

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 73

THURSDAY, 18 JUNE 2009

Contents

1	Meeting of Senate.....	2103
2	Notices.....	2103
3	Selection of Bills—Standing Committee—Report No. 9 of 2009.....	2104
4	Order of Business—Rearrangement.....	2105
5	Postponement.....	2106
6	Leave of Absence.....	2106
7	World Refugee Day 2009.....	2106
8	Foreign Affairs, Defence and Trade References Committee—Leave to Meet During Sitting.....	2107
9	Community Affairs Legislation Committee—Extension of Time to Report.....	2107
10	Employment—Employment Services Contract 2009-12—Order for Production of Documents.....	2108
11	Rural and Regional Affairs and Transport References Committee— Extension of Time to Report.....	2108
12	Economics References Committee—Leave to Meet During Sittings.....	2108
13	Economics References Committee—Extension of Time to Report.....	2108
14	Foreign Affairs—Burma—Aung San Suu Kyi.....	2109
15	Agricultural and Related Industries—Select Committee—Food Production in Australia—Interim Report.....	2109
16	Notice of Motion Withdrawn.....	2109
17	Guarantee of State and Territory Borrowing Appropriation Bill 2009.....	2109
18	Legal and Constitutional Affairs Legislation Committee—Report— AusCheck Amendment Bill 2009.....	2110
19	Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009 Family Assistance Amendment (Further 2008 Budget Measures) Bill 2009.....	2110
20	Guarantee of State and Territory Borrowing Appropriation Bill 2009.....	2111
21	Defence Legislation Amendment Bill (No. 1) 2009.....	2112
22	Family Assistance Legislation Amendment (Child Care) Bill 2009.....	2113

23	Social Security and Other Legislation Amendment (Australian Apprentices) Bill 2009.....	2113
24	Tax Laws Amendment (2009 Measures No. 3) Bill 2009.....	2113
25	Private Health Insurance (National Joint Replacement Register Levy) Bill 2009.....	2114
26	Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009.....	2114
27	Health Workforce Australia Bill 2009.....	2114
28	Questions.....	2114
29	Routine of Business—Variation	2114
30	Motions to Take Note of Answers	2115
31	Legal and Constitutional Affairs—Standing Committee—Government Response—Exposure Draft of the Personal Property Securities Bill 2008.....	2115
32	Rural and Regional Affairs and Transport—Standing Committee— Government Response—Implementation, Operation and Administration of the Legislation Underpinning Carbon Sink Forests.....	2115
33	Australian Parliamentary Delegation to Colombia and Argentina— Document.....	2115
34	Documents.....	2116
35	Committee Membership.....	2118
36	Governor-General’s Message—Assent to Law	2118
37	Order of Business—Rearrangement.....	2118
38	Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008	2118
39	Government Documents—Orders of the Day—Consideration.....	2119
40	Committee Reports and Government Responses—Orders of the Day— Consideration.....	2121
41	Auditor-General’s Reports—Orders of the Day—Consideration	2123
42	Adjournment.....	2123
43	Attendance.....	2123

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

(a) notes:

- (i) the bipartisan commitment to an unconditional reduction in CO₂ emissions of 5 per cent from 2000 levels by 2020, and a reduction of up to 25 per cent in the event of a comprehensive global agreement,
- (ii) the importance of ensuring that the Obama Administration's intentions on an emissions trading scheme are clarified before Australia implements any emissions trading scheme including the Government's proposed Carbon Pollution Reduction Scheme (CPRS), and
- (iii) the importance of awaiting the outcomes of the United Nations (UN) Climate Change Conference in Copenhagen in relation to targets before any scheme is legislated in Australia;

(b) calls on the Government to refer the proposed CPRS to the Productivity Commission so that it may conduct a 6-month review, and make public its findings, before the legislation is finalised, to:

- (i) assess the national, regional and industry sectoral impact of the CPRS in light of the global financial crisis,
- (ii) assess the economic impact of the CPRS in light of other countries either not imposing a price on carbon comparable to that proposed in Australia or imposing such a price after different assumed periods of delay, and
- (iii) conceptually and empirically examine the relative costs and benefits (including emissions reductions) of the key alternative scheme designs against the CPRS; and

(c) therefore calls on the Government to defer further consideration of the following bills until after the conclusion of the UN Climate Change Conference in Copenhagen:

Carbon Pollution Reduction Scheme Bill 2009

Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009

Australian Climate Change Regulatory Authority Bill 2009

Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009

Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009

Carbon Pollution Reduction Scheme (Charges—General) Bill 2009

Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009

Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009

Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009

Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009

Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009

or any other related bill or bills to implement the proposed CPRS. (*general business notice of motion no. 463*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Government furnish the Senate by 25 June 2009 with a considered response to reports in *The Age* that firms associated with the Reserve Bank of Australia may have been involved in corrupt practices. (*general business notice of motion no. 464*)

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Banking Act 1959* to keep banks accountable in setting mortgage interest rates, and for related purposes. ***Banking Amendment (Keeping Banks Accountable) Bill 2009***. (*general business notice of motion no. 465*)

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

- (a) supports the call by the Deputy Prime Minister (Ms Gillard) on the Australian Broadcasting Corporation program *Lateline*, 16 June 2009, to support:
 - (i) a two-state solution to the Israel-Palestine conflict, and
 - (ii) a halt to Israel's settlement activity in contested areas; and
- (b) calls on the Australian Government to endorse the speech by the United States President, Mr Barack Obama, given in Cairo on 4 June 2009, specifically:
 - (i) rejecting the legitimacy of continued Israeli settlements, and
 - (ii) affirming that continued Israeli settlements in contested areas violate previous agreements and undermine efforts to achieve peace. (*general business notice of motion no. 466*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That the Aviation Transport Security Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 24 and made under the *Aviation Transport Security Act 2004*, be disallowed.

Senator Wortley, by leave, made a statement relating to the notice of motion.

3 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2009

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2009

1. The committee met in private session on Thursday, 18 June 2009 at 8.30 am.
2. The committee resolved to recommend—That the *provisions* of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 be *referred immediately* to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 10 September 2009.
3. The committee resolved to recommend—That the Migration Amendment (Abolishing Detention Debt) Bill 2009 *not* be referred to committee.

The committee recommends accordingly.

4. The committee also considered a proposal to refer the provisions of the Renewable Energy (Electricity) Amendment Bill 2009 and a related bill to the Economics Legislation Committee but was unable to reach agreement on whether the bills should be referred.

Kerry O'Brien
Chair
18 June 2009.

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

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

At the end of the motion, add “but in respect of the Renewable Energy (Electricity) Amendment Bill 2009 and the Renewable Energy (Electricity) (Charge) Amendment Bill 2009, the provisions of the bills be referred to the Economics Legislation Committee for inquiry and report by 12 August 2009”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

Adams	Colbeck	Heffernan	Payne
Back	Coonan	Humphries	Ryan
Bernardi	Cormann	Johnston	Troeth
Birmingham	Eggleston	Joyce	Trood
Boswell	Ferguson	Kroger	Williams
Boyce	Fielding	Macdonald	Xenophon
Brandis	Fierravanti-Wells	Mason	
Bushby	Fifield	Nash	
Cash	Fisher	Parry (Teller)	

NOES, 31

Senators—

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

Question agreed to.

Main question, as amended, put and passed.

Notice of motion withdrawn: Senator Fielding withdrew business of the Senate notice of motion no. 2 standing in his name for today, proposing a reference to the Economics Legislation Committee.

4 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Ludwig) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

No. 2 Defence Legislation Amendment Bill (No. 1) 2009.

No. 3 Family Assistance Legislation Amendment (Child Care) Bill 2009.

No. 4 Social Security and Other Legislation Amendment (Australian Apprentices) Bill 2009.

No. 5 Tax Laws Amendment (2009 Measures No. 3) Bill 2009.

Private Health Insurance (National Joint Replacement Register Levy) Bill 2009.

No. 6 Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009.

Question put and passed.

Senator Ludwig moved—That the order of general business for consideration today be as follows:

(a) general business orders of the day:

No. 67 Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2008

No. 76 Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008

No. 63 Building and Construction Industry (Restoring Workplace Rights) Bill 2008; and

(b) orders of the day relating to government documents.

Question put and passed.

Senator Ludwig moved—That government business notice of motion no. 1 standing in his name for today, relating to the hours of meeting for today, be postponed till a later hour.

Debate ensued.

Question put and passed.

5 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Standing Committee of Senators' Interests, postponed till 24 June 2009.

6 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Barnett from 18 June to 26 June 2009, on account of parliamentary business overseas.

Question put and passed.

7 WORLD REFUGEE DAY 2009

Senator Hanson-Young amended general business notice of motion no. 462 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) 20 June 2009 marks World Refugee Day 2009, and

(ii) this year's global theme is 'Real People, Real Needs', recognising the lasting sense of security sought by people who have fled from persecution, in search of freedom, security and safety;

- (b) recognises that:
 - (i) over the past century the global community has witnessed increasing numbers of refugees fleeing from their homeland in fear of persecution, and
 - (ii) as a signatory to the 1951 United Nations Geneva Convention on Refugees, Australia is obliged to protect those seeking asylum from persecution;
- (c) acknowledges:
 - (i) the release of the report, *Amnesty International Report 2009: The state of the world's human rights*, and
 - (ii) that this report highlights the concern with housing children and unaccompanied minors in alternative detention facilities on Christmas Island; and
- (d) encourages the Government to:
 - (i) provide additional support to specialised service delivery agencies who work with refugees and asylum seekers in Australia, and
 - (ii) ensure that no child or family is detained in any form of high security accommodation on Christmas Island while their visa application is being processed.

Question put and passed.

8 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 457—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Thursday, 18 June 2009 from 3.45 pm, to take evidence for the committee's inquiry into major economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific.

Question put and passed.

9 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 456—That the time for the presentation of the report of the Community Affairs Legislation Committee on the national registration and accreditation scheme for doctors and other health workers be extended to 6 August 2009.

Question put and passed.

10 EMPLOYMENT—EMPLOYMENT SERVICES CONTRACT 2009-12—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Fifield, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 460—That there be laid on the table by the Minister for Employment Participation, no later than 5 pm on Monday, 22 June 2009:

- (a) all communications and logs of communications, including emails, between tenderers for the Employment Services Contract 2009-12 and the former Minister for Employment Participation (Mr O'Connor) and his staff;
- (b) all purchasing related inquiries, including records of phone calls and emails which were made to the former Minister for Employment Participation and his staff and the responses provided;
- (c) all communications and logs of communications between current service providers and tenderers during the probity period for the Employment Services Contract 2009-12 and the former Minister for Employment Participation and his staff; and
- (d) all documentation relating to any meeting with current service providers or tenderers for the Employment Services Contract 2009-12 and the former Minister for Employment Participation and/or his staff.

Question put and passed.

Statement by leave: Senator O'Brien, by leave, made a statement relating to the motion.

11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 455—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the natural resource management and conservation challenges be extended to 11 August 2009.

Question put and passed.

12 ECONOMICS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Parry, at the request of the Chair of the Economics References Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 458—That the Economics References Committee be authorised to hold public meetings during the sittings of the Senate on Monday, 22 June 2009 and Tuesday, 23 June 2009, from 7.30 pm, to take evidence for the committee's inquiry into foreign investment in Australia.

Question put and passed.

13 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Economics References Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 459—That the time for the presentation of the report of the Economics References Committee on foreign investment in Australia be extended to 17 September 2009.

Question put and passed.

14 FOREIGN AFFAIRS—BURMA—AUNG SAN SUU KYI

Senator Ludlam amended general business notice of motion no. 461 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) 19 June 2009 is Aung San Suu Kyi's 64th birthday and also Women of Burma Day,
- (ii) the arrest and trial of Aung San Suu Kyi under the oppressive state protection law has the sole intent of extending her illegal detention,
- (iii) the United Nations (UN) Working Group on Arbitrary Detention has said that her 13 years of detention is illegal under international and Burmese law,
- (iv) thousands of villagers from eastern Burma fled to Thailand in June 2009 following military attacks on civilians by the Burmese army and allied armed groups, and
- (v) between 1996 and 2007 thousands of villages were destroyed, abandoned or forcibly relocated in eastern Burma; and

(b) calls on the Australian Government to:

- (i) increase its diplomatic pressure on its allies for a UN Security Council resolution on Burma and apply pressure in other forums for the release of Aung San Suu Kyi and all 2 100 Burmese political prisoners,
- (ii) support a universal arms embargo against Burma, and
- (iii) refuse to endorse the outcomes of the election in 2010 unless the political climate improves in Burma.

Question put and passed.

15 AGRICULTURAL AND RELATED INDUSTRIES—SELECT COMMITTEE—FOOD PRODUCTION IN AUSTRALIA—INTERIM REPORT

The Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan) tabled the following report:

Agricultural and Related Industries—Select Committee—Food production in Australia—Interim report, dated June 2009.

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

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

Question put and passed.

16 NOTICE OF MOTION WITHDRAWN

The Special Minister of State (Senator Ludwig) withdrew government business notice of motion no. 2 standing in his name for today, relating to the hours of meeting for 22 June 2009.

17 GUARANTEE OF STATE AND TERRITORY BORROWING APPROPRIATION BILL 2009

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

Message no. 357, dated 17 June 2009—A Bill for an Act to provide for an appropriation for the Australian Government Guarantee of State and Territory Borrowing, and for related purposes.

The Special Minister of State (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.

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

18 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—AUSCHECK AMENDMENT BILL 2009

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

Legal and Constitutional Affairs Legislation Committee—AusCheck Amendment Bill 2009—Report, dated June 2009, Hansard record of proceedings, additional information and submissions.

Report ordered to be printed on the motion of Senator O'Brien.

**19 FAMILY ASSISTANCE AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) BILL 2009
FAMILY ASSISTANCE AMENDMENT (FURTHER 2008 BUDGET MEASURES) BILL 2009**

Order of the day read for the adjourned debate on the motions of the Minister for Defence (Senator Faulkner) and the Minister for Innovation, Industry, Science and Research (Senator Carr)—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

Bills taken together and as a whole by leave.

Question—That the Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009 be agreed to—divided, at the request of Senator Siewert, in respect of Schedule 3.

Schedule 3 debated and agreed to.

Bills agreed to.

Bills to be reported without amendments.

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

On the motion of the Minister for Immigration and Citizenship (Senator Evans) the report from the committee was adopted and the bills read a third time.

20 GUARANTEE OF STATE AND TERRITORY BORROWING APPROPRIATION BILL 2009

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

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.

On the motion of Senator Coonan the following amendment was debated and agreed to:

Page 3 (after line 2), at the end of the bill, add:

7 Public Register of Government Borrowings

- (1) The Australian Office of Financial Management must establish and update each month a register to be known as the Public Register of Government Borrowings.
- (2) The register is to be maintained by electronic means.
- (3) The register is to be made available for inspection on the Australian Office of Financial Management's website.
- (4) The register must be in a form prescribed by the regulations and must record the beneficial ownership, by country, of:
 - (a) all securities on issue by the Commonwealth of Australia; and
 - (b) any Commonwealth of Australia guaranteed issuance by any Australian State or Territory.
- (5) As soon as practicable after the end of each quarter the Australian Office of Financial Management must publish on its website the register containing the details that were current as at the end of the quarter.
- (6) The Australian Office of Financial Management must include in the register each quarter a statement of the Office's opinion as to the domicile of the beneficial owner of securities if nominal ownership is registered in a country other than the actual domicile of the beneficial owner.
- (7) In this section:

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

8 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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

Page 3 (after line 2), at the end of the bill, add:

9 Scheme Rules requirements

Scheme Rules must include provisions that limit the Deed of Guarantee so that it cannot be applied to borrowings relating to projects that will have a significant negative environmental impact or result in significant greenhouse gas emissions locally or internationally, and for which there are prudent or feasible alternatives.

Debate ensued.

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

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of the Assistant Treasurer (Senator Sherry) the report from the committee was adopted.

Senator Sherry moved—That this bill be now read a third time.

Debate ensued.

Question put.

The Senate divided—

AYES, 37

Senators—

Adams	Crossin	Hutchins	Pratt
Bilyk	Evans	Johnston	Ryan
Bishop	Farrell	Marshall	Sherry
Boswell	Feeney	McEwen (Teller)	Sterle
Brown, Carol	Fielding	McLucas	Williams
Cameron	Forshaw	Moore	Wortley
Colbeck	Furner	Nash	Xenophon
Collins	Hogg	O'Brien	
Coonan	Humphries	Parry	
Cormann	Hurley	Payne	

NOES, 5

Senators—

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

Question agreed to.

Bill read a third time.

21 DEFENCE LEGISLATION AMENDMENT BILL (NO. 1) 2009

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—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 Immigration and Citizenship (Senator Evans) the bill was read a third time.

22 FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2009

Order of the day read for the adjourned debate on the motion of the Minister for Defence (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 Immigration and Citizenship (Senator Evans) the bill was read a third time.

23 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (AUSTRALIAN APPRENTICES) BILL 2009

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—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 Immigration and Citizenship (Senator Evans) the bill was read a third time.

24 TAX LAWS AMENDMENT (2009 MEASURES NO. 3) BILL 2009

Order of the day read for the adjourned debate on the motion of the Minister for Defence (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.

25 PRIVATE HEALTH INSURANCE (NATIONAL JOINT REPLACEMENT REGISTER LEVY) BILL 2009

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

Message no. 358, dated 18 June 2009—A Bill for an Act to impose levy on sponsors of joint replacement prostheses.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) 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 Conroy moved—That this bill be now read a second time.

Debate ensued.

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 Senator Conroy the bill was read a third time.

26 SOCIAL SECURITY LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2009

Order of the day read for the adjourned debate on the motion of the Minister for Defence (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.

27 HEALTH WORKFORCE AUSTRALIA BILL 2009

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

Debate resumed.

At 2 pm: Debate was interrupted.

28 QUESTIONS

Questions without notice were answered.

29 ROUTINE OF BUSINESS—VARIATION

The Special Minister of State (Senator Ludwig), by leave, moved—That divisions may take place after 4.30 pm today.

Question put and passed.

30 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Mason moved—That the Senate take note of the answers given by the Minister for Employment Participation (Senator Arbib) and the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by Senators Fifield and Mason today relating to employment services and to funding for schools' infrastructure.

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to renewable energy and wholesale electricity prices.

Question put and passed.

31 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—GOVERNMENT RESPONSE—EXPOSURE DRAFT OF THE PERSONAL PROPERTY SECURITIES BILL 2008

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

Legal and Constitutional Affairs—Standing Committee—Report—Exposure draft of the Personal Property Securities Bill 2008—Government response.

32 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—GOVERNMENT RESPONSE—IMPLEMENTATION, OPERATION AND ADMINISTRATION OF THE LEGISLATION UNDERPINNING CARBON SINK FORESTS

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

Rural and Regional Affairs and Transport—Standing Committee—Report—Implementation, operation and administration of the legislation underpinning carbon sink forests—Government response.

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

Debate ensued.

Question put and passed.

33 AUSTRALIAN PARLIAMENTARY DELEGATION TO COLOMBIA AND ARGENTINA—DOCUMENT

Senator Hutchins, by leave, tabled the following document:

Colombia and Argentina—Report of the Australian parliamentary delegation, 9 to 24 August 2008, dated June 2009.

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

Question put and passed.

34 DOCUMENTS

The following documents were tabled by the Clerk:

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

Broadcasting Services Act—Commercial Television Conversion Scheme 1999—

Digital Television Commencement Date (Remote and Regional Western Australia TV1 Licence Area) Determination 2009 [F2009L02370]*.

Digital Television Commencement Date (South West and Great Southern TV1 Licence Area) Determination 2009 [F2009L02369]*.

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

105—

AD/DH 85/1 Amdt 1—Flight Limitations and Structural Inspection [F2009L02192]*.

AD/DHC-8/148—Elevator Power Control Unit [F2009L02260]*.

AD/FA-200/2—Nose Landing Gear Piston Stop Plate and Screws – Modification [F2009L02198]*.

AD/FA-200/5—Fuselage Skin – Modification [F2009L02199]*.

AD/FA-200/7—Rudder Cables – Inspection and Modification [F2009L02200]*.

AD/FA-200/8—Pitot Static Water Drain Access – Modification [F2009L02201]*.

AD/FA-200/13—Spin Recovery Placard – Replacement [F2009L02202]*.

AD/FA-200/14—Main Landing Gear Assemblies – Modification [F2009L02203]*.

AD/FA-200/15—Nose Landing Gear Piston Stop Plate Screws – Modification [F2009L02204]*.

AD/L200/5—Front (Pilot) Seats Restraint Installation – Modification [F2009L02209]*.

AD/LA-4/2—Fuel Line – Replacement [F2009L02279]*.

AD/LA-4/17—Fuel Cell – Inspection [F2009L02285]*.

AD/LA-4/21—Auxiliary Fuel Tank Lines – Inspection and Replacement, Modification [F2009L02286]*.

AD/LA-4/22—Engine Mount Tie Rod Ends [F2009L02217]*.

AD/MU-2/2—Windows – Cabin and Cockpit – Modification [F2009L02218]*.

AD/MU-2/33—Rudder and Elevator Trim Idler Installation – Modification [F2009L02219]*.

AD/ROBIN/2—Flap Control Mechanism Dented Plate – Inspection [F2009L02221]*.

AD/ROBIN/10 Amdt 1—Control Column Assembly Welds [F2009L02222]*.

AD/ROBIN/26—ATL Rudder Bar [F2009L02223]*.

AD/RUTAN/1—Rudder Travel – Modification [F2009L02224]*.

AD/RYAN/1B—Lower Flying Wire Lug – Replacement [F2009L02225]*.

AD/S-76/2—Engine Oil Filler Service Door – Modification [F2009L02226]*.

106—

AD/AL 250/13—Improved Indicating Magnetic Drain Plugs – Introduction [F2009L02245]*.

AD/AL 250/76—Falcon Helicopters [F2009L02246]*.

AD/AL 250/77—Third Stage Turbine Wheel P/N 23001977 [F2009L02247]*.

AD/ARRIEL/24 Amdt 2—Constant Delta Pressure Valve Diaphragm [F2009L02249]*.

AD/CFM56/30—Engine – High Pressure Compressor [F2009L02255]*.

107—

AD/AIRCON/14 Amdt 4—Zonal Drying System Regeneration Air Duct Overheat [F2009L02244]*.

AD/SUPP/18 Amdt 1—SIREN Load Release Units [F2009L02372]*.

Corporations Act—Accounting Standards—

AASB 2009-4—Amendments to Australian Accounting Standards arising from the Annual Improvements Project [F2009L02366]*.

AASB 2009-5—Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [F2009L02367]*.

Environment Protection and Biodiversity Conservation Act—Threat Abatement Plan for Disease in Natural Ecosystems Caused by *Phytophthora Cinnamomi* (2009) [F2009L02168]*.

Fisheries Management Act—Southern and Eastern Scalefish and Shark Fishery Management Plan 2003—Fisheries Management (Southern and Eastern Scalefish and Shark Fishery – Variation of Total Allowable Catch) Temporary Order 2009 [F2009L02392]*.

Migration Act—Migration Regulations—Instruments IMMI—

09/038—Payment of visa application charges and fees in foreign currencies [F2009L02148]*.

09/039—Places and currencies for paying of fees [F2009L02149]*.

09/058—Substantive visa classes [F2009L02362]*.

National Health Act—Instruments Nos PB—

54 of 2009—Special Arrangements – highly specialised drugs program [F2009L02363]*.

55 of 2009—Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2009L02364]*.

59 of 2009—Amendment determination – Pharmaceutical Benefits – Early Supply [F2009L02368]*.

* Explanatory statement tabled with legislative instrument.

35 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:

Education, Employment and Workplace Relations Legislation Committee—

Appointed—

Substitute member: Senator Siewert to replace Senator Hanson-Young for the committee's inquiry into the provisions of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009

Participating member: Senator Hanson-Young

Rural and Regional Affairs and Transport References Committee—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Milne for the committee's inquiry into rural and regional access to secondary and tertiary education opportunities

Participating member: Senator Milne.

Question put and passed.

36 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following law:

17 June 2009—Message No. 15—*Therapeutic Goods Amendment (Medical Devices and Other Measures) Act 2009* (Act No. 38, 2009).

37 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Climate Change and Water (Senator Wong), by leave, moved—That general business orders of the day nos 76 (Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2008) and 63 (Building and Construction Industry (Restoring Workplace Rights) Bill 2008) not be proceeded with today.

Debate ensued.

Question put and passed.

General business was called on.

38 PROTECTING CHILDREN FROM JUNK FOOD ADVERTISING (BROADCASTING AMENDMENT) BILL 2008

Order of the day read for the adjourned debate on the motion of the Leader of the Australian Greens (Senator Bob Brown)—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 5

Senators—

Brown, Bob
Hanson-Young

Ludlam

Milne

Siewert (Teller)

NOES, 43

Senators—

Adams	Colbeck	Hogg	Parry
Arbib	Collins	Humphries	Payne
Back	Crossin	Hurley	Pratt
Bernardi	Eggleston	Johnston	Ryan
Bilyk	Farrell	Kroger	Scullion
Birmingham	Feeny	Marshall	Sherry
Bishop	Fielding	McEwen	Sterle
Boyce	Fifield	McLucas	Troeth
Brown, Carol	Fisher	Moore	Williams (Teller)
Cameron	Furner	Nash	Wortley
Cash	Heffernan	O'Brien	

Question negatived.

Ruling of President: The President ruled that a child of a senator be removed from the chamber.

Dissent from ruling: Senator Bob Brown, having objected, in writing, to the ruling of the President, moved—That the Senate dissents from the ruling of the President on 18 June 2009 (that a child of a senator should be removed from the chamber during a division).

Debate was adjourned till the next day of sitting, pursuant to standing order 198.

39 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Bureau of Meteorology—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Communications and Media Authority—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Airservices Australia—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Infrastructure, Transport, Regional Development and Local Government—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Wet Tropics Management Authority—Report for 2007-08, including State of the Wet Tropics report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Trade Commission (Austrade)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Customs Service—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Department of Resources, Energy and Tourism—Report for the period 3 December 2007 to 30 June 2008. Motion of Senator Williams to take note of document agreed to.

Department of the Environment, Water, Heritage and the Arts—Reports for 2007-08—

Volume 1—Department of the Environment, Water, Heritage and the Arts.

Volume 2—Legislation.

—Motion of Senator Williams to take note of document agreed to.

National Transport Commission (NTC Australia)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Bureau of Statistics—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Commonwealth Ombudsman—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Institute of Health and Welfare—Report for 2007-08. Motion of Senator Williams to take note of document called on. On the motion of Senator Ryan debate was adjourned till Thursday at general business.

Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Electoral Commission (AEC)—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Human Rights and Equal Opportunity Commission—Report for 2007-08. Motion of Senator Williams to take note of document agreed to.

Australian Fair Pay Commission—Report for 2007-08. Motion of Senator Adams to take note of document agreed to.

Australian Fair Pay Commission Secretariat—Report for 2007-08. Motion of Senator Adams to take note of document agreed to.

Department of Immigration and Citizenship—Report for 2007-08—Corrections. Motion of Senator Parry to take note of document agreed to.

National Health and Medical Research Council (NHMRC)—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Sugar Research and Development Corporation—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Australian River Co. Limited—Report for 1 December 2006 to 30 November 2007. Motion of Senator Parry to take note of document agreed to.

Audio-Visual Copyright Society Limited (Screenrights)—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Great Barrier Reef Marine Park Authority—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Murray-Darling Basin Commission—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

General Practice Education and Training Limited—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Aged Care Act 1997—Report for 2007-08 on the operation of the Act. Motion of Senator Parry to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 481/08 to 491/08—Government response to Commonwealth Ombudsman's reports. Motion of Senator Parry to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 481/08 to 491/08—Commonwealth Ombudsman's reports. Motion of Senator Parry to take note of document agreed to.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Report for 2007-08—Australian Crime Commission. Motion of Senator Parry to take note of document agreed to.

National Rural Advisory Council—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Australian Fisheries Management Authority—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Schools Assistance (Learning Together—Achievement Through Choice and Opportunity) Act 2004—Report on financial assistance granted to each state in respect of 2007. Motion of Senator Mason to take note of document agreed to.

Australian Public Service Commission—State of the service—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Telstra Sale Company Limited—Report for 2007-08. Motion of Senator Macdonald to take note of document agreed to.

Australian Electoral Commission—Report for 2007-08—Correction. Motion of Senator Williams to take note of document agreed to.

Commonwealth Grants Commission—Report on State revenue sharing relativities—2009 update. Motion of Senator Brandis to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2008. Motion of Senator Macdonald to take note of document agreed to.

Telecommunications Act 1997—Funding of research and consumer representation in relation to telecommunications—Report for 2007-08. Motion of Senator Barnett to take note of document agreed to.

Indexed lists of departmental and agency files, departmental and agency grants, departmental and agency appointments and vacancies and departmental and agency grants—Orders for the production of documents—Documents tabled 15 June 2009. Motion of Senator Williams to take note of documents agreed to.

General business orders of the day nos 34 to 37 and 40 to 54 relating to government documents were called on but no motion was moved.

General business concluded.

40 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Finance and Public Administration Legislation Committee—Report—Plebiscite for an Australian Republic Bill 2008. Motion of Senator O'Brien to take note of report agreed to.

Climate Policy—Select Committee—Economics Legislation Committee—Reports—Carbon Pollution Reduction Scheme Bill 2009 and related bills [Provisions]. Motion of Senator O'Brien to take note of reports called on. On the motion of Senator Fisher debate was adjourned till the next day of sitting.

Environment, Communications and the Arts—Standing Committee—Report—The reporting of sports news and the emergence of digital media. Motion of Senator McEwen to take note of report agreed to.

National Broadband Network—Select Committee—Second interim report—Another fork in the road to national broadband. Motion of the chair of the committee (Senator Fisher) to take note of report agreed to.

Environment, Communications and the Arts—Standing Committee—Second report [Final]—The operation of the *Environment Protection and Biodiversity Conservation Act 1999*. Motion of Senator Birmingham to take note of report agreed to.

Environment, Communications and the Arts—Standing Committee—Report—Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008. Motion of Senator Nash to take note of report agreed to.

Finance and Public Administration—Standing Committee—Report—Residential and community aged care in Australia. Motion of the chair of the committee (Senator Polley) to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

Legal and Constitutional Affairs—Standing Committee—Report—Exposure draft of the Personal Property Securities Bill 2008. Motion of Senator O'Brien to take note of report agreed to.

Treaties—Joint Standing Committee—Report 100—Treaties tabled on 25 June 2008 (2). Motion of Senator Parry to take note of report agreed to.

Community Affairs—Standing Committee—Report—Grasping the opportunity of Opal: Assessing the impact of the Petrol Sniffing Strategy. Motion of the chair of the committee (Senator Moore) to take note of report called on. On the motion of Senator Parry debate was adjourned till the next day of sitting.

Environment, Communications and the Arts—Standing Committee—First report—The operation of the *Environment Protection and Biodiversity Conservation Act 1999*. Motion of the chair of the committee (Senator McEwen) to take note of report agreed to.

Legal and Constitutional Affairs—Standing Committee—Report—Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. Motion of Senator Barnett to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Economics—Standing Committee—Report—Disclosure regimes for charities and not-for-profit organisations. Motion of Senator Crossin to take note of report agreed to.

Community Affairs—Standing Committee—Report—Government expenditure on Indigenous affairs and social services in the Northern Territory. Motion of Senator Crossin to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Rural and Regional Affairs and Transport—Standing Committee—Report—Climate change and the Australian agricultural sector. Motion of Senator Crossin to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Opportunity not opportunism: Improving conduct in Australian franchising. Motion of Senator Williams to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

National Broadband Network—Select Committee—Interim report. Motion of Senator Parry to take note of report agreed to.

Community Affairs—Standing Committee—Report—Towards recovery: Mental health services in Australia. Motion of the chair of the committee (Senator Moore) to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

41 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

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. Motion of Senator Parry to take note of document called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Auditor-General—Audit report no. 37 of 2008-09—Performance audit—Online availability of government entities' documents tabled in the Australian Parliament. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Auditor-General—Audit report no. 40 of 2008-09—Performance audit—Planning and allocating aged care places and capital grants—Department of Health and Ageing. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Orders of the day nos 2 to 11, 13, 14 and 16 relating to reports of the Auditor-General were called on but no motion was moved.

42 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 5.36 pm till Monday, 22 June 2009 at 12.30 pm.

43 ATTENDANCE

Present, all senators except Senators Barnett*, McGauran*, Polley* and Stephens* (* on leave).

HARRY EVANS
Clerk of the Senate