

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 55

THURSDAY, 5 FEBRUARY 2009

Contents

1	Meeting of Senate.....	1551
2	Notices.....	1551
3	Leave of Absence.....	1551
4	Selection of Bills—Standing Committee—Report No. 1 of 2009.....	1552
5	Days and Hours of Meeting and Routine of Business—Estimates Hearings—Variation—Finance and Public Administration—Standing Committee—Community Affairs—Standing Committee—References— Leave to Meet During Sitting—Consideration of Legislation.....	1552
6	Postponement.....	1556
7	Finance and Public Administration—Standing Committee—Leave to Meet During Sittings.....	1557
8	Legal and Constitutional Affairs—Standing Committee—Leave to Meet During Sitting.....	1557
9	Sport—Cycling—2009 Tour Down Under.....	1557
10	Legal and Constitutional Affairs—Standing Committee—Reference.....	1558
11	Law and Justice—Japan—Whaling Program.....	1559
12	Immigration—Detention.....	1559
13	Regulations and Ordinances—Standing Committee—Document.....	1560
14	Committees—Additional Information—Budget Estimates 2008-09.....	1560
15	Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2008.....	1561
16	Postponement.....	1561
17	Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009 Household Stimulus Package Bill 2009 Tax Bonus for Working Australians Bill 2009 Tax Bonus for Working Australians (Consequential Amendments) Bill 2009 Commonwealth Inscribed Stock Amendment Bill 2009.....	1562
18	Auditor-General Amendment Bill 2008 [2009].....	1562

19	Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009	
	Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009	
	Household Stimulus Package Bill 2009	
	Tax Bonus for Working Australians Bill 2009	
	Tax Bonus for Working Australians (Consequential Amendments) Bill 2009	
	Commonwealth Inscribed Stock Amendment Bill 2009	1563
20	Questions	1563
21	Motion to Take Note of Answers	1563
22	Community Affairs—Standing Committee—Reference—Variation—Leave to Meet During Sitting	1563
23	Foreign Affairs—Sri Lanka—Ministerial Statement—Document	1563
24	Foreign Affairs, Defence and Trade—Standing Committee—Government Response—Australia’s Public Diplomacy	1564
25	Work of Committees—Document	1564
26	Auditor-General—Audit Report No. 20 of 2008-09—Document	1564
27	Estimates of Proposed Supplementary Additional Expenditure for 2008-09—Portfolio Supplementary Additional Estimates Statements— Portfolios and Executive Departments—Documents	1564
28	Document	1564
29	Committee Membership	1565
30	Federal Justice System Amendment (Efficiency Measures) Bill (No. 1) 2008	
	Foreign Evidence Amendment Bill 2008	
	Telecommunications Interception Legislation Amendment Bill (No. 2) 2008..	1565
31	Social Security Legislation Amendment (Employment Services Reform) Bill 2008	1566
32	Committee Membership	1566
33	Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009	
	Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009	
	Household Stimulus Package Bill 2009	
	Tax Bonus for Working Australians Bill 2009	
	Tax Bonus for Working Australians (Consequential Amendments) Bill 2009	
	Commonwealth Inscribed Stock Amendment Bill 2009	1566
34	Finance and Public Administration—Standing Committee—Leave to Meet During Sitting	1566
35	Taxation—Alcohol—Order for Production of Documents—Document	1566
36	Carbon Pollution Reduction Scheme—Treasury Modelling—Order for Production of Documents—Statement by Leave	1567
37	Adjournment	1567
38	Attendance	1567

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 NOTICES

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

(a) notes:

- (i) the recent decision by the President of the United States of America, Barack Obama, to overturn the global gag rule for family planning guidelines that effectively prohibits the use of aid funding for some contraceptives, and for abortion advice and services, and
- (ii) that Australia is now the only country that continues to enforce these harsh restrictions on our aid program, limiting its ability to provide an effective and essential family planning service;

(b) recognises:

- (i) the essential role mothers play in developing communities, with both maternal and child health considered crucial Millennium Development Goals, and
- (ii) that an estimated 34 000 mothers die in our region each year, due to the lack of maternal health supports available, with more than half of the 29 developing countries not on track to achieve either goal; and

(c) calls on the Rudd Government to stand up for women's rights and immediately abolish the family planning guidelines that prevent Australian aid money from being spent on contraception and family planning advice. (*general business notice of motion no. 348*)

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

- (a) expresses its concern about the high number of civilian deaths and injuries that have occurred as a result of people being caught in the crossfire of Sri Lanka's civil war;
- (b) supports calls on the Sri Lankan Government from the United Nations, the Red Cross and Amnesty International to ensure the safety of civilians in war-torn areas and their safe passage out of those areas; and
- (c) supports calls on the Sri Lankan Government to lift bans on journalists and aid workers entering war zones. (*general business notice of motion no. 349*)

3 LEAVE OF ABSENCE

The Leader of the Australian Greens (Senator Bob Brown), by leave, moved—That leave of absence be granted to Senator Siewert from 5 February to 9 February 2009, for personal reasons.

Question put and passed.

4 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2009

The Chair of the Selection of Bills Committee (Senator O'Brien) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2009

1. The committee met in private session on Wednesday, 4 February 2009 at 7.12 pm.
2. The committee considered a proposal to refer the *provisions* of the Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 and the Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009 to the Economics Committee, but **was unable to reach agreement on whether the bills should be referred.**
3. The committee deferred consideration of the following bills to its next meeting:
 - Commonwealth Inscribed Stock Amendment Bill 2009
 - Household Stimulus Package Bill 2009
 - Resale Royalty Right for Visual Artists Bill 2008
 - Tax Bonus for Working Australians Bill 2009
 - Tax Bonus for Working Australians (Consequential Amendments) Bill 2009.

Kerry O'Brien
Chair
5 February 2009.

5 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—ESTIMATES HEARINGS—VARIATION—FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCES—LEAVE TO MEET DURING SITTING—CONSIDERATION OF LEGISLATION

Leave was granted, on the application of the Minister for Immigration and Citizenship (Senator Evans), for government business notice of motion no. 2 to be moved immediately, for that motion to be debated together with business of the Senate notice of motion no. 3 and government business notices of motion nos 1 and 3, and for those motions to be moved and the questions on those motions to be put in that order at the conclusion of the debate.

Government business notice of motion no. 2—

That, on Thursday, 5 February 2009:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 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 4.30 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, including any messages from the House of Representatives:
 - Tax Bonus for Working Australians Bill 2009

Tax Bonus for Working Australians (Consequential Amendments) Bill 2009
 Household Stimulus Package Bill 2009
 Commonwealth Inscribed Stock Amendment Bill 2009; and

- (f) if the Senate is sitting at midnight, the sitting of the Senate be suspended till 9 am on Friday, 6 February 2009. (*Hours of meeting and routine of business—Variation*)

Business of the Senate notice of motion no. 3—

That—

- (1) The additional estimates hearings of standing committees scheduled for the week beginning 9 February 2009 not take place.
- (2) The Senate meet from Monday, 9 February to Thursday, 12 February 2009.
- (3) The Senate not meet from Monday, 23 February to Thursday, 26 February 2009.
- (4) That the 2008-09 additional estimates hearings by standing committees be scheduled as follows:
 - Monday, 23 February and Tuesday, 24 February 2009, and, if required, Friday, 27 February 2009 (*Group A*)
 - Wednesday, 25 February and Thursday, 26 February 2009, and, if required, Friday, 27 February 2009 (*Group B*).
- (5) The provisions of the following bills (the bills) be referred to the Finance and Public Administration Committee for inquiry and report by 10 February 2009:
 - Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009
 - Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009
 - Commonwealth Inscribed Stock Amendment Bill 2009
 - Household Stimulus Package Bill 2009
 - Tax Bonus for Working Australians Bill 2009
 - Tax Bonus for Working Australians (Consequential Amendments) Bill 2009.
- (6) Notwithstanding the reference of the provisions of the bills, the Senate may consider the bills to the conclusion of the second reading stage, but shall not further consider the bills until the report of the Finance and Public Administration Committee on the bills has been tabled.
- (7) On Thursday, 5 February 2009:
 - (a) the hours of meeting shall be 9.30 am to 7 pm;
 - (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 not later than 4.30 pm till 7 pm shall be consideration of the bills (second reading speeches);
 - (d) divisions may take place after 4.30 pm; and
 - (e) at 7 pm the Senate shall adjourn without any question being put.
- (8) The Finance and Public Administration Committee shall meet from 7 pm to 9 pm on Thursday, 5 February 2009, and from 9 am on Friday, 6 February 2009 to take evidence from government departments and agencies, including (but not limited to):
 - (a) Treasury;
 - (b) Centrelink;
 - (c) Education, Employment and Workplace Relations;

- (d) Environment, Heritage and the Arts; and
 - (e) Families, Housing, Community Services and Indigenous Affairs.
- (9) The Finance and Public Administration Committee shall meet on Monday, 9 February 2009 to take further evidence in relation to the bills from non-government organisations, community groups and other interested parties as determined by the committee, and may meet during the sitting of the Senate for that purpose.
- (10) The presentation of the report of the Finance and Public Administration Committee on the bills be an order of the day for 12.31 pm on Tuesday, 10 February 2009.
- (11) On Thursday, 12 February 2009, the hours of meeting shall be 9.30 am to adjournment, and the question for the adjournment of the Senate shall not be proposed until the Senate has finally considered the bills listed in paragraph (5). (*Hours of meeting and routine of business—Estimates hearings—Variation—Finance and Public Administration Committee—Reference—Leave to meet during sitting*)

Government business notice of motion no. 1—

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009
 Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009
 Household Stimulus Package Bill 2009
 Tax Bonus for Working Australians Bill 2009
 Tax Bonus for Working Australians (Consequential Amendments) Bill 2009
 Commonwealth Inscribed Stock Amendment Bill 2009. (*Consideration of legislation*)

Government business notice of motion no. 3—

That the orders of the Senate agreed to on 12 November 2008 relating to days of meeting of the Senate for 2009, and estimates hearings dates, be varied as follows:

- (a) meeting of Senate for 2009 (as part of the Autumn sittings), omit “Monday, 23 February to Thursday, 26 February”, substitute “Monday, 9 February to Thursday, 12 February”; and
- (b) **2008-09 additional estimates**
 omit:
 “Monday, 9 February and Tuesday, 10 February 2009, and, if required, Friday, 13 February 2009 (*Group A*)
 Wednesday, 11 February and Thursday, 12 February 2009, and, if required, Friday, 13 February 2009 (*Group B*)”,
 substitute:
 “Monday, 23 February and Tuesday, 24 February 2009, and, if required, Friday, 27 February 2009 (*Group A*)
 Wednesday, 25 February and Thursday, 26 February 2009, and, if required, Friday, 27 February 2009 (*Group B*)”. (*Days of meeting—Estimates hearings—Variation*)

Senator Evans moved government business notice of motion no. 2 accordingly.

Debate ensued.

Question put.

The Senate divided—

AYES, 28

Senators—

Arbib	Conroy	Hogg	O'Brien
Bilyk	Crossin	Hurley	Polley
Bishop	Farrell (Teller)	Ludwig	Pratt
Brown, Carol	Faulkner	Lundy	Sherry
Cameron	Feeney	Marshall	Stephens
Carr	Forshaw	McLucas	Sterle
Collins	Furner	Moore	Wortley

NOES, 40

Senators—

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

Question negatived.

The Leader of the Family First Party (Senator Fielding), by leave and also on behalf of the Leader of the Opposition in the Senate (Senator Minchin), the Leader of the Australian Greens (Senator Bob Brown) and Senator Xenophon, moved business of the Senate notice of motion no. 3 in an amended form—That—

- (1) The additional estimates hearings of standing committees scheduled for the week beginning 9 February 2009 not take place.
- (2) The Senate meet from Monday, 9 February to Thursday, 12 February 2009.
- (3) The Senate not meet from Monday, 23 February to Thursday, 26 February 2009.
- (4) That the 2008-09 additional estimates hearings by standing committees be scheduled as follows:
 - Monday, 23 February and Tuesday, 24 February 2009, and, if required, Friday, 27 February 2009 (*Group A*)
 - Wednesday, 25 February and Thursday, 26 February 2009, and, if required, Friday, 27 February 2009 (*Group B*).
- (5) The provisions of the following bills (the bills) be referred to the Finance and Public Administration Committee for inquiry and report by 10 February 2009:
 - Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009
 - Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009
 - Commonwealth Inscribed Stock Amendment Bill 2009
 - Household Stimulus Package Bill 2009
 - Tax Bonus for Working Australians Bill 2009
 - Tax Bonus for Working Australians (Consequential Amendments) Bill 2009.
- (5A) The provisions of the Household Stimulus Package Bill 2009 also be referred to the Community Affairs Committee for inquiry and report by 10 February 2009.

- (5B) The Community Affairs Committee may not meet to consider the Household Stimulus Package Bill 2009 at the same time as the Finance and Public Administration Committee is meeting to consider the bills.
- (6) Notwithstanding the reference of the provisions of the bills, the Senate may consider the bills to the conclusion of the second reading stage, but shall not further consider the bills until the report of the Finance and Public Administration Committee on the bills has been tabled.
- (7) On Thursday, 5 February 2009:
- (a) the hours of meeting shall be 9.30 am to 7 pm;
 - (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 not later than 4.30 pm till 7 pm shall be consideration of the bills (second reading speeches);
 - (d) divisions may take place after 4.30 pm; and
 - (e) at 7 pm the Senate shall adjourn without any question being put.
- (8) The Finance and Public Administration Committee shall meet from 7 pm to 9 pm on Thursday, 5 February 2009, and from 9 am on Friday, 6 February 2009 to take evidence from government departments and agencies, including (but not limited to):
- (a) Treasury;
 - (b) Centrelink;
 - (c) Education, Employment and Workplace Relations;
 - (d) Environment, Heritage and the Arts; and
 - (e) Families, Housing, Community Services and Indigenous Affairs.
- (9) The Finance and Public Administration Committee shall meet on Monday, 9 February 2009 to take further evidence in relation to the bills from non-government organisations, community groups and other interested parties as determined by the committee, and may meet during the sitting of the Senate for that purpose.
- (10) The presentation of the reports of the committees on the bills be orders of the day for 12.31 pm on Tuesday, 10 February 2009.
- (11) On Thursday, 12 February 2009, the hours of meeting shall be 9.30 am to adjournment, and the question for the adjournment of the Senate shall not be proposed until the Senate has finally considered the bills listed in paragraph (5).
- (12) If the Senate has not finally determined the bills by midnight on Thursday, 12 February 2009, the President or the chairman shall immediately put the question on any amendment or motion already proposed from the chair, and shall then propose any other question requisite to dispose of the bills.

Question put and passed.

Government business notices of motion nos 1 and 3 were not proceeded with.

6 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Milne for today, proposing a reference to the Environment, Communications and the Arts Committee, postponed till 10 March 2009.

7 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator O'Brien, at the request of the Chair of the Finance and Public Administration Committee (Senator Polley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 343—That the Finance and Public Administration Committee be authorised to hold public meetings during the sittings of the Senate, as follows:

- (a) on Thursday, 5 February 2009, from 3.45 pm, to take evidence for the committee's inquiry into the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 [2009]; and
- (b) on Thursday, 26 February 2009, from 3.30 pm, to take evidence for the committee's inquiry into residential and community aged care in Australia.

Question put and passed.

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

Senator O'Brien, at the request of Chair of the Legal and Constitutional Affairs Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 344—That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 5 February 2009, from 4.30 pm to 6 pm, to take evidence for the committee's inquiry into the provisions of the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008.

Question put and passed.

9 SPORT—CYCLING—2009 TOUR DOWN UNDER

Senator Hurley, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 345—That the Senate—

- (a) congratulates organisers of the Tour Down Under cycling event on staging the most successful cycling event since its inception in 1999;
- (b) expresses thanks to all the support staff and others who have contributed to the success of the event;
- (c) congratulates Mr Allan Davis (Quickstep) on winning an outstanding 2009 Tour Down Under cycling event;
- (d) conveys, on behalf of all Australians, the nation's pride and congratulations for the performances of participants over the course of the competition;
- (e) thanks the South Australian people and the thousands from interstate who cheered cyclists in the 2009 Tour Down Under and participated in the event;
- (f) commends the contribution made by the South Australian State Government in announcing a massive roll-out of bike paths and honouring some of South Australia's cycling greats;
- (g) notes the generous pledge by the South Australian Premier, Mr Mike Rann, to triple any funds raised by the Cancer Council of South Australia during the 2009 Tour Down Under;
- (h) also thanks Mr Lance Armstrong for his cancer awareness campaign and the high profile media coverage he brought to South Australia and Australia;
- (i) acknowledges the contribution of the International Cycling Union to the success of the Tour Down Under; and

- (j) congratulates the Minister for Sport, Ms Kate Ellis, and the Australian Sports Anti-Doping Authority for ensuring the conduct of a free and fair race.

Question put and passed.

10 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Barnett, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 25 June 2009:

Australia's judicial system and the role of judges, with particular reference to:

- (a) the procedure for appointment and method of termination;
- (b) the term of appointment, including the desirability of a compulsory retirement age, and the merit of full-time, part-time or other arrangements;
- (c) appropriate qualifications;
- (d) jurisdictional issues;
- (e) the cost of delivering justice;
- (f) the timeliness of judicial decisions;
- (g) the judicial complaints handling system;
- (h) the interface between the federal and state judicial system; and
- (i) other matters relating and incidental thereto.

Senator Ludlam, by leave, moved the following amendment:

Omit all words after "inquiry and report", substitute "by 17 August 2009:

Australia's judicial system and the role of judges, with particular reference to:

- (a) the procedure for appointment and method of termination;
- (b) the term of appointment, including the desirability of a compulsory retirement age, and the merit of full-time, part-time or other arrangements;
- (c) appropriate qualifications;
- (d) jurisdictional issues;
- (e) the cost of delivering justice;
- (f) the timeliness of judicial decisions;
- (g) the judicial complaints handling system;
- (h) the interface between the federal and state judicial system;
- (i) the ability of people to access legal representation;
- (j) the adequacy of legal aid;
- (k) measures to reduce the length and complexity of litigation;
- (l) alternative means of delivering justice;
- (m) the adequacy of funding and resource arrangements for community legal centres;
- (n) the ability of Indigenous people to access justice; and
- (o) other matters relating and incidental thereto".

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

Main question, as amended, put and passed.

11 LAW AND JUSTICE—JAPAN—WHALING PROGRAM

Senator Hanson-Young, at the request of Senator Siewert and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 346—That the Senate—

- (a) notes that:
 - (i) on 25 November 2008, the Senate urged the Australian Government to set a timeline for legal proceedings in an international court to stop illegal Japanese whaling if Japan does not commit to stop whaling by 8 December 2008,
 - (ii) Japanese whaling operations continued past this deadline, and
 - (iii) no such legal action has been undertaken by the Government;
- (b) urges the Government to:
 - (i) strongly oppose the proposal in the document, ‘The Future of the IWC’, currently before the International Whaling Commission, which seeks to legitimise Japanese whaling operations, and
 - (ii) immediately commence international legal action to stop illegal Japanese whaling; and
- (c) condemns the violent actions of the Japanese whaling fleet, who have reportedly thrown metal balls at environmental activists, and used acoustic weapons to send out painful high frequency sound waves.

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

Question put and passed.

12 IMMIGRATION—DETENTION

Senator Hanson-Young amended general business notice of motion no. 341 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
 - (i) the release in January 2009 of the Australian Human Rights Commission’s 2008 *Immigration detention report*, and
 - (ii) this report highlights, among other things, that asylum seekers, including children, are able to still be held indefinitely despite assurances by the Rudd Government that detention is only being used as a last resort, and for the shortest possible time;
- (b) recognises that the lack of available merits and judicial review for people detained in immigration detention has resulted in people being held wrongfully, unlawfully and for a period of years; and
- (c) calls on the Government to translate its ‘new directions’ for Australia’s immigration detention system into policy, practice and legislative change as soon as possible.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne (Teller)

Xenophon

NOES, 42

Senators—			
Abetz	Collins	Hurley	Payne
Arbib	Conroy	Hutchins	Polley
Bernardi	Cormann	Joyce	Pratt
Bilyk	Crossin	Ludwig	Ronaldson
Bishop	Farrell	Lundy	Sherry
Boyce	Feeney	Marshall	Stephens
Bushby	Ferguson	McLucas	Troeth
Cameron	Fierravanti-Wells	Moore	Williams
Carr	Fisher	Nash	Wortley
Cash	Furner	O'Brien	
Colbeck	Hogg	Parry (Teller)	

Question negatived.

13 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley) tabled the following document:

Regulations and Ordinances—Standing Committee—Delegated legislation monitor—Disallowable legislative instruments tabled in the Senate in 2008, dated February 2009.

14 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2008-09

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

Budget estimates 2008-09—

Community Affairs—Standing Committee—Additional information received between—

6 November 2008 and 12 January 2009—Indigenous issues across portfolios—Education, Employment and Workplace Relations; Human Services.

12 November 2008 and 4 February 2009—Health and Ageing portfolio.

17 December 2008 and 4 February 2009—Families, Housing, Community Services and Indigenous Affairs portfolio.

Education, Employment and Workplace Relations—Standing Committee—Additional information received between 12 November 2008 and 4 February 2009—Education, Employment and Workplace Relations portfolio.

Budget estimates 2008-09 (Supplementary)—

Economics—Standing Committee—Additional information received between—22 October 2008 and 4 February 2009—

Innovation, Industry, Science and Research portfolio.

Resources, Energy and Tourism portfolio.

Treasury portfolio.

Education, Employment and Workplace Relations—Standing Committee—Additional information received between 4 December 2008 and 4 February 2009—Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts—Standing Committee—Additional information received between 4 December 2008 and 4 February 2009—

Broadband, Communications and the Digital Economy portfolio.

Environment, Water, Heritage and the Arts portfolio.

Finance and Public Administration—Standing Committee—Additional information received between 14 November 2008 and 5 February 2009—

Finance and Deregulation portfolio.

Human Services portfolio.

Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade—Standing Committee—Additional information received between 4 December 2008 and 5 February 2009—

Defence portfolio.

Foreign Affairs and Trade portfolio.

Rural and Regional Affairs and Transport—Standing Committee—Additional information received between 12 November 2008 and 4 February 2009—

Agriculture, Fisheries and Forestry portfolio.

Infrastructure, Transport, Regional Development and Local Government portfolio.

15 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008

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

Message no. 236, dated 4 February 2009—A Bill for an Act to make amendments relating to the Social Security Appeals Tribunal and technical amendments, and for related purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) 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 Sherry moved—That this bill be now read a second time.

On the motion of Senator Sherry the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

16 POSTPONEMENT

The Leader of the Australian Greens (Senator Bob Brown), by leave, moved—That general business notice of motion no. 347 standing in his name for today, proposing an order for the production of documents relating to greenhouse gas emissions, be postponed till 10 February 2009.

Question put and passed.

17 APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 1) 2008-2009
APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 2) 2008-2009
HOUSEHOLD STIMULUS PACKAGE BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS)
BILL 2009
COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009

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

Message no. 237, dated 5 February 2009—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to nation building and jobs, and for related purposes.

Message no. 238, dated 5 February 2009—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to nation building and jobs, and for related purposes.

Message no. 239, dated 5 February 2009—A Bill for an Act to amend laws in order to provide payments relating to the household stimulus package, and for other purposes.

Message no. 240, dated 5 February 2009—A Bill for an Act to provide for a tax bonus, and for related purposes.

Message no. 241, dated 5 February 2009—A Bill for an Act to make amendments consequential on the enactment of the *Tax Bonus for Working Australians Act 2009*, and for related purposes.

Message no. 242, dated 5 February 2009—A Bill for an Act to amend the *Commonwealth Inscribed Stock Act 1911*, and for related purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Sherry moved—That these bills be now read a second time.

On the motion of Senator Sherry the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

18 AUDITOR-GENERAL AMENDMENT BILL 2008 [2009]

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Special Minister of State (Senator Faulkner) the bill was read a third time.

- 19 **APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 1) 2008-2009**
APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 2) 2008-2009
HOUSEHOLD STIMULUS PACKAGE BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS)
BILL 2009
COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009

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

Debate resumed.

At 2 pm: Debate was interrupted while Senator Ronaldson was speaking.

20 **QUESTIONS**

Questions without notice were answered.

21 **MOTION TO TAKE NOTE OF ANSWERS**

Senator Mason moved—That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) and the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by senators today relating to the proposed nation building and jobs plan.

Debate ensued.

Question put and passed.

22 **COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE—VARIATION—LEAVE TO MEET DURING SITTING**

Senator Parry, by leave, moved—That—

- (a) the provisions of the Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009 relating to the social housing program be referred to the Community Affairs Committee for inquiry and report by 10 February 2009;
- (b) the report of the committee on the bill be presented by 12.31 pm on Tuesday, 10 February 2009;
- (c) the committee may meet during the sittings of the Senate on Monday, 9 February 2009 to take evidence in relation to the bill, but may not meet to consider the bill at the same time as the Finance and Public Administration Committee is meeting to consider that bill and related bills; and
- (d) the reference of the Household Stimulus Package Bill 2009 to the committee be withdrawn.

Question put and passed.

23 **FOREIGN AFFAIRS—SRI LANKA—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Foreign affairs—Situation in Sri Lanka—Ministerial statement by the Minister for Foreign Affairs (Mr Smith), dated 5 February 2009.

**24 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—
GOVERNMENT RESPONSE—AUSTRALIA’S PUBLIC DIPLOMACY**

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Foreign Affairs, Defence and Trade—Standing Committee—Report—Australia’s public diplomacy: building our image—Government response, dated January 2009.

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

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

25 WORK OF COMMITTEES—DOCUMENT

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

Work of committees—Year statistics: 1 January to 31 December 2008; and half-year statistics: 1 July to 31 December 2008.

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

26 AUDITOR-GENERAL—AUDIT REPORT NO. 20 OF 2008-09—DOCUMENT

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

Auditor-General—Audit report no. 20 of 2008-09—Performance audit—Approval of funding for public works.

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

The Minister for Climate Change and Water (Senator Wong) tabled the following documents:

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

Environment, Water, Heritage and the Arts.

Families, Housing, Community Services and Indigenous Affairs.

Infrastructure, Transport, Regional Development and Local Government.

Treasury.

28 DOCUMENT

The following document was tabled by the Clerk:

Acts Interpretation Act—Statement pursuant to subsection 34C(7) relating to the delay in presentation of reports for 2007-08—

Australian Meat and Live-stock Industry Act—Australian Livestock Export Corporation Ltd (LiveCorp)—Statutory Funding Agreement.

Dairy Product Act—Dairy Australia—Statutory Funding Agreement.

29 **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 Climate Change and Water (Senator Wong), by leave, moved—That senators be discharged from and appointed to committees as follows:

Finance and Public Administration—Standing Committee—

Appointed—

Substitute members:

Senator Bob Brown to replace Senator Hanson-Young for the committee's inquiry into the provisions of the Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009, the Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009, the Commonwealth Inscribed Stock Amendment Bill 2009, the Household Stimulus Package Bill 2009, the Tax Bonus for Working Australians Bill 2009 and the Tax Bonus for Working Australians (Consequential Amendments) Bill 2009

Senator Joyce to replace Senator Parry from 5 February to 10 February 2009

Participating members: Senators Parry and Hanson-Young

Rural and Regional Affairs and Transport—Standing Committee—

Discharged—Senator Hurley

Appointed—

Senator Farrell

Participating member: Senator Hurley.

Question put and passed.

30 **FEDERAL JUSTICE SYSTEM AMENDMENT (EFFICIENCY MEASURES) BILL (NO. 1) 2008****FOREIGN EVIDENCE AMENDMENT BILL 2008****TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL (NO. 2) 2008**

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

Message no. 246, dated 5 February 2009—A Bill for an Act to amend various Acts relating to law and justice, and for related purposes.

Message no. 244, dated 5 February 2009—A Bill for an Act to amend the *Foreign Evidence Act 1994*, and for related purposes.

Message no. 245, dated 5 February 2009—A Bill for an Act to amend the law relating to surveillance and the interception of telecommunications, and for related purposes.

The Minister for Climate Change and Water (Senator Wong) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Wong moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Wong moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

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

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

Message no. 243, dated 5 February 2009—Social Security Legislation Amendment (Employment Services Reform) Bill 2008.

32 COMMITTEE MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Treaties, as follows:

Message no. 247, dated 5 February 2009—Mrs Irwin in place of Mr Trevor.

**33 APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 1) 2008-2009
 APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 2) 2008-2009
 HOUSEHOLD STIMULUS PACKAGE BILL 2009
 TAX BONUS FOR WORKING AUSTRALIANS BILL 2009
 TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS) BILL 2009
 COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009**

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

Debate resumed.

On the motion of the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) the debate was adjourned till the next day of sitting.

34 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Farrell, by leave and at the request of the Chair of the Finance and Public Administration Committee (Senator Polley), moved—That the Finance and Public Administration Committee be authorised to hold a public meeting during the sitting of the Senate today, to take evidence for the committee's inquiry into the nation building and jobs plan legislation.

Question put and passed.

35 TAXATION—ALCOHOL—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 4 February 2009, the Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) tabled the following document:

Taxation—Alcohol—Answers to estimates questions on notice.

36 CARBON POLLUTION REDUCTION SCHEME—TREASURY MODELLING—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens), by leave, made a statement relating to the order of the Senate of 4 February 2009 for the production of documents concerning the Department of the Treasury modelling of the impact of the proposed Carbon Pollution Reduction Scheme (*see entry no. 16, 4 February 2009*).

37 ADJOURNMENT

Pursuant to order, the Senate adjourned at 7 pm till Monday, 9 February 2009 at 12.30 pm.

38 ATTENDANCE

Present, all senators except Senators Adams*, McEwen* and Siewert* (* on leave).

HARRY EVANS
Clerk of the Senate