

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**1 MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair and read prayers.

**2 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (2009 BUDGET MEASURES NO. 1) BILL 2009**

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

Economics Legislation Committee—Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009 [Provisions]—Report, dated June 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**3 ORDER OF BUSINESS—PROPOSED REARRANGEMENT**

*Leave refused:* Senator Parry sought leave to move a motion relating to the order of government business for this week.

An objection was raised and leave was not granted.

*Suspension of standing orders:* Senator Parry, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Minchin moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to rearrange the order of government business for this week.

Question put.

The Senate divided—

**AYES, 36**

Senators—

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

**NOES, 33**

Senators—

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

Question agreed to.

Senator Parry, at the request of Senator Minchin, moved—That a motion to rearrange the order of government business for this week may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Senator Parry moved—That, commencing from the time business is called on following discovery of formal motions today, the orders of the day for the following bills, deemed urgent by the Government:

Rural Adjustment Amendment Bill 2009

Health Workforce Australia Bill 2009

Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009

National Greenhouse and Energy Reporting Amendment Bill 2009

Car Dealership Financing Guarantee Appropriation Bill 2009

Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009,

as well as the order of the day relating to Appropriation Bill (No. 1) 2009-2010 and two related bills, be called on and determined before the order of the day relating to the Carbon Pollution Reduction Scheme Bill 2009 and related bills is called on.

Debate ensued.

*At 2 pm:* Debate was interrupted while Senator Cormann was speaking.

#### 4 QUESTIONS

Questions without notice were answered.

#### 5 MOTION TO TAKE NOTE OF ANSWERS

Senator Fifield moved—That the Senate take note of the answers given by the Minister for Employment Participation (Senator Arbib) to questions without notice asked by Senators Fifield and Payne today relating to employment services.

Debate ensued.

Question put and passed.

#### 6 NOTICES

*Notices of motion:*

Senator Bushby: To move on the next day of sitting—That the following matters be referred to the Economics References Committee for inquiry and report by 15 September 2009:

- (a) the circumstances and basis of the decision to introduce an unlimited bank deposit guarantee and of subsequent decisions to change or define the guarantee;
- (b) the circumstances and basis of the decision to introduce an unlimited wholesale bank funding guarantee and of subsequent decisions to change or define the guarantee;
- (c) the effect that the initial announcement of, and subsequent changes to, an unlimited bank deposit guarantee had on operations of the Australian financial sector, including for entities not regulated by the Australian Prudential Regulation Authority (APRA);

- (d) the effect that the initial announcement of, and subsequent changes to, an unlimited wholesale bank funding guarantee had on the operations of the Australian financial sector, including for entities not regulated by APRA;
  - (e) the estimated effect of the bank deposit and wholesale funding guarantees on interest rates in Australia;
  - (f) how Australia's deposit guarantee and wholesale funding guarantee schemes compare with guarantees offered in other countries and the way in which these schemes were introduced and changed in major overseas countries;
  - (g) the interaction between the deposit guarantee scheme and other recent measures implemented by the Government since September 2008, including the wholesale funding guarantee and the purchases of residential mortgage backed securities;
  - (h) the nature of the financial and economic distortions that the unlimited deposit guarantee scheme has created vis-a-vis savings products that are not covered by the guarantee scheme;
  - (i) the optimal cap, if any, for the deposit guarantee in the light of international experience;
  - (j) recommendations for ameliorating the moral hazard associated with the deposit guarantee and wholesale funding guarantees;
  - (k) recommendations for timelines and for policies to credibly remove the wholesale funding guarantee and to reduce the deposit guarantee to any recommended optimal cap;
  - (l) the effects of the bank deposit guarantee and wholesale funding guarantee on competition within the financial sector;
  - (m) the effects of the announcement of the unlimited bank deposit guarantee and unlimited wholesale funding guarantee on consumer and business confidence;
  - (n) the broader economic and social consequences of these distortions;
  - (o) the size and nature of the contingent liability that the unlimited deposit guarantee has created for Australian taxpayers; and
  - (p) other matters relevant to the bank deposit guarantee and wholesale funding guarantee that the committee considers appropriate.
- Senator Milne: To move on 25 June 2009—That the Senate—
- (a) acknowledges proposals submitted by the Federated States of Micronesia and Mauritius to amend the Montreal Protocol on Substances that Deplete the Ozone Layer to regulate and phase-down hydrofluorocarbons (HFCs) with a high global warming potential and promote the destruction of banks of ozone-depleting substances at the Montreal Protocol Open Ended Working Group meeting to be held in Geneva from 13 July to 18 July 2009;
  - (b) notes that these proposals will strengthen the protocol to provide fast-action climate change mitigation several times greater than the emission reductions sought during the first commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC);
  - (c) recognises the importance of these and other fast-action mitigation strategies to reduce the threat of crossing tipping points for abrupt, irreversible and catastrophic climate changes – tipping points many leading scientists now warn may be only a few years away; and

- (d) calls on the Government to support the proposals from the Federated States of Micronesia and Mauritius, to recognise the need to work towards an HFC phase-out coordinated between the UNFCCC and the protocol, and to seek amendments that will enable the UNFCCC and the protocol to both play important collaborative roles in the phase-out of HFCs. (*general business notice of motion no. 467*)

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Forshaw): To move on the next day of sitting—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 24 June 2009, from 11 am, to take evidence for the committee's inquiry into Australia's trade and investment relations with Asia, the Pacific and Latin America. (*general business notice of motion no. 468*)

The Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications and the Arts Legislation Committee on the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009 be extended to 17 September 2009. (*general business notice of motion no. 469*)

The Chair of the Community Affairs Legislation Committee (Senator Moore): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009 be extended to 24 June 2009. (*general business notice of motion no. 470*)

Senator Bernardi: To move on 11 August 2009—

- (1) That so much of the standing orders be suspended as would prevent this resolution having effect.
- (2) That, from 9.30 am on 12 August 2009, the Crimes Legislation Amendment (Enhanced Child Protection from Predatory Tourism Offences) Bill 2008 have precedence over all government business until determined. (*general business notice of motion no. 471*)

Senator Fisher: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Employment and Workplace Relations, no later than 5 pm on Wednesday, 24 June 2009:

- (a) a copy of any documentation provided to the Government by the Australian Building and Construction Commissioner, the Honourable John Lloyd (or by the Department of Education, Employment and Workplace Relations), reflecting his views on the report by the Honourable Justice Murray Wilcox, *Transition to Fair Work Australia for the Building and Construction Industry*; and
- (b) the Ministerial Directions referred to by the Deputy Prime Minister (Ms Gillard) in her second reading speech of 17 June 2009 on the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 and issued by her (whether on 17 June 2009 or otherwise) to the Australian Building and Construction Commissioner (ABCC):

- (i) under section 12 of the *Building and Construction Industry Improvement Act 2005*, to provide a report outlining ‘the ABCC’s resources allocation and placement compared to locations with high levels of unlawfulness as evidenced by allegations, investigations, prosecutions, audits and the like’, and
- (ii) under the Act to the ABCC, concerning the application of coercive powers and the conduct of compulsory interviews. (*general business notice of motion no. 472*)

Senator Ludlam: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to reform anti-terrorism laws, and for related purposes. ***Anti-Terrorism Laws Reform Bill 2009***. (*general business notice of motion no. 473*)

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

- (a) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties and rule of law;
- (b) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cell phones; and
- (c) affirms the universality of individual rights and the importance of democratic and fair elections. (*general business notice of motion no. 474*)

Senator Parry: To move on the next day of sitting—That, commencing from 9.30 am on Wednesday, 24 June 2009, the orders of the day for the following bills, deemed urgent by the Government:

Rural Adjustment Amendment Bill 2009  
 Health Workforce Australia Bill 2009  
 Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009  
 National Greenhouse and Energy Reporting Amendment Bill 2009  
 Car Dealership Financing Guarantee Appropriation Bill 2009  
 Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009,

as well as the order of the day relating to Appropriation Bill (No. 1) 2009-2010 and two related bills, be called on and determined before the order of the day relating to the Carbon Pollution Reduction Scheme Bill 2009 and 10 related bills is called on. (*general business notice of motion no. 475*)

The Minister for Climate Change and Water (Senator Wong): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009, allowing it to be considered during this period of sittings.

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*Document:* Senator Wong tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009 in the 2009 winter sittings.

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*Intention to withdraw:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1, 2 and 3 standing in her name for 6 sitting days after today for the disallowance of the following instruments:

ACIS Administration (Commonwealth Financial Assistance) Determination 2009, made under subsections 11(3) and (4) of the *ACIS Administration Act 1999*.

Banking (prudential standard) determination No. 3 of 2008, made under subsections 11AF(1) and (3) of the *Banking Act 1959*.

Social Security (Administration) (Schooling Requirement) Determination 2009 (No. 1), made under section 124C of the *Social Security (Administration) Act 1999*.

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

#### 7 LEAVE OF ABSENCE

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator Lundy from 23 June to the end of the 2009 winter sittings, on account of parliamentary business.

Question put and passed.

Senator Parry, by leave, moved—That leave of absence be granted to Senator Brandis from 22 June to 26 June 2009 on account of parliamentary business overseas, and to Senator McGauran from 22 June to 26 June 2009, for personal reasons.

Question put and passed.

#### 8 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 463 standing in the name of Senator Abetz for today, relating to the consideration of the Carbon Pollution Reduction Scheme Bill 2009 and 10 related bills, postponed till 23 June 2009.

General business notice of motion no. 465 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Banking Amendment (Keeping Banks Accountable) Bill 2009, postponed till 23 June 2009.

#### 9 ADMINISTRATION—RESERVE BANK OF AUSTRALIA

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. 464—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.

Question put and passed.

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

#### 10 FOREIGN AFFAIRS—ISRAEL-PALESTINE CONFLICT

Senator Hanson-Young amended general business notice of motion no. 466 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate supports the call by the Deputy Prime Minister (Ms Gillard) on the Australian Broadcasting Corporation program *Lateline*, 16 June 2009, to support:



- (a) a two-state solution to the Israel-Palestine conflict; and
- (b) a halt to Israel's settlement activity.

*Statement by leave:* Senator Parry, by leave, made a statement relating to the motion. Question put and passed.

**11 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION**

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

The Rudd Government's \$14.7 billion 'Building the Education Revolution' which has been poorly conceived and poorly implemented and is not providing the Australian taxpayer with value for money.

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

**12 ECONOMICS—STANDING COMMITTEE—GOVERNMENT RESPONSE—DISCLOSURE REGIMES FOR CHARITIES AND NOT-FOR-PROFIT ORGANISATIONS**

The Acting Deputy President (Senator Hutchins) tabled the following document received on 19 June 2009:

Economics—Standing Committee—Report—Disclosure regimes for charities and not-for-profit organisations—Government response.

**13 FAMILY AND COMMUNITY SERVICES—NATIONAL VOLUNTEER WEEK—DOCUMENT**

The Acting Deputy President (Senator Hutchins) tabled the following document:

Family and community services—National Volunteer Week—Letter to the President of the Senate from the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin) responding to the resolution of the Senate of 13 May 2009, dated 17 June 2009.

**14 AUDITOR-GENERAL—AUDIT REPORT NO. 42 OF 2008-09—DOCUMENT**

The Acting Deputy President (Senator Hutchins) tabled the following document:

Auditor-General—Audit report no. 42 of 2008-09—Financial statement audit—Interim phase of the audit of financial statements of general government sector agencies for the year ending 30 June 2009.

**15 EMPLOYMENT—EMPLOYMENT SERVICES CONTRACT 2009-12—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 18 June 2009, the Minister for Employment Participation (Senator Arbib) tabled the following document:

Employment—Employment services contract 2009-12—Statement by the Minister for Employment Participation (Senator Arbib) responding to the resolution of the Senate of 18 June 2009.

**16 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—  
HEALTH WORKFORCE AUSTRALIA BILL 2009**

Senator Farrell, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following document:

Community Affairs Legislation Committee—Report—Health Workforce Australia Bill 2009 [Provisions]—Additional information.

**17 DOCUMENTS**

The following documents were tabled by the Clerk:

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

**Aged Care Act—**

Aged Care (Amount of flexible care subsidy – Extended Aged Care at Home – Dementia) Determination 2009 (No. 1) [F2009L02385]\*.

Aged Care (Amount of flexible care subsidy – Extended Aged Care at Home) Determination 2009 (No. 1) [F2009L02384]\*.

Aged Care (Amount of flexible care subsidy – Innovative Care Services) Determination 2009 (No. 1) [F2009L02388]\*.

Aged Care (Amount of flexible care subsidy – multi-purpose services) Determination 2009 (No. 1) [F2009L02387]\*.

Aged Care (Amount of flexible care subsidy – Transition Care Services) Determination 2009 (No. 1) [F2009L02389]\*.

Aged Care (Community Care Subsidy Amount) Determination 2009 (No. 1) [F2009L02383]\*.

Aged Care (Residential Care Subsidy – Adjusted Subsidy Reduction) Determination 2009 (No. 1) [F2009L02381]\*.

Aged Care (Residential Care Subsidy – Amount of Enteral Feeding Supplement) Determination 2009 (No. 1) [F2009L02379]\*.

Aged Care (Residential Care Subsidy – Amount of Oxygen Supplement) Determination 2009 (No. 1) [F2009L02378]\*.

Aged Care (Residential Care Subsidy – Amount of Viability Supplement) Determination 2009 (No. 1) [F2009L02382]\*.

Aged Care (Residential Care Subsidy – Basic Subsidy Amount) Determination 2009 (No. 1) [F2009L02377]\*.

**Airports Act—Select Legislative Instrument 2009 No. 117—Airports Amendment Regulations 2009 (No. 2) [F2009L02391]\*.**

**Australian Meat and Live-stock Industry Act—Select Legislative Instrument 2009 No. 108—Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1) [F2009L02110]\*.**

**Civil Aviation Act—**

Civil Aviation Regulations—Instrument No. CASA EX47/09—Exemption – from take-off minima inside Australian territory [F2009L02374]\*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—

AD/A320/230—High Pressure Compressor Deterioration [F2009L02243]\*.

AD/BEA 121/4—Dual Throttle Control [F2009L02252]\*.

AD/BEA 121/11—Fuel Tanks [F2009L02253]\*.  
AD/BEA 121/21—Nose Undercarriage and Rudder Control System [F2009L02185]\*.  
AD/BEA 206/3—Chafing of Hydraulic Master Switch/Lamp [F2009L02254]\*.  
AD/DAUPHIN/100—Fuselage Frame N.9 [F2009L02449]\*.  
AD/DH 94/1 Amdt 1—Flight Limitations [F2009L02194]\*.  
AD/FA-200/1—Battery Leads – Identification and Relocation [F2009L02261]\*.  
AD/FA-200/3—Propeller Blade Inspection and Operating Restriction [F2009L02270]\*.  
AD/FA-200/11—Parking Brake Control Cable – Inspection [F2009L02274]\*.  
AD/FA-200/12—Auxiliary Fuel Pump – Modification [F2009L02276]\*.  
AD/FU24/64 Amdt 1—Fin and Leading Edge [F2009L02206]\*.  
AD/L200/7—Main Undercarriage Breakstrut Hinges – Inspection [F2009L02210]\*.  
AD/L200/8—Fin and Stabiliser Front Attachment Hinges – Inspection [F2009L02211]\*.  
AD/L200/9—Control Wheel Rod – Inspection [F2009L02212]\*.  
AD/LA-4/7—Hull Frame Station 97 – Inspection and Modification [F2009L02213]\*.  
AD/LA-4/11—Engine Mount Upper Side Straps – Inspection [F2009L02214]\*.  
AD/LA-4/18—Trim Actuating Cylinder Bracket – Inspection [F2009L02215]\*.  
AD/LA-4/20—Main Landing Gear – Rocker Castings P/N 2-4113-1 – Inspection and Replacement [F2009L02216]\*.  
AD/ROBIN/1—Pilot Safety Harness – Change of Straps [F2009L02220]\*.  
AD/S-76/13—Tail Rotor Outboard Retaining Plate Bolts – Inspection [F2009L02227]\*.  
AD/S-76/14—Fuselage Bulkhead – Engine Support Fitting Area – Inspection and Modification [F2009L02228]\*.  
AD/S-76/18—Pilot and Co-Pilot Seats, Support Frames – Inspection [F2009L02229]\*.  
AD/S-76/20—Power Plant Mounting Supports – Inspection and Modification [F2009L02230]\*.  
AD/S-76/28—Utility Hoist – Inspection [F2009L02231]\*.  
AD/S-76/39 Amdt 1—Main Rotor Blade Tip Block and Tip End Assemblies – Inspection and Rectification [F2009L02232]\*.  
AD/S-76/41—Emergency Flotation System [F2009L02233]\*.  
AD/S-76/42—Upper Fuselage, Station 300 [F2009L02234]\*.  
AD/S-76/53—Doors – Window Frame [F2009L02235]\*.  
AD/S-76/59 Amdt 1—Tail Rotor Control Rod – Rod Ends [F2009L02236]\*.  
AD/SC7/6—Guards at Rear of Pilot Seats – Installation [F2009L02238]\*.  
AD/SM-205/16—Fuel Quantity Transmitter Scupper – Inspection and Modification [F2009L02239]\*.

- AD/SM-205/21—Landing Gear Cross Members – Inspection [F2009L02240]\*.
- AD/TB10/5 Amdt 1—Elevator/Elevator Tab Control Attachment Inspection and Modification [F2009L02241]\*.
- AD/TB20/1—Engine Mount – Inspection/Replacement [F2009L02242]\*.
- 107—AD/SUPP/22—Lifesaving Systems D-Lok Hook [F2009L02448]\*.
- Instrument No. CASA 263/09—Amendment of instrument CASA 125/09 — Drug and alcohol testing by CASA under Subpart 99.C of CASR 1998 [F2009L02447]\*.
- Commissioner of Taxation—Public Rulings—
- Class Rulings CR 2009/31-CR 2009/33.
- Goods and Services Tax Ruling—Addendum—GSTR 2002/2.
- Miscellaneous Taxation Ruling—Notice of Partial Withdrawal—MT 2005/1.
- Superannuation Guarantee Determination—Notice of Withdrawal—SGD 2003/7.
- Taxation Rulings—
- Notice of Withdrawal—TR 2005/24.
- TR 2009/3.
- Corporations Act—ASIC Class Orders—
- [CO 09/68] [F2009L02435]\*.
- [CO 09/69] [F2009L02437]\*.
- [CO 09/425] [F2009L02440]\*.
- [CO 09/459] [F2009L02441]\*.
- [CO 09/462] [F2009L02445]\*.
- [CO 09/465] [F2009L02438]\*.
- Environment Protection and Biodiversity Conservation Act—Amendment of lists of exempt native specimens—
- EPBC303DC/SFS/2009/17 [F2009L02401]\*.
- EPBC303DC/SFS/2009/18 [F2009L02455]\*.
- Export Control Act—Export Control (Fees) Amendment Orders 2009 (No. 1) [F2009L02097]\*.
- Export Inspection (Establishment Registration Charges) Act—Select Legislative Instrument 2009 No. 109—Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1) [F2009L02113]\*.
- Export Inspection (Quantity Charge) Act—Select Legislative Instrument 2009 No. 110—Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1) [F2009L02104]\*.
- Navigation Act—Marine Orders Nos—
- 1 of 2009—Ships surveys and certification [F2009L02305]\*.
- 2 of 2009—Safety of navigation and emergency procedures [F2009L02309]\*.
- \* Explanatory statement tabled with legislative instrument.

**18 COMMITTEE MEMBERSHIP**

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

The Special Minister of State (Senator Ludwig), by leave, moved—That Senator Fierravanti-Wells be discharged from and Senator Boyce be appointed to the Joint Standing Committee on Migration.

Question put and passed.

**19 FAIR WORK (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2009**

**GUARANTEE OF STATE AND TERRITORY BORROWING APPROPRIATION BILL 2009**

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 359, dated 18 June 2009—Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009.

Message no. 362, dated 18 June 2009—Guarantee of State and Territory Borrowing Appropriation Bill 2009.

**20 MIGRATION AMENDMENT (PROTECTION OF IDENTIFYING INFORMATION) BILL 2009**

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

Message no. 360, dated 18 June 2009—A Bill for an Act to amend the *Migration Act 1958*, 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 till the next day of sitting.

**21 TAX LAWS AMENDMENT (POLITICAL CONTRIBUTIONS AND GIFTS) BILL 2008**

A message from the House of Representatives was reported as follows:

Message no. 361, dated 18 June 2009—Tax Laws Amendment (Political Contributions and Gifts) Bill 2008, disagreeing to the amendments made by the Senate and making amendments in place of those amendments.

On the motion of the Special Minister of State (Senator Ludwig) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

**22 ORDER OF BUSINESS—PROPOSED REARRANGEMENT**

Order read for the adjourned debate on the motion of Senator Parry (*see entry no. 3*).

Debate resumed.

The Special Minister of State (Senator Ludwig) moved the following amendment:

Omit all words after “That”, substitute:

(1) On Tuesday, 23 June 2009:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7 pm to midnight;
  - (b) the routine of business from 7 pm shall be government business only; and
  - (c) the Senate shall adjourn without any question being put.
- (2) On Thursday, 25 June 2009:
- (a) the hours of meeting shall be 9.30 am to 6.30 pm, and 7 pm to adjournment;
  - (b) the routine of business from 12.45 pm till not later than 2 pm, and from 3.45 pm shall be government business only;
  - (c) 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;
  - (d) divisions may take place after 4.30 pm; and
  - (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:
    - Carbon Pollution Reduction Scheme Bill 2009 and related bills
    - Appropriation (Parliamentary Departments) Bill (No. 1) 2009-2010 and two related bills
    - Car Dealership Financing Guarantee Appropriation Bill 2009
    - Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2009
    - Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] (subject to introduction)
    - Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008
    - Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008
    - Health Workforce Australia Bill 2009
    - Law and Justice (Cross Border and Other Amendments) Bill 2009
    - Migration Amendment (Abolishing Detention Debt) Bill 2009
    - Migration Amendment (Protection of Identifying Information) Bill 2009
    - National Greenhouse and Energy Reporting Amendment Bill 2009
    - Native Title Amendment Bill 2009
    - Private Health Insurance Legislation Amendment Bill 2009
    - Rural Adjustment Amendment Bill 2009
    - Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009
    - Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009.

Debate ensued.

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

Debate continued.

Main question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 34

Senators—

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

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

23 NOTICE

Senator Coonan gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 17 August 2009:

The operation of employee share schemes in Australia, including:

- (a) the structure and operation of employee share schemes;
- (b) the benefits of employee share schemes;
- (c) the taxation issues relating to compliance of employers and employees participating in employee share schemes;
- (d) the recent announcement of proposed changes to the treatment of employee share schemes, the background to these changes, consultation undertaken to develop these changes and the anticipated impact of these changes on employees, employers and Australian business generally;
- (e) the rules governing employee share schemes in other countries; and
- (f) any other related matters.

24 OBJECTION TO RULING OF PRESIDENT—PROCEDURE—STANDING COMMITTEE—REFERENCE

Order of the day read for the consideration of the motion moved by the Leader of the Australian Greens (Senator Bob Brown)—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).

*Reference to committee:* Senator Bob Brown, by leave, amended the motion to read as follows:

Omit all words after “That”, substitute “the following proposed amendment to standing order 175 be referred to the Procedure Committee for inquiry and report by 7 September 2009:

Paragraph (3) to read as follows:

- (3) Paragraph (2) does not apply in respect of a senator breastfeeding an infant, or, at the discretion of the President, a senator caring for an infant briefly, provided the business of the Senate is not disrupted”.

Debate ensued.

Question put and passed.

*Suspension of sitting:* On the motion of the Minister for Defence (Senator Faulkner) the sitting of the Senate was suspended at 6.27 pm till 7.30 pm.

—————  
At 7.30 pm—

**25 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**

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

Debate resumed.

Senator Milne moved the following amendment in respect of the Carbon Pollution Reduction Scheme Bill 2009:

At the end of the motion, add “provided that the Government first commits to entering the climate treaty negotiations at the end of 2009 with an unconditional commitment to reduce emissions by at least 25 per cent below 1990 levels by 2020 and a willingness to reduce emissions by 40 per cent below 1990 levels by 2020 in the context of a global treaty”.

Debate ensued.

At 9.50 pm: Debate was interrupted while Senator Siewert was speaking.



**26 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.15 pm till Tuesday, 23 June 2009 at 12.30 pm.

**27 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate