

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**Contents**

1	Meeting of Senate.....	2381
2	Proposed Matter of Privilege—Statement by President .....	2381
3	Safe Work Australia Bill 2008 [No. 2] .....	2381
4	Higher Education Support Amendment (2009 Budget Measures) Bill 2009.....	2382
5	Questions .....	2382
6	Motions to Take Note of Answers .....	2382
7	Petitions .....	2382
8	Notices.....	2383
9	Environment, Communications and the Arts Legislation Committee—Leave to Meet During Sitting.....	2385
10	Leave of Absence .....	2385
11	Postponements .....	2385
12	Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2009 .....	2385
13	Defence—Afghanistan—Australian Defence Force Personnel .....	2386
14	Discussion of Matter of Public Importance—Taxation—Building the Education Revolution Program .....	2387
15	Environment—Montara Oil Spill—Ministerial Statement—Document.....	2387
16	Bushfires in Victoria—Royal Commission—Ministerial Statement— Document.....	2387
17	Rural and Regional Affairs and Transport References Committee—Interim Report—Rural and Regional Access to Secondary and Tertiary Education Opportunities .....	2387
18	Government Documents .....	2387
19	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents.....	2388
20	Departmental and Agency Contracts—Order for Production of Documents—Documents.....	2388
21	Administration—Federal Court of Australia—Document.....	2389
22	Death of Ms Natalya Estemirova—Document.....	2389

23	Auditor-General—Audit Report No. 2 of 2009-10—Document.....	2389
24	Health—National Preventative Health Taskforce—Order for Production of Documents—Document .....	2389
25	Finance and Public Administration—Standing Committee—Additional Information—Residential and Community Aged Care in Australia .....	2389
26	Migration—Joint Standing Committee—Immigration Detention in Australia—Document.....	2390
27	Documents.....	2390
28	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document .....	2393
29	Committee Membership.....	2394
30	Renewable Energy (Electricity) Amendment Bill 2009.....	2394
31	Automotive Transformation Scheme Bill 2009 ACIS Administration Amendment Bill 2009 National Consumer Credit Protection Bill 2009 National Consumer Credit Protection (Fees) Bill 2009 National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009.....	2394
32	Governor-General’s Message—Assent to Laws.....	2395
33	Legal and Constitutional Affairs Legislation Committee—Report—Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009 .....	2395
34	Finance and Public Administration Legislation Committee—Report—National Security Legislation Monitor Bill 2009 .....	2395
35	Economics Legislation Committee—Report—Trade Practices Amendment (Australian Consumer Law) Bill 2009 .....	2396
36	Economics Legislation Committee—Report—Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009.....	2396
37	Economics Legislation Committee—Report—National Consumer Credit Protection Bill 2009 and Related Bills .....	2396
38	Higher Education Support Amendment (2009 Budget Measures) Bill 2009.....	2396
39	National Greenhouse and Energy Reporting Amendment Bill 2009.....	2397
40	Consideration of Legislation.....	2398
41	Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2009 Veterans’ Affairs and Other Legislation Amendment (Pension Reform) Bill 2009.....	2399
42	Migration Amendment (Abolishing Detention Debt) Bill 2009 [No. 2].....	2399
43	Adjournment.....	2399
44	Attendance.....	2399

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 **PROPOSED MATTER OF PRIVILEGE—STATEMENT BY PRESIDENT**

The President made a statement relating to a matter of privilege raised by Senator Milne concerning possible false or misleading evidence given by various corporations before the Select Committee on Climate Policy and the Select Committee on Fuel and Energy.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that he should not give precedence to a motion to refer the matter to the Committee of Privileges.

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*Document:* The President tabled the following document:

Proposed matter of privilege—Letter from Senator Milne to the President, dated 28 August 2009 and attachments.

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

Debate ensued.

Question put and passed.

3 **SAFE WORK AUSTRALIA BILL 2008 [No. 2]**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Xenophon moved the following amendment:

Page 5 (after line 5), after clause 5, insert:

**5A Objects**

The objects of the Act are to:

- (a) achieve healthy and safe workplaces; and
- (b) establish a new body, Safe Work Australia, as a genuine tripartite partnership between governments, unions and industry.

Debate ensued.

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

Senator Xenophon moved the following amendment:

Clause 10, page 9 (lines 9 to 12), omit paragraphs (1)(d) and (e), substitute:

- (d) 3 members nominated by the Australian Council of Trade Unions;
- (e) 3 members nominated by the Australian Chamber of Commerce and Industry;

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Employment Participation (Senator Arbib) the report from the committee was adopted and the bill read a third time.

#### 4 HIGHER EDUCATION SUPPORT AMENDMENT (2009 BUDGET MEASURES) BILL 2009

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

Debate resumed.

*At 2 pm:* Debate was interrupted while the Leader of the Family First Party (Senator Fielding) was speaking.

#### 5 QUESTIONS

Questions without notice were answered.

#### 6 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Fisher 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 Cash and Birmingham today relating to the award modernisation program.

Debate ensued.

Question put and passed.

Senator Siewert 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 Siewert today relating to the Montara oil spill in the Timor Sea.

Question put and passed.

#### 7 PETITIONS

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

By Senators Fielding and Siewert, 2 petitions similar in wording, from 124 and 14 534 petitioners, respectively, requesting that the Senate take action to assist midwives in private practice to obtain professional indemnity insurance.

## 8 NOTICES

*Notices of motion:*

The Chair of the Finance and Public Administration Legislation Committee (Senator Polley): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration Legislation Committee on the Parliamentary Superannuation Amendment (Removal of Excessive Super) Bill 2009 be extended to 17 September 2009. (*general business notice of motion no. 534*)

Senator Lundy: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sitting of the Senate, from 11.15 am to 1.30 pm:

- (a) on Wednesday, 9 September 2009, to take evidence for the committee's inquiry into the role of the Auditor-General in monitoring compliance with the 'Guidelines on Campaign Advertising'; and
- (b) on Wednesday, 16 September 2009, to take evidence for the committee's inquiry into the review of the *Auditor-General Act 1997*. (*general business notice of motion no. 535*)

The Chair of the Finance and Public Administration References Committee (Senator Bernardi): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on the relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd be extended to 26 November 2009. (*general business notice of motion no. 536*)

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

- (a) notes that:
  - (i) 8 September is United Nations International Literacy Day,
  - (ii) literacy is integral to individual empowerment, civic and social development and global peace and harmony, and
  - (iii) in the international literacy decade, much work is still needed to realise the goal of increasing global literacy rates by 50 per cent by 2015;
- (b) recognises that:
  - (i) one in five adults worldwide are not literate and two-thirds of these are women,
  - (ii) 75 million children are not enrolled in school, and
  - (iii) in Australia, there is an enormous gap in the English literacy rates of Indigenous and non-Indigenous people; and
- (c) calls on the Government to continue to work with the United Nations in pursuit of its goal to increase literacy across the globe and in Indigenous communities throughout Australia. (*general business notice of motion no. 537*)

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

- (a) notes that:
  - (i) 1 September 2009 marked Equal Pay Day, almost 40 years after women formally achieved the right to equal pay, and
  - (ii) women have to work more than 2 months more to earn the same as men in an ordinary year;

- (b) recognises that:
  - (i) women working full-time in Australia continue to earn, on average, approximately 17 per cent less than men, and
  - (ii) not only do women earn less than men on average, they can expect on average half the superannuation of men in retirement; and
- (c) calls on the Rudd Government to work towards the abolition of unequal pay through a genuine commitment to the true valuing of women's work and creating real choices and opportunities for women in the workplace. (*general business notice of motion no. 538*)

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

- (a) notes that Monday, 7 September 2009 is National Threatened Species Day;
- (b) acknowledges the significance of the date which is the anniversary of the death of the last known thylacine (Tasmanian tiger) in captivity in 1936 at Hobart's Beaumaris Zoo;
- (c) expresses:
  - (i) concern at the continuing decline of Australia's biodiversity and the increasing levels of threat and endangerment faced by Australia's endemic species, with 125 endemic species now listed as critically endangered, and
  - (ii) alarm at accelerating levels of species threat in northern Australia, as noted by a meeting of wildlife experts in Darwin in February 2009 that reported on a 'new and potentially catastrophic wave of mammalian extinctions';
- (d) notes that Australia leads the world in mammalian extinctions, with 40 species lost over the past 200 years; and
- (e) calls on the Government to increase funding for the listing and protection of threatened species, habitats and communities and the preparation and implementation of management plans. (*general business notice of motion no. 539*)

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

- (1) That the following matter be referred to the Economics References Committee for inquiry and report by 16 September 2009:  
The economic stimulus initiatives announced by the Government since October 2008.
- (2) That the Senate directs the:
  - (a) Secretary of the Treasury, accompanied by any other officials he considers appropriate, to appear before the committee for the purpose of giving evidence on the matter; and
  - (b) committee to hold a public meeting to take evidence from those witnesses on Friday, 11 September 2009, in the form of a full update on the economic stimulus initiatives, which addresses:
    - (i) the efficacy of the spending measures to date,
    - (ii) the anticipated costs and benefits of continuing the spending measures,
    - (iii) the consequent change in the stimulus 'roll out' that ought to be entertained given the changed economic circumstances,

- (iv) an evaluation of the environmental impacts of the spending to date, and
- (v) other related matters.

*Notice of motion withdrawn:* The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to notice of intention given on 20 August 2009, withdrew business of the Senate notice of motion no. 1 standing in her name for today 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*.

**9 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—  
LEAVE TO MEET DURING SITTING**

Senator O'Brien, by leave and at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), moved—That the Environment, Communications and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee's inquiry into the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009.

Question put and passed.

**10 LEAVE OF ABSENCE**

Senator Parry, by leave, moved—That leave of absence be granted to Senator Boyce from 7 September to 18 September 2009, for personal reasons.

Question put and passed.

**11 POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Fierravanti-Wells for today, proposing the disallowance of the Migration Amendment Regulations 2009 (No. 6), postponed till 8 September 2009.

General business notice of motion no. 508 standing in the name of Senator Humphries for today, relating to former child migrants and children harmed by institutional care, postponed till 26 October 2009.

General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 14 September 2009.

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 10 September 2009.

**12 SPECIAL BROADCASTING SERVICE AMENDMENT (PROHIBITION OF DISRUPTIVE ADVERTISING) BILL 2009**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 532—That the following bill be introduced:

A Bill for an Act to prohibit disruptive advertising during SBS television programs, and for related purposes.

Question put and passed.

Senator Ludlam 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 Ludlam moved—That this bill be now read a second time.

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

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

**13 DEFENCE—AFGHANISTAN—AUSTRALIAN DEFENCE FORCE PERSONNEL**

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. 533—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.

*Statements by leave:* The Special Minister of State (Senator Ludwig), Senator Bob Brown and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob  
Hanson-Young

Ludlam  
Milne

Siewert (Teller)

Xenophon

NOES, 40

Senators—

Back  
Barnett  
Bernardi  
Bilyk  
Birmingham  
Bishop  
Brown, Carol  
Bushby  
Cameron  
Cash

Colbeck  
Collins  
Cormann  
Crossin  
Farrell  
Feeney  
Ferguson  
Fielding  
Fifield  
Fisher

Forshaw  
Furner  
Humphries  
Hurley  
Hutchins  
Joyce  
Ludwig  
Marshall  
Moore  
Nash

O'Brien  
Parry (Teller)  
Payne  
Polley  
Pratt  
Ronaldson  
Sterle  
Troeth  
Williams  
Wortley

Question negatived.



**14 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—BUILDING THE EDUCATION REVOLUTION PROGRAM**

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

The waste of taxpayers' money spent on the Building the Education Revolution program, particularly the spending on the blatantly political signage at each school that has received funds under the program.

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

**15 ENVIRONMENT—MONTARA OIL SPILL—MINISTERIAL STATEMENT—DOCUMENT**

The Assistant Treasurer (Senator Sherry) tabled the following document:

Environment—The Montara oil spill incident and response—Ministerial statement by the Minister for Resources, Energy and Tourism (Mr Ferguson), dated 7 September 2009.

**16 BUSHFIRES IN VICTORIA—ROYAL COMMISSION—MINISTERIAL STATEMENT—DOCUMENT**

The Assistant Treasurer (Senator Sherry) tabled the following document:

Bushfires in Victoria—Commonwealth response to the interim report of the Victorian Bushfires Royal Commission—Ministerial statement by the Attorney-General (Mr McClelland), dated 7 September 2009.

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

Question put and passed.

**17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—INTERIM REPORT—RURAL AND REGIONAL ACCESS TO SECONDARY AND TERTIARY EDUCATION OPPORTUNITIES**

The Acting Deputy President (Senator Hurley) tabled the following report received on 28 August 2009:

Rural and Regional Affairs and Transport References Committee—Rural and regional access to secondary and tertiary education opportunities—Interim report, dated 28 August 2009.

*Reporting date:* Senator McEwen, by leave, and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), moved—That the final report of the Rural and Regional Affairs and Transport References Committee on rural and regional access to secondary and tertiary education opportunities be presented by 29 October 2009.

Question put and passed.

**18 GOVERNMENT DOCUMENTS**

The Acting Deputy President (Senator Hurley) tabled the following documents received on the dates indicated:

Federal Magistrates Court of Australia—Report for 2007-08—Errata. [*Received 27 August 2009*]

*Great Barrier Reef Marine Park Act 1975*—Great Barrier Reef outlook report 2009. [*Received 2 September 2009*]

Senator Adams, by leave, moved—That the Senate take note of the Great Barrier Reef outlook report 2009.

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

**19 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 30 May 1996, as amended, the Acting Deputy President (Senator Hurley) tabled the following documents received on the dates indicated:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2009—Statements of compliance—

Attorney-General's portfolio agencies. [*Received 3 September 2009*]

Cancer Australia. [*Received 4 September 2009*]

Department of Defence. [*Received 2 September 2009*]

Department of Families, Housing, Community Services and Indigenous Affairs. [*Received 24 August 2009*]

Innovation, Industry, Science and Research portfolio agencies. [*Received 3 September 2009*]

Workplace Authority. [*Received 26 August 2009*]

Senator Barnett, by leave, moved—That the Senate take note of the documents.

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

**20 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 20 June 2001, as amended, the Acting Deputy President (Senator Hurley) tabled the following documents received on the dates indicated:

Departmental and agency contracts for 2008-09—Letters of advice—

Agriculture, Fisheries and Forestry portfolio agencies. [*Received 31 August 2009*]

Attorney-General's portfolio agencies. [*Received 31 August 2009*]

Broadband, Communications and the Digital Economy portfolio agencies. [*Received 24 August 2009*]

Defence Materiel Organisation. [*Received 2 September 2009*]

Education, Employment and Workplace Relation portfolio agencies. [*Received 2 September 2009*]

Environment, Water, Heritage and the Arts portfolio agencies. [*Received 2 September 2009*]

Families, Housing, Community Services and Indigenous Affairs portfolio agencies. [*Received 31 August 2009*]

Health and Ageing portfolio agencies. [*Received 31 August 2009*]

Innovation, Industry, Science and Research portfolio agencies. [*Received 31 August 2009*]

Prime Minister and Cabinet portfolio agencies. [*Received 31 August 2009*]

Resources, Energy and Tourism portfolio agencies. [*Received 2 September 2009*]

Treasury portfolio agencies [3]. [*Received 26 August, 28 August and 4 September 2009*]

Senator Barnett, by leave, moved—That the Senate take note of the documents.  
Debate adjourned till the next day of sitting, Senator Barnett in continuation.

**21 ADMINISTRATION—FEDERAL COURT OF AUSTRALIA—DOCUMENT**

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

Administration—Federal Court of Australia—Letter to the President of the Senate from the Chief Justice of the Federal Court of Australia (the Honourable Michael Black, AC) responding to the resolution of the Senate of 12 August 2009, dated 19 August 2009.

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

Debate ensued.

Question put and passed.

**22 DEATH OF MS NATALYA ESTEMIROVA—DOCUMENT**

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

Death of Ms Natalya Estemirova—Letter to the President of the Senate from the Ambassador of the Russian Federation (His Excellency Alexander Blokhin) responding to the resolution of the Senate of 18 August 2009, dated 31 August 2009.

**23 AUDITOR-GENERAL—AUDIT REPORT NO. 2 OF 2009-10—DOCUMENT**

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

Auditor-General—Audit report no. 2 of 2009-10—Assurance report—Campaign advertising review 2008-09.

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

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

**24 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 Climate Change and Water (Senator Wong) tabled the following document:

Health—National Preventative Health Taskforce—Australia: The healthiest country by 2020—National preventative health strategy – the roadmap for action, dated 30 June 2009.

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

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

**25 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—ADDITIONAL INFORMATION—RESIDENTIAL AND COMMUNITY AGED CARE IN AUSTRALIA**

Senator McEwen, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following document:

Finance and Public Administration—Standing Committee—Report—Residential and community aged care in Australia—Additional information.

**26 MIGRATION—JOINT STANDING COMMITTEE—IMMIGRATION DETENTION IN AUSTRALIA—DOCUMENT**

Senator Siewert, on behalf of the Joint Standing Committee on Migration, tabled the following report:

Migration—Joint Standing Committee—Immigration detention in Australia: Facilities, services and transparency—Correction to dissenting report by Senator Hanson-Young.

**27 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 – Innovative Care Service – Congress Community Development and Education Unit Ltd) Determination 2009 (No. 1) [F2009L03345]\*.

Anti-Money Laundering and Counter-Terrorism Financing Act—Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2009 (No. 4) [F2009L03234]\*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—

13 of 2009—Information provided by authorised insurers for the purposes of the National Claims and Policies Database [F2009L03233]\*.

14 of 2009—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2009L03286]\*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

319/09—Authority and permission – helicopter winching operations [F2009L02720]\*.

EX65/09—Exemption for operations into Lord Howe Island – Qantaslink [F2009L03205]\*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—105—

AD/A330/108—Thales Pitot Probes [F2009L03391]\*.

AD/B747/85 Amdt 5—Corrosion Prevention and Control Program [F2009L03339]\*.

AD/B747/242 Amdt 1—Trailing Edge Flap H-11 Bolts [F2009L03338]\*.

AD/B747/388 Amdt 1—Outboard Flap Track and Transmission Attachment [F2009L03337]\*.

AD/BELL 412/58—Fuselage Left Upper Cap Angle [F2009L03272]\*.

AD/EC 120/19—Emergency Floatation Gear [F2009L03354]\*.

AD/ECUREUIL/136—Emergency Floatation Gear [F2009L03355]\*.

AD/F28/92—Landing Gear – Brake Quick Disconnect Couplings [F2009L03356]\*.

AD/F100/96—Landing Gear – Brake Quick Disconnect Couplings [F2009L03260]\*.

AD/JBK 117/33—Long Drive Shaft Rivets [F2009L03257]\*.

106—AD/TPE 331/64—First Stage Turbine Disc [F2009L03256]\*.

Commissioner of Taxation—Public Rulings—

Class Rulings CR 2009/42-CR 2009/46.

Product Ruling—Notice of Withdrawal—PR 2007/8.

Taxation Determination—TD 2009/18.

Commonwealth Authorities and Companies Act—Notice under section 45—  
Australian Solar Institute Limited.

Copyright Act—Declaration under section 10A, dated 12 June 2008.

Corporations Act—AASB 2009-8—Amendments to Australian Accounting  
Standards – Group Cash-settled Share-based Payment Transactions  
[F2009L03332]\*.

Criminal Code Act—Select Legislative Instrument 2009 No. 208—Criminal Code  
Amendment Regulations 2009 (No. 12) [F2009L03208]\*.

Customs Act—Tariff Concession Orders—

0701465 [F2009L03298]\*.

0705138 [F2009L03300]\*.

0804318 [F2009L03301]\*.

0902828 [F2009L03177]\*.

0902849 [F2009L03168]\*.

0903376 [F2009L03179]\*.

0904251 [F2009L03319]\*.

0904506 [F2009L03169]\*.

0905077 [F2009L03170]\*.

0905247 [F2009L03171]\*.

0905353 [F2009L03193]\*.

0905366 [F2009L03191]\*.

0905599 [F2009L03190]\*.

0906067 [F2009L03287]\*.

0906070 [F2009L03283]\*.

0906071 [F2009L03284]\*.

0906143 [F2009L03288]\*.

0906256 [F2009L03183]\*.

0906257 [F2009L03184]\*.

0906322 [F2009L03185]\*.

0906969 [F2009L03274]\*.

0907341 [F2009L03278]\*.

0907738 [F2009L03292]\*.

0908211 [F2009L03297]\*.

0908283 [F2009L03299]\*.

0909174 [F2009L03313]\*.

0910938 [F2009L03316]\*.

Defence Act—Determinations under section 58B—Defence Determinations—

2009/51—Long-term posting overseas – amendment.

2009/52—Post indexes – amendment.

2009/53—Employment with the UN – amendment.

2009/54—Short-term duty overseas travel costs – amendment.

2009/55—Removals and housing on deployment – amendment.

## Family Law Act—Family Law (Superannuation) Regulations—

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2009 (No. 1) [F2009L03349]\*.

Family Law (Superannuation) (Provision of Information – Victorian Pension Schemes) Amendment Determination 2009 (No. 1) [F2009L03350]\*.

Federal Financial Relations Act—Federal Financial Relations (National Partnership payments) Determination 2009 No. 7 (August) [F2009L03326]\*.

Financial Management and Accountability Act—Financial Management and Accountability Determination 2009/26—Commonwealth Social Services Special Account Variation and Abolition 2009 [F2009L03232]\*.

Financial Sector (Collection of Data) Act—Financial Sector (Collection of Data) (Reporting Standard) Determinations Nos—

17 of 2009—Reporting Standard GRS 110.0\_G (2009) Minimum Capital Requirement [F2009L03302]\*.

18 of 2009—Reporting Standard GRS 120.0\_G (2009) Determination of Capital Base [F2009L03303]\*.

19 of 2009—Reporting Standard GRS 131.0\_G (2009) Off Balance Sheet Exposure Risk Charge [F2009L03305]\*.

20 of 2009—Reporting Standard GRS 141.0\_G (2009) Listed Equity Holdings and Risk Charge [F2009L03307]\*.

21 of 2009—Reporting Standard GRS 150.0\_G (2009) Asset Exposure Concentrations and Risk Charge [F2009L03309]\*.

22 of 2009—Reporting Standard GRS 210.0\_G (2009) Outstanding Claims Liability – Insurance Risk Charge [F2009L03311]\*.

23 of 2009—Reporting Standard GRS 210.1\_G (2009) Premiums Liabilities – Insurance Risk Charge [F2009L03312]\*.

24 of 2009—Reporting Standard GRS 300.0\_G (2009) Statement of Financial Position [F2009L03314]\*.

25 of 2009—Reporting Standard GRS 301.0\_G (2009) Reinsurance Assets and Risk Charge [F2009L03320]\*.

26 of 2009—Reporting Standard GRS 302.0\_G (2009) Statement of Financial Position by Region [F2009L03321]\*.

27 of 2009—Reporting Standard GRS 310.0\_G (2009) Income Statement [F2009L03322]\*.

28 of 2009—Reporting Standard GRS 450.0\_G (2009) Interest in Controlled Entities, Associates and Joint Ventures [F2009L03323]\*.

Food Standards Australia New Zealand Act—Food Standards Australia New Zealand Application Handbook – Amendment No. 3 – 2009 [F2009L03244]\*.

Higher Education Support Act—

Higher Education Provider Approvals Nos—

5 of 2009—Group Colleges Australia Pty Ltd [F2009L03327]\*.

6 of 2009—Holmes Institute Pty Ltd [F2009L03336]\*.

VET Provider Approval No. 34 of 2009—Central TAFE [F2009L03353]\*.

Imported Food Control Act—Imported Food Control Regulations—Imported Food Control Amendment Order 2009 (No. 1) [F2009L03133]\*.

Judiciary Act—High Court of Australia—Rule of Court, dated 25 August 2009 [F2009L03341]\*.

- Migration Act—Statements for period 1 January to 30 June 2009 under sections—  
33.  
46A [17].  
46B [11].  
91Q.  
195A [27].  
197AB [20].  
351 [52].  
417 [126].
- National Health Act—Instruments Nos PB—  
80 of 2009—Determination – Drugs in same therapeutic group [F2009L03351]\*.  
85 of 2009—Amendment Special Arrangements – Highly specialised drugs program for public hospitals [F2009L03333]\*.
- Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2009 (No. 4) [F2009L03334]\*.
- Radiocommunications Act—Radiocommunications Licence Conditions (Broadcasting Licence) Amendment Determination 2009 (No. 1) [F2009L03344]\*.
- Telecommunications Act—Telecommunications (Carrier Licence Exemption) Determination 2009 (No. 1) [F2009L03328]\*.
- Veterans’ Entitlements Act—Statements of Principles concerning—  
Bronchiolitis Obliterans Organising Pneumonia No. 62 of 2009 [F2009L03225]\*.  
Bronchiolitis Obliterans Organising Pneumonia No. 63 of 2009 [F2009L03226]\*.  
Influenza No. 58 of 2009 [F2009L03220]\*.  
Influenza No. 59 of 2009 [F2009L03221]\*.  
Localised Sclerosis No. 66 of 2009 [F2009L03229]\*.  
Localised Sclerosis No. 67 of 2009 [F2009L03230]\*.  
Malaria No. 60 of 2009 [F2009L03222]\*.  
Malaria No. 61 of 2009 [F2009L03224]\*.  
Migraine No. 56 of 2009 [F2009L03217]\*.  
Migraine No. 57 of 2009 [F2009L03218]\*.  
Systemic Sclerosis No. 64 of 2009 [F2009L03227]\*.  
Systemic Sclerosis No. 65 of 2009 [F2009L03228]\*.  
Trigeminal Neuralgia No. 54 of 2009 [F2009L03215]\*.  
Trigeminal Neuralgia No. 55 of 2009 [F2009L03216]\*.

\* Explanatory statement tabled with legislative instrument.

**28 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2009—Statement of compliance—Treasury portfolio agencies.

**29 COMMITTEE MEMBERSHIP**

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

The Minister for Climate Change and Water (Senator Wong), by leave, moved—That Senator Humphries be discharged from and Senator Scullion be appointed to the Joint Standing Committee on the National Capital and External Territories.

Question put and passed.

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

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

Message no. 388, dated 20 August 2009—Renewable Energy (Electricity) Amendment Bill 2009.

**31 AUTOMOTIVE TRANSFORMATION SCHEME BILL 2009****ACIS ADMINISTRATION AMENDMENT BILL 2009****NATIONAL CONSUMER CREDIT PROTECTION BILL 2009****NATIONAL CONSUMER CREDIT PROTECTION (FEES) BILL 2009****NATIONAL CONSUMER CREDIT PROTECTION (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009**

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

Message no. 389, dated 7 September 2009—A Bill for an Act to provide for the establishment of the Automotive Transformation Scheme, and for related purposes.

Message no. 387, dated 20 August 2009—A Bill for an Act to amend the *ACIS Administration Act 1999*, and for related purposes.

Message no. 384, dated 20 August 2009—A Bill for an Act relating to credit, and for related purposes.

Message no. 385, dated 20 August 2009—A Bill for an Act to impose, as taxes, fees for things done under the *National Consumer Credit Protection Act 2009* or the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009*, and for related purposes.

Message no. 386, dated 20 August 2009—A Bill for an Act to deal with transitional and consequential matters in connection with the *National Consumer Credit Protection Act 2009*, and for related purposes.

The Minister for Climate Change and Water (Senator Wong) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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*Explanatory memorandum:* Senator Wong tabled a revised explanatory memorandum relating to the Automotive Transformation Scheme Bill 2009.

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

*Consideration of legislation:* Senator Wong moved—That the bills be listed on the *Notice Paper* as two orders of the day, as follows:

- (a) Automotive Transformation Scheme Bill 2009 and ACIS Administration Amendment Bill 2009; and
- (b) National Consumer Credit Protection Bill 2009, National Consumer Credit Protection (Fees) Bill 2009 and National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009.

Question put and passed.

### 32 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

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

27 August 2009—Message No. 29—

*Excise Tariff Amendment (2009 Measures No. 1) Act 2009* (Act No. 73, 2009)

*Customs Tariff Amendment (2009 Measures No. 1) Act 2009* (Act No. 74, 2009)

*Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Act 2009* (Act No. 75, 2009)

*Therapeutic Goods Amendment (2009 Measures No. 1) Act 2009* (Act No. 76, 2009).

### 33 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TEST REVIEW AND OTHER MEASURES) BILL 2009

Pursuant to order, Senator McEwen, 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—Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009—Report, dated September 2009, Hansard record of proceedings, additional information and submissions.

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

### 34 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—NATIONAL SECURITY LEGISLATION MONITOR BILL 2009

Pursuant to order, Senator McEwen, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following report and documents:

Finance and Public Administration Legislation Committee—National Security Legislation Monitor Bill 2009—Report, dated September 2009, Hansard record of proceedings, additional information and submissions.

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

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

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

**35 ECONOMICS LEGISLATION COMMITTEE—REPORT—TRADE PRACTICES AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2009**

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

Economics Legislation Committee—Trade Practices Amendment (Australian Consumer Law) Bill 2009 [Provisions]—Report, dated September 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**36 ECONOMICS LEGISLATION COMMITTEE—REPORT—CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON TERMINATION PAYMENTS) BILL 2009**

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

Economics Legislation Committee—Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009 [Provisions]—Report, dated September 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**37 ECONOMICS LEGISLATION COMMITTEE—REPORT—NATIONAL CONSUMER CREDIT PROTECTION BILL 2009 AND RELATED BILLS**

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

Economics Legislation Committee—National Consumer Credit Protection Bill 2009 [Provisions], National Consumer Credit Protection (Fees) Bill 2009 [Provisions], National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009 [Provisions] and Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009 [Provisions]—Report, dated September 2009, Hansard record of proceedings, additional information and submissions.

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

**38 HIGHER EDUCATION SUPPORT AMENDMENT (2009 BUDGET MEASURES) BILL 2009**

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Climate Change and Water (Senator Wong) the bill was read a third time.

39 **NATIONAL GREENHOUSE AND ENERGY REPORTING AMENDMENT BILL 2009**

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sherry)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Milne moved the following amendment:

Schedule 1, page 4 (after line 14), after item 10, insert:

**10A Subsection 24(1A)**

Omit “This subsection is subject to subsection 25(3).”.

**10B After subsection 24(1A)**

Insert:

(1AAA) In addition to publishing the totals for the corporation’s group, the Greenhouse and Energy Data Officer must also publish on the website, in the case of a facility under the operational control of a member of the group and the individual operation of which meets a threshold mentioned in paragraph 13(1)(d) for a financial year:

- (a) the greenhouse gas emissions that are scope 1 emissions (within the meaning of the regulations); and
  - (b) the greenhouse gas emissions that are scope 2 emissions (within the meaning of the regulations); and
  - (c) energy consumption;
- reported in relation to the facility under Part 3.

(1AAB) In addition to publishing the matters mentioned in subsection (1AAA), the Greenhouse and Energy Data Officer may also publish on the website:

- (a) the methods mentioned in paragraph 19(6)(b) that were used to measure the values for the facility concerned; and
- (b) the rating given to each of those methods under the determination under subsection 10(3).

**10C Subsection 24(1B)**

Repeal the subsection, substitute:

*Limitations*

(1B) The Greenhouse and Energy Data Officer must not publish information mentioned in:

- (a) subsection (1)—unless the corporation’s group meets a threshold mentioned in paragraph 13(1)(a) for the financial year covered by the report; or

(b) subsection (1AAA)—unless the facility meets a threshold mentioned in paragraph 13(1)(d) for the financial year covered by the report.

**10D Subsection 24(1C)**

Repeal the subsection.

**10E Subsection 24(2)**

Omit “This subsection is subject to subsection 25(3).”.

**10F Subsection 24(3)**

Omit “This subsection is subject to subsection 25(3).”.

**10G Section 25**

Repeal the section.

Debate ensued.

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

Senator Milne moved the following amendments together by leave:

Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1, Parts 1 and 2	The 28th day after the day on which this Act receives the Royal Assent.
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2A. Schedule 1, Part 3	1 July 2012.	1 July 2012
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Schedule 1, page 11 (after line 5), at the end of the Schedule, add:

**Part 3—Amendment relating to facility reporting threshold**

**38 Subparagraph 13(1)(d)(i)**

Omit “25 kilotonnes”, substitute “10 kilotonnes”.

**39 Subparagraphs 13(1)(d)(ii) and (iii)**

Omit “100 terajoules”, substitute “40 terajoules”.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Climate Change and Water (Senator Wong) the report from the committee was adopted and the bill read a third time.

**40 CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, moved—That government business orders of the day no. 4 (Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2009) and no. 5 (Veterans’ Affairs and Other Legislation Amendment (Pension Reform) Bill 2009) may be taken together for their remaining stages.

Question put and passed.

**41 VETERANS' AFFAIRS LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2009  
VETERANS' AFFAIRS AND OTHER LEGISLATION AMENDMENT (PENSION REFORM)  
BILL 2009**

Order of the day read for the adjourned debate on the motions of the Special Minister of State (Senator Ludwig) and the Minister for Immigration and Citizenship (Senator Evans)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the bills were read a third time.

**42 MIGRATION AMENDMENT (ABOLISHING DETENTION DEBT) BILL 2009 [No. 2]**

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—That this bill be now read a second time.

Debate resumed.

*At 9.50 pm:* Debate was interrupted while the Leader of the Family First Party (Senator Fielding) was speaking.

**43 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.30 pm till Tuesday, 8 September 2009 at 12.30 pm.

**44 ATTENDANCE**

Present, all senators except Senator Boyce (on leave).

**HARRY EVANS**  
Clerk of the Senate