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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 DEPARTMENT OF THE SENATE—USHER OF THE BLACK ROD—RETIREMENT—STATEMENT BY PRESIDENT

The President made a statement relating to the retirement of Ms Andrea Griffiths, Usher of the Black Rod.

Statements by leave: The Minister for Human Services (Senator Ludwig), the Leader of the Opposition in the Senate (Senator Minchin), Senator Ferguson, the Leader of The Nationals in the Senate (Senator Joyce), the Leader of the Australian Greens (Senator Bob Brown), the Leader of the Family First Party (Senator Fielding) and Senator Fierravanti-Wells, by leave, made statements relating to the matter.

3 NOTICES

Notice of motion:

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

- (a) there be laid on the table by the Chair of the Economics Committee (Senator Hurley), no later than 3 February 2009, an answer to question on notice no. 730, asked by Senator Abetz of the Chair of the Economics Committee on 2 September 2008 (*Senate Notice Paper*, 3 September 2008, p. 18), which reads:
 - (1) What was the urgency for releasing the committee's interim report National Fuelwatch (Empowering Consumers) Bill 2008 and National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008.
 - (2) Were there communications between the office of the Chair, or the Chair herself, and the office of the Assistant Treasurer or the office of the Prime Minister, on the issuing of this report; if so, what was the: (a) time; (b) duration; and (c) medium, of each of these communications; and
- (b) the Senate notes that it has been 93 days since the question was placed on notice. (*general business notice of motion no. 332*)

Notices of motion withdrawn:

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to notice of intention given on 3 December 2008, withdrew business of the Senate notices of motion nos 1 to 4 standing in her name for today for the disallowance of the following instruments:

Instrument No. CASA 389/08, made under regulation 208 of the Civil Aviation Regulations 1988.

Instrument No. CASA 390/08, made under regulation 208 of the Civil Aviation Regulations 1988.

Instrument No. CASA 397/08, made under subregulation 38(1) of the Civil Aviation Regulations 1988.

Instrument No. CASA 414/08, made under subregulation 38(1) of the Civil Aviation Regulations 1988.

The Minister for Human Services (Senator Ludwig) withdrew government business notice of motion no. 2 standing in his name for today, relating to the hours of meeting and routine of business for 4 December 2008.

4 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Boyce for today, for personal reasons.

Question put and passed.

5 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 6 standing in the name of Senator Barnett for today, proposing a reference to the Legal and Constitutional Affairs Committee, postponed till 3 February 2009.

6 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—REFERENCE

Senator Siewert amended business of the Senate notice of motion no. 5 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matters be referred to the Environment, Communications and the Arts Committee for inquiry and report by 25 June 2009:

- (a) an assessment of the environmental, economic and community impacts of existing and proposed forestry and mining operations on the Tiwi Islands including compliance with relevant environmental approvals and conditions;
- (b) a review of governance arrangements relating to existing forestry and mining operations on the Tiwi Islands, including the examination of consent and approval processes to date;
- (c) in respect to forestry operations, an examination of the adequacy of contractual, commercial and legal arrangements between project proponents and operators and the Tiwi Land Council;
- (d) an examination of the economic opportunity costs associated with existing developments including forestry operations;
- (e) an examination of the prospects for alternative economic development opportunities and impediments for the Tiwi Islands including sale and promotion of cultural products, community development activities, land and sea management, and opportunities for involvement in future carbon trading and emissions offsets schemes; and
- (f) any related matters.

Question put and passed.

7 PROCEDURE—STANDING COMMITTEE—REFERENCE

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 8—That the following proposed amendments to standing order 25 be referred to the Procedure Committee for inquiry and report by 25 February 2009:

Omit paragraphs (5) and (6), substitute:

- (5) The committees shall each consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and 1 nominated by the Leader of the largest party on the Senate crossbench, in consultation with independent members and other minor parties.

Omit paragraphs (9)(a), (b) and (c), substitute:

- (9) (a) The Standing Committee on Community Affairs shall elect as its chair a member of the largest party on the Senate crossbench, and as its deputy chair a member of the Government.
- (b) The Standing Committee on Rural and Regional Affairs and Transport shall elect as its chair a member of the Opposition, and as its deputy chair a member of the largest party on the Senate crossbench.
- (c) Of the remaining committees:
- (i) each of 3 committees shall elect as its chair a member nominated by the Leader of the Opposition in the Senate and as its deputy chair a member nominated by the Leader of the Government in the Senate, and
- (ii) each of 3 committees 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.
- (d) The allocation of chairs and deputy chairs in accordance with paragraph (c) shall be determined by agreement between the Government and the Opposition, and, in the absence of agreement duly notified to the President, any question of the allocation of chairs shall be determined by the Senate.

Question put and passed.

8 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REFERENCE

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 7—That the following matter be referred to the Rural and Regional Affairs and Transport Committee for inquiry and report by 18 June 2009:

The investment of Commonwealth and State funds in public passenger transport infrastructure and services, with reference to the August 2005 report of the House of Representatives Standing Committee on Environment and Heritage, *Sustainable Cities*, and the February 2007 report of the Senate Standing Committee on Rural and Regional Affairs and Transport Committee, *Australia's future oil supply and alternative transport fuels*, including:

- (a) an audit of the state of public passenger transport in Australia;
- (b) current and historical levels of public investment in private vehicle and public passenger transport services and infrastructure;
- (c) an assessment of the benefits of public passenger transport, including integration with bicycle and pedestrian initiatives;
- (d) measures by which the Commonwealth Government could facilitate improvement in public passenger transport services and infrastructure;
- (e) options for Commonwealth funding for public passenger transport services and infrastructure;
- (f) the role of Commonwealth Government legislation, taxation, subsidies, policies and other mechanisms that either discourage or encourage public passenger transport; and

- (g) best practice international examples of public passenger transport services and infrastructure.

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

Question put and passed.

9 **PROCEDURE—STANDING COMMITTEE—PROPOSED REFERENCE**

The Minister for Human Services (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 9—That the following matter be referred to the Procedure Committee for inquiry and report by 25 February 2009:

The temporary orders of the Senate of 15 October 2008 and 13 November 2008, relating to the abolition of questions to senators other than ministers and to chairs of committees, and the restructuring of question time.

Statements by leave: Senators Ferguson and Ludwig, by leave, made statements relating to the motion.

Senator Ludwig, by leave, withdrew the motion.

10 **HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

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 on Thursday, 4 December 2008:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
- (b) consideration of general business, and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
- (c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 3.45 pm shall be government business only;
- (d) divisions may take place after 4.30 pm;
- (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below and any messages from the House of Representatives:

Schools Assistance Bill 2008 (*message*)

Interstate Road Transport Charge Amendment Bill (No. 2) 2008

Road Charges Legislation Repeal and Amendment Bill 2008

Temporary Residents' Superannuation Legislation Amendment Bill 2008

Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008

Water Amendment Bill 2008 (*message*)

Aged Care Amendment (2008 Measures No. 2) Bill 2008

Nation-building Funds Bill 2008

Nation-building Funds (Consequential Amendments) Bill 2008

COAG Reform Fund Bill 2008

Social Security Legislation Amendment (Employment Services Reform) Bill 2008

Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008

Corporations Amendment (Short Selling) Bill 2008

Tax Laws Amendment (Luxury Car Tax—Minor Amendments) Bill 2008

Tax Laws Amendment (Political Contributions and Gifts) Bill 2008

Safe Work Australia Bill 2008 (*message*)

Horse Disease Response Levy Bill 2008

Horse Disease Response Levy Collection Bill 2008

Horse Disease Response Levy (Consequential Amendments) Bill 2008.

Statements by leave: The Leader of the Family First Party (Senator Fielding), Senator Ludwig and the Leader of the Opposition in the Senate (Senator Minchin), by leave, made statements relating to the motion.

Question put and passed.

11 FOREIGN AFFAIRS—UNITED NATIONS—UNIVERSAL DECLARATION OF HUMAN RIGHTS

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 290—That the Senate—

- (a) notes that:
 - (i) 9 December 2008 is the 60th anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, and
 - (ii) 10 December 2008 is the 60th anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights;
- (b) pays tribute to those Australians who played leading roles in the development and adoption of these important instruments of international law and who, since then, have contributed to their implementation;
- (c) recognises, with regret and disappointment, that in the intervening 60 years, violations of human rights have continued to occur in Australia and in other countries;
- (d) affirms that 'the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want [is] the highest aspiration of the common people';
- (e) declares its own 'faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women'; and
- (f) renews its commitment to the principles contained within the Universal Declaration of Human Rights, and to their promotion within Australia and through Australia's international policies and activities.

Question put and passed.

12 INDUSTRY—PROPOSED CARBON POLLUTION REDUCTION SCHEME

Senator Cash, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 322—That the Senate—

- (a) notes and commends the sensible action taken by Labor Senators Sterle and Hutchins and also the Labor Member for Throsby, Ms George, in expressing concern over the proposed Carbon Pollution Reduction Scheme (CPRS);

- (b) notes the concern expressed publicly by a number of industries that may be potentially affected by the proposed CPRS including BlueScope Steel, Nyrstar, Qantas and Visy; and
- (c) calls on the Government to delay the introduction of the proposed CPRS until these concerns are addressed.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

Arbib	Farrell	Hutchins	Pratt
Bilyk	Faulkner	Ludlam	Sherry
Bishop	Feeney	Ludwig	Siewert
Brown, Bob	Fielding	Lundy	Stephens
Brown, Carol	Forshaw	Marshall	Sterle
Cameron	Furner	McEwen (Teller)	Wortley
Carr	Hanson-Young	McLucas	Xenophon
Conroy	Hogg	Milne	
Crossin	Hurley	Moore	

Question negatived.

13 ENVIRONMENT—NATIVE WATERBIRDS—RECREATIONAL SHOOTING

Document: Senator Siewert, by leave, tabled the following document:

Environment—National common position statement of conservation, animal and political groups calling for a permanent ban on the recreational shooting of native waterbirds, dated 1 October 2008.

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 323—That the Senate—

- (a) notes the joint Common Position Statement which highlights the unsustainable and cruel nature of recreational shooting of native waterbirds which is endorsed by 136 organisations, including the World Wildlife Fund, Birds Australia, Bird Observation and Conservation Australia, RSPCA Australia, Australian Conservation Foundation and the Wilderness Society;
- (b) explores permanently banning recreational duck shooting on all:
 - (i) Commonwealth controlled land, and
 - (ii) Ramsar sites throughout Australia; and

- (c) considers working in cooperation with Victoria, Tasmania, South Australia and the Northern Territory to negotiate an intergovernmental agreement for nationally-consistent legislation for a permanent ban on the recreational shooting of native waterbirds.

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

Question put.

The Senate divided—

AYES, 5

Senators—

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

NOES, 51

Senators—

Arbib	Coonan	Furner	Nash
Barnett	Cormann	Hogg	Parry (Teller)
Bernardi	Crossin	Humphries	Payne
Bilyk	Eggleston	Hurley	Pratt
Birmingham	Ellison	Hutchins	Scullion
Bishop	Farrell	Joyce	Stephens
Boswell	Faulkner	Ludwig	Sterle
Brown, Carol	Feeney	Lundy	Troeth
Bushby	Ferguson	Macdonald	Trood
Cameron	Fielding	Marshall	Williams
Cash	Fierravanti-Wells	McEwen	Wortley
Colbeck	Fifield	Minchin	Xenophon
Conroy	Fisher	Moore	

Question negatived.

14 BANK DEPOSIT GUARANTEE—SELECT COMMITTEE—PROPOSED APPOINTMENT

Motion determined as not formal: Senator Bushby requested that general business notice of motion no. 324 standing in his name for today, proposing the establishment of a select committee on the bank deposit guarantee, be taken as formal.

Statements by leave: The Minister for Superannuation and Corporate Law (Senator Sherry), the Leader of the Australian Greens (Senator Bob Brown) and Senators Xenophon and Coonan, by leave, made statements relating to the motion.

The request for the notice of motion to be taken as formal was withdrawn.

15 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 327—That the Legal and Constitutional Affairs Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 4 December 2008, from 1.30 pm, in relation to its inquiry on the effectiveness of the *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality.

Question put and passed.

16 QUESTIONS TO CHAIRS OF COMMITTEES AND TO OTHER SENATORS—AMENDMENT TO STANDING ORDER 72—RESTRUCTURING QUESTION TIME—TEMPORARY ORDERS

Senator Ferguson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 325—That the temporary orders of the Senate of 15 October 2008 and 13 November 2008, relating to the abolition of questions to senators other than ministers and to chairs of committees, and the restructuring of question time, continue as temporary orders during 2009.

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

Question put and passed.

17 TRANSPORT—AVIATION—AIR TRAFFIC CONTROLLERS

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. 326—That the Senate—

- (a) expresses its concern about the ongoing shortage of air traffic controllers at Australian airports;
- (b) welcomes the Government's acknowledgement of the shortage in its *National aviation policy green paper*, released on 2 December 2008; and
- (c) calls on the Minister for Infrastructure, Transport, Regional Development and Local Government, given the delay before an aviation white paper is released and implemented, to intervene now to ensure Airservices Australia employs adequate numbers of air traffic controllers to achieve safety standards and allow airlines to run services on schedule.

Question put and passed.

18 ENVIRONMENT—GREEN COOLING COUNCIL GREENHOUSE GAS ABATEMENT PROGRAM

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 329—That the Senate—

- (a) notes that the Green Cooling Council Ltd's highly significant and internationally recognised work to facilitate a reduction in the use of high global warming potential hydrofluorocarbon (HFC) greenhouse gases in the refrigeration and air conditioning industry through the replacement of HFCs with natural refrigerants has been funded under a Greenhouse Gas Abatement Program grant of up to \$2 million over 4 years;
- (b) recognises that this is making a valuable contribution to reducing Australia's greenhouse emissions and preparing Australian industry for the introduction of the Carbon Pollution Reduction Scheme, and without immediate measures the Green Cooling Council faces imminent termination;
- (c) expresses concern that delays by the Department of the Environment, Water, Heritage and the Arts in making due payments in respect to the Green Cooling Council Greenhouse Gas Abatement Program grant has today caused the company to go into administration, and urges the Government to take urgent action to avoid termination of the project; and
- (d) calls on the Government to ensure the ongoing success of the project.

Question put and passed.

19 AUSTRALIAN ELECTORAL COMMISSION—TASMANIA—SEAT OF DENISON

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. 330—That the Senate asks the Minister responsible for the Australian Electoral Commission to:

- (a) furnish the Senate with reasons for rejecting the name Inglis Clark (Andrew Inglis Clark was a key contributor to the drafting of the Australian Constitution) for the Tasmanian seat of Denison; and
- (b) seek to have the decision reconsidered.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 47

Senators—

Arbib	Coonan	Furner	Moore
Barnett	Cormann	Hogg	Nash
Bilyk	Crossin	Humphries	Parry (Teller)
Birmingham	Ellison	Hurley	Payne
Boswell	Farrell	Hutchins	Pratt
Brown, Carol	Faulkner	Ludwig	Sherry
Bushby	Feeney	Lundy	Stephens
Cameron	Fielding	Macdonald	Sterle
Carr	Fierravanti-Wells	Marshall	Troeth
Cash	Fifield	McEwen	Trood
Colbeck	Fisher	McLucas	Wortley
Collins	Forshaw	Minchin	

Question negatived.

20 ENVIRONMENT—FORESTS—KOALAS

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. 331—That the Senate—

- (a) welcomes the reported decision of the New South Wales Minister for Climate Change and the Environment (Ms Tebbutt) to spend \$1.23 million on a recovery plan for koalas, including revegetating koala habitat; and
- (b) calls on the New South Wales Government to halt the logging of any koala habitat forest including that in the Bermagui region on the state's south coast.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 51

Senators—

Arbib	Coonan	Hogg	Nash
Barnett	Cormann	Humphries	Parry (Teller)
Bernardi	Crossin	Hurley	Payne
Bilyk	Ellison	Hutchins	Pratt
Birmingham	Farrell	Joyce	Ronaldson
Boswell	Faulkner	Ludwig	Sherry
Brown, Carol	Feeney	Lundy	Stephens
Bushby	Fielding	Macdonald	Sterle
Cameron	Fierravanti-Wells	Marshall	Troeth
Carr	Fifield	McEwen	Trood
Cash	Fisher	McLucas	Williams
Colbeck	Forshaw	Minchin	Wortley
Collins	Furner	Moore	

Question negatived.

21 NOTICE OF MOTION WITHDRAWN

Senator Bushby withdrew general business notice of motion no. 324 standing in his name for today, proposing the establishment of a select committee on the bank deposit guarantee.

22 PUBLICATIONS—STANDING COMMITTEE—8TH REPORT

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

PUBLICATIONS COMMITTEE

8TH 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 13 November 2008, recommends that the following be printed:

Administrative Review Council—Report no. 49—Administrative accountability in business areas subject to complex and specific regulation, November 2008.

Aged Care Act 1997—Report for 2007-08 on the operation of the Act.

Anglo-Australian Telescope Board—Anglo-Australian Observatory (AAO)—Report for 2007-08.

Australian Fisheries Management Authority—Report for 2007-08.

Commonwealth Ombudsman—Report for 2007-08 on the Ombudsman's activities under Part V of the *Australian Federal Police Act 1979*.

Department of Immigration and Citizenship—Report for 2007-08—Corrections.

Equal Opportunity for Women in the Workplace Agency—Report for 2007-08.

Great Barrier Reef Marine Park Authority—Report for 2007-08.

Murray-Darling Basin Commission—Report for 2007-08.

National Health and Medical Research Council (NHMRC)—Report for 2007-08.

Remuneration Tribunal—Report for 2007-08.

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004—Report on financial assistance granted to each State in respect of 2007.

Screenrights—Report for 2007-08.

Sugar Research and Development Corporation—Report for 2007-08.

Senator Carol Brown

Chair

4 December 2008.

Senator McEwen moved—That the report be adopted.

Question put and passed.

23 COMMITTEES—ADDITIONAL INFORMATION— ADDITIONAL ESTIMATES 2007-08 AND BUDGET ESTIMATES 2008-09

Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2007-08—Economics—Standing Committee—Additional information received between 4 September and 3 December 2008—Treasury portfolio.

Budget estimates 2008-09—

Community Affairs—Standing Committee—Additional information received between 5 November and 3 December 2008—Health and Ageing portfolio.

Economics—Standing Committee—Additional information received between 25 September and 3 December 2008—Treasury portfolio.

Education, Employment and Workplace Relations—Standing Committee—Additional information received between 13 November and 4 December 2008—Education, Employment and Workplace Relations portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 25 September and 2 December 2008—Attorney-General's portfolio.

Budget estimates 2008-09 (Supplementary)—

Education, Employment and Workplace Relations—Standing Committee—Additional information received between 28 November and 4 December 2008—Education, Employment and Workplace Relations portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 13 November and 4 December 2008—

Human Services portfolio.

Parliamentary departments.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 20 October and 2 December 2008—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

24 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—413TH REPORT

Senator Feeney, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—413th report—The efficiency dividend and small agencies: Size does matter, dated December 2008.

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

Question put and passed.

25 MIGRATION LEGISLATION AMENDMENT (WORKER PROTECTION) BILL 2008

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 227, dated 3 December 2008—Migration Legislation Amendment (Worker Protection) Bill 2008.

26 COMMITTEE MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of the appointment of a member of the House of Representatives to the Parliamentary Joint Committee on Intelligence and Security, as follows:

Message no. 226, dated 3 December 2008—Mrs Hull.

27 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—REPORT—CLIMATE CHANGE AND THE AUSTRALIAN AGRICULTURAL SECTOR

Pursuant to order, Senator Crossin, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle), tabled the following report and documents:

Rural and Regional Affairs and Transport—Standing Committee—Climate change and the Australian agricultural sector—Report, dated December 2008, Hansard record of proceedings, documents presented to the committee and submissions.

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

Senator Crossin, by leave, moved—That the Senate take note of the report.

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

28 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—GOVERNMENT EXPENDITURE ON INDIGENOUS AFFAIRS AND SOCIAL SERVICES IN THE NORTHERN TERRITORY

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

Community Affairs—Standing Committee—Government expenditure on Indigenous affairs and social services in the Northern Territory—Report, dated December 2008, Hansard record of proceedings, additional information and submissions.

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

Senator Crossin, by leave, moved—That the Senate take note of the report.

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

29 ECONOMICS—STANDING COMMITTEE—REPORT—DISCLOSURE REGIMES FOR CHARITIES AND NOT-FOR-PROFIT ORGANISATIONS

Pursuant to order, Senator Crossin, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report and documents:

Economics—Standing Committee—Disclosure regimes for charities and not-for-profit organisations—Report, dated December 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Crossin, by leave, moved—That the Senate take note of the report.

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

30 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—REPORT—ACADEMIC FREEDOM IN SCHOOL AND HIGHER EDUCATION

Pursuant to order, Senator Crossin, at the request of the Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall), tabled the following report and documents:

Education, Employment and Workplace Relations—Standing Committee—Allegations of academic bias in universities and schools—Report, dated December 2008, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Crossin, by leave, moved—That the Senate take note of the report.

Debate ensued.

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

31 WATER AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the amended motion of the Minister for Climate Change and Water (Senator Wong)—That the report of the committee of the whole be adopted but, due to the Government's failure to support in the House the amendments made by the Senate, the Senate calls on the Government to immediately:

- (a) prohibit construction of the North-South Pipeline and extraction of water from the Goulburn and Murray rivers for use in that pipeline;
- (aa) encourage and support other populations outside the basin who currently rely on the extraction of water from the basin to broaden their water security by expanding their use of other water sources such as stormwater capture and recycling;
- (b) ensure that water saved through the Living Murray Initiative is immediately guaranteed and then released for environmental flows in the Goulburn and Murray rivers and to replenish the Lower Lakes;
- (c) deliver \$50 million in emergency relief funding to the Lower Lakes and Coorong communities;
- (d) direct the Commonwealth Scientific and Industrial Research Organisation (CSIRO) to undertake a comprehensive hydrological assessment of the proposed North-South pipeline project, and the proposed extraction of water for the pipeline, including an audit of the water savings to be achieved by the Victorian Food Bowl Modernisation Project and its impact on the water resources and environment of the Murray-Darling Basin; and
- (e) ensure that the CSIRO is adequately funded to undertake that assessment.

Question put and passed.

32 SCHOOLS ASSISTANCE BILL 2008

Order of the day read for the consideration of message no. 225 from the House of Representatives in committee of the whole (*see entry no. 31, 3 December 2008*).

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE TO WHICH
THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(4) Clause 22, page 25 (lines 3 to 11), omit the clause.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—
That the committee does not insist on its amendment to which the House of Representatives has disagreed.

Debate ensued.

The Leader of the Family First Party (Senator Fielding) moved the following amendment:

At the end of the motion, add “but agrees to the following amendment in place of that amendment:

Clause 22, page 25 (line 9), at the end of subclause 22(1), add ‘or an equivalent accredited curriculum’.”

Debate ensued.

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

Main question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Troeth) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 225 from the House of Representatives relating to the Schools Assistance Bill 2008 and had resolved not to insist on the amendment made by the Senate to which the House had disagreed.

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

33 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—
That intervening business be postponed till after consideration of government business order of the day no. 6 (Nation-building Funds Bill 2008 and two related bills).

Question put and passed.

34 NATION-BUILDING FUNDS BILL 2008

NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008
COAG REFORM FUND BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Citizenship (Senator Evans)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

NATION-BUILDING FUNDS BILL 2008—

Bill taken as a whole by leave.

On the motion of Senator Milne, also on behalf of the Leader of the Opposition in the Senate (Senator Minchin), the following amendments, taken together by leave, were debated and agreed to:

Clause 4, page 5 (after line 29), after the definition of *COAG Reform Fund*, insert:

committee means the Parliamentary Joint Committee on Nation-Building for the time being constituted under Part 2.5A.

committee member means a member of the Parliamentary Joint Committee on Nation-Building.

Page 90 (after line 22), after Part 2.5, insert:

Part 2.5A—Parliamentary Joint Committee on Nation-Building

115A Parliamentary Joint Committee on Nation-Building

- (1) As soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of the Parliament to be known as the Parliamentary Joint Committee on Nation-Building is to be appointed according to the practice of the Parliament with reference to the appointment of members to serve on joint select committees of both Houses of the Parliament.
- (2) The committee must consist of 12 committee members, namely, 6 members of the Senate appointed by the Senate, at least one of whom is to be nominated by any minority group or groups or independent senator or independent senators, and 6 members of the House of Representatives appointed by that House, provided that there must not be more than 5 committee members in total from either the Government or the Opposition.
- (3) A member of the Parliament is not eligible for appointment as a committee member if he or she is:
 - (a) a Minister;
 - (b) the President of the Senate;
 - (c) the Speaker of the House of Representatives; or
 - (d) the Deputy-President and Chairman of Committees of the Senate or the Chairman of Committees of the House of Representatives.
- (4) A committee member ceases to hold office:
 - (a) when the House of Representatives expires by effluxion of time or is dissolved;
 - (b) if he or she becomes the holder of an office specified in any of the paragraphs of subsection (3);
 - (c) if he or she ceases to be a member of the House of the Parliament by which he or she was appointed; or

- (d) if he or she resigns his or her office as provided by subsection (5) or (6).
- (5) A committee member appointed by the Senate may resign his or her office by writing signed by him or her and delivered to the President of the Senate.
- (6) A committee member appointed by the House of Representatives may resign his or her office by writing signed by him or her and delivered to the Speaker of that House.
- (7) Either House of the Parliament may appoint one of its members to fill a vacancy amongst the committee members appointed by that House.

115B Powers and proceedings of the committee

All matters relating to the powers and proceedings of the committee must be determined by resolution of both Houses of the Parliament.

115C Duties of the committee

The duties of the Committee are:

- (a) to consider Infrastructure Australia advice that is referred to the committee under section 119B;
- (b) to consider EIF Advisory Board advice that is referred to the committee under section 171A;
- (c) to consider HHF Advisory Board advice that is referred to the committee under section 246A;
- (d) to consider relevant Ministers' statements of reasons;
- (e) to report to both Houses of the Parliament, with such comments as it thinks fit, on any advice referred to it under paragraph (a), (b) or (c), and on any matter appertaining to or connected with that advice to which, in the opinion of the committee, the attention of the Parliament should be directed;
- (f) to examine each annual report on Infrastructure Australia and report to the Parliament on any matter appearing in, or arising out of, any such annual report;
- (g) to examine trends and changes in infrastructure provision and provision of education, health and hospital services and report to both Houses of the Parliament any change which the committee thinks desirable to:
 - (i) the functions, structure and operations of Infrastructure Australia, the EIF Advisory Board or the HHF Advisory Board; or
 - (ii) the operation of the Building Australia Fund, the Education Investment Fund or the Health and Hospitals Fund;
- (h) to inquire into any question in connection with its duties that is referred to it by either House of the Parliament, and to report to that House upon that question.

Page 93 (after line 4), after clause 119, insert:

119A Infrastructure Australia advice to be tabled

On receiving any advice prepared by Infrastructure Australia under subsection 116(1), 117(1), 118(1) or 119(1), the relevant Minister must cause a copy of the advice to be laid before each House of the Parliament within 3 sitting days of that House after the day on which he or she receives the advice.

Page 93 (after line 4), after clause 119, insert:

119B Reference of advice of Infrastructure Australia to the Parliamentary Joint Committee on Nation-Building

- (1) If Infrastructure Australia provides advice in accordance with subsection 116(1), 117(1), 118(1) or 119(1) in support of infrastructure the estimated cost of which exceeds the threshold amount, the advice and any document it considered when formulating that advice stands referred to the Parliamentary Joint Committee on Nation-Building for consideration and report.
- (2) If Infrastructure Australia provides advice in accordance with subsection 116(1), 117(1), 118(1) or 119(1) in support of infrastructure the estimated cost of which does not exceed the threshold amount, the advice and any document it considered when formulating that advice must be provided to the Parliamentary Joint Committee on Nation-Building.
- (3) On receiving the advice of Infrastructure Australia in support of infrastructure the estimated cost of which exceeds the threshold amount, the Minister must cause a copy of the advice to be laid before each House of the Parliament within 3 sitting days of that House after the day on which the Minister receives the advice, together with such plans, specifications and other particulars as the Minister thinks necessary.
- (4) Development of infrastructure which is the subject of advice that has been referred to the committee in accordance with this section must not commence before a report of the committee concerning the work has been presented to both Houses of the Parliament.
- (5) If, after a report of the committee in accordance with subsection (1) has been presented to both Houses of the Parliament and before the development of the infrastructure has commenced, each House resolves that, for reasons or purposes stated in the resolution, the advice of Infrastructure Australia is again referred to the committee for consideration and report, the committee must further consider the advice and the development of the infrastructure must not commence before a further report of the committee concerning the advice has been presented to both Houses.
- (6) In this section:
estimated cost, in relation to the development of infrastructure, means an estimate of cost made when all the particulars of the development of the infrastructure substantially affecting its cost have been determined and includes the life-cycle costs of the infrastructure.

threshold amount means:

- (a) \$50,000,000; or
- (b) if another lower amount is specified in the regulations for the purposes of this definition—that other amount.

Clause 171, page 132 (after line 21), after subclause (4), insert:

- (4A) On receiving any advice prepared by the EIF Advisory Board under subsection (1) or (6), the relevant Minister must cause a copy of the advice to be laid before each House of the Parliament within 3 sitting days of that House after the day on which he or she receives the advice.

Page 133 (after line 7), after clause 171, insert:

171A Reference of advice of EIF Board to the Parliamentary Joint Committee on Nation-Building

- (1) If the EIF Advisory Board provides advice in accordance with subsection 171(1) or (6) in support of infrastructure the estimated cost of which exceeds the threshold amount, the advice and any document it considered when formulating that advice stands referred to the Parliamentary Joint Committee on Nation-Building for consideration and report.
- (2) If the EIF Advisory Board provides advice in accordance with subsection 171(1) or (6) in support of infrastructure the estimated cost of which does not exceed the threshold amount, the advice and any document it considered when formulating that advice must be provided to the Parliamentary Joint Committee on Nation-Building.
- (3) On receiving the advice of the EIF Advisory Board in support of infrastructure the estimated cost of which exceeds the threshold amount, the Minister must cause a copy of the advice to be laid before each House of the Parliament within 3 sitting days of that House after the day on which the Minister receives the advice, together with such plans, specifications and other particulars as the Minister thinks necessary.
- (4) Development of infrastructure which is the subject of advice that has been referred to the committee in accordance with this section must not commence before a report of the committee concerning the work has been presented to both Houses of the Parliament.
- (5) If, after a report of the committee in accordance with subsection (1) has been presented to both Houses of the Parliament and before the development of the infrastructure has commenced, each House resolves that, for reasons or purposes stated in the resolution, the advice of the EIF Advisory Board is again referred to the committee for consideration and report, the committee must further consider the advice and the development of the infrastructure must not commence before a further report of the committee concerning the advice has been presented to both Houses.

(6) In this section:

estimated cost, in relation to the development of infrastructure, means an estimate of cost made when all the particulars of the development of the infrastructure substantially affecting its cost have been determined and includes the life-cycle costs of the infrastructure.

threshold amount means:

- (a) \$50,000,000; or
- (b) if another lower amount is specified in the regulations for the purposes of this definition—that other amount.

Clause 246, page 186 (after line 8), at the end of the clause, add:

- (3) On receiving any advice prepared by the HHF Advisory Board under subsection (1), the Health Minister must cause a copy of the advice to be laid before each House of the Parliament within 3 sitting days of that House after the day on which he or she receives the advice.

Page 186 (after line 8), after clause 246, insert:

246A Reference of advice of HHF Board to the Parliamentary Joint Committee on Nation-Building

- (1) If the HHF Advisory Board provides advice in accordance with subsection 246(1) in support of infrastructure the estimated cost of which exceeds the threshold amount, the advice and any document it considered when formulating that advice stands referred to the Parliamentary Joint Committee on Nation-Building for consideration and report.
- (2) If the HHF Advisory Board provides advice in accordance with subsection 246(1) in support of infrastructure the estimated cost of which does not exceed the threshold amount, the advice and any document it considered when formulating that advice must be provided to the Parliamentary Joint Committee on Nation-Building.
- (3) On receiving the advice of the HHF Advisory Board in support of infrastructure the estimated cost of which exceeds the threshold amount, the Minister must cause a copy of the advice to be laid before each House of the Parliament within 3 sitting days of that House after the day on which the Minister receives the advice, together with such plans, specifications and other particulars as the Minister thinks necessary.
- (4) Development of infrastructure which is the subject of advice that has been referred to the committee in accordance with this section must not commence before a report of the committee concerning the work has been presented to both Houses of the Parliament.
- (5) If, after a report of the committee in accordance with subsection (1) has been presented to both Houses of the Parliament and before the development of the infrastructure has commenced, each House resolves that, for reasons or purposes stated in the resolution, the advice of the HHF Advisory Board is again referred to the committee for consideration and report, the committee must further consider the advice and the development of the infrastructure must not commence before a further report of the committee concerning the advice has been presented to both Houses.

(6) In this section:

estimated cost, in relation to the development of infrastructure, means an estimate of cost made when all the particulars of the development of the infrastructure substantially affecting its cost have been determined and includes the life-cycle costs of the infrastructure.

threshold amount means:

- (a) \$50,000,000; or
- (b) if another lower amount is specified in the regulations for the purposes of this definition—that other amount.

On the motion of Senator Minchin the following amendments, taken together by leave, were debated and agreed to:

Clause 52, page 47 (after line 7), after subclause (3), insert:

- (3A) If the Infrastructure Minister makes a recommendation under subsection (1) in relation to a payment, the Infrastructure Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 52, page 47 (after line 23), after subclause (6), insert:

- (6A) If the Communications Minister makes a recommendation under subsection (4) in relation to a payment, the Communications Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 52, page 47 (after line 27), after subclause (7), insert:

- (7A) If the Communications Minister makes a recommendation under subsection (7) in relation to a payment, the Communications Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 52, page 48 (after line 11), after subclause (10), insert:

- (10A) If the Energy Minister makes a recommendation under subsection (8) in relation to a payment, the Energy Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 52, page 48 (after line 26), at the end of the clause, add:

- (14) If the Water Minister makes a recommendation under subsection (11) in relation to a payment, the Water Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 64, page 55 (after line 24), at the end of the clause, add:

- (4) If the Infrastructure Minister makes a recommendation under subsection (1) in relation to a payment, the Infrastructure Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 71, page 60 (after line 8), after subclause (3), insert:

- (3A) If the Communications Minister makes a recommendation under subsection (1) in relation to a payment, the Communications Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 78, page 63 (after line 23), at the end of the clause, add:

- (4) If the Energy Minister makes a recommendation under subsection (1) in relation to a payment, the Energy Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 85, page 67 (after line 23), at the end of the clause, add:

- (4) If the Water Minister makes a recommendation under subsection (1) in relation to a payment, the Water Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 90, page 71 (after line 16), at the end of the clause, add:

- (4) If the Infrastructure Minister makes a recommendation under subsection (1) in relation to a payment, the Infrastructure Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 95, page 74 (after line 19), at the end of the clause, add:

- (4) If the Communications Minister makes a recommendation under subsection (1) in relation to a payment, the Communications Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 100, page 77 (after line 25), at the end of the clause, add:

- (4) If the Energy Minister makes a recommendation under subsection (1) in relation to a payment, the Energy Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 105, page 80 (after line 29), at the end of the clause, add:

- (4) If the Water Minister makes a recommendation under subsection (1) in relation to a payment, the Water Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 177, page 136 (after line 10), after subclause (3), insert:

- (3A) If the Education Minister makes a recommendation under subsection (1) in relation to a payment, the Education Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 177, page 136 (after line 26), after subclause (6), insert:

- (6A) If the Research Minister makes a recommendation under subsection (4) in relation to a payment, the Research Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 177, page 137 (after line 10), at the end of the clause, add:

- (10) If the EIF designated Ministers make a recommendation under subsection (7) in relation to a payment, the EIF designated Ministers must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 184, page 141 (after line 20), after subclause (3), insert:

- (3A) If the Education Minister makes a recommendation under subsection (1) in relation to a payment, the Education Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 184, page 142 (after line 2), at the end of the clause, add:

- (7) If the EIF designated Ministers make a recommendation under subsection (4) in relation to a payment, the EIF designated Ministers must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 191, page 146 (after line 2), after subclause (3), insert:

- (3A) If the Research Minister makes a recommendation under subsection (1) in relation to a payment, the Research Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 191, page 146 (after line 18), at the end of the clause, add:

- (7) If the EIF designated Ministers make a recommendation under subsection (4) in relation to a payment, the EIF designated Ministers must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 195, page 149 (after line 16), at the end of the clause, add:

- (4) If the Education Minister makes a recommendation under subsection (1) in relation to a payment, the Education Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 252, page 188 (after line 24), at the end of the clause, add:

- (4) If the Health Minister makes a recommendation under subsection (1) in relation to a payment, the Health Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 258, page 191 (after line 23), at the end of the clause, add:

- (4) If the Health Minister makes a recommendation under subsection (1) in relation to a payment, the Health Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

Clause 263, page 195 (after line 9), at the end of the clause, add:

- (4) If the Health Minister makes a recommendation under subsection (1) in relation to a payment, the Health Minister must cause a written statement of reasons for the recommendation to be laid before each House of the Parliament within 9 sitting days of that House.

On the motion of Senator Minchin the following amendments, taken together by leave, were debated and agreed to:

Clause 52, page 46 (lines 26 to 29), omit subclause (2), substitute:

- (2) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to a payment unless Infrastructure Australia has advised under section 116 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 52, page 47 (lines 12 to 15), omit subclause (5), substitute:

- (5) The Communications Minister must not make a recommendation under subsection (4) in relation to a payment unless Infrastructure Australia has advised under section 117 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 52, page 48 (lines 1 to 4), omit subclause (9), substitute:

- (9) The Energy Minister must not make a recommendation under subsection (8) in relation to a payment unless Infrastructure Australia has advised under section 118 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 52, page 48 (lines 16 to 19), omit subclause (12), substitute:

- (12) The Water Minister must not make a recommendation under subsection (11) in relation to a payment unless Infrastructure Australia has advised under section 119 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and

- (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
- (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 64, page 55 (lines 14 to 17), omit subclause (2), substitute:

- (2) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to a payment unless Infrastructure Australia has advised under section 116 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 71, page 59 (lines 27 to 30), omit subclause (2), substitute:

- (2) The Communications Minister must not make a recommendation under subsection (1) in relation to a payment unless Infrastructure Australia has advised under section 117 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 78, page 63 (lines 13 to 16), omit subclause (2), substitute:

- (2) The Energy Minister must not make a recommendation under subsection (1) in relation to a payment unless Infrastructure Australia has advised under section 118 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 85, page 67 (lines 13 to 16), omit subclause (2), substitute:

- (2) The Water Minister must not make a recommendation under subsection (1) in relation to a payment unless Infrastructure Australia has advised under section 119 that:
 - (a) the payment satisfies the relevant BAF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 90, page 71 (lines 6 to 9), omit subclause (2), substitute:

- (2) The Infrastructure Minister must not make a recommendation under subsection (1) in relation to a grant unless Infrastructure Australia has advised under section 116 that:
 - (a) the grant satisfies the relevant BAF evaluation criteria; and
 - (b) if the grant will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the grant will not be made in relation to a project that requires the payment of an upfront fee.

Clause 95, page 74 (lines 9 to 12), omit subclause (2), substitute:

- (2) The Communications Minister must not make a recommendation under subsection (1) in relation to a grant unless Infrastructure Australia has advised under section 117 that:
 - (a) the grant satisfies the relevant BAF evaluation criteria; and
 - (b) if the grant will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the grant will not be made in relation to a project that requires the payment of an upfront fee.

Clause 100, page 77 (lines 15 to 18), omit subclause (2), substitute:

- (2) The Energy Minister must not make a recommendation under subsection (1) in relation to a grant unless Infrastructure Australia has advised under section 118 that:
 - (a) the grant satisfies the relevant BAF evaluation criteria; and
 - (b) if the grant will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the grant will not be made in relation to a project that requires the payment of an upfront fee.

Clause 105, page 80 (lines 19 to 22), omit subclause (2), substitute:

- (2) The Water Minister must not make a recommendation under subsection (1) in relation to a grant unless Infrastructure Australia has advised under section 119 that:
 - (a) the grant satisfies the relevant BAF evaluation criteria; and
 - (b) if the grant will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the grant will not be made in relation to a project that requires the payment of an upfront fee.

Clause 177, page 135 (line 27) to page 136 (line 2), omit subclause (2), substitute:

- (2) The Education Minister must not make a recommendation under subsection (1) in relation to a payment unless the EIF Advisory Board has advised under paragraph 171(1)(a) that:
 - (a) the payment satisfies the relevant EIF evaluation criteria; and

- (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
- (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 177, page 136 (lines 15 to 18), omit subclause (5), substitute:

- (5) The Research Minister must not make a recommendation under subsection (4) in relation to a payment unless the EIF Advisory Board has advised under paragraph 171(1)(b) that:
 - (a) the payment satisfies the relevant EIF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 177, page 136 (line 31) to page 137 (line 2), omit subclause (8), substitute:

- (8) The EIF designated Ministers must not make a recommendation under subsection (7) in relation to a payment unless the EIF Advisory Board has:
 - (a) given advice under subsection 171(6) about the payment; and
 - (b) if the payment will result in the creation or development of an asset—advised that the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) advised that the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 184, page 141 (lines 9 to 12), omit subclause (2), substitute:

- (2) The Education Minister must not make a recommendation under subsection (1) in relation to a payment unless the EIF Advisory Board has advised under paragraph 171(1)(a) that:
 - (a) the payment satisfies the relevant EIF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 184, page 141 (lines 25 to 28), omit subclause (5), substitute:

- (5) The EIF designated Ministers must not make a recommendation under subsection (4) in relation to a payment unless the EIF Advisory Board has:
 - (a) given advice under subsection 171(6) about the payment; and
 - (b) if the payment will result in the creation or development of an asset—advised that the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) advised that the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 191, page 145 (lines 22 to 25), omit subclause (2), substitute:

- (2) The Research Minister must not make a recommendation under subsection (1) in relation to a payment unless the EIF Advisory Board has advised under paragraph 171(1)(b) that:
 - (a) the payment satisfies the relevant EIF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 191, page 146 (lines 7 to 10), omit subclause (5), substitute:

- (5) The EIF designated Ministers must not make a recommendation under subsection (4) in relation to a payment unless the EIF Advisory Board has:
 - (a) given advice under subsection 171(6) about the payment; and
 - (b) if the payment will result in the creation or development of an asset—advised that the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) advised that the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 195, page 149 (lines 5 to 8), omit subclause (2), substitute:

- (2) The Education Minister must not make a recommendation under subsection (1) in relation to a grant unless the EIF Advisory Board has advised under paragraph 171(1)(a) that:
 - (a) the grant satisfies the relevant EIF evaluation criteria; and
 - (b) if the grant will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the grant will not be made in relation to a project that requires the payment of an upfront fee.

Clause 252, page 188 (lines 13 to 16), omit subclause (2), substitute:

- (2) The Health Minister must not make a recommendation under subsection (1) in relation to a payment unless the HHF Advisory Board has advised under paragraph 246(1)(a) that:
 - (a) the payment satisfies the relevant HHF evaluation criteria; and
 - (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 258, page 191 (lines 12 to 15), omit subclause (2), substitute:

- (2) The Health Minister must not make a recommendation under subsection (1) in relation to a payment unless the HHF Advisory Board has advised under paragraph 246(1)(a) that:
 - (a) the payment satisfies the relevant HHF evaluation criteria; and

- (b) if the payment will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
- (c) the payment will not be made in relation to a project that requires the payment of an upfront fee.

Clause 263, page 194 (line 29) to page 195 (line 2), omit subclause (2), substitute:

- (2) The Health Minister must not make a recommendation under subsection (1) in relation to a grant unless the HHF Advisory Board has advised under paragraph 246(1)(a) that:
 - (a) the grant satisfies the relevant HHF evaluation criteria; and
 - (b) if the grant will result in the creation or development of an asset—the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
 - (c) the grant will not be made in relation to a project that requires the payment of an upfront fee.

On the motion of Senator Minchin the following amendments, taken together by leave, were debated and agreed to:

Clause 14, page 18 (lines 23 to 26), omit subclauses (4) and (5), substitute:

- (4) A determination under subsection (1) is a legislative instrument.

Clause 15, page 19 (lines 10 to 12), omit subclause (3), substitute:

- (3) A determination under subsection (1) is a legislative instrument.

Clause 17, page 20 (lines 3 to 5), omit subclause (3), substitute:

- (3) A determination under subsection (1) is a legislative instrument.

Clause 133, page 103 (lines 22 to 25), omit subclauses (4) and (5), substitute:

- (4) A determination under subsection (1) is a legislative instrument.

Clause 134, page 104 (lines 8 to 10), omit subclause (3), substitute:

- (3) A determination under subsection (1) is a legislative instrument.

Clause 216, page 164 (lines 17 to 20), omit subclauses (4) and (5), substitute:

- (4) A determination under subsection (1) is a legislative instrument.

Clause 217, page 165 (lines 3 to 5), omit subclause (3), substitute:

- (3) A determination under subsection (1) is a legislative instrument.

On the motion of Senator Minchin the following amendments, taken together by leave, were debated and agreed to:

Clause 4, page 6 (after line 2), after the definition of *Communications Minister*, insert:

Competitive Neutrality Guidelines means the *Australian Government Competitive Neutrality Guidelines for Managers* contained in Finance Management Guidance No. 9, published by the Department of Finance and Deregulation, as in force from time to time.

Clause 116, page 91 (lines 11 and 12), omit subclause (2), substitute:

- (2) In giving advice under subsection (1), Infrastructure Australia must:
 - (a) apply the BAF evaluation criteria; and
 - (b) apply the Competitive Neutrality Guidelines, if applicable; and

- (c) if the payment will result in the creation or development of an asset—take into account whether the owners of the asset will meet all the whole-of-life asset costs, including operational costs; and
- (d) take into account whether or not the project will require the payment of an upfront fee.

Clause 117, page 91 (lines 23 and 24), omit subclause (2), substitute:

- (2) In giving advice under subsection (1), Infrastructure Australia must:
 - (a) apply the BAF evaluation criteria; and
 - (b) apply the Competitive Neutrality Guidelines, if applicable; and
 - (c) if the payment will result in the creation or development of an asset—take into account whether or not the owner or owners of the asset will pay the whole-of-life costs; and
 - (d) take into account whether or not the project will require the payment of an upfront fee.

Clause 118, page 92 (lines 11 and 12), omit subclause (2), substitute:

- (2) In giving advice under subsection (1), Infrastructure Australia must:
 - (a) apply the BAF evaluation criteria; and
 - (b) apply the Competitive Neutrality Guidelines, if applicable; and
 - (c) if the payment will result in the creation or development of an asset—take into account whether or not the owner or owners of the asset will pay the whole-of-life costs; and
 - (d) take into account whether or not the project will require the payment of an upfront fee.

Clause 119, page 92 (lines 27 and 28), omit subclause (2), substitute:

- (2) In giving advice under subsection (1), Infrastructure Australia must:
 - (a) apply the BAF evaluation criteria; and
 - (b) apply the Competitive Neutrality Guidelines, if applicable; and
 - (c) if the payment will result in the creation or development of an asset—take into account whether or not the owner or owners of the asset will pay the whole-of-life costs; and
 - (d) take into account whether or not the project will require the payment of an upfront fee.

Clause 171, page 132 (lines 20 and 21), omit subclause (4), substitute:

- (4) In giving advice under paragraph (1)(a) or (b), the EIF Advisory Board must:
 - (a) apply the EIF evaluation criteria; and
 - (b) apply the Competitive Neutrality Guidelines, if applicable; and
 - (c) if the payment will result in the creation or development of an asset—take into account whether or not the owner or owners of the asset will pay the whole-of-life costs; and
 - (d) take into account whether or not the project will require the payment of an upfront fee.

Clause 246, page 186 (lines 7 and 8), omit subclause (2), substitute:

- (2) In giving advice under paragraph (1)(a), the HHF Advisory Board must:
 - (a) apply the HHF evaluation criteria; and

- (b) apply the Competitive Neutrality Guidelines, if applicable; and
- (c) if the payment will result in the creation or development of an asset—take into account whether or not the owner or owners of the asset will pay the whole-of-life costs; and
- (d) take into account whether or not the project will require the payment of an upfront fee.

Senator Minchin moved the following amendments together by leave:

Clause 11, page 15 (lines 10 and 11), omit:

- The balance of the Communications Fund is to be transferred to the Building Australia Fund.

Clause 11, page 16 (lines 12 to 14), omit note 1.

Clause 14, page 18 (lines 15 to 18), omit notes 1 and 2.

Clause 19, page 23 (lines 1 to 7), omit paragraph (b).

Clause 19, page 23 (lines 13 to 17), omit paragraph (d).

Clause 19, page 23 (lines 20 to 22), omit note 2.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 34

Senators—

Abetz	Coonan	Heffernan	Parry
Barnett	Cormann	Humphries	Payne
Bernardi	Eggleston	Joyce	Scullion
Birmingham	Ellison	Kroger	Troeth
Boswell	Ferguson	Macdonald	Trood
Brandis	Fielding	Mason	Williams (Teller)
Bushby	Fierravanti-Wells	McGauran	Xenophon
Cash	Fifield	Minchin	
Colbeck	Fisher	Nash	

NOES, 32

Senators—

Bilyk	Evans	Hurley	Milne
Bishop	Farrell	Hutchins	Moore
Brown, Bob	Faulkner	Ludlam	Pratt
Brown, Carol	Feeney	Ludwig	Sherry
Cameron	Forshaw	Lundy	Siewert
Collins	Furner	Marshall	Stephens
Conroy	Hanson-Young	McEwen (Teller)	Sterle
Crossin	Hogg	McLucas	Wortley

Question agreed to.

Question—That the bill, as amended, be agreed to—divided in respect of clauses 16 and 33.

Question—That clauses 16 and 33 stand as printed—put and negatived.

Senator Milne moved the following amendment:

Page 2 (after line 12), after clause 2, insert:

2A Principles of Nation-building Funds

- (1) The underlying principles of the Nation-building Funds established by this or any other Act are that projects financed from the Funds must:
- (a) address national infrastructure priorities;
 - (b) demonstrate high benefits and effective use of resources;
 - (c) address climate change mitigation and adaptation and biodiversity conservation;
 - (d) prepare for the global oil production peak and subsequent decline in oil production;
 - (e) efficiently address infrastructure needs;
 - (f) demonstrate achievement of established standards in implementation and management.

Debate ensued.

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

35 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from the Republic of Indonesia led by the Speaker of the House of Representatives, His Excellency Mr Agung Laksono, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

36 ECONOMICS—EXECUTIVE SALARIES—STATEMENT BY LEAVE

The Leader of the Australian Greens (Senator Bob Brown), by leave, made a statement relating to a government response to the resolution of the Senate of 25 November 2008 (*see entry no. 17, 25 November 2008*) concerning executive salaries.

37 MOTIONS TO TAKE NOTE OF ANSWERS

Motions to take note of answers were called on but no motion was moved.

38 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 17 OF 2008

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 17 OF 2008

1. The committee met in private session on Thursday, 4 December 2008 at 10.44 am.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Defence Legislation (Miscellaneous Amendments) Bill 2008 be *referred immediately* to the Foreign Affairs, Defence and Trade Committee for inquiry and report by 20 February 2009;
 - (b) the *provisions* of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 24 February 2009;
 - (c) the *provisions* of the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 20 February 2009;
 - (d) the *provisions* of the Federal Justice System Amendment (Efficiency Measures) Bill (No. 1) 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 17 February 2009;
 - (e) the *provisions* of the Tax Laws Amendment (Taxation of Financial Arrangements) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 20 February 2009;
 - (f) the *provisions* of the Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 20 February 2009;
 - (g) the *provisions* of the Uranium Royalty (Northern Territory) Bill 2008 be *referred immediately* to the Economics Committee for inquiry and report by 30 April 2009; and
 - (h) the Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008 be *referred immediately* to the Environment, Communications and the Arts Committee for inquiry and report by 27 March 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Auditor-General Amendment Bill 2008
 - Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008
 - Corporations Amendment (No. 1) Bill 2008
 - Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008
 - Employment and Workplace Relations Amendment Bill 2008
 - Foreign Evidence Amendment Bill 2008
 - Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008
 - Migration Legislation Amendment Bill (No. 2) 2008
 - Tax Laws Amendment (2008 Measures No. 6) Bill 2008

Telecommunications Interception Legislation Amendment Bill (No. 2) 2008
Therapeutic Goods Amendment (Medical Devices and Other Measures)
Bill 2008.

The committee recommends accordingly.

4. The committee deferred consideration of the Resale Royalty Right for Visual Artists Bill 2008 to its next meeting.

Anne McEwen
Acting Chair
4 December 2008.

Senator McEwen moved—That the report be adopted.

Question put and passed.

39 PARTICULARS OF PROPOSED ADDITIONAL EXPENDITURE—2008-09—DOCUMENTS

The Special Minister of State (Senator Faulkner) tabled the following documents:

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2009 [Appropriation Bill (No. 3) 2008-2009].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2009 [Appropriation Bill (No. 4) 2008-2009].

Senator Faulkner, by leave, moved—That—

- (a) the documents, together with the final budget outcome 2007-08 (*see entry no. 2, 14 October 2008*) and the Advance to the Finance Minister as a final charge for the year ended 30 June 2008 (*see entry no. 2, 11 November 2008*), be referred to committees for examination and report; and
- (b) consideration of the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2008 in committee of the whole be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question put and passed.

40 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2008-09—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENTS

The Special Minister of State (Senator Faulkner) tabled the following documents:

Estimates of proposed additional expenditure for 2008-09—Portfolio additional estimates statements—Portfolios and executive departments—

- Agriculture, Fisheries and Forestry portfolio.
- Attorney-General's portfolio.
- Broadband, Communications and the Digital Economy portfolio.
- Defence portfolio.
- Department of Climate Change.
- Department of Veterans' Affairs.
- Education, Employment and Workplace Relations portfolio.
- Environment, Water, Heritage and the Arts portfolio.
- Families, Housing, Community Services and Indigenous Affairs portfolio.
- Finance and Deregulation portfolio.
- Foreign Affairs and Trade portfolio.
- Human Services portfolio.

Immigration and Citizenship portfolio.
Infrastructure, Transport, Regional Development and Local Government portfolio.
Innovation, Industry, Science and Research portfolio.
Prime Minister and Cabinet portfolio.
Resources, Energy and Tourism portfolio.
Treasury portfolio.

41 ADMINISTRATION—RESTORING INTEGRITY TO GOVERNMENT—MINISTERIAL STATEMENT—DOCUMENT

The Special Minister of State (Senator Faulkner) tabled the following document:

Administration—Restoring integrity to government—Ministerial statement by the Special Minister of State (Senator Faulkner), dated 4 December 2008.

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

Debate ensued.

Question put and passed.

42 ADMINISTRATION—NATIONAL SECURITY—MINISTERIAL STATEMENT—DOCUMENT

The Special Minister of State (Senator Faulkner) tabled the following document:

Administration—The first national security statement to the Australian Parliament—Ministerial statement by the Prime Minister (Mr Rudd), dated 4 December 2008.

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

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

43 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—GOVERNMENT RESPONSE—OPTIONS FOR ADDITIONAL WATER SUPPLIES FOR SOUTH EAST QUEENSLAND

The Special Minister of State (Senator Faulkner) tabled the following document:

Rural and Regional Affairs and Transport—Standing Committee—Report—Options for additional water supplies for South East Queensland—Government response.

44 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT'S REPORT—GOVERNMENT RESPONSES OUTSTANDING

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

President's report to the Senate on government responses outstanding to parliamentary committee reports as at 4 December 2008.

45 AUDITOR-GENERAL—AUDIT REPORT NO. 11 OF 2008-09—DOCUMENT

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

Auditor-General—Audit report no. 11 of 2008-09—Performance audit—Disability employment services—Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations.

46 PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Parliamentarians' travel paid by the Department of Finance and Deregulation—1 January to 30 June 2008, dated December 2008.

47 FORMER PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Former parliamentarians' travel paid by the Department of Finance and Deregulation—1 January to 30 June 2008, dated December 2008.

48 PARLIAMENTARIANS' OVERSEAS STUDY TRAVEL REPORTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Parliamentarians' overseas study travel reports—1 January to 30 June 2008, dated December 2008.

49 DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) tabled the following document:

Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2008.

50 TREATIES—JOINT STANDING COMMITTEE—97TH REPORT

Senator McGauran, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—97th report—Treaties tabled on 16 September 2008, dated December 2008.

Senator McGauran, by leave, moved—That the Senate take note of the report.

Question put and passed.

51 AUSTRALIAN PARLIAMENTARY DELEGATION TO PAPUA NEW GUINEA AND EAST TIMOR—DOCUMENT

Senator Cash, by leave, tabled the following document:

Papua New Guinea and East Timor—Report of the Australian parliamentary delegation, 26 October to 5 November 2008, dated December 2008.

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

Question put and passed.

52 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Radiation Protection and Nuclear Safety Act—Select Legislative Instrument 2008 No. 234—Australian Radiation Protection and Nuclear Safety Amendment Regulations 2008 (No. 1) [F2008L04264]*.

Customs Act—Select Legislative Instrument 2008 No. 227—Customs (Thailand–Australia Free Trade Agreement) Amendment Regulations 2008 (No. 1) [F2008L04438]*.

Higher Education Support Act—VET Provider Approval (No. 8 of 2008)—The Academy of Interactive Entertainment Ltd [F2008L04549]*.

Indigenous Education (Targeted Assistance) Act—Select Legislative Instrument 2008 No. 230—Indigenous Education (Targeted Assistance) Amendment Regulations 2008 (No. 1) [F2008L04483]*.

Industrial Chemicals (Notification and Assessment) Act—Select Legislative Instrument 2008 No. 236—Industrial Chemicals (Notification and Assessment) Amendment Regulations 2008 (No. 2) [F2008L03863]*.

Parliamentary Entitlements Act—Select Legislative Instrument 2008 No. 228—Parliamentary Entitlements Amendment Regulations 2008 (No. 2) [F2008L04474]*.

Quarantine Act—Quarantine Amendment Proclamation 2008 (No. 4) [F2008L04345]*.

Governor-General's Proclamation—Commencement of provisions of an Act

Therapeutic Goods Legislation Amendment (Annual Charges) Act 2008—Schedule 1—1 January 2009 [F2008L04263]*.

* Explanatory statement tabled with legislative instrument.

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 Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That senators be discharged from and appointed to committees as follows:

Education, Employment and Workplace Relations—Standing Committee—

Appointed—Participating member: Senator Boyce

Environment, Communications and the Arts—Standing Committee—

Appointed—

Substitute member: Senator Siewert to replace Senator Ludlam for the committee's inquiry into the Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008

Participating member: Senator Ludlam

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed—Senator Hanson-Young

Legal and Constitutional Affairs—Standing Committee—

Appointed—

Substitute members:

Senator Siewert to replace Senator Hanson-Young for the committee's inquiry into the provisions of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008

Senator Ludlam to replace Senator Hanson-Young for the committee's inquiry into the provisions of the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008

Senator Ludlam to replace Senator Hanson-Young for the committee's inquiry into the provisions of the Federal Justice System Amendment (Efficiency Measures) Bill (No. 1) 2008

Participating member: Senator Hanson-Young.

Question put and passed.

54 **NATION-BUILDING FUNDS BILL 2008****NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008****COAG REFORM FUND BILL 2008**

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

In the committee

NATION-BUILDING FUNDS BILL 2008—

Consideration resumed of the bill, as amended—and on the amendment moved by Senator Milne (see entry no. 34).

Debate resumed.

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

Senator Milne moved the following amendments together by leave:

Clause 120, page 93 (after line 9), after subclause (1), insert:

(1A) The BAF evaluation criteria must include criteria in relation to:

(a) climate change mitigation and adaptation and biodiversity conservation;

(b) preparation for the global oil production peak and expected decline in oil production.

Clause 120, page 93 (after line 9), after subclause (1), insert:

(1B) The BAF evaluation criteria must require Infrastructure Australia to include assessments of the greenhouse gas emission and oil consumption implications of a matter in any advice prepared under subsection 116(1), 117(1), 118(1) or 119(1).

Question—That the amendments be agreed to—put and negatived.

Senator Milne, also on behalf of the Leader of the Opposition in the Senate (Senator Minchin), moved the following amendment:

Page 204 (after line 9), at the end of the bill, add:

Schedule 1—Amendment of other Acts***Infrastructure Australia Act 2008***

1 At the end of section 5

Add:

- (6) On receiving any advice or other document prepared by Infrastructure Australia under subsection (1) or (2), the Minister must cause a copy of the advice or other document, as the case may be, to be laid before each House of the Parliament within 3 sitting days of that House after the day on which the Minister receives the advice or other document, as the case may be.

Debate ensued.

Senator Milne moved the following amendment to the proposed amendment:

At the end of Schedule 1, add:

2 At the end of subsection 8(2)

Add:

- ; and (f) 2 members are people with specific expertise and experience in one or more of the following fields:
- (i) climate change mitigation and adaptation;
 - (ii) the global oil production peak and expected decline in oil production.

Debate ensued.

Question—That Senator Milne's amendment to the proposed amendment be agreed to—put and negatived.

Senator Minchin moved the following amendment to the proposed amendment:

At the end of Schedule 1, add:

Productivity Commission Act 1998**2 At the end of Part 4**

Add:

Division 3—Nation-building Funds projects

- (1) The Commission must, as soon as practicable after the end of each financial year, prepare and give to the Minister a report on the projects approved during that financial year under the *Nation-building Funds Act 2008*.
- (2) A report under subsection (1) must include but is not limited to:
 - (a) the productivity benefits expected to result from the projects; and
 - (b) any cost-shifting by a State or Territory that is expected to result from the projects; and
 - (c) any other matter connected with the projects to which, in the opinion of the Productivity Commission, attention should be directed.
- (3) The Minister must cause a copy of a report prepared under subsection (1) to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

Debate ensued.

Question—That Senator Minchin's amendment to the proposed amendment be agreed to—put.

The committee divided—

AYES, 32

Senators—

Abetz	Colbeck	Humphries	Payne
Barnett	Cormann	Kroger	Ronaldson
Bernardi	Eggleston	Macdonald	Ryan
Birmingham	Ellison	Mason	Scullion
Boswell	Ferguson	McGauran	Troeth
Brandis	Fierravanti-Wells	Minchin	Trood
Bushby	Fifield	Nash	Williams (Teller)
Cash	Fisher	Parry	Xenophon

NOES, 33

Senators—

Arbib	Farrell	Ludlam	Sherry
Bilyk	Feeney	Ludwig	Siewert
Bishop	Fielding	Lundy	Stephens
Brown, Bob	Forshaw	Marshall	Sterle
Brown, Carol	Furner	McEwen (Teller)	Wong
Cameron	Hanson-Young	McLucas	Wortley
Collins	Hogg	Milne	
Conroy	Hurley	Moore	
Crossin	Hutchins	Pratt	

Question negatived.

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

Bill, as amended, agreed to.

NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008—

Bill taken as a whole by leave.

On the motion of Senator Minchin the following amendment was agreed to:

Schedule 2, page 16 (line 11), omit “*Telstra Corporation Act 1991*”.

Question—That the bill, as amended, be agreed to—divided in respect of Schedule 2, items 51 to 56.

Question—That Schedule 2, items 51 to 56 stand as printed—put and negatived.

Bill, as amended, agreed to.

COAG REFORM FUND BILL 2008—

Bill taken as a whole by leave.

Senator Milne moved the following amendment:

Clause 7, page 4 (line 21), at the end of subclause (2), add “and should ensure that, where relevant, grants require:

- (a) national infrastructure priorities to be addressed;
- (b) high benefits to be demonstrated and effective use of resources;
- (c) climate change mitigation and adaptation and biodiversity conservation;
- (d) preparation for the global oil production peak and subsequent decline in oil production;

- (e) infrastructure needs to be efficiently addressed;
- (f) demonstrable achievement of established standards in implementation and management.”.

Debate ensued.

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

Bill agreed to.

The Nation-building Funds Bill 2008 and the Nation-building Funds (Consequential Amendments) Bill 2008 to be reported with amendments and the COAG Reform Fund Bill 2008 to be reported without amendments.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the report from the committee was adopted and the bills read a third time.

55 SAFE WORK AUSTRALIA BILL 2008

Order of the day read for the consideration of message no. 197 from the House of Representatives in committee of the whole (*see entry no. 23, 12 November 2008*).

In the committee

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That the committee does not further insist on its amendments to which the House of Representatives has insisted on disagreeing.

Debate ensued.

Question put.

The committee divided—

AYES, 25

Senators—

Arbib	Crossin	Ludwig	Sherry
Bilyk	Farrell	Lundy	Stephens
Bishop	Forshaw	Marshall	Sterle
Brown, Carol	Furner	McEwen (Teller)	Wortley
Cameron	Hogg	McLucas	
Collins	Hurley	Moore	
Conroy	Hutchins	Pratt	

NOES, 38

Senators—

Abetz	Cormann	Joyce	Ronaldson
Barnett	Eggleston	Ludlam	Ryan
Bernardi	Ellison	Macdonald	Scullion
Birmingham	Ferguson	Mason	Siewert
Boswell	Fielding	McGauran	Troeth
Brown, Bob	Fierravanti-Wells	Milne	Trood
Bushby	Fifield	Minchin	Williams (Teller)
Cash	Fisher	Nash	Xenophon
Colbeck	Hanson-Young	Parry	
Coonan	Humphries	Payne	

Question negatived.

Resolution to be reported.

The Acting Deputy President (Senator Parry) resumed the chair and the Chair of Committees (Senator Ferguson) reported that the committee had considered message no. 197 from the House of Representatives relating to the Safe Work Australia Bill 2008 and had resolved to further insist on the amendments made by the Senate to which the House had insisted on disagreeing.

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

56 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That intervening business be postponed till after consideration of government business order of the day no. 5 (Interstate Road Transport Charge Amendment Bill (No. 2) 2008 and a related bill).

Question put and passed.

57 INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL (NO. 2) 2008 ROAD CHARGES LEGISLATION REPEAL AND AMENDMENT BILL 2008

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

In the committee

ROAD CHARGES LEGISLATION REPEAL AND AMENDMENT BILL 2008—

Consideration resumed of the bill.

Bill further debated.

On the motion of the Leader of the Family First Party (Senator Fielding) the following request for an amendment was debated and agreed to:

That the House of Representatives be requested to make the following amendment:
Page 2 (after line 11), after clause 3, insert:

4 Review of Heavy Vehicle Safety and Productivity Program

- (1) The Minister must cause a review of the Heavy Vehicle Safety and Productivity Program to be conducted.

- (2) The review must:
 - (a) start on the third anniversary of the commencement of this section; and
 - (b) be completed within 6 months.
- (3) The Minister must cause a written report about the review to be prepared.
- (4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days after the Minister receives the report.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the following requests for amendments, taken together by leave, were debated and agreed to:

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

Schedule 3, item 1, page 5 (lines 6 to 8), omit the item, substitute:

1 Subsection 43-10(3)

Omit “, determined by the *Transport Minister”, substitute “for the fuel”.

Schedule 3, item 3, page 5 (lines 11 and 12), omit the item.

Schedule 3, item 4, page 5 (line 15), omit the heading to subsection 43-10(7), substitute:

Determining the rate of road user charge

Schedule 3, item 4, page 5 (lines 16 to 18), omit “The *road user charge* for taxable fuel means the following rate (as indexed in accordance with regulations made for the purposes of subsection (8))”, substitute “The amount of road user charge for taxable fuel is worked out using the following rate”.

Schedule 3, item 4, page 5 (lines 19 and 20), omit “prescribed by the regulations for the purposes of this definition”, substitute “determined by the *Transport Minister”.

Schedule 3, item 4, page 5 (lines 22 and 23), omit “prescribed by the regulations for the purposes of this definition”, substitute “determined by the Transport Minister”.

Schedule 3, item 4, page 5 (lines 24 and 25), omit subsection 43-10(8), substitute:

- (8) For the purposes of subsection (7), the *Transport Minister may determine, by legislative instrument, the rate of the road user charge.
- (9) Before the *Transport Minister determines an increased rate of road user charge, the Transport Minister must:
 - (a) make the following publicly available for at least 60 days:
 - (i) the proposed increased rate of road user charge;
 - (ii) any information that was relied on in determining the proposed increased rate; and
 - (b) consider any comments received, within the period specified by the Transport Minister, from the public in relation to the proposed increased rate.

- (10) However, the *Transport Minister may, as a result of considering any comments received from the public in accordance with subsection (9), determine a rate of road user charge that is different from the proposed rate that was made publicly available without making that different rate publicly available in accordance with that subsection.

Schedule 3, items 5 to 8, page 5 (line 26) to page 6 (line 8), omit the items.

Senator Macdonald moved the following requests for amendments together by leave:

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

No. 1—Schedule 3, item 4, page 5 (after line 25), at the end of section 43-10, add:

- (11) In determining the *road user charge, the *Transport Minister must not apply a method for indexing the charge.

No. 2—Schedule 3, item 4, page 5 (after line 25), at the end of section 43-10, add:

- (12) The *Transport Minister must not make more than one determination in a financial year if the effect of the determination would be to increase the *road user charge more than once in that financial year.

No. 3—Schedule 3, item 4, page 5 (after line 25), at the end of section 43-10, add:

- (13) A determination made under this section must not take effect earlier than the first day after the end of the period in which the determination may be disallowed under Part 5 of the *Legislative Instruments Act 2003*.

No. 4—Schedule 3, page 5 (after line 25), after item 4, insert:

4A After section 43-10

Insert:

43-15 Determining the road user charge

- (1) The *road user charge must be based on the figure (the *net figure*) that is the difference between:
- (a) the amount of government expenditure on construction and maintenance of public roads that is allocated to heavy vehicles; and
 - (b) the amount of government revenue raised through registration of heavy vehicles and other charges imposed as a direct result of heavy vehicle use.

Note: *Government revenue*, *government expenditure* and *heavy vehicle* are defined in subsection (4).

- (2) The rate of the *road user charge must not be increased unless:
- (a) the net figure has increased since the date the existing road user charge became effective; and
 - (b) an average of at least 50 additional heavy vehicle rest areas have been constructed each year on the National Land Transport Network, as defined in the *AusLink (National Land Transport) Act 2005*, since the date the existing road user charge became effective; and

- (c) the type of rest areas constructed, their spacing and amenities are consistent with the goal that rest areas in the National Land Transport Network will comply by 2019 with the recommendations in the *National Guidelines for the Provision of Rest Area Facilities Final Report, Revised November 2005*, prepared by the National Transport Commission; and
- (d) substantial harmonisation has been achieved in State and Territory transport regulations, including heavy vehicle fatigue reform measures; and
- (e) Infrastructure Australia has advised the *Transport Minister in writing that:
 - (i) the matters referred to in paragraphs (b), (c) and (d) have occurred, or will have occurred, at the date the proposed increase in the road user charge is to become effective; and
 - (ii) the construction of heavy vehicle rest areas makes reasonably adequate provision for current and future use by high-productivity vehicles; and

Note: Infrastructure Australia's functions include functions conferred by laws other than its enabling Act—see paragraph 5(2)(k) of the *Infrastructure Australia Act 2008*.

- (f) the Transport Minister has released publicly, at least 60 days before making a determination under this section (the **public consultation period**), the net figure mentioned in subsection (3), all the expenditure figures and revenue estimates, statistics, formulas, methods, models, and inputs used to calculate the net figure, the advice of Infrastructure Australia referred to in paragraph (e) and a statement explaining the reasons for the proposed rate increase, and has called for submissions; and
 - (g) the Transport Minister has had regard to submissions received within the public consultation period.
- (3) The arterial road and other expenditure figures provided by the Commonwealth, States and Territories and released in accordance with paragraph (4)(f) must contain a statement of verification by the Auditor-General in the jurisdiction to which the figures relate.
- (4) In this section:
- government expenditure** means the amounts of expenditure by the Commonwealth, States, Territories and local governments for a financial year calculated in real terms as averages over a seven-year period using the latest:
- (a) available arterial road expenditure figures provided by each of the States and Territories; and
 - (b) local road expenditure information based on Australian Bureau of Statistics figures.

government revenue means the total of the amount of revenue expected to be raised by each of the Commonwealth, States, Territories and local governments in the financial year immediately following the date the determination made under this section is to commence.

heavy vehicle means a vehicle with a gross vehicle mass of more than 4.5 tonnes.

Debate ensued.

The question was divided—

Question—That request no. 1 be agreed to—put and passed.

Question—That request no. 2 be agreed to—put and passed.

Question—That request no. 3 be agreed to—put and negatived.

Question—That request no. 4 be agreed to—put and negatived.

Bill further debated and agreed to, subject to requests.

The Interstate Road Transport Charge Amendment Bill (No. 2) 2008 to be reported without requests for amendments and the Road Charges Legislation Repeal and Amendment Bill 2008 to be reported with requests.

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

Senator Conroy moved—That the report from the committee be adopted.

Debate ensued.

Question put and passed.

Senator Conroy moved—That the Interstate Road Transport Charge Amendment Bill (No. 2) 2008 be now read a third time.

Question put and passed.

Bill read a third time.

58 HOURS OF MEETING—VARIATION

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That the Senate continue to sit between 6.30 pm and 7.30 pm.

Question put and passed.

**59 TEMPORARY RESIDENTS' SUPERANNUATION LEGISLATION AMENDMENT BILL 2008
SUPERANNUATION (DEPARTING AUSTRALIA SUPERANNUATION PAYMENTS TAX)
AMENDMENT BILL 2008**

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

—
In the committee

Consideration resumed of the Temporary Residents' Superannuation Legislation Amendment Bill 2008, as amended, and the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008—and of the amendment moved by Senator Xenophon in respect of the Temporary Residents' Superannuation Legislation Amendment Bill 2008:

Schedule 1, item 16, page 20 (after line 22), after Part 3A, insert:

**Part 3B—Administration of taxation of superannuation of
eligible temporary residents**

20Q Retention scheme

- (1) The Commissioner must, within 45 days of the commencement of the *Temporary Residents' Superannuation Legislation Amendment Act 2008*, determine by legislative instrument a scheme that enables an eligible temporary resident to retain a superannuation interest in a fund until the person reaches the age of 60 or some other later date determined by the person.
- (2) Despite anything in section 44 of the *Legislative Instruments Act 2003*, section 42 of that Act applies to a legislative instrument made under subsection (1).
- (3) Section 48 of the *Legislative Instruments Act 2003* does not apply to an instrument made under subsection (1).
- (4) If, under section 42 of the *Legislative Instruments Act 2003*, an instrument made under subsection (1) or a provision of such an instrument is disallowed or is taken to have been disallowed (the *deemed disallowance*), the Commissioner must, within 30 days after the disallowance or deemed disallowance, determine a replacement legislative instrument for the purposes of subsection (1).
- (5) In this section:

eligible temporary resident means a person:

 - (a) for whom the superannuation provider has a current address and who maintains regular contact with the superannuation provider; and
 - (b) who would otherwise be subject to Part 3A.

20R Application of Part 3B

Part 3B does not apply to any person unless the Commissioner has determined a scheme in accordance with section 20Q and the scheme has been implemented.

Senator Xenophon, by leave, withdrew the amendment.

Explanatory memorandum: The Minister for Superannuation and Corporate Law (Senator Sherry) tabled a further supplementary explanatory memorandum relating to the government amendments and requests for amendments to be moved to the Temporary Residents' Superannuation Legislation Amendment Bill 2008.

On the motion of Senator Sherry the following amendments and requests for amendments in respect of the Temporary Residents' Superannuation Legislation Amendment Bill 2008, taken together by leave, were debated and agreed to:

Amendments:

Schedule 1, item 4, page 4 (line 10), after "amount he or she has received", insert "(and interest, in some cases)".

Schedule 1, item 16, page 7 (line 10), after "claim the amount", insert "(and interest, in some cases)".

Schedule 1, item 35, page 24 (line 30) to page 25 (line 3), omit subsection 307-142(3), substitute:

- (3) The *taxable component is so much of the payment as is attributable to either or both of the following:
 - (a) so much of the amounts paid to the Commissioner under subsection 17(1) or 20F(1) of that Act in respect of the person as would, if those amounts had instead been paid to the person as *superannuation benefits, have been the taxable components of those superannuation benefits;
 - (b) subsection 20H(2A) of that Act (which is about interest payable in certain circumstances).

Schedule 1, item 37, page 26 (lines 1 to 7), omit subsection 307-300(3), substitute:

- (3) The *element untaxed in the fund* is so much (if any) of the *taxable component as is attributable to either or both of the following:
 - (a) so much of the amounts paid to the Commissioner under subsection 17(1) or 20F(1) of that Act in respect of the person as would, if those amounts had instead been paid to the person as *superannuation benefits, have been the elements untaxed in the fund of the taxable components of those superannuation benefits;
 - (b) subsection 20H(2A) of that Act (which is about interest payable in certain circumstances).

Requests:

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

Schedule 1, item 16, page 13 (after line 36), after subsection 20H(2), insert:

- (2A) The Commissioner must also pay to the person, fund or legal personal representative the amount (if any) of interest worked out under subsection (2B), if the Commissioner is satisfied that:
 - (a) the person is (or was just before dying) an Australian citizen or, under the *Migration Act 1958*, the holder of a permanent visa; and

- (b) after 30 June 2007 either:
 - (i) the person left Australia; or
 - (ii) the person was, under the *Migration Act 1958*, the holder of a temporary visa.
- (2B) Work out, in accordance with the regulations, the amount of interest:
 - (a) on so much (if any) of the excess as is attributable (directly or indirectly) to one or more amounts paid to the Commissioner under subsection 20F(1) and not to payments to or by the Commissioner under section 17; and
 - (b) at a rate equal to the annual yield on Treasury bonds with a 10-year term or, if another rate is prescribed by the regulations, that other rate.

Note: The regulations may provide for various matters relevant to working out the interest, such as working out the periods for which particular rates apply to particular amounts of principal (which will affect any compounding of the interest, among other things).

- (2C) Regulations for the purposes of subsection (2B) may prescribe different rates for different periods over which the interest accrues, including a nil rate for any period starting when the person turns 65. This does not limit the ways in which the regulations may provide for working out the amount of interest under that subsection.

Schedule 1, item 16, page 14 (line 9), omit “excess”, substitute “total of the excess and any interest that would be payable under subsection (2A) apart from this subsection”.

Schedule 1, item 16, page 14 (line 16), omit the formula, substitute:

$$\begin{array}{l} \text{Total of the excess and} \\ \text{any interest that would} \\ \text{be payable under} \\ \text{subsection (2A) apart} \\ \text{from subsection (3)} \end{array} \times \frac{\begin{array}{l} \text{Total described in paragraph (3)(a)} \\ \text{for the death beneficiary} \end{array}}{\begin{array}{l} \text{Sum of the totals described in} \\ \text{paragraph (3)(a) for all the death beneficiaries} \end{array}}$$

The Temporary Residents’ Superannuation Legislation Amendment Bill 2008, as amended, agreed to, subject to requests and the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008 agreed to.

The Temporary Residents’ Superannuation Legislation Amendment Bill 2008 to be reported with amendments and requests for amendments and the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008 to be reported without requests.

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

On the motion of Senator Sherry the report from the committee was adopted and the Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2008 read a third time.

60 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That intervening business be postponed till after consideration of government business order of the day no. 10 (Corporations Amendment (Short Selling) Bill 2008).

Question put and passed.

61 CORPORATIONS AMENDMENT (SHORT SELLING) BILL 2008

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

Debate resumed.

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

Suspension of sitting: On the motion of Senator Sherry the sitting of the Senate was suspended at 6.25 pm till 6.55 pm.

At 6.55 pm—

62 CORPORATIONS AMENDMENT (SHORT SELLING) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment:

Schedule 1, page 3 (before line 6), before item 1, insert:

1A Paragraph 200F(2)(b)

Repeal the paragraph, substitute:

- (b) the value of the benefit, when added to the value of all other payments (if any) already made or payable in connection with the person's retirement from board or managerial offices in the company and related bodies corporate, does not exceed the amount worked out under subsection (4).

1B Subsections 200F(3), (4) and (5)

Repeal the subsections, substitute:

- (3) For the purposes of paragraph (2)(b), *other payments* includes:

- (a) payments of the market value of shares or share-based payments that become exercisable in connection with a person's retirement from a board or managerial office in the company or in a related body corporate; and
 - (b) payments by way of pension or lump sum, including a superannuation, retiring allowance, superannuation gratuity or similar payment.
- (4) The amount worked out under this subsection is:
- (a) if the period or periods during which the person held a board or managerial office in the company or in a related body corporate total less than 12 months—the amount that is in the same proportion to \$1,000,000 as that total period is to 12 months; or
 - (b) if the period or periods during which the person held a board or managerial office in the company or in a related body corporate totals 12 months or more—\$1,000,000.

1C Paragraph 200G(1)(c)

Omit "subsection (2)", substitute "subsection (3)".

1D Subsection 200G(1)

Omit "In applying paragraph (c), disregard any pensions or lump sums that section 200F applies to.", substitute "In applying paragraph (c), the value of the benefit includes any pensions or lump sums that section 200F applies to."

1E Subsections 200G(2) and (3)

Repeal the subsections, substitute:

- (2) For the purposes of paragraph (1)(c), *other payments* includes:
 - (a) payments of the market value of shares or share-based payments that become exercisable in connection with a person's retirement from a board or managerial office in the company or in a related body corporate; and
 - (b) payments by way of pension or lump sum, including a superannuation, retiring allowance, superannuation gratuity or similar payment.
- (3) The payment limit is \$1,000,000.

1F Subsections 200G(5) and (6)

Repeal the subsections.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the report from the committee was adopted and the bill read a third time.

63 AGED CARE AMENDMENT (2008 MEASURES NO. 2) 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.

Senator Siewert moved the following amendments together by leave:

Schedule 1, item 7, page 5 (lines 20 and 21), omit paragraph 8-3A(1)(a), substitute:

(aa) if the entity is a non-profit organisation with voluntary board members—a person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the entity at the time;

(a) for any other entity—a member of the group of persons who is responsible for the executive decisions of the entity at that time;

Schedule 1, item 7, page 6 (after line 5), after subsection 8-3A(1), insert:

(1A) To avoid doubt, a person is not one of the key personnel of a non-profit organisation merely because that person is a voluntary board member of the organisation.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Question—That the bill be agreed to—divided in respect of Schedule 1, items 115 to 118.

Schedule 1, items 115 to 118 debated and agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the report from the committee was adopted and the bill read a third time.

64 ECONOMICS—EXECUTIVE SALARIES—DOCUMENT

Senator McEwen, at the request of the Minister for Superannuation and Corporate Law (Senator Sherry), tabled the following document:

Economics—Executive salaries—Government response to the resolution of the Senate of 25 November 2008 relating to executive salaries (*see entry no. 17, 25 November 2008*).

65 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That intervening business be postponed till after consideration of government business order of the day no. 11 (Tax Laws Amendment (Luxury Car Tax—Minor Amendments) Bill 2008).

Question put and passed.

66 TAX LAWS AMENDMENT (LUXURY CAR TAX—MINOR AMENDMENTS) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

67 SOCIAL SECURITY LEGISLATION AMENDMENT (EMPLOYMENT SERVICES REFORM) BILL 2008

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

Debate resumed.

Question put.

The Senate divided—

AYES, 33

Senators—

Arbib	Farrell (Teller)	Ludlam	Sherry
Bilyk	Feeney	Ludwig	Siewert
Bishop	Fielding	Lundy	Stephens
Brown, Bob	Forshaw	Marshall	Sterle
Brown, Carol	Furner	McEwen	Wong
Cameron	Hanson-Young	McLucas	Wortley
Collins	Hogg	Milne	
Crossin	Hurley	Moore	
Evans	Hutchins	Pratt	

NOES, 33

Senators—

Abetz	Coonan	Joyce	Ronaldson
Barnett	Cormann	Kroger	Scullion
Bernardi	Eggleston	Macdonald	Troeth
Birmingham	Ferguson	Mason	Trood
Boswell	Fierravanti-Wells	McGauran	Williams (Teller)
Brandis	Fifield	Minchin	Xenophon
Bushby	Fisher	Nash	
Cash	Humphries	Parry	
Colbeck	Johnston	Payne	

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

68 **SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT
(SCHOOLING REQUIREMENTS) BILL 2008**

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 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.

Senator Siewert moved the following amendment:

Schedule 1, item 6, page 5 (after line 26), after the heading to Division 1, insert:

124AA Application

- (1) This Part applies only in respect of attendance at a school in a declared community.
- (2) The Minister may, by legislative instrument, determine that a community is a *declared community* for the purposes of this section.
- (3) For the purposes of this section, a *community* may be:
 - (a) a named rural or urban population centre with no more than 15 schools in the affected area; or
 - (b) a region defined by geographical boundaries with a population not exceeding 10 000 people.
- (4) The Minister may determine no more than eight communities to be declared communities for the purposes of this section.
- (5) A determination made under subsection (2) ceases to have effect 12 months after it commences, at which time this Part ceases to apply in respect of that community.

Debate ensued.

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

Senator Siewert moved the following amendment:

Schedule 1, item 6, page 5 (after line 26), after the heading to Division 1, insert:

124AB Review of operation of Part

- (1) The Minister must cause an independent review of the operation of this Part to be conducted as soon as possible after the first anniversary of the commencement of this Part and completed within 4 months of that anniversary.
- (2) The review must report on:
 - (a) changes in truancy rates against baseline data and against comparable populations outside the trial areas;
 - (b) changes in truancy rates for families within affected communities based on income source and family type;
 - (c) comparisons to outcomes of incentive-based initiatives;

- (d) number of notifications given, how quickly families responded and number of families breached;
 - (e) impacts on the circumstances and well-being of those families involved including financial hardship, use of emergency support services, loss of housing or utilities, impacts on other children, family conflict;
 - (f) impacts on social services within the region including level of demand, level of services delivered, changes in the types of services delivered and level of unmet services;
 - (g) impacts on schools including concerns of teachers and principals, level of demand on school services, and changes in relationships between schools and families;
 - (h) impact on and level of service delivered by State or Territory education departments to support children at risk, teachers and families to tackle truancy;
 - (i) relative impacts on Indigenous and non-Indigenous families;
 - (j) relative impacts on migrant families, particularly humanitarian migrants within the Cannington region;
 - (k) the level of awareness and understanding of the measures of affected families;
 - (l) factors relating to the interaction with welfare quarantining and child protection measures;
 - (m) any other matters considered relevant.
- (3) The review must be conducted by a panel which must comprise not less than 5 persons, including:
- (a) a person with expertise in child development;
 - (b) a person with expertise in primary and secondary education;
 - (c) a person with expertise in child protection;
 - (d) a person with expertise in community services;
 - (e) a person with expertise in Indigenous communities;
 - (f) a person with expertise in humanitarian migrant communities.
- (4) The panel must give the Minister a written report of the review, and the Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of receiving the report.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 7

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne
Siewert (Teller)

Xenophon

NOES, 52

Senators—

Arbib	Conroy	Hogg	Payne
Barnett	Coonan	Hurley	Pratt
Bernardi	Crossin	Joyce	Ronaldson
Bilyk	Eggleston	Kroger	Ryan
Birmingham	Evans	Ludwig	Scullion
Boswell	Farrell	Lundy	Sherry
Brandis	Feeney	Marshall	Stephens
Brown, Carol	Ferguson	Mason	Sterle
Cameron	Fierravanti-Wells	McEwen	Troeth
Carr	Fifield	McGauran	Trood
Cash	Fisher	Moore	Williams
Colbeck	Forshaw	Nash	Wong
Collins	Furner	Parry (Teller)	Wortley

Question negatived.

Senator Siewert moved the following amendment:

Schedule 1, item 6, page 5 (after line 26), after the heading to Division 1, insert:

124AB Interpretation of notice requirements

Despite any other provision in this Part:

- (a) any notice given by the Secretary to a schooling requirement person in accordance with this Part must be in plain English or in the language of the person;
- (b) where a period of time is determined under this Part by reference to the giving of a notice to a person, the period of time does not commence until:
 - (i) the notice is received by the person; and
 - (ii) the person has had an opportunity to meet with Centrelink staff.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the report from the committee was adopted and the bill read a third time. All Australian Greens senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

69 ROAD CHARGES LEGISLATION REPEAL AND 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. 229, dated 4 December 2008—Road Charges Legislation Repeal and Amendment Bill 2008.

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

70 NATION-BUILDING FUNDS BILL 2008

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:

Message no. 231, dated 4 December 2008—Nation-building Funds Bill 2008.

Ordered, on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry), that the message be considered in committee of the whole immediately.

In the committee

Senator Sherry moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

The Senate continued to sit till midnight—
FRIDAY, 5 DECEMBER 2008 AM

Debate continued.

The question was divided—

Question—That the committee does not insist on amendments nos 3, 4, 5, 8 and 10 to 13—put.

The committee divided—

AYES, 35

Senators—

Arbib	Crossin	Hutchins	Pratt
Bilyk	Evans	Johnston	Ronaldson
Brandis	Farrell	Ludlam	Sherry
Brown, Bob	Faulkner	Lundy	Siewert
Brown, Carol	Forshaw	Marshall	Stephens
Cameron	Furner	McEwen (Teller)	Sterle
Carr	Hanson-Young	McLucas	Troeth
Collins	Hogg	Milne	Wortley
Coonan	Hurley	Moore	

NOES, 8

Senators—

Boswell	Ferguson	Joyce	Williams (Teller)
Eggleston	Fielding	Nash	Xenophon

Question agreed to.

Question—That the committee does not insist on amendments nos 1, 39, 44, 45, 49, 50, 70, 71 and 78—put.

The committee divided—

AYES, 34

Senators—

Arbib	Evans	Hutchins	Pratt
Bilyk	Farrell	Johnston	Ronaldson
Brandis	Faulkner	Ludwig	Sherry
Brown, Carol	Feeney	Lundy	Stephens
Cameron	Ferguson	Marshall	Sterle
Carr	Forshaw	Mason	Troeth
Collins	Furner	McEwen (Teller)	Wortley
Coonan	Hogg	McLucas	
Crossin	Hurley	Moore	

NOES, 7

Senators—

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

Question agreed to.

Question—That the committee does not insist on the remaining amendments—put and passed.

Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Ferguson) reported that the committee had considered message no. 231 from the House of Representatives relating to the Nation-building Funds Bill 2008 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

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

71 NATION-BUILDING FUNDS (CONSEQUENTIAL AMENDMENTS) BILL 2008

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:

Message no. 230, dated 4 December 2008—Nation-building Funds (Consequential Amendments) Bill 2008.

Ordered, on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry), that the message be considered in committee of the whole immediately.

In the committee

Senator Sherry moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Question put and passed.

Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Ferguson) reported that the committee had considered message no. 230 from the House of Representatives relating to the Nation-building Funds (Consequential Amendments) Bill 2008 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

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

72 **TEMPORARY RESIDENTS' SUPERANNUATION LEGISLATION 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. 232, dated 4 December 2008—Temporary Residents' Superannuation Legislation Amendment Bill 2008.

On the motion of the Minister for Superannuation and Corporate Law (Senator Sherry) the bill was read a third time.

73 **BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2008**

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

Message no. 233, dated 4 December 2008—Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008.

Ordered, on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry), that the message be considered in committee of the whole immediately.

In the committee

SCHEDULE OF THE AMENDMENTS
MADE BY THE HOUSE OF REPRESENTATIVES

- (1) Schedule 2, item 3A, page 4 (lines 14 to 17), omit the item.
- (2) Schedule 2, page 4 (before line 18), before item 4, insert:

3B Clause 2 of Schedule 4

Insert:

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October of a year.

- (3) Schedule 2, item 4A, page 6 (line 1) to page 7 (line 12), omit the item.
- (4) Schedule 2, item 4B, page 7 (lines 13 to 28), omit the item.
- (5) Schedule 2, page 11 (after line 5), after item 12, insert:

12A After clause 11 of Schedule 4

Insert:

11A Quarterly reports

- (1) The commercial television conversion scheme must require the ACMA to:
 - (a) prepare a report for each quarter about the following matters:

- (i) the extent to which the objective in paragraph 6(3)(f) is being met for each licence area to which that paragraph applies;
 - (ii) if that objective is not being met for a particular licence area—the steps that holders of commercial television broadcasting licences are taking to ensure that the objective will be met; and
 - (b) publish the report on the ACMA's website.
 - (2) Subclause (1) does not apply to a quarter that begins after the end of the simulcast period for the licence area concerned.
- (6) Schedule 2, page 11 (after line 30), after item 17, insert:

17A After clause 25 of Schedule 4

Insert:

25A Quarterly reports

- (1) The national television conversion scheme must require the ACMA to:
 - (a) prepare a report for each quarter about the following matters:
 - (i) the extent to which the objective in paragraph 19(3)(f) is being met for each coverage area to which that paragraph applies;
 - (ii) if that objective is not being met for a particular coverage area—the steps that the national broadcasters are taking to ensure that the objective will be met; and
 - (b) publish the report on the ACMA's website.
 - (2) Subclause (1) does not apply to a quarter that begins after the end of the simulcast period for the coverage area concerned.
- (7) Schedule 2, page 12 (after line 8), after item 20, insert:

20A At the end of Schedule 4

Add:

Part 12—Ministerial reports

65 Ministerial reports—self-help re-transmission services and blackspots

- (1) As soon as practicable after:
 - (a) the 6-month period ending on 30 June 2009; and
 - (b) each later 6-month period;
 the Minister must cause to be prepared a report about:
 - (c) progress in converting self-help television re-transmission services from analog mode to digital mode; and
 - (d) the identification and rectification of blackspots in relation to the reception of:
 - (i) commercial television broadcasting services; and
 - (ii) national television broadcasting services; in digital mode.
- (2) The Minister must consult the ACMA in relation to the preparation of a report under subclause (1).
- (3) The Minister must cause copies of a report under subclause (1) to be tabled in each House of the Parliament within 15 sitting days of that House after the completion of the report.

(4) In this clause:

self-help television re-transmission service means a television re-transmission service that:

- (a) is covered by subsection 212(1); and
- (b) is provided by a self-help provider (within the meaning of section 212A).

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

Debate ensued.

The question was divided—

Question—That the committee agrees to House amendments nos 1 and 3—put and passed.

Question—That the committee agrees to House amendments nos 2, 4, 5, 6 and 7—put.

The committee divided—

AYES, 28

Senators—

Bilyk	Farrell	Hutchins	Milne
Brown, Bob	Faulkner	Ludlam	Moore
Brown, Carol	Feeney	Ludwig	Pratt
Cameron	Forshaw	Lundy	Siewert
Carr	Furner	Marshall	Stephens
Collins	Hanson-Young	McEwen (Teller)	Sterle
Crossin	Hurley	McLucas	Wortley

NOES, 29

Senators—

Barnett	Ferguson	Kroger	Ryan
Bernardi	Fielding	Mason	Troeth
Birmingham	Fierravanti-Wells	McGauran	Trood
Brandis	Fifield	Minchin	Williams
Bushby	Fisher	Nash	Xenophon
Cash	Heffernan	Parry (Teller)	
Coonan	Humphries	Payne	
Eggleston	Johnston	Ronaldson	

Question negatived.

The Leader of the Opposition in the Senate (Senator Minchin) moved the following consequential amendment:

Schedule 2, page 7 (lines 16 and 17), omit “after the making of the first determination under subclause 5G(1),”, substitute “from 1 April 2009”.

Debate ensued.

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

Resolution to be reported.



The President resumed the chair and the Chair of Committees (Senator Ferguson) reported that the committee had considered message no. 233 from the House of Representatives relating to the Broadcasting Legislation Amendment (Digital Television Switch-over) Bill 2008 and had agreed to amendments nos 1 and 3 made by the House, made a consequential amendment to the bill and had disagreed to amendments nos 2, 4, 5, 6 and 7.

On the motion of the Minister for Human Services (Senator Ludwig) the report from the committee was adopted.

Senator Minchin moved—That the Senate adopt the following statement of reasons for not agreeing to amendments made by the House:

House of Representatives amendment nos 2, 4, 5, 6 and 7

Amendment no. 4 deletes a clause, inserted on the motion of the Opposition, which would require the Government to report to each House of the Parliament the action taken to identify and rectify digital transmission blackspots. The Senate considers that this is a necessary accountability measure which will aid in ensuring that adequate levels of coverage and reception quality are achieved in the switch-over to digital television broadcasting.

The other government amendments seek to put in place alternative reporting arrangements. The regime inserted in the bill on the motion of the Coalition provides more accountability than the Government's alternative. It provides for more regular reports on digital blackspots; specifically identifies the regions and the numbers of households affected; and reinforces the objective of achieving an equivalent level of coverage to households after the switch-over to digital television.

On this basis, the Senate does not accept these amendments.

Question put and passed.

74 COMMITTEE MEMBERSHIP

The President informed the Senate that the President had received letters requesting changes in the membership of a committee.

The Minister for Human Services (Senator Ludwig), by leave, moved—That Senator Nash be discharged from and Senator Coonan be appointed to the Parliamentary Joint Committee on Intelligence and Security.

Question put and passed.

75 FAIR WORK BILL 2008

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

Message no. 228, dated 4 December 2008—A Bill for an Act relating to workplace relations, 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.

76 END OF 2008 SITTINGS—STATEMENT BY PRESIDENT

The President made a statement relating to the end of the 2008 sittings.

Statements by leave: The Minister for Human Services (Senator Ludwig), the Leader of the Opposition in the Senate (Senator Minchin), the Leader of the Australian Greens (Senator Bob Brown), Senators Boswell and Xenophon and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to the matter.

77 LEAVE OF ABSENCE

The Minister for Human Services (Senator Ludwig) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

78 NEXT MEETING OF SENATE

The Minister for Human Services (Senator Ludwig) moved—That the Senate, at its rising, adjourn till Tuesday, 3 February 2009, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

79 ADJOURNMENT

The Minister for Human Services (Senator Ludwig) moved—That the Senate do now adjourn.

The Senate adjourned at 1.41 am till Tuesday, 3 February 2009 at 12.30 pm.

80 ATTENDANCE

Present, all senators except Senators Adams*, Boyce*, O'Brien* and Polley* (* on leave).

HARRY EVANS
Clerk of the Senate