent to which the recommendations of the 2002 Productivity Commission report into employment services have been implemented;
- (b) the level of change of service providers and proportion of job seekers required to change providers, and the impacts of this disruption in communities with high levels of unemployment or facing significant increases in unemployment;
- (c) any differences between the recommendations of the Tender Assessment Panel and the announcement by the Minister for Employment Participation of successful tenders on 2 April;
- (d) the transaction costs of this level of provider turnover, the time taken to establish and ‘bed-down’ new employment services, and the likely impacts of this disruption on both new and existing clients seeking support during a period of rapidly rising unemployment;
- (e) communication by the department to successful and unsuccessful tenderers, the communications protocol employed during the probity period, and referrals to employment services by Centrelink during the transition period;
- (f) the extent to which the Government has kept its promise that Personal Support Program, Job Placement Employment and Training and Community Work Coordinator providers would not be disadvantaged in the process, and the

number of smaller 'specialist' employment service providers delivering more client-focused services still supported by the Employment Services program;

- (g) the particular impact on Indigenous Employment Services providers and Indigenous-focused Employment Services providers;
- (h) the Employment Services Model, including whether it is sustainable in a climate of low employment growth and rising unemployment, and whether there is capacity to revise it in the face of changed economic circumstances; and
- (i) recommendations for the best way to maintain an appropriate level of continuity of service and ongoing sector viability while at the same time ensuring service quality and accountability and maximising the ancillary benefits for social inclusion through connection and integration with other services.

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

Question put and passed.

## 22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMICS—DEBT

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

The Rudd Labor Government's record level of debt.

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

## 23 SCRUTINY OF BILLS—STANDING COMMITTEE—4TH REPORT AND ALERT DIGEST NO. 5 OF 2009

Senator Johnston, 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—

Fourth report of 2009, dated 13 May 2009.

Alert Digest No. 5 of 2009, dated 13 May 2009.

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

Senator Johnston moved—That the Senate take note of the report.

Question put and passed.

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

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

Public Accounts and Audit—Joint Statutory Committee—Statement on the draft estimates for the Australian National Audit Office for 2009-10.

Senator Lundy moved—That the Senate take note of the document.

Question put and passed.

**25 DOCUMENTS**

The following documents were tabled by the Clerk:

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

A New Tax System (Family Assistance) (Administration) Act—

Family Assistance (Waiver of Debts — Victorian Bushfire) (DEEWR) Specification 2009 [F2009L01794]\*.

Family Assistance (Waiver of Debts — Victorian Bushfire) (FaHSCIA) Specification 2009 [F2009L01798]\*.

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/DAUPHIN/99—Fuel Crossfeed High Level Switches [F2009L01766]\*.

AD/SWSA226/39—Main Landing Gear Door Actuating Mechanism – Modification [F2009L01688]\*.

AD/SWSA226/50 Amdt 1—Aileron Control Cables [F2009L01686]\*.

AD/TSA-600/1 Amdt 1—Pilot Seat Back-Rest Attach Bolt – Inspection and Replacement [F2009L01685]\*.

AD/TSA-600/6—Aileron Outboard Hinge Bolt – Inspection [F2009L01684]\*.

AD/TSA-600/7 Amdt 16—Nose Landing Gear Drag Brace Trunnion and Actuator Fasteners – Inspection [F2009L01683]\*.

106—AD/MAKILA/14—Engine Control Unit – Comparator/Selector Boards [F2009L01698]\*.

Corporations Act—Accounting Standards—

AASB 2009-1—Amendments to Australian Accounting Standards – Borrowing Costs of Not-for-Profit Public Sector Entities [F2009L01637]\*.

AASB 2009-2—Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments [F2009L01638]\*.

AASB 2009-3—Amendments to Australian Accounting Standards – Embedded Derivatives [F2009L01636]\*.

Customs Act—Tariff Concession Orders—

0813346 [F2009L01668]\*.

0825982 [F2009L01664]\*.

0831075 [F2009L01666]\*.

0842377 [F2009L01340]\*.

0843774 [F2009L01466]\*.

0843788 [F2009L01470]\*.

0845335 [F2009L01376]\*.

0945960 [F2009L01391]\*.

0946016 [F2009L01388]\*.

Customs Act and Customs Administration Act—CEO Directions No. 1 of 2009 [F2009L01718]\*.

Defence Act—Defence Force (Superannuation) (Productivity Benefit) Amendment Determination 2009 (No. 1) [F2009L01472]\*.

Federal Court of Australia Act—Select Legislative Instrument 2009 No. 72—Federal Court Amendment Rules 2009 (No. 1) [F2009L01710]\*.

Financial Management and Accountability Act—FMA Act Determination 2009/05 – Section 32 (Transfer of Functions from Health to AOTDTA) [F2009L01791]\*.

Higher Education Support Act—VET Provider Approval No. 20 of 2009—The Board of Holmesglen Institute of Technical and Further Education [F2009L01748]\*.

National Health Act—Instrument Nos PB—

39 of 2009—Amendment declaration and determination – drugs and medicinal preparations [F2009L01713]\*.

41 of 2009—Amendment determination – responsible persons [F2009L01711]\*.

42 of 2009—Amendment determination – conditions [F2009L01714]\*.

National Rental Affordability Scheme Act—National Rental Affordability Scheme Regulations—National Rental Affordability Scheme (Household Types) Determination 2009 [F2009L01805]\*.

Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2009 (No. 3) [F2009L01717]\*.

Social Security Act—

Social Security (Employment Pathway Plan Requirements) (DEEWR) Determination 2009 (No. 1) [F2009L01804]\*.

Social Security (Exemption from Non-payment and Waiting Periods — Activities) Specification 2009 (No. 1) [F2009L01807]\*.

Social Security (Satisfaction of the Activity Test — Classes of Persons) (DEEWR) Specification 2009 (No. 1) [F2009L01808]\*.

Social Security (Waiver of Debts — Victorian Bushfires) (DEEWR) Specification 2009 [F2009L01793]\*.

Social Security (Waiver of Debts — Victorian Bushfires) (FaHSCIA) Specification 2009 [F2009L01799]\*.

Social Security Act and Social Security (Administration) Act—Social Security (Reasonable Excuse — Participation Payment Obligations) (DEEWR) Determination 2009 (No. 1) [F2009L01803]\*.

Social Security (Administration) Act—

Social Security (Administration) (Ending Unemployment Non-payment Periods — Classes of Persons) (DEEWR) Specification 2009 (No. 1) [F2009L01806]\*.

Social Security (Administration) (Payment Pending Review) (DEEWR) Guidelines 2009 [F2009L01802]\*.

Social Security (Administration) (Penalty Amount) (DEEWR) Determination 2009 (No. 1) [F2009L01800]\*.

Social Security (Administration) (Persistent Non-compliance) (DEEWR) Determination 2009 (No. 1) [F2009L01801]\*.

Therapeutic Goods Act—Order—Definition of British Pharmacopoeia, dated 4 May 2009 [F2009L01699]\*.

Veterans' Entitlements Act—Veterans' Entitlements (Partner Service Pension — Retention of Eligibility for Non-illness Separated Spouse) Determination R25/2009 [F2009L01478]\*.

\* Explanatory statement tabled with legislative instrument.

**26 DEPARTMENTAL AND AGENCY APPOINTMENTS—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 appointments—Budget estimates—Letter of advice—Australian Institute of Family Studies.

**27 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—Australian Institute of Family Studies.

**28 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Barnett) informed the Senate that the President had received a letter requesting a change in the membership of a committee.

The Minister for Human Services (Senator Ludwig), by leave, moved—That Senator Coonan be discharged from and Senator Bushby be appointed to the Selection of Bills Committee.

Question put and passed.

**29 FINANCIAL ASSISTANCE LEGISLATION AMENDMENT BILL 2009  
SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (2009  
BUDGET MEASURES) BILL 2009**

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

Message no. 302, dated 13 May 2009—A Bill for an Act to amend the *Federal Financial Relations Act 2009* and the *Local Government (Financial Assistance) Act 1995*, and for related purposes.

Message no. 301, dated 13 May 2009—A Bill for an Act to amend the law relating to social security and family assistance, and for related purposes.

The Minister for Human Services (Senator Ludwig) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Ludwig moved—That these bills 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.

Senator Ludwig moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**30 COMMITTEE PROCEEDINGS—PUBLIC INTEREST IMMUNITY CLAIMS**

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

- (a) notes that ministers and officers have continued to refuse to provide information to Senate committees without properly raising claims of public interest immunity as required by past resolutions of the Senate;
- (b) reaffirms the principles of past resolutions of the Senate by this order, to provide ministers and officers with guidance as to the proper process for raising public interest immunity claims and to consolidate those past resolutions of the Senate;
- (c) orders that the following operate as an order of continuing effect:
  - (1) If:
    - (a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and
    - (b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee,  
the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.
  - (2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.
  - (3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.
  - (4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.
  - (5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.
  - (6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

- (7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).
- (8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3).

(d) requires the Procedure Committee to review the operation of this order and report to the Senate by 20 August 2009.

Debate ensued.

---

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

Committee proceedings—Public interest immunity claims—Letter from the Clerk of the Senate (Mr Evans) to Senator Cormann, dated 24 March 2009.

---

Question put and passed.

**31 PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2009—  
CONSIDERATION**

Order of the day read for the consideration of the Procedure Committee's second report of 2009.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) amended the notice of motion standing in her name by leave and, pursuant to notice, moved—That, effective on 14 May 2009, standing order 25 be amended to read as follows:

**25 Legislative and general purpose**

- (1) At the commencement of each Parliament, legislative and general purpose standing committees shall be appointed, as follows:

Community Affairs

Legislation Committee

References Committee

Economics

Legislation Committee

References Committee

Education, Employment and Workplace Relations

Legislation Committee

References Committee

Environment, Communications and the Arts

Legislation Committee

References Committee

Finance and Public Administration  
Legislation Committee  
References Committee

Foreign Affairs, Defence and Trade  
Legislation Committee  
References Committee

Legal and Constitutional Affairs  
Legislation Committee  
References Committee

Rural and Regional Affairs and Transport  
Legislation Committee  
References Committee.

- (2) (a) The legislation committees shall inquire into and report upon estimates of expenditure in accordance with standing order 26, bills or draft bills referred to them by the Senate, annual reports in accordance with paragraph (20), and the performance of departments and agencies allocated to them.  
(b) The references committees shall inquire into and report upon other matters referred to them by the Senate.
- (3) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Senate allocating departments and agencies to the committees.
- (4) The committees shall inquire into and report upon matters referred to their predecessor committees appointed under this standing order and not disposed of by those committees, and in considering those matters may consider the evidence and records of those committees relating to those matters.
- (5) (a) Each legislation committee shall consist of 6 senators, 3 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate and one nominated by minority groups and independent senators.  
(b) Each references committee shall consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and one nominated by minority groups and independent senators.
- (6) (a) The committees to which minority groups and independent senators make nominations shall be determined by agreement between the minority groups and independent senators, and, in the absence of agreement duly notified to the President, any question of the representation on a committee shall be determined by the Senate.  
(b) The allocation of places on the committees amongst minority groups and independent senators shall be as nearly as practicable proportional to the numbers of those minority groups and independent senators in the Senate.
- (7) (a) Senators may be appointed to the committees as substitutes for members of the committees in respect of particular matters before the committees.

- (b) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committees.
  - (c) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.
  - (d) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
  - (e) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.
- (8) A committee may appoint sub-committees consisting of 3 or more of its members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (9)
- (a) Each legislation committee shall elect as its chair a member nominated by the Leader of the Government in the Senate, and as its deputy chair a member nominated by the Leader of the Opposition in the Senate or by a minority group or independent senator.
  - (b) Each references committee shall elect as its chair a member nominated by the Leader of the Opposition in the Senate or a member of a minority group in the Senate, and as its deputy chair a member nominated by the Leader of the Government in the Senate.
  - (c) The chairs and deputy chairs to which members nominated by the Leader of the Opposition in the Senate and members of minority groups and independent senators are elected shall be determined by agreement between the opposition and minority groups and independent senators, and, in the absence of agreement duly notified to the President, any question of the allocation of chairs and deputy chairs shall be determined by the Senate.
  - (d) The deputy chair shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
  - (e) When votes on a question before a committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
  - (f) The chair, or the deputy chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

- (10) The chairs of the committees, together with the chairs of any select committees appointed by the Senate, shall constitute the Chairs' Committee, which may meet with the Deputy President in the chair, and may consider and report to the Senate on any matter relating to the operations of the committees.
- (11) Except as otherwise provided by the standing orders, the reference of a matter to a committee shall be on motion after notice, and such notice of motion may be given:
  - (a) in the usual manner when notices are given; or
  - (b) at any other time by a senator:
    - (i) stating its terms to the Senate, when no other business is before the chair, or
    - (ii) delivering a copy to the Clerk, who shall report it to the Senate at the first opportunity;and shall be placed on the Notice Paper for the next sitting day as business of the Senate and, as such, shall take precedence of government and general business set down for that day.
- (12) Matters referred to the committees should relate to subjects which can be dealt with expeditiously.
- (13) A committee shall take care not to inquire into any matters which are being examined by a select committee of the Senate appointed to inquire into such matters and any question arising in this connection may be referred to the Senate for determination.
- (14) A committee and any sub-committee shall have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.
- (15) All documents received by a committee during an inquiry shall remain in the custody of the Senate after the completion of that inquiry.
- (16) A committee shall be empowered to print from day to day any of its documents and evidence. A daily Hansard shall be published of public proceedings of a committee.
- (17) A committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.
- (18) A committee may report from time to time its proceedings and evidence taken and any recommendations, and shall make regular reports on the progress of its proceedings.
- (19) A committee may authorise the broadcasting of its public hearings, under such rules as the Senate provides.
- (20) Annual reports of departments and agencies shall stand referred to the legislation committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:
  - (a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory.

- (b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration.
- (c) Investigate and report to the Senate on any lateness in the presentation of annual reports.
- (d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate.
- (e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates.
- (f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.
- (g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports.
- (h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.

Question put and passed.

**32 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—  
NATIVE TITLE AMENDMENT BILL 2009**

Pursuant to order, Senator Farrell, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), tabled the following report and documents:

Legal and Constitutional Affairs—Standing Committee—Native Title Amendment Bill 2009 [Provisions]—Report, dated May 2009, Hansard record of proceedings, additional information and submissions.

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

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

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas)—That these bills be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

Bills read a second time.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) consideration of the bills in committee of the whole was made an order of the day for the next day of sitting.

34 **COMMUNITY AFFAIRS—STANDING COMMITTEE—MATTERS REFERRED TO COMMITTEE**

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

The Committee has met and considered the references not disposed of by the current Committee that will continue under the revised committee structure.

The Committee **recommends** that, in accordance with Standing Orders 25(2) and (4) as proposed to be amended:

- (i) The following references be continued by the Community Affairs Legislation Committee—
  - Inquiry into Compliance Audits on Medicare Benefits** (exposure draft Health Insurance Amendment (Compliance) Bill 2009 together with the draft Privacy Impact Assessment)
  - Inquiry into the National registration and accreditation scheme for doctors and other health workers** (exposure draft Health Practitioner Regulation National Law Bill 2009)
- (ii) The following references to be continued by the Community Affairs References Committee—

**Inquiry into the implementation of the recommendations in the  
Lost Innocents and Forgotten Australians reports  
Inquiry into Gene Patents**

Senator Claire Moore  
Chair  
13 May 2009.

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

Question put and passed.

**35 NOTICE**

The Leader of the Australian Greens (Senator Bob Brown), by leave, gave a notice of motion as follows: To move on the next day of sitting—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. (*general business notice of motion no. 435*)

**36 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.

*At 6.50 pm:* Debate was interrupted.

**37 GOVERNMENT DOCUMENTS—CONSIDERATION**

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

The following order of the day relating to government documents was considered:

*Broadcasting Services Act 1992*—Digital television transmission and reception—  
Report, May 2009. Motion to take note of document moved by Senator Barnett and  
agreed to.

General business orders of the day nos 59 and 61 to 74 relating to government documents were called on but no motion was moved.

**38 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.36 pm till Thursday, 14 May 2009 at 9.30 am.

**39 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate