

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 84

THURSDAY, 20 AUGUST 2009

**Contents**

1	Meeting of Senate.....	2359
2	Petition .....	2359
3	Notices.....	2359
4	Order of Business—Rearrangement.....	2359
5	Postponement.....	2359
6	Australian National Flag Day and Merchant Navy Day.....	2360
7	Economics References Committee—Leave to Meet During Sitting .....	2360
8	Economics Legislation Committee—Leave to Meet During Sitting .....	2360
9	Food Standards Amendment (Truth in Labelling Laws) Bill 2009 .....	2360
10	Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009.....	2361
11	Environment, Communications and the Arts References Committee— Reference .....	2361
12	Senate—Dalai Lama—Distinguished Visitor .....	2362
13	Administration—Australian Security Intelligence Organisation— Headquarters Building.....	2362
14	Remuneration Tribunal Determination—Proposed Disapproval .....	2363
15	Foreign Affairs—West Papua—International Red Cross.....	2364
16	Foreign Affairs—Afghanistan .....	2364
17	Notice—Intention to Withdraw .....	2364
18	Publications—Standing Committee—12th Report.....	2365
19	Rural and Regional Affairs and Transport References Committee— Document—Management of the Murray-Darling Basin System.....	2365
20	Committees—Additional Information—Budget and Additional Estimates 2008-09 and Budget Estimates 2009-10.....	2365
21	Therapeutic Goods Amendment (2009 Measures No. 2) Bill 2009 .....	2366
22	Routine of Business—Variation .....	2367
23	Renewable Energy (Electricity) Amendment Bill 2009 Renewable Energy (Electricity) (Charge) Amendment Bill 2009.....	2367
24	Procedure—Standing Committee—Third Report of 2009 .....	2369
25	Order of Business—Rearrangement.....	2370

26	Agricultural and Related Industries—Select Committee—Final Report—Pricing and Supply Arrangements in the Australian and Global Fertiliser Market.....	2370
27	Legal and Constitutional Affairs Legislation Committee—Report—Migration Amendment (Immigration Detention Reform) Bill 2009.....	2370
28	Legal and Constitutional Affairs Legislation Committee—Report—Personal Property Securities Bill 2009.....	2370
29	Law and Justice (Cross Border and Other Amendments) Bill 2009.....	2370
30	Health Insurance Amendment (Extended Medicare Safety Net) Bill 2009.....	2371
31	Questions.....	2371
32	Motion to Take Note of Answer.....	2371
33	Environment, Communications and the Arts—Standing Committee—Government Response—Sexualisation of Children in the Contemporary Media.....	2371
34	Environment, Communications and the Arts—Standing Committee—Government Response—Broadcasting Codes of Practice.....	2371
35	Finance and Public Administration—Standing Committee—Government Response—Additional Estimates 2008-09.....	2372
36	Foreign Affairs, Defence and Trade—Standing Committee—Government Response—Reforms to Australia’s Military Justice System.....	2372
37	Appropriations and Staffing—Standing Committee—Report for 2008-09.....	2372
38	Health—National Preventative Health Taskforce—Order for Production of Documents—Document.....	2372
39	Health—Aged Care Providers—General Purpose Accounts—Order for Production of Documents—Document.....	2372
40	Environment—Australian Terrestrial Biodiversity Assessment 2008—Order for Production of Documents—Documents.....	2373
41	Rural and Regional Affairs and Transport References Committee—Report—Public Passenger Transport Infrastructure and Services.....	2373
42	Selection of Bills—Standing Committee—Report No. 12 of 2009.....	2373
43	Community Affairs Legislation Committee—Additional Information—Health Insurance Amendment (Extended Medicare Safety Net) Bill 2009.....	2374
44	Environment, Communications and the Arts Legislation Committee—Additional Information—Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009.....	2374
45	Documents.....	2374
46	Departmental and Agency Contracts—Order for Production of Documents—Document.....	2377
47	Order of Business—Rearrangement.....	2377
48	Economics—Australian Economy.....	2377
49	Committee Membership.....	2377
50	Committee Reports and Government Responses—Orders of the Day—Consideration.....	2378
51	Auditor-General’s Reports—Orders of the Day—Consideration.....	2378
52	Adjournment.....	2378
53	Attendance.....	2378

**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 PETITION**

The following petition, lodged with the Clerk by Senator Ronaldson, was received:

From 444 petitioners, requesting that the Senate call on the Government to reconsider the proposed changes to the independent rate of the youth allowance.

**3 NOTICES**

Senator Ludlam: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to prohibit disruptive advertising during SBS television programs, and for related purposes. *Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2009*. (general business notice of motion no. 532)

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

(a) notes that:

(i) Australian Defence Force (ADF) personnel have been deployed in Afghanistan since 2001,

(ii) the Minister for Defence (Senator Faulkner) recently announced a further increase in the number of Australian troops in that country, and

(iii) there is speculation that the deployment of ADF personnel in Afghanistan may be extended for a further 5 years; and

(b) calls on the Government to debate the options for Australian troops in Afghanistan, including their return to Australia. (general business notice of motion no. 533)

**4 ORDER OF BUSINESS—REARRANGEMENT**

The Special Minister of State (Senator Ludwig) moved—That government business order of the day no. 7 (Law and Justice (Cross Border and Other Amendments) Bill 2009) be considered from 12.45 pm till not later than 2 pm today.

Question put and passed.

**5 POSTPONEMENT**

The following item of business was postponed:

General business notice of motion no. 531 standing in the name of Senator Ludlam for today, proposing a reference to the Joint Standing Committee on Foreign Affairs, Defence and Trade, postponed till 7 September 2009.

**6 AUSTRALIAN NATIONAL FLAG DAY AND MERCHANT NAVY DAY**

The Special Minister of State (Senator Ludwig), 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 that:
  - (i) Thursday, 3 September 2009 marks Australian National Flag Day, commemorating 108 years since the Australian national flag was flown for the first time, and
  - (ii) the national flag is Australia's primary national symbol and over the years has become an expression of Australian identity and pride;
- (b) further notes that Merchant Navy Day is also commemorated on 3 September; and
- (c) encourages schools and businesses, cities and towns across Australia to mark National Flag Day with a flag raising ceremony.

Question put and passed.

**7 ECONOMICS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

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. 526—That the Economics References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 20 August 2009.

Question put and passed.

**8 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator O'Brien, at the request of the Chair of the Economics Legislation Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 525—That the Economics Legislation Committee be authorised to meet during the sitting of the Senate on Thursday, 20 August 2009, from 5 pm, for a private briefing, and immediately after the completion of this private briefing, the committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1).

Question put and passed.

**9 FOOD STANDARDS AMENDMENT (TRUTH IN LABELLING LAWS) BILL 2009**

Senator Xenophon, also on behalf of the Leader of the Australian Greens (Senator Bob Brown) and the Leader of The Nationals in the Senate (Senator Joyce), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 488—That the following bill be introduced:

A Bill for an Act to provide for accurate labelling of food, and for related purposes.

Question put and passed.

Senator Xenophon presented the bill and 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 Xenophon moved—That this bill be now read a second time.

---

*Explanatory memorandum:* Senator Xenophon, by leave, tabled an explanatory memorandum relating to the bill.

---

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

**10 PLAIN TOBACCO PACKAGING (REMOVING BRANDING FROM CIGARETTE PACKS)  
BILL 2009**

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 528—That the following bill be introduced:

A Bill for an Act to amend product information standards to remove brands, trademarks and logos from tobacco packaging, and for related purposes.

Question put and passed.

Senator Fielding presented the bill and 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 Fielding moved—That this bill be now read a second time.

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

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

Senator Xenophon, also on behalf of Senator Heffernan, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 29 November 2009:

The ability of the Commonwealth, across state borders, to sustainably manage water resources in the national interest, with particular reference to:

- (a) the issuing and sustainability of water licences under any government draft resource plans and water resource plans;
- (b) the effect of relevant agreements and Commonwealth environmental legislation on the issuing of water licences, trading rights or further extraction of water from river systems;
- (c) the collection, collation and analysis and dissemination of information about Australia's water resources, and the use of such information in the granting of water rights;
- (d) the issuing of water rights by the states in light of Commonwealth purchases of water rights; and
- (e) any other related matters.

Question put and passed.

**12 SENATE—DALAI LAMA—DISTINGUISHED VISITOR**

Senator Hanson-Young, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 518—That the Senate—

- (a) notes that His Holiness, the Dalai Lama:
- (i) is a Nobel Peace Prize laureate,
  - (ii) addressed a joint sitting of the United States (US) Congress in 1991 and received a US Congressional Gold Medal in 2007,
  - (iii) addressed the European Parliament in 2001 and 2008, and
  - (iv) has been made an honorary citizen of Canada; and
- (b) extends an invitation to His Holiness, the Dalai Lama, to sit in the distinguished visitors gallery on the floor of the Senate during question time, on Thursday, 26 November 2009, the last sitting day of 2009.

*Statements by leave:* The Special Minister of State (Senator Ludwig), the Leader of the Opposition in the Senate (Senator Minchin), the Leader of the Australian Greens (Senator Bob Brown) and Senator Xenophon, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 36

Senators—

Adams	Collins	Hurley	Parry (Teller)
Back	Crossin	Hutchins	Polley
Barnett	Farrell	Ludwig	Pratt
Bernardi	Feeney	McEwen	Ronaldson
Bishop	Ferguson	McLucas	Stephens
Boswell	Fielding	Minchin	Sterle
Brown, Carol	Fisher	Moore	Troeth
Cameron	Furner	Nash	Trood
Cash	Hogg	O'Brien	Wortley

Question negatived.

**13 ADMINISTRATION—AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION—HEADQUARTERS BUILDING**

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 515 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate, noting the prominence that the new Australian Security Intelligence Organisation headquarters building near Lake Burley Griffin will have on Canberra's cityscape and that there was no reference of this proposal to the Parliamentary Standing Committee on Public Works, requests the Parliamentary Standing Committee on Public Works to provide the Senate with the recommendation from the former Attorney-General, the Honourable Philip Ruddock, that the committee seek an exemption from the Governor-General from scrutiny of this project, with any identifying particulars removed.

*Statements by leave:* Senators Troeth and Bob Brown, by leave, made statements relating to the motion.

Question put and passed.

#### 14 REMUNERATION TRIBUNAL DETERMINATION—PROPOSED DISAPPROVAL

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—

- (1) That the Senate notes the Remuneration Tribunal's failure to provide a financial or economic justification for the proposed increases in the Members of Parliament travelling allowance.
- (2) That Remuneration Tribunal Determination 2009/11: Members of Parliament – Travelling Allowance, made pursuant to subsections 7(1), 7(2) and 7(4) of the *Remuneration Tribunal Act 1973*, be disapproved.

*Statement by leave:* The Special Minister of State (Senator Ludwig), by leave, made a statement relating to the motion.

---

*Document:* Senator Ludwig tabled the following document:

Remuneration Tribunal Determination—Proposed disapproval—Travelling allowance rates for public office holders and parliamentarians—Remuneration Tribunal statement, dated 19 August 2009.

---

*Statements by leave:* Senators Bob Brown, Ronaldson and Xenophon, by leave, made statements relating to the motion.

Question put.

The Senate divided—

#### AYES, 7

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

#### NOES, 36

Senators—			
Abetz	Colbeck	Hutchins	Payne
Back	Cormann	Joyce	Polley
Bernardi	Farrell	Ludwig	Pratt
Birmingham	Feeney	McEwen	Ronaldson
Bishop	Ferguson	McLucas	Stephens
Boswell	Furner	Moore	Sterle
Brown, Carol	Hogg	Nash	Troeth
Cameron	Humphries	O'Brien (Teller)	Trood
Cash	Hurley	Parry	Wortley

Question negatived.

**15 FOREIGN AFFAIRS—WEST PAPUA—INTERNATIONAL RED CROSS**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 529—That the Senate calls on the Australian Government to urge the Indonesian Government to allow the International Red Cross full and unfettered access into West Papua.

Question put and passed.

**16 FOREIGN AFFAIRS—AFGHANISTAN**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 530—That the Senate notes:

- (a) an international petition with 275 signatories, expressing the view that the presence of warlords, corrupt officials and incompetent leaders will not win freedom, peace, stability and prosperity for the people of Afghanistan;
- (b) the petitioners' call to the international community, the United Nations and the International Court of Justice to help the people of Afghanistan by bringing those warlords and criminals, implicated in the Human Rights Watch report *Blood stained hands*, to the International Court of Justice; and
- (c) the Human Rights Watch report implicates former warlords in crimes against humanity which should preclude them from running in the election for the post of Vice President.

Question put.

The Senate divided—

**AYES, 7**

Senators—

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

**NOES, 27**

Senators—

Abetz	Cormann	Hutchins	Parry (Teller)
Back	Farrell	Joyce	Polley
Bishop	Feeney	Marshall	Pratt
Boswell	Furner	McLucas	Stephens
Brown, Carol	Hogg	Moore	Sterle
Cameron	Humphries	Nash	Wortley
Cash	Hurley	O'Brien	

Question negatived.

**17 NOTICE—INTENTION TO WITHDRAW**

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), by leave and 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 notice of motion no. 1 standing in her name for the next day of sitting for the disallowance of the Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 4 and made under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*.

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



**18 PUBLICATIONS—STANDING COMMITTEE—12TH REPORT**

Senator O'Brien, at the request of the Chair of the Standing Committee on Publications (Senator Carol Brown), tabled the following report:

**PUBLICATIONS COMMITTEE  
12TH REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 25 June 2009, recommends that the following be printed:

Foreign Investment Review Board—Report for 2007-08.

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

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

Senator Carol Brown

Chair

20 August 2009.

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

Question put and passed.

**19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
DOCUMENT—MANAGEMENT OF THE MURRAY-DARLING BASIN SYSTEM**

Senator Parry, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), tabled the following document:

Rural and Regional Affairs and Transport References Committee—Report—  
Implications for the long-term sustainable management of the Murray-Darling  
Basin system—Correction.

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

**20 COMMITTEES—ADDITIONAL INFORMATION—BUDGET AND ADDITIONAL  
ESTIMATES 2008-09 AND BUDGET ESTIMATES 2009-10**

Senator O'Brien, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2008-09 (Supplementary)—

Rural and Regional Affairs and Transport Legislation Committee—Additional  
information received between 5 February and 20 August 2009—Agriculture,  
Fisheries and Forestry portfolio.

Additional estimates 2008-09—

Environment, Communications and the Arts Legislation Committee—  
Additional information received between 25 June and 19 August 2009—  
Environment, Water, Heritage and the Arts portfolio.

Rural and Regional Affairs and Transport Legislation Committee—Additional  
information received between 13 May and 19 August 2009—

Agriculture, Fisheries and Forestry portfolio.

Infrastructure, Transport, Regional Development and Local Government  
portfolio.

## Budget estimates 2009-10—

Community Affairs Legislation Committee—Additional information received between 25 June and 19 August 2009—

Families, Housing, Community Services and Indigenous Affairs portfolio.  
Health and Ageing portfolio.

Indigenous issues across portfolios—Attorney-General; Environment, Water, Heritage and the Arts; Human Services.

Economics Legislation Committee—Additional information received between 1 June and 19 August 2009—

Innovation, Industry, Science and Research portfolio.

Resources, Energy and Tourism portfolio.

Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 31 July and 19 August 2009—

Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts Legislation Committee—Additional information received between 26 June and 19 August 2009—

Broadband, Communications and the Digital Economy portfolio.

Environment, Water, Heritage and the Arts portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 25 June and 19 August 2009—

Finance and Deregulation portfolio.

Human Services portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 30 July and 20 August 2009—

Defence portfolio.

Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 24 June and 18 August 2009—

Attorney General's portfolio.

Immigration and Citizenship portfolio.

Rural and Regional Affairs and Transport Legislation Committee—Additional information received between—

16 July and 19 August 2009—Infrastructure, Transport, Regional Development and Local Government portfolio.

22 July and 19 August 2009—Agriculture, Fisheries and Forestry portfolio.

**21 THERAPEUTIC GOODS AMENDMENT (2009 MEASURES NO. 2) BILL 2009**

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

Message no. 383, dated 19 August 2009—A Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

The Minister for Climate Change and Water (Senator Wong) 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 Wong moved—That this bill be now read a second time.

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

**22 ROUTINE OF BUSINESS—VARIATION**

The Minister for Climate Change and Water (Senator Wong), by leave, moved—That business of the Senate orders of the day nos 1 to 5 be postponed till after consideration of government business order of the day no. 1 (Renewable Energy (Electricity) Amendment Bill 2009 and a related bill).

Question put and passed.

**23 RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2009  
RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2009**

Order of the day read for the further consideration of the bills in committee of the whole.

—————  
*In the committee*

**RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2009—**

Consideration resumed of the bill—and of the amendment moved by the Leader of the Australian Greens (Senator Bob Brown):

Schedule 1, item 9, page 11 (lines 1 to 16), omit section 162, substitute:

**162 Biennial review of operation of renewable energy legislation**

- (1) The Minister must cause an independent review of the following to be undertaken as soon as practicable after 30 June 2012 and every 2 years after that date:
  - (a) the operation of this Act and the scheme constituted by this Act;
  - (b) the adequacy of the renewable energy target set by this Act;
  - (c) the operation of the regulations;
  - (d) the operation of the *Renewable Energy (Electricity) (Charge) Act 2000*;
  - (e) the diversity of renewable energy access to the scheme constituted by this Act;
  - (f) a cost benefit analysis of the environmental impact of that access.
- (2) A review must be undertaken by a person who, in the Minister's opinion, possesses appropriate qualifications to undertake the review.
- (3) The person undertaking a review must give the Minister a written report of the review before 31 December in that year.
- (4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.
- (5) The report is not a legislative instrument.

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

Senator Boswell moved the following amendment:

Schedule 2, item 8, page 13 (after line 26), at the end of section 38B, add:

- (3) Regulations made under subsection 38AA(1) must determine a food processing activity, to the extent that it is trade-exposed, to be an emissions-intensive trade-exposed activity. The partial exemption of an emissions-intensive trade-exposed food processing activity for 2010

and any later year is to be calculated to be equal to 90% of the additional renewable source electricity acquisition obligation of the activity during the relevant year.

(4) In subsection (3):

*additional renewable source electricity acquisition obligation* means the amount of renewable source electricity that the activity is required to acquire under this Act after the commencement of the *Renewable Energy (Electricity) Amendment Act 2009* in addition to the amount of renewable source electricity that the activity was required to acquire under this Act before the commencement of the *Renewable Energy (Electricity) Amendment Act 2009*.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 33

Senators—

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

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

On the motion of the Minister for Climate Change and Water (Senator Wong) the following amendments, taken together by leave, were agreed to:

Schedule 2, item 8, page 14 (line 2), omit “**Authority’s**”, substitute “**Regulator’s**”.

Schedule 2, item 8, page 14 (lines 4, 7, 11 and 15), omit “Authority”, substitute “Regulator”.

Schedule 2, item 14, page 15 (lines 17, 28 and 30), omit “Authority”, substitute “Regulator”.

Schedule 2, item 14, page 16 (lines 3, 12, 17, 21, 26, 28, 29 and 32), omit “Authority”, substitute “Regulator”.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Milne, in respect of Schedule 2.

Schedule 2, as amended, debated and agreed to.

Senator Milne moved the following amendment:

Schedule 2, item 14, page 16 (after line 11), after subsection 46B(1), insert:

- (1A) Regulations prescribing a method for calculating a liable entity's partial exemption for the year in relation to an emissions-intensive trade-exposed activity must take into account any electricity price reductions resulting from the implementation of the renewable energy target and must avoid giving a liable entity a windfall gain.

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

Bill, as amended, agreed to.

---

**RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2009—**

Bill, taken as a whole by leave, agreed to.

---

The Renewable Energy (Electricity) Amendment Bill 2009 to be reported with amendments and the Renewable Energy (Electricity) (Charge) Amendment Bill 2009 to be reported without requests for amendments.

---

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

On the motion of Senator Wong the report from the committee was adopted.

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

Debate ensued.

Question put and passed.

Bills read a third time.

**24 PROCEDURE—STANDING COMMITTEE—THIRD REPORT OF 2009**

Pursuant to order, Senator O'Brien, at the request of the Chair of the Procedure Committee (Senator Ferguson), tabled the following report:

Procedure—Standing Committee—Third report of 2009—Committee proceedings and public interest immunity claims: order of the Senate of 13 May 2009; Senators caring for an infant: standing order 175, dated August 2009.

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

Senator O'Brien, by leave, moved—That the Senate take note of the report.

Debate ensued.

Debate adjourned till the next day of sitting, the Leader of the Australian Greens (Senator Bob Brown) in continuation.

**25 ORDER OF BUSINESS—REARRANGEMENT**

Senator Parry, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), moved—That business of the Senate order of the day no. 2, relating to the presentation of the report of the Rural and Regional Affairs and Transport References Committee on public passenger transport in Australia, be postponed till a later hour.

Question put and passed.

**26 AGRICULTURAL AND RELATED INDUSTRIES—SELECT COMMITTEE—FINAL REPORT—PRICING AND SUPPLY ARRANGEMENTS IN THE AUSTRALIAN AND GLOBAL FERTILISER MARKET**

Pursuant to order, the Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan) tabled the following report and documents:

Agricultural and Related Industries—Select Committee—Pricing and supply arrangements in the Australian and global fertiliser market—Final report, dated August 2009, Hansard record of proceedings and submissions.

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

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

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

**27 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MIGRATION AMENDMENT (IMMIGRATION DETENTION REFORM) 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—Migration Amendment (Immigration Detention Reform) Bill 2009—Report, dated August 2009, Hansard record of proceedings, document presented to the committee, additional information and submissions.

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

**28 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—PERSONAL PROPERTY SECURITIES 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—Personal Property Securities Bill 2009 [Provisions]—Report, dated August 2009, Hansard record of proceedings, additional information and submissions.

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

**29 LAW AND JUSTICE (CROSS BORDER AND OTHER AMENDMENTS) 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 Assistant Treasurer (Senator Sherry) the bill was read a third time.

**30 HEALTH INSURANCE AMENDMENT (EXTENDED MEDICARE SAFETY NET)  
BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change and Water (Senator Wong)—That this bill be now read a second time.

Debate resumed.

Senator Cormann moved the following amendment:

At the end of the motion, add “and further consideration of the bill be an order of the day for 3 sitting days after a draft of the final regulations and determinations relating to this bill are laid on the table”.

Debate ensued.

*At 2 pm:* Debate was interrupted.

**31 QUESTIONS**

Questions without notice were answered.

**32 MOTION TO TAKE NOTE OF ANSWER**

Senator Macdonald 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 Macdonald today relating to Cement Australia in Rockhampton, Queensland.

Debate ensued.

Question put and passed.

**33 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
GOVERNMENT RESPONSE—SEXUALISATION OF CHILDREN IN THE CONTEMPORARY  
MEDIA**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Environment, Communications and the Arts—Standing Committee—Report—Sexualisation of children in the contemporary media—Government response, dated July 2009.

**34 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
GOVERNMENT RESPONSE—BROADCASTING CODES OF PRACTICE**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Environment, Communications and the Arts—Standing Committee—Report—The effectiveness of the broadcasting codes of practice—Government response, dated July 2009.

- 35 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—GOVERNMENT RESPONSE—ADDITIONAL ESTIMATES 2008-09**  
The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:  
Finance and Public Administration—Standing Committee—Report—Additional estimates 2008-09—Government response.
- 36 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—GOVERNMENT RESPONSE—REFORMS TO AUSTRALIA’S MILITARY JUSTICE SYSTEM**  
The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:  
Foreign Affairs, Defence and Trade—Standing Committee—Report—Reforms to Australia’s military justice system: Fourth progress report—Government response, dated August 2009.  
Senator Parry, by leave, moved—That the Senate take note of the document.  
Debate adjourned till the next day of sitting, Senator Parry in continuation.
- 37 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—REPORT FOR 2008-09**  
The Deputy President (Senator Ferguson) tabled the following report:  
Appropriations and Staffing—Standing Committee—Report for 2008-09, dated August 2009.  
Report ordered to be printed on the motion of Senator O’Brien.
- 38 HEALTH—NATIONAL PREVENTATIVE HEALTH TASKFORCE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**  
Pursuant to the order of the Senate of 19 August 2009, the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:  
Health—National Preventative Health Taskforce—Interim response—Letter from the Minister for Health and Ageing (Ms Roxon) to the Special Minister of State (Senator Ludwig), dated 19 August 2009.
- 39 HEALTH—AGED CARE PROVIDERS—GENERAL PURPOSE ACCOUNTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**  
Pursuant to the order of the Senate of 19 August 2009, the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:  
Health—Aged care providers—General purpose accounts—Interim response—Letter from the Minister for Ageing (Ms Elliot) to the Special Minister of State (Senator Ludwig), dated 20 August 2009.



**40 ENVIRONMENT—AUSTRALIAN TERRESTRIAL BIODIVERSITY ASSESSMENT 2008—  
ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 17 August 2009, the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following documents:

Environment—Australian Terrestrial Biodiversity Assessment 2008—Statement and attachments [3].

**41 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
REPORT—PUBLIC PASSENGER TRANSPORT INFRASTRUCTURE AND SERVICES**

Pursuant to order, Senator Parry, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Investment of Commonwealth and state funds in public passenger transport infrastructure and services—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 Parry.

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

Debate ensued.

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

**42 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 12 OF 2009**

Senator McEwen, by leave and at the request of the Chair of the Selection of Bills Committee (Senator O'Brien), tabled the following report:

SELECTION OF BILLS COMMITTEE  
REPORT NO. 12 OF 2009

1. The committee met in private session on Wednesday, 19 August 2009 at 7.16 pm.
2. The committee resolved to recommend—That—
  - (a) the order of the Senate of 18 September 2008 adopting the committee's 11th report of 2008 be varied to provide that the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2] be *referred immediately* to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 19 November 2009; and
  - (b) the *provisions* of the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 be *referred immediately* to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 16 October 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Asian Development Bank (Additional Subscription) Bill 2009
  - Foreign States Immunities Amendment Bill 2009
  - Telecommunications Legislation Amendment (National Broadband Network Measures—Network Information) Bill 2009

Veterans' Affairs and Other Legislation Amendment (Pension Reform)  
Bill 2009.

*The committee recommends accordingly.*

Kerry O'Brien  
Chair  
20 August 2009.

Senator McEwen moved—That the report be adopted.

Question put and passed.

**43 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—  
HEALTH INSURANCE AMENDMENT (EXTENDED MEDICARE SAFETY NET) BILL 2009**

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

Community Affairs Legislation Committee—Report—Health Insurance Amendment (Extended Medicare Safety Net) Bill 2009—Additional information.

**44 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—  
ADDITIONAL INFORMATION—TELECOMMUNICATIONS LEGISLATION AMENDMENT  
(NATIONAL BROADBAND NETWORK MEASURES NO. 1) BILL 2009**

The Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), tabled the following document:

Environment, Communications and the Arts Legislation Committee—Report—Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009—Additional information.

**45 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order 100.66 Amendment Order (No. 2) 2009 [F2009L03214]\*.

Civil Aviation Safety Regulations—Airworthiness Directives—  
Part 105—

AD/A109/13—Electrical Connectors P/N MS3456W14S-5S [F2009L03124]\*.

AD/A109/15—Modification of Overhead Console Relay Boards [F2009L03123]\*.

AD/A109/20—Main Rotor Hydraulic Actuators [F2009L03122]\*.

AD/A109/26—Hydraulic System Return Line [F2009L03121]\*.

AD/AS 355/34 Amdt 1—Rotating Swashplate Bearing [F2009L03063]\*.

AD/BEECH 23/17—Electric Flap System Mechanism [F2009L03113]\*.

AD/DAUPHIN/1—Tail Rotor and Tail Gearbox Support – Inspection [F2009L03058]\*.

AD/DAUPHIN/2—Tail Fin Ballast Weight – Installation [F2009L03057]\*.

AD/DAUPHIN/5 Amdt 6—Retirement Life – Fatigue Critical Components [F2009L03056]\*.

AD/DAUPHIN/10—Retirement Life – Flexible Couplings on MGB Input End [F2009L03055]\*.  
 AD/DAUPHIN/12—Securaiglon (Ex LAiglon) Safety Belts – Modification [F2009L03052]\*.  
 AD/EMB-120/49 Amdt 1—Fuel Quantity Indication System [F2009L03204]\*.  
 AD/ENST 28/3—Cable Gauge/Circuit Protection Coordination – Modification [F2009L03109]\*.  
 AD/ENST 28/11—Fuel Tank Vent – Modification [F2009L03108]\*.  
 AD/ENST 28/12—Tail Rotor Pitch Link Safety Washer – Replacement [F2009L03107]\*.  
 AD/ENST 28/18—Alternator Field Cable Protection – Modification [F2009L03106]\*.  
 AD/ENST 28/19—Fuel Strainer Drain Valve – Modification [F2009L03105]\*.  
 AD/G1159/51—APU Firewall [F2009L03209]\*.  
 AD/HILLER 12/38—Engine Mount Clevises [F2009L03102]\*.  
 AD/HILLER 12/39—Consolidation of Early Airworthiness Directives [F2009L03101]\*.  
 AD/HILLER 12/42—Main Rotor Mast [F2009L03100]\*.  
 AD/L.40/3—Fire Resistant Flexible Fuel and Oil Lines in Engine Compartment – Modification [F2009L03093]\*.  
 AD/MCH/5—Low Airspeed Aural Warning Device – Installation [F2009L03083]\*.  
 AD/SWSA226/96 Amdt 1—Inboard Wing Leading Edge Electrical Wires [F2009L03127]\*.

## Part 106—

AD/JT15D/2—Deletion of Oil Filler Drain Tubes [F2009L03095]\*.  
 AD/JT15D/5—Modified Fuel Manifold Assembly [F2009L03094]\*.  
 AD/LYC/91—Crankshaft Removal/Inspection [F2009L03086]\*.  
 AD/LYC/95—Turbocharger Density Controller Adjustment [F2009L03085]\*.  
 AD/LYC/96—Unapproved Camshaft Repairs [F2009L03084]\*.  
 AD/OM-P/1—Connecting Rods – Replacement [F2009L03080]\*.  
 AD/OM-P/2—Cylinder Heads – Inspection and Replacement [F2009L03079]\*.  
 AD/OM-P/3 Amdt 1—Throttle Lever Screw – Replacement [F2009L03078]\*.  
 AD/PW-P/7—Operating Restrictions – Placarding [F2009L03077]\*.  
 AD/PW-P/8—Operating Restrictions – Placarding [F2009L03076]\*.  
 AD/PW-P/13—Piston Pin – Replacement [F2009L03075]\*.  
 AD/PW-P/16 Amdt 1—Master Rod – Retirement Life [F2009L03074]\*.  
 AD/PW-P/17—Propeller Oil Feed Pipe – Modification [F2009L03073]\*.  
 AD/ROTAX/12—Oil System Venting [F2009L03125]\*.  
 AD/TURMO/2—Oil Scavenge Hose – Life Limitation [F2009L03069]\*.

## Customs Act—Tariff Concession Orders—

0904304 [F2009L03167]\*.  
 0904837 [F2009L03166]\*.  
 0904838 [F2009L03165]\*.

0905018 [F2009L03164]\*.  
 0905160 [F2009L03194]\*.  
 0905205 [F2009L03172]\*.  
 0905289 [F2009L03195]\*.  
 0905291 [F2009L03196]\*.  
 0905675 [F2009L03188]\*.  
 0905676 [F2009L03178]\*.  
 0905677 [F2009L03163]\*.  
 0905757 [F2009L03176]\*.  
 0905761 [F2009L03175]\*.  
 0905825 [F2009L03189]\*.  
 0905856 [F2009L03181]\*.  
 0906171 [F2009L03187]\*.  
 0906259 [F2009L03186]\*.  
 0906323 [F2009L03174]\*.  
 0906486 [F2009L03182]\*.  
 0906487 [F2009L03180]\*.

Federal Financial Relations Act—Federal Financial Relations (National Partnership payments) Determination 2009 No. 6 (7 July) [F2009L03206]\*.

Health Care (Appropriation) Act—Statement under section 4 relating to the total amount paid by way of financial assistance for the 2003-09 appropriation period, dated 17 August 2009.

Migration Act—Instruments IMMI—

09/096—Travel agents for PRC citizens applying for tourist visas [F2009L03210]\*.

09/102—Health waiver – participating States and Territories [F2009L03162]\*.

Mutual Recognition Act—Ministerial declaration under section 32 [F2009L03219]\*.

National Health Act—Instruments Nos PB—

75 of 2009—Amendment declaration and determination – drugs and medicinal preparations [F2009L03148]\*.

78 of 2009—Determination – drugs on F1 [F2009L03151]\*.

79 of 2009—Amendment determination – exempt items [F2009L03147]\*.

82 of 2009—Amendment Special Arrangements – Highly Specialised Drugs Program [F2009L03154]\*.

83 of 2009—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2009L03155]\*.

84 of 2009—Amendment determination – Pharmaceutical Benefits – Early Supply [F2009L03212]\*.

Social Security (Administration) Act—Social Security (Administration) (Declared relevant Northern Territory areas – Various) Determination 2009 (No. 8) [F2009L03213]\*.

\* Explanatory statement tabled with legislative instrument.

**46 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

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

Departmental and agency contracts for 2008-09—Letter of advice—Human Services portfolio agencies.

**47 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy), by leave, moved—That a motion relating to the economy be considered during general business today.

Question put and passed.

*General business was called on.*

**48 ECONOMICS—AUSTRALIAN ECONOMY**

Senator Bushby, at the request of Senator Parry, moved—That the Senate notes the Rudd Labor Government's reckless spending.

Debate ensued.

*At 6 pm:* Debate was interrupted.

*General business concluded.*

**49 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Bishop) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Environment, Communications and the Arts References Committee—**

Appointed—

Substitute members:

Senator Siewert to replace Senator Ludlam for the committee's inquiry into sustainable management by the Commonwealth of water resources

Senator Fisher to replace Senator Troeth from 6 October to 23 October 2009

Participating members: Senators Ludlam and Troeth

**Rural and Regional Affairs and Transport References Committee—**

Appointed—

Substitute member: Senator Colbeck to replace Senator McGauran for the committee's inquiry into the fee rebate for the Australian Quarantine and Inspection Service export certification functions

Participating member: Senator McGauran.

Question put and passed.

**50 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:

Australian Crime Commission—Joint Statutory Committee—Report—Inquiry into the legislative arrangements to outlaw serious and organised crime groups. Motion of the chair of the committee (Senator Hutchins) to take note of report agreed to.

Economics References Committee—Report—Employee share schemes. Motion of the chair of the committee (Senator Eggleston) to take note of report agreed to.

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

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 47 of 2008-09—Performance audit—Management of domestic fishing compliance—Australian Fisheries Management Authority. Motion of Senator Macdonald to take note of document agreed to.

**52 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 6.20 pm till Monday, 7 September 2009 at 12.30 pm.

**53 ATTENDANCE**

Present, all senators except Senators Boyce\*, Forshaw\*, Ryan\* and Scullion\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate