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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 79

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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 GOVERNMENT DOCUMENTS**

The following documents were tabled:

*Australian Meat and Live-stock Industry Act 1997*—Live-stock mortalities during exports by sea—Report for the period 1 January to 30 June 2009.

Australian Research Council—Strategic plan 2009-10 to 2011-12.

Natural Heritage Trust of Australia—Report for 2006-07.

Torres Strait Protected Zone Joint Authority—Report for 2006-07.

**3 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—*and on the amendment moved by Senator Milne 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 resumed.

On the motion of the Minister for Employment Participation (Senator Arbib) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

**4 FOREIGN AFFAIRS—PAPUA NEW GUINEA—AIRLINES PNG AIRCRAFT—MINISTERIAL STATEMENT**

The Minister for Defence (Senator Faulkner), by leave, made a statement relating to an accident involving an Airlines PNG aircraft in Papua New Guinea.

- 5 **CARBON POLLUTION REDUCTION SCHEME BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS)**  
**BILL 2009**  
**AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009**  
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**(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—and on the amendment moved by Senator Milne in respect of the Carbon Pollution Reduction Scheme Bill 2009 (see entry no. 3).

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Bishop was speaking.

6 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

*Suspension of sitting:* On the motion of the Assistant Treasurer (Senator Sherry) the sitting of the Senate was suspended at 1.51 pm till 2 pm.

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At 2 pm—

7 **QUESTIONS**

Questions without notice were answered.

8 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Cormann moved—That the Senate take note of the answer given by the Special Minister of State (Senator Ludwig) to a question without notice asked by Senator Cormann today relating to Budget cuts for chemotherapy treatment.

Debate ensued.

Question put and passed.

Senator Ludlam moved—That the Senate take note of the answer given by the Minister for Defence (Senator Faulkner) to a question without notice asked by Senator Ludlam today relating to Burma.

Question put and passed.

9 **DEATH OF FORMER MEMBER PETER MILTON**

The Deputy President (Senator Ferguson) informed the Senate of the death, on 8 August 2009, of Peter Milton, a member of the House of Representatives for the division of La Trobe from 1980 to 1990.

**10 PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

By Senator Boyce, from 681 petitioners, requesting that the Senate take action to allow early childhood teachers working in non-government preschools, kindergartens and long day care services to remain under the Early Childhood Education Award.

By Senator Ronaldson, from 158 petitioners, requesting that the Senate call on the Government to reconsider the proposed changes to the independent rate of the youth allowance.

**11 NOTICES**

The Chair of the Legal and Constitutional Affairs References Committee (Senator Barnett): To move on the next day of sitting—That the time for the presentation of reports of the Legal and Constitutional Affairs References Committee be extended as follows:

- (a) Australia's judicial system and the role of judges—to 17 September 2009; and
- (b) access to justice—to 30 October 2009. (*general business notice of motion no. 504*)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the following final reports of the Legal and Constitutional Affairs Legislation Committee be extended to 20 August 2009:

- (a) Migration Amendment (Immigration Detention Reform) Bill 2009; and
- (b) provisions of the Personal Property Securities Bill 2009. (*general business notice of motion no. 505*)

Senator Hanson-Young: To move on 19 August 2009—That the Senate—

- (a) notes that:
  - (i) 15 August 2009 was the 64th anniversary of the conclusion of World War II, and
  - (ii) during the war up to 200 000 women and girls were forced into sexual slavery by the Japanese military and kept in 'comfort stations';
- (b) recognises that:
  - (i) the Japanese 'comfort women' have yet to receive an apology or any official acknowledgement of the grave human rights abuses that were suffered at the hands of the Japanese military, and
  - (ii) since 2007, the United States of America, the Netherlands, the United Kingdom, Canada, the European Union (with 27 member countries), South Korea, Taiwan and three city councils in Japan have all passed similar motions calling on the Japanese Government to accept full responsibility and apologise for the abuses of comfort women; and
- (c) calls on the Australian Government to urge the Japanese Government to:
  - (i) accept full responsibility for the abuses of comfort women,
  - (ii) officially apologise for the crimes committed against the women,
  - (iii) provide adequate compensation to comfort women or their immediate families, and

- (iv) accurately teach the history of comfort women in schools. (*general business notice of motion no. 506*)

Senator Siewert: To move on 17 August 2009—That there be laid on the table by the Minister representing the Minister for the Environment, Heritage and the Arts (Senator Wong) by 20 August 2009, the Australian Terrestrial Biodiversity Assessment 2008 and all documents used in its preparation, including drafts. (*general business notice of motion no. 507*)

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

- (a) notes the June 2009 report of the Community Affairs References Committee, *Lost innocents and forgotten Australians revisited: Report on the progress with the implementation of the recommendations of the lost innocents and forgotten Australians reports*;
- (b) notes, in particular, recommendation 1 of the report which recommends ‘that the Commonwealth government issue a formal acknowledgement and expression of regret to former child migrants in accordance with recommendation 30 of the *Lost Innocents* report; and that this statement be issued in conjunction with, or as a part of, a broader Commonwealth apology to people who experienced abuse and/or neglect in institutional or out-of-home care as children’ and recommendation 2 which recommends ‘that the Commonwealth government issue a formal statement of acknowledgement and apology to children who suffered hurt and distress, or abuse and assault, in institutional care, in accordance with recommendation 1 of the *Forgotten Australians* report’; and
- (c) calls on the Prime Minister (Mr Rudd) to personally make the expression of regret and apology called for by the Community Affairs Committee. (*general business notice of motion no. 508*)

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

- (a) of reports that 200 000 people are held in hard labour concentration camps in North Korea;
- (b) that prisoners include people caught listening to foreign radio broadcasts, families of accused persons and those who have failed to show ‘proper respect’ to the President; and
- (c) that after 12 to 15 hours work daily, a poor diet, no medical care or proper sanitary conditions, thousands of prisoners have died or are dying,

calls on the Minister representing the Minister for Foreign Affairs to report to the Senate within one month with a full account of all knowledge available on this issue. (*general business notice of motion no. 509*)

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

- (a) notes that:
  - (i) Daw Aung San Suu Kyi was sentenced to a further 18 months of house arrest in Burma on 11 August 2009,
  - (ii) this sentence will prevent her from participating in the proposed 2010 elections, and
  - (iii) the constitution establishing election procedures is fundamentally flawed and fails to achieve basic democratic standards; and
- (b) calls on the Australian Government to investigate all possible options for progressing a United Nations Commission of Inquiry into war crimes and crimes against humanity in Burma. (*general business notice of motion no. 510*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 18 August 2009—That the Senate—

- (a) condemns the murder of Russian human rights campaigner, Ms Natalya Estemirova; and
- (b) supports transparent debate on human rights abuses in Chechnya that is free from intimidation or violence. (*general business notice of motion no. 511*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 17 August 2009—That the Senate calls on the Australian Government to promote with Beijing an act of self-determination for the Uighur people of East Turkistan (Xinjiang Province, China). (*general business notice of motion no. 512*)

## 12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 11 OF 2009

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

### SELECTION OF BILLS COMMITTEE REPORT NO. 11 OF 2009

1. The committee met in private session on Tuesday, 11 August 2009 at 7.09 pm.
2. The committee resolved to recommend—That—
  - (a) the Banking Amendment (Keeping Banks Accountable) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 24 November 2009; and
  - (b) the Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 24 November 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009
  - National Health Security Amendment Bill 2009.

*The committee recommends accordingly.*

Kerry O'Brien  
Chair  
12 August 2009.

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

Question put and passed.

## 13 GENEVA CONVENTIONS

The Special Minister of State (Senator Ludwig), at the request of the Minister for Defence (Senator Faulkner) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the Senate—

- (a) notes the 60th anniversary of the Four Geneva Conventions of 1949;
- (b) congratulates the International Red Cross and Red Crescent Movement for continuously fostering the principles of international humanitarian law to limit human suffering in times of armed conflict and to prevent atrocities, especially against civilian populations, the wounded and prisoners of war;



- (c) recalls Australia's ratification of the Conventions and of the two Additional Protocols of 1977;
- (d) affirms all parliamentary measures taken in support of such ratification;
- (e) encourages the fullest implementation of the Conventions and Additional Protocols by the military forces and civilian organisations of all States;
- (f) encourages ratification by all nations of the Conventions and Additional Protocols; and
- (g) recognises the extraordinary contribution made by many individual Australians, including Australian Red Cross members, volunteers and staff, in carrying out the humanitarian ideals expressed in the Conventions and Additional Protocols.

Question put and passed.

**14 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator O'Brien, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 498—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold public meetings during the sittings of the Senate from 12.30 pm to 2 pm, to take evidence for the committee's inquiry into the changing economic environment in the Indian Ocean Territories, on Wednesday, 19 August 2009, Wednesday, 9 September 2009 and Wednesday, 16 September 2009.

Question put and passed.

**15 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator O'Brien, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 499—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 Thursday, 13 August 2009, from 10 am to 11.30 am, to take evidence for the committee's inquiry into human rights mechanisms and the Asia-Pacific.

Question put and passed.

**16 ADMINISTRATION—FEDERAL COURT OF AUSTRALIA—REGISTRY SERVICES**

Senator Abetz, also on behalf of 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. 502—That the Senate calls for the full retention by the Federal Court of Australia of its registry services in the State of Tasmania.

Question put and passed.

**17 FOREIGN AFFAIRS—UNITED NATIONS—INTERNATIONAL YOUTH DAY**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 500—That the Senate—

- (a) notes that 12 August 2009 marks the ninth anniversary of the United Nations International Youth Day, with the 2009 theme 'Sustainability: Our Challenge. Our Future.';

- (b) recognises that:
  - (i) in our global challenge to tackle climate change, it is our young people, especially those in developing countries and the Pacific Islands, whose future is at stake, and
  - (ii) we need a commitment to strong emission reduction targets to protect our future generations; and
- (c) calls on the Government, on International Youth Day, to commit to targets that deliver real action on climate change, and not leave our future generations burdened with mistakes of inaction.

*Statement by leave:* The Leader of The Nationals in the Senate (Senator Joyce), by leave, made a statement relating to the motion.

Question put and passed.

#### 18 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator Barnett, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Economics References Committee for inquiry and report by 26 October 2009:

The establishment, management, operation and closure of the GROCERYchoice website and, in particular:

- (a) the rationale and purpose for the website as stated by the Government before the 2007 election;
- (b) the business plan, modelling or plans formulated by the Government or the Australian Competition and Consumer Commission (ACCC) to establish, manage, operate and close the website;
- (c) the problems and issues faced by the ACCC in establishing, managing and operating the website, as well as in handing the website over to Choice;
- (d) the rationale for the ACCC ceasing to manage and operate the website;
- (e) the level of usage of the website while it was managed and operated by the ACCC;
- (f) the proposal Choice put to the Government to take over the website and the reasons why the Government was persuaded that taxpayers would receive value for money;
- (g) the problems and issues faced by Choice in establishing, operating and relaunching the website;
- (h) the contract arrangements with Choice and the various contractors involved with Choice's and the ACCC's management and operation of the website;
- (i) the legal issues and trade practices concerns arising from the establishment, management, operation and closure of the website;
- (j) the specific concerns of the major chains and independent retailers;
- (k) the total cost to the taxpayer in establishing, managing, operating and closing the website; and
- (l) any other matters incidental thereto.

Question put and passed.

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

**19 FOREIGN AFFAIRS—CHINA—XINJIANG PROVINCE**

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 501 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes the violent unrest in Xinjiang province in China on 5 July 2009 in which up to 200 people died, according to official reports; and
- (b) calls on the Government to seek assurances from the People's Republic of China that human and political rights are upheld, as under the Chinese Constitution and international law.

Question put and passed.

**20 NOTICE OF MOTION WITHDRAWN**

Senator Xenophon withdrew business of the Senate notice of motion no. 1 standing in his name for today, proposing a reference to the Standing Committee of Senators' Interests.

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

**21 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—REFERENCE**

Senator Williams amended business of the Senate notice of motion no. 2 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That—

- (1) The following matters be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 26 October 2009:
  - (a) the potential impacts of current and projected mining operations on all environmental values in the Murray-Darling Basin and, in particular, the potential impacts upon surficial and groundwater flows and quality in the alluvial flood plains at its headwaters in the Namoi Valley and the Darling Downs catchments; and
  - (b) evaluation of the potential impacts in the context of the Murray-Darling Plan and agricultural productivity.
- (2) In these terms of reference, 'mining operations' includes all minerals exploration and all minerals extraction including exploration for and extraction of gas.

Question put and passed.

**22 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 9 OF 2009**

Senator Parry, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

8th report of 2009, dated 12 August 2009.

Alert Digest No. 9 of 2009, dated 12 August 2009.

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

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

Question put and passed.

**23 LAW AND JUSTICE—REFORMS TO NATIONAL SECURITY LEGISLATION—  
MINISTERIAL STATEMENT—DOCUMENT**

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

Law and justice—Reforms to national security legislation—Ministerial statement by the Attorney-General (Mr McClelland), dated 12 August 2009.

**24 ENVIRONMENT—CLIMATE CHANGE—MINISTERIAL STATEMENT—DOCUMENT**

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

Environment—The scientific imperative for action on climate change—Ministerial statement by the Minister Assisting the Minister for Climate Change (Mr Combet), dated 12 August 2009.

**25 PRESIDING OFFICERS AND CLERKS CONFERENCE—DOCUMENT**

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

Presiding Officers and Clerks Conference, 40th, Tarawa, Kiribati, 7 to 14 July 2009—Report by the Honourable Alan Ferguson, Deputy President and Chairman of Committees, dated August 2009.

**26 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Charter of the United Nations Act—Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 3) [F2009L03099]\*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA—EX60/09—Exemption – from take-off minima inside Australian territory [F2009L03017]\*.

Civil Aviation Safety Regulations—Airworthiness Directives—  
Part 105—

AD/DAUPHIN/20—Main Rotor Servo Inspection [F2009L03051]\*.

AD/DAUPHIN/21—Tail Rotor Pitch Change Spider and Blade Horn Foot [F2009L03050]\*.

AD/DAUPHIN/33—Lucas Air Equipment Hoist – Explosive Squib [F2009L03045]\*.

AD/ENST 28/6—Pre-Certification Requirements – Modifications [F2009L03044]\*.

AD/ENST 28/8—Fuselage Structure – Inspection [F2009L03043]\*.

AD/ENST 28/17—Wide Chord Tail Rotor Counterweights – Modification [F2009L03042]\*.

AD/ENST 28/22—Main Rotor Transmission Mount Bolts – Inspection [F2009L03041]\*.

AD/ENST 28/28—Clutch Engagement Handle Guard [F2009L03040]\*.

AD/F406/18—Landing Gear Emergency Blowdown Bottle – 2 [F2009L03039]\*.

AD/FA-200/27—Wing Spar Flange Corrosion [F2009L03038]\*.

AD/HILLER 12/2—Main Rotor Blade Spar – Inspection [F2009L03037]\*.

AD/HILLER 12/3—Tail Rotor Blade Assembly – Provision of Vent Hole [F2009L03036]\*.

AD/HILLER 12/6—Superseded by AD/HILLER 12/11 [F2009L03035]\*.  
 AD/GBK 117/32—Tail Rotor Gearbox Bevel Gear [F2009L03129]\*.  
 AD/L.40/2—Resewing of Seat Belt and Securing of Tailplane Actuating Nut Lock Screws – Rework [F2009L03034]\*.  
 AD/L.40/4—Elevator and Rudder Control System – Modification [F2009L03033]\*.  
 AD/L.40/5—Fuel System – Modification [F2009L03092]\*.  
 AD/L.40/6 Amdt 1—Elevator Control System – Modification [F2009L03032]\*.  
 AD/L.40/7 Amdt 1—Landing Gear Aural Warning – Modification [F2009L03091]\*.  
 AD/L.40/10—Fuel Line – Inspection and Modification [F2009L03090]\*.  
 AD/MCH/3—Door Handle Operating Instructions [F2009L03028]\*.  
 AD/MCH/4—Smoking Placard – Installation [F2009L03027]\*.  
 AD/MCH/7—Bonding Points – Modification [F2009L03081]\*.  
 AD/MCH/8—Cabin Trim Head Shield – Installation [F2009L03026]\*.  
 AD/MSR/29—Engine Mount [F2009L03025]\*.  
 AD/PA-23/93—Nose Baggage Door [F2009L03024]\*.  
 AD/PA-31/131—Nose Baggage Door [F2009L03023]\*.  
 AD/PA-42/26—Nose Baggage Door [F2009L03022]\*.  
 AD/PZL/2—Aileron Attach Hinges [F2009L03021]\*.  
 AD/WILGA/5—Fuselage Front Posts [F2009L03019]\*.  
 AD/WINJEEL/1 Amdt 1—Rudder Pulley Bracket Assembly [F2009L03018]\*.

## Part 106—

AD/LTS/2—Inspection of Torque Applied to Number Ten Bearing Outer Race Nut 4-082-052-02 [F2009L03089]\*.  
 AD/LTS/3—Power Turbine Governor – Functional Check/Replacement [F2009L03088]\*.  
 AD/LYC/87—Challenger Engineering Chrome Plated Cylinder Barrels [F2009L03087]\*.

Corporations Act—ASIC Class Order [CO 09/626] [F2009L03131]\*.

## Customs Act—Tariff Concession Orders—

0902630 [F2009L02887]\*.  
 0903182 [F2009L02879]\*.  
 0903183 [F2009L02880]\*.  
 0903185 [F2009L02878]\*.  
 0903333 [F2009L02894]\*.  
 0903763 [F2009L02896]\*.  
 0903764 [F2009L02901]\*.  
 0904232 [F2009L02895]\*.  
 0905015 [F2009L02931]\*.  
 0905484 [F2009L02888]\*.  
 0905485 [F2009L02889]\*.  
 0905486 [F2009L02892]\*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amend/031 [F2009L03132]\*.

Financial Management and Accountability Act—Financial Management and Accountability Determination 2009/23—Media Commissions Special Account Variation and Abolition 2009 [F2009L03141]\*.

Remuneration Tribunal Act—Determinations—

2009/09: Remuneration and Allowances for Holders of Public Office, Judicial and Related Offices, Members of Parliament, and Specified Statutory Officers [F2009L03118] [*substituted by the legislative instrument tabled on 17 August 2009 (see entry no. 13, 17 August 2009)*]\*.

2009/10: Official Travel by Office Holders [F2009L03116]\*.

2009/11: Members of Parliament – Travelling Allowance [F2009L03117]\*.

Therapeutic Goods Act—

Poisons Standard Amendment No. 2 of 2009 [F2009L03013]\*.

Therapeutic Goods (Emergency) Exemption 2009 (No. 6).

\* Explanatory statement tabled with legislative instrument.

## 27 PRIVILEGES—STANDING COMMITTEE—REFERENCE

The Leader of the Government in the Senate (Senator Evans), pursuant to notice, moved matter of privilege notice of motion no. 1—That the following matters be referred to the Committee of Privileges for inquiry and report:

In relation to the hearing of the Economics Legislation Committee on 19 June 2009 on the OzCar program:

- (a) whether there was any false or misleading evidence given, particularly by reference to a document that was later admitted to be false;
- (b) whether there was any improper interference with the hearing, particularly by any collusive prearrangement of the questions to be asked and the answers to be given for an undisclosed purpose,

and, if so, whether any contempt was committed in that regard.

Debate ensued.

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

At the end of the motion, add “and in relation to the hearing of the Standing Committee on Economics on 22 October 2008, whether there was a manipulation of the evidence in relation to the scripting of questions asked in evidence before that committee and, if so, whether any contempt of the Senate was committed in that regard”.

Debate ensued.

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

Main question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

Adams	Cash	Humphries	Parry (Teller)
Back	Colbeck	Johnston	Payne
Barnett	Coonan	Joyce	Ronaldson
Bernardi	Cormann	Kroger	Ryan
Birmingham	Eggleston	Macdonald	Scullion
Boswell	Ferguson	Mason	Troeth
Boyce	Fifield	McGauran	Trood
Bushby	Fisher	Minchin	Williams

Question agreed to.

#### 28 PRIVILEGES—STANDING COMMITTEE—PROPOSED REFERENCE

The Leader of the Family First Party (Senator Fielding) amended matter of privilege notice of motion no. 2 by leave and, pursuant to notice, moved—That the following matter be referred to the Committee of Privileges:

Whether there was a manipulation of the evidence given before the Standing Committee on Economics at its hearing on 22 October 2008 in relation to the scripting of questions asked in evidence before that committee and, if so, whether any contempt of the Senate was committed in that regard.

Debate ensued.

Question put.

The Senate divided—

AYES, 7

Senators—

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

## NOES, 41

## Senators—

Adams	Cash	Hogg	Parry (Teller)
Arbib	Colbeck	Humphries	Payne
Back	Collins	Hurley	Polley
Bernardi	Crossin	Hutchins	Pratt
Bilyk	Eggleston	Ludwig	Stephens
Birmingham	Farrell	Lundy	Troeth
Bishop	Faulkner	Marshall	Williams
Boswell	Feeney	McGauran	Wortley
Brown, Carol	Fifield	McLucas	
Bushby	Fisher	Minchin	
Cameron	Furner	O'Brien	

Question negatived.

**29 ECONOMICS LEGISLATION COMMITTEE—REPORT—RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2009 AND RELATED BILL**

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

Economics Legislation Committee—Renewable Energy (Electricity) Amendment Bill 2009 [Provisions] and Renewable Energy (Electricity) (Charge) Amendment Bill 2009 [Provisions]—Report, dated August 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**30 DEFENCE—AFGHANISTAN—MINISTERIAL STATEMENT**

The Minister for Defence (Senator Faulkner), by leave, made a statement relating to Afghanistan.

Senator Johnston, by leave, moved—That the Senate take note of the statement.

Question put and passed.

**31 GENEVA CONVENTIONS—STATEMENT BY LEAVE**

Senator Brandis, by leave, made a statement relating to the resolution of the Senate agreed to earlier today (*see entry no. 13*).

The Minister for Defence (Senator Faulkner), by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

**32 ENVIRONMENT—CLIMATE CHANGE—MINISTERIAL STATEMENT—DOCUMENT—STATEMENT BY LEAVE**

Senator Milne, by leave, made a statement relating to the document tabled earlier today (*see entry no. 24*).



- 33 **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—and on the amendment moved by Senator Milne in respect of the Carbon Pollution Reduction Scheme Bill 2009 (see entry no. 3).

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Ryan was speaking.

34 **GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following government document tabled earlier today (see entry no. 2) was considered:

*Australian Meat and Live-stock Industry Act 1997*—Live-stock mortalities during exports by sea—Report for the period 1 January to 30 June 2009. Motion to take note of document moved by Senator Back. Debate adjourned till Thursday at general business, Senator Back in continuation.

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

*Broadcasting Services Act 1992*—Digital television transmission and reception—Report, August 2009. Motion to take note of document moved by Senator Adams. Debate adjourned till Thursday at general business, Senator Adams in continuation.

General business orders of the day nos 6 to 10 and 12 to 19 relating to government documents were called on but no motion was moved.

35 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.13 pm till Thursday, 13 August 2009 at 9.30 am.

**36 ATTENDANCE**

Present, all senators except Senators Forshaw\*, Moore\* and Sterle\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate