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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 FOREIGN AFFAIRS—SRI LANKA

Statement by leave: The Leader of the Australian Greens (Senator Bob Brown), by leave, made a statement relating to general business notice of motion no. 349 (*see entry no. 9, 10 February 2009*).

Senator Bob Brown asked that the question on general business notice of motion no. 349 be put again.

Leave was granted for the question to be put again.

Senator Bob Brown, by leave, amended general business notice of motion no. 349 to read as follows:

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 all parties 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;
- (c) supports calls on all parties to ensure humanitarian aid is delivered to civilians in the conflict zone and journalists be permitted to report freely; and
- (d) welcomes the call of the Tokyo Co-Chairs (Norway, Japan, United States of America and the European Union) for the Liberation Tigers of Tamil Eelam to discuss with the Sri Lankan Government how to end hostilities.

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

3 ROUTINE OF BUSINESS—VARIATION

The Minister for Human Services (Senator Ludwig), by leave, moved—That questions without notice and motions to take note of answers shall not be proceeded with today.

Debate ensued.

Question put and passed.

4 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*).

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

5 FUEL AND ENERGY—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Select Committee on Fuel and Energy (Senator Cormann), by leave, moved—That the Select Committee on Fuel and Energy be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 11 am.

Question put and passed.

**6 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.

Question put.

Declarations of interest: The Leader of the Australian Greens (Senator Bob Brown) and Senators Hanson-Young, Milne, Siewert, Ludlam and Macdonald each declared an interest in relation to the bills.

The Senate divided—

AYES, 36

Senators—

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

NOES, 34

Senators—

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

Question agreed to.

Bills read a second time.

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

In the committee

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

At 12.45 pm: The Acting Deputy President (Senator Carol Brown) resumed the chair and the Temporary Chair of Committees reported progress.

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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

Primary industries—Cotton—Graph of water use at Kilmarnock, New South Wales.

Further matters of public interest were discussed.

Suspension of sitting: The Parliamentary Secretary for Social Inclusion and the Voluntary Sector (Senator Stephens) moved—That the sitting of the Senate be suspended till 2 pm.

Debate ensued.

Question put and passed.

At 2 pm—

8 NOTICES

The Chair of the Select Committee on Fuel and Energy (Senator Cormann): To move on the next day of sitting—

- (1) That the Senate orders that the following information be produced to the Select Committee on Fuel and Energy by noon on Friday 13 February 2009:
 - (a) the information referred to in paragraph (b) of the Senate's order for documents of 4 February 2009 relating to the Department of the Treasury modelling, *Australia's Low Pollution Future: The economics of climate change mitigation*; and
 - (b) any information and documents generated by the government for the purpose of the composition of that information.
- (2) That the committee may make the information described in paragraph (1) available to the person contracted by the committee and referred to in paragraph (a) of the Senate's order of 4 February 2009, and any person appointed by the leader of a party in the Senate or an independent senator, duly notified to the committee, to examine that information and report to that senator.

- (3) That the committee, any senator and any other person referred to in paragraph (2) treat the information produced in accordance with paragraph (1)(a) of this order as confidential, and not publish the information to any other person except as authorised by this order.
- (4) That the committee may refer to the information produced to it in accordance with this order and any conclusions reached from it in a report to the Senate, but shall not disclose the information in such a report. (*general business notice of motion no. 358*)

The Chair of the Select Committee on Regional and Remote Indigenous Communities (Senator Scullion): To move on the next day of sitting—That the time for the presentation of the 2009 reports of the Select Committee on Regional and Remote Indigenous Communities be extended to 15 June 2009 and 26 November 2009. (*general business notice of motion no. 359*)

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 14 May 2009:

The reporting of sports news and the emergence of digital media, with particular reference to:

- (a) the balance of commercial and public interests in the reporting and broadcasting of sports news;
- (b) the nature of sports news reporting in the digital age, and the effect of new technologies (including video streaming on the Internet, archived photo galleries and mobile devices) on the nature of sports news reporting;
- (c) whether and why sporting organisations want digital reporting of sports regulated, and what should be protected by such regulation;
- (d) the appropriate balance between sporting and media organisations' respective commercial interests in the issue;
- (e) the appropriate balance between regulation and commercial negotiation in ensuring that competing organisations get fair access to sporting events for reporting purposes;
- (f) the appropriate balance between the public's right to access alternative sources of information using new types of digital media, and the rights of sporting organisations to control or limit access to ensure a fair commercial return or for other reasons;
- (g) should sporting organisations be able to apply frequency limitations to news reports in the digital media;
- (h) the current accreditation processes for journalists and media representatives at sporting events, and the use of accreditation for controlling reporting on events; and
- (i) options other than regulation or commercial negotiation (such as industry guidelines for sports and news agencies in sports reporting, dispute resolution mechanisms and codes of practice) to manage sports news to balance commercial interests and public interests.

The Deputy Chair of the Joint Standing Committee on Treaties (Senator McGauran): To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 10 March 2009, from 7 pm. (*general business notice of motion no. 360*)

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

- (1) The provisions of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 be referred to the Community Affairs Committee for inquiry and report by 13 March 2009, together with the following matter:

The impact of the tax on ready-to-drink alcoholic beverages, the so-called ‘alcopops’ tax, since its introduction on 27 April 2008, with particular reference to:

- (a) the revenues raised under the alcopops tax measure;
 - (b) substitution effects flowing from the alcopops tax measure;
 - (c) changes in consumption patterns of ready-to-drink alcoholic beverages by sex and age group following the introduction of the alcopops tax;
 - (d) changes in consumption patterns of all alcoholic beverages by sex and age group following the introduction of the alcopops tax;
 - (e) any unintended consequences flowing from the introduction of the alcopops tax, such as the development of so-called ‘malternatives’ (beer-based ready-to-drink beverages);
 - (f) evidence of the effectiveness of the Government’s changes to the alcohol excise regime in reducing the claims of excessive consumption of ready-to-drink alcohol beverages;
 - (g) any evidence of changes to at risk behaviour or health impacts (either positive or negative) as a result of the introduction of the alcopops tax;
 - (h) comparison of the predicted effects of the introduction of the alcopops tax, with the data of actual effects, with a particular focus on evidence (or lack thereof) collected by the relevant department; and
 - (i) the value of evidence-based decision-making in the taxation of alcoholic products.
- (2) In conducting its inquiry, the committee must take evidence from the:
- (a) Alcohol and other Drugs Council of Australia;
 - (b) National Drug Research Institute;
 - (c) Winemakers’ Federation of Australia;
 - (d) Independent Distillers Australia;
 - (e) Australian Institute of Health and Welfare;
 - (f) Public Health Association of Australia;
 - (g) Australian Hotels Association;
 - (h) Distilled Spirits Industry Council of Australia;
 - (i) Australian Drug Foundation;
 - (j) National Drug and Alcohol Research Centre;
 - (k) Australian Medical Association;
 - (l) Australasian Associated Brewers;
 - (m) Department of Health and Ageing; and
 - (n) Preventative Health Taskforce.

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Committee be authorised to hold public meetings during the sittings of the Senate, from 3.30 pm to 6.30 pm, as follows:

- (a) on Tuesday, 10 March 2009 to take evidence for the committee's inquiry into the management of the Murray-Darling Basin system;
- (b) on Wednesday, 11 March and Thursday, 12 March 2009 to take evidence for the committee's inquiry into the import risk analysis for the importation of Cavendish bananas from the Philippines;
- (c) on Tuesday, 17 March 2009 to take evidence for the committee's inquiry into meat marketing; and
- (d) on Thursday, 19 March 2009 to take evidence for the committee's inquiry into public passenger transport in Australia. (*general business notice of motion no. 361*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That Accounting Standard AASB 2008-10, made under section 334 of the *Corporations Act 2001*, be disallowed. Senator Wortley, by leave, made a statement relating to the notice of motion.

9 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSIONS OF TIME TO REPORT

Senator O'Brien, at the request of the 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. 352—That the time for the presentation of reports of the Legal and Constitutional Affairs Committee be extended as follows:

- (a) exposure draft of the Personal Property Securities Bill 2008—to 5 March 2009;
- (b) provisions of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008—to 26 February 2009; and
- (c) provisions of the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008—to 26 February 2009.

Question put and passed.

10 ECONOMICS—STANDING COMMITTEE—REPORTING DATE

Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 353—That the report of the Economics Committee on bank mergers be presented by 17 September 2009.

Question put and passed.

11 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 354—That the time for the presentation of the report of the Education, Employment and Workplace Relations Committee on the oversight of the child care industry be extended to 18 June 2009.

Question put and passed.

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

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. 355—That the Finance and Public Administration Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 February 2009, from 3.30 pm, to take evidence for the committee's inquiry into the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 [2009].

Question put and passed.

13 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—REPORTING DATES

Senator O'Brien, at the request of the Chair of the Environment, Communications and the Arts Committee (Senator McEwen) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 357—That the report of the Environment, Communications and the Arts Committee on the effectiveness of the *Environment Protection and Biodiversity Conservation Act 1999* and other programs in protecting threatened species and ecological communities be presented as follows:

- (a) first report—by 11 March 2009; and
- (b) final report—on 24 April 2009.

Question put and passed.

14 ENVIRONMENT—VICTORIA—BUSHFIRE COOPERATIVE RESEARCH CENTRE

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. 356—That the Senate—

- (a) notes the extensive and internationally-recognised work of the Bushfire Cooperative Research Centre in Melbourne, Victoria; and
- (b) recommends the Government assess the value of upgrading the centre to be a global wildfire research facility.

Question put and passed.

15 LAW AND JUSTICE—JAPAN—WHALING PROGRAM

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 351—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) explain why it has not yet commenced 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 waves.

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

Question put and passed.

16 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2008—Letter of advice—Broadband, Communications and the Digital Economy portfolio agencies.

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

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

Departmental and agency grants—Additional estimates—Letter of advice—National Health and Medical Research Council.

18 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health funds and providers in relation to private health insurance for the period 1 July 2007 to 30 June 2008.

19 COMMITTEE MEMBERSHIPS

The President informed the Senate that he had received letters requesting changes in the membership of committees.

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

Australian Crime Commission—Joint Statutory Committee—

Discharged—Senator Barnett

Appointed—Senator Boyce

Community Affairs—Standing Committee—

Appointed—

Substitute member: Senator Bernardi to replace Senator Adams from 11 February to 12 May 2009

Participating member: Senator Adams

Environment, Communications and the Arts—Standing Committee—

Appointed—

Substitute member: Senator Bilyk to replace Senator Pratt on 23 February 2009

Participating member: Senator Pratt

Public Accounts and Audit—Joint Statutory Committee—

Discharged—Senator Boyce

Appointed—Senator Barnett.

Question put and passed.

**20 DEFENCE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2008
FEDERAL COURT OF AUSTRALIA AMENDMENT (CRIMINAL JURISDICTION)
BILL 2008**

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

Message no. 249, dated 10 February 2009—A Bill for an Act to amend legislation relating to defence, and for related purposes.

Message no. 248, dated 10 February 2009—A Bill for an Act to make provision for the exercise of certain criminal jurisdiction by the Federal Court of Australia, and for other purposes.

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

Question put and passed.

Bills read a first time.

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

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

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

Question put and passed.

**21 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 further consideration of the bills in committee of the whole.

In the committee

Consideration resumed of the bills.

Bills further debated.

The Special Minister of State (Senator Faulkner) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

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

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

22 BUSHFIRES IN VICTORIA—MINISTERIAL STATEMENT

The Leader of the Government in the Senate (Senator Evans), by leave, made a statement relating to the bushfires in Victoria.

Statements by leave: The Leader of the Opposition in the Senate (Senator Minchin), 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 Xenophon, by leave, made statements relating to the matter.

**23 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 further consideration of the bills in committee of the whole.

In the committee

Consideration resumed of the bills.

Bills further debated.

Closure: Senator Parry moved—That the question be now put.

Question—That the question be now put—put.

The committee divided—

AYES, 30

Senators—

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

NOES, 32

Senators—

Arbib	Crossin	Hurley	O'Brien (Teller)
Bilyk	Evans	Hutchins	Polley
Bishop	Farrell	Ludlam	Pratt
Brown, Bob	Feeney	Lundy	Siewert
Cameron	Fielding	Marshall	Stephens
Carr	Forshaw	McEwen	Sterle
Collins	Furner	Milne	Wortley
Conroy	Hanson-Young	Moore	Xenophon

Question negatived.

Bills further debated.

At 6.50 pm: The Acting Deputy President (Senator Crossin) resumed the chair and the Temporary Chair of Committees reported progress.

24 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

Estimates of proposed supplementary additional expenditure for 2008-09—Portfolio supplementary additional estimates statements—Portfolios and executive departments—Education, Employment and Workplace Relations. Motion to take note of document moved by Senator Abetz and agreed to.

General business orders of the day nos 59 to 63 and 65 relating to government documents were called on but no motion was moved.

25 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.27 pm till Thursday, 12 February 2009 at 9.30 am.

26 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate