

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 94

TUESDAY, 27 OCTOBER 2009

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

- Aboriginal Land Commissioner—Report for 2008-09.
- Administrative Appeals Tribunal—Report for 2008-09.
- Albury-Wodonga Development Corporation—Report for 2008-09.
- Army and Air Force Canteen Service (Frontline Defence Services)—Report for 2008-09.
- Attorney-General's Department—Report for 2008-09.
- Australia Business Arts Foundation Ltd—Financial statements for 2008-09.
- Australia Council for the Arts (Australia Council)—Report for 2008-09.
- Australian Broadcasting Corporation (ABC)—Report for 2008-09.
- Australian Centre for International Agricultural Research—Report for 2008-09.
- Australian Communications and Media Authority (ACMA)—Report for 2008-09.
- Australian Competition and Consumer Commission (ACCC)—Report for 2008-09, including Australian Energy Regulator (AER) report for 2008-09.
- Australian Federal Police (AFP)—Report for 2008-09.
- Australian Film Television and Radio School (AFTRS)—Report for 2008-09.
- Australian Government Solicitor (AGS)—
 - Report for 2008-09.
 - Statement of corporate intent 2009-10.
- Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2008-09.
- Australian Institute of Family Studies—Report for 2008-09.
- Australian Institute of Health and Welfare—Report for 2008-09.
- Australian Institute of Marine Science (AIMS)—Report for 2008-09.
- Australian Learning and Teaching Council Limited—Report for 2008-09.
- Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2008-09.
- Australian Office of Financial Management (AOFM)—Report for 2008-09.
- Australian Pesticides and Veterinary Medicines Authority—Report for 2008-09.
- Australian Postal Corporation (Australia Post)—Statement of corporate intent 2009-10 to 2011-12.
- Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)—Report for 2008-09.
- Australian Rail Track Corporation Ltd (ARTC)—Statement of corporate intent 2009-10.
- Australian Reward Investment Alliance (ARIA)—Report for 2008-09, including financial statements for Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan.

- Australian Security Intelligence Organisation (ASIO)—Report for 2008-09.
- Australian Strategic Policy Institute Limited (ASPI)—Report for 2008-09.
- Australian Trade Commission (Austrade)—Report for 2008-09.
- Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2008-09.
- Australian War Memorial—Report for 2008-09.
- Australian Wine and Brandy Corporation—Report for 2008-09.
- Bankruptcy Act 1966*—Report for 2008-09 on the operation of the Act.
- Broadcasting Services Act 1992*—Digital television transmission and reception—Report, October 2009.
- Bundanon Trust Limited—Report for 2008-09.
- Classification Board and Classification Review Board—Reports for 2008-09.
- Comcare—Report for 2008-09.
- Commissioner for Superannuation (ComSuper)—Report for 2008-09.
- Commonwealth Grants Commission—Report for 2008-09.
- Commonwealth Services Delivery Agency (Centrelink)—Report for 2008-09.
- Crimes Act 1914*—Controlled operations—Report for 2008-09.
- CrimTrac Agency—Report for 2008-09.
- Customs Act 1901*—Conduct of Customs officers [Managed deliveries]—Report for 2008-09.
- Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2008-09.
- Defence Housing Australia—Report for 2008-09.
- Department of Education, Employment and Workplace Relations—Report for 2008-09.
- Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2008-09, including Aboriginals Benefit Account report for 2008-09 and financial statements for Aboriginal and Torres Strait Islander Land Account.
- Department of Finance and Deregulation—Report for 2008-09, including Office of Evaluation and Audit (Indigenous Programs) report for 2008-09.
- Department of Resources, Energy and Tourism—Report for 2008-09, including Geoscience Australia report for 2008-09.
- Director of National Parks—Report for 2008-09.
- Export Finance and Insurance Corporation (EFIC)—Report for 2008-09.
- Federal Court of Australia—Report for 2008-09.
- Federal Magistrates Court of Australia—Report for 2008-09.
- Finance—
 Final budget outcome 2008-09—Report by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner), September 2009.
 Issues from the advances under the annual Appropriation Acts—Report for 2008-09.
- Indigenous Land Corporation (ILC)—Report for 2008-09.
- Insolvency and Trustee Service Australia—Report for 2008-09.

- Inspector-General of Taxation—Report for 2008-09.
- Migration Act 1958*—
- Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2009.
 - Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 March to 30 June 2009.
- Migration Agents Registration Authority (MARA)—Report for 2008-09.
- Military Superannuation and Benefits Board of Trustees—Report for 2008-09, including financial statements for the Military Superannuation and Benefits Fund.
- National Archives of Australia—Report for 2008-09, including National Archives of Australia Advisory Council report for 2008-09.
- National Blood Authority—Report for 2008-09.
- National Capital Authority—Report for 2008-09.
- National Native Title Tribunal—Report for 2008-09.
- National Offshore Petroleum Safety Authority (NOSPSA)—
- NOSPSA Board—Report for 2008-09.
 - Report for 2008-09.
- National Transport Commission (NTC Australia)—Report for 2008-09.
- National Water Commission—Report for 2008-09.
- Office of Parliamentary Counsel—Report for 2008-09.
- Office of the Official Secretary to the Governor-General—Report for 2008-09.
- Office of the Renewable Energy Regulator—Financial report for 2008-09.
- Payments System Board—Report for 2008-09.
- Private Health Insurance Ombudsman—Report for 2008-09.
- Public Lending Right Committee—Report for 2008-09.
- Research Involving Human Embryos Act 2002*—Report pursuant to subsection 16(8).
- Reserve Bank of Australia—
- Equity and diversity—Report for 2008-09.
 - Report for 2008-09.
- Royal Australian Navy Central Canteens Board (RANCCB)—Report for 2008-09.
- Safety, Rehabilitation and Compensation Commission (SRCC)—Report for 2008-09.
- Screen Australia—Report for 2008-09.
- Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)—Report for 2008-09.
- Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2008-09.
- Special Broadcasting Service Corporation (SBS)—Report for 2008-09.
- Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the operation of the Government co-contribution scheme for the period 1 January to 31 March 2009.
- Sydney Harbour Federation Trust—Report for 2008-09.

War Crimes Act 1945—Report for 2008-09 on the operation of the Act.

Wet Tropics Management Authority—Report for 2008-09, including State of the Wet Tropics report for 2008-09.

Witness Protection Act 1994—Report for 2008-09 on the operation of the National Witness Protection Program.

3 DAYS OF MEETING

The Special Minister of State (Senator Ludwig), at the request of the Parliamentary Secretary for Social Inclusion (Senator Stephens) and pursuant to notice, moved government business notice of motion no. 1—That the days of meeting of the Senate for 2010 be as follows:

Autumn sittings:

Tuesday, 2 February to Thursday, 4 February
 Monday, 22 February to Thursday, 25 February
 Tuesday, 9 March to Thursday, 11 March
 Monday, 15 March to Thursday, 18 March

Budget sittings:

Tuesday, 11 May to Thursday, 13 May

Winter sittings:

Tuesday, 15 June to Thursday, 17 June
 Monday, 21 June to Thursday, 24 June

Spring sittings:

Tuesday, 24 August to Thursday, 26 August
 Monday, 30 August to Thursday, 2 September
 Monday, 20 September to Thursday, 23 September
 Tuesday, 28 September to Thursday, 30 September

Spring sittings (2):

Monday, 25 October to Thursday, 28 October
 Monday, 15 November to Thursday, 18 November
 Monday, 22 November to Thursday, 25 November.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendments together by leave:

After “Monday, 15 March to Thursday, 18 March”, insert:

Monday, 12 April to Thursday, 15 April
 Monday, 19 April to Thursday, 22 April.

After “Monday, 21 June to Thursday, 24 June”, insert:

Monday, 2 August to Thursday, 5 August
 Monday, 9 August to Thursday, 12 August.

Debate ensued.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob
 Fielding

Hanson-Young
 Ludlam

Milne
 Siewert (Teller)

Xenophon

NOES, 37

Senators—

Abetz	Colbeck	Hutchins	Ryan
Bernardi	Collins	Ludwig	Stephens
Bilyk	Cormann	Lundy	Sterle
Birmingham	Crossin	McEwen	Troeth
Bishop	Eggleston	McLucas	Trood
Boswell	Feeney	O'Brien	Williams (Teller)
Brown, Carol	Fisher	Parry	Wortley
Bushby	Furner	Payne	
Cameron	Humphries	Polley	
Cash	Hurley	Pratt	

Question negatived.

Main question put and passed.

4 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

The Special Minister of State (Senator Ludwig), at the request of the Parliamentary Secretary for Social Inclusion (Senator Stephens) and pursuant to notice, moved government business notice of motion no. 2—

- (1) That estimates hearings by legislation committees for 2010 be scheduled as follows:

2009-10 additional estimates:

Monday, 8 February and Tuesday, 9 February 2010, and, if required, Friday, 12 February 2010 (*Group A*)

Wednesday, 10 February and Thursday, 11 February 2010, and, if required, Friday, 12 February 2010 (*Group B*).

2010-11 Budget estimates:

Monday, 24 May to Thursday, 27 May 2010, and, if required, Friday, 28 May 2010 (*Group A*)

Monday, 31 May to Thursday, 3 June 2010, and, if required, Friday, 4 June 2010 (*Group B*)

Monday, 18 October and Tuesday, 19 October 2010 (*supplementary hearings—Group A*)

Wednesday, 20 October and Thursday, 21 October 2010 (*supplementary hearings—Group B*).

- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

Group A:

Environment, Communications and the Arts
Finance and Public Administration
Legal and Constitutional Affairs
Rural and Regional Affairs and Transport

Group B:

Community Affairs
Economics
Education, Employment and Workplace Relations
Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on the following dates:
- (a) Tuesday, 23 February 2010 in respect of the 2009-10 additional estimates; and
 - (b) Tuesday, 22 June 2010 in respect of the 2010-11 Budget estimates.

Question put and passed.

5 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Ludwig) moved—That government business notice of motion no. 3 standing in the name of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) for today, relating to the consideration of legislation, be postponed till the next day of sitting.

Question put and passed.

6 ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009

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

Debate resumed.

Explanatory memorandum: The Minister for Climate Change and Water (Senator Wong) tabled an addendum to the explanatory memorandum relating to the bill.

Debate continued.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: Senator Wong tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Wong the following amendments, taken together by leave, were agreed to:

Clause 2, page 2 (at the end of the table), add:

- 4. Schedule 4 The 28th day after the day on which this Act receives the Royal Assent.

Schedule 2, item 13, page 10 (lines 27 and 28), omit paragraph (1AA)(c).

Schedule 2, item 32, page 14 (lines 8 and 9), omit paragraph (4A)(c).

Schedule 2, item 32, page 14 (lines 20 and 21), omit paragraph (4B)(d).

Page 22 (after line 23), at the end of the bill, add:

**Schedule 4—Appointment of Federal Court Judges to
State Supreme Courts**

Federal Court of Australia Act 1976

1 Subsection 6(7) (at the end of the definition of *prescribed court*)

Add:

; or (d) the Supreme Court of a State.

On the motion of the Leader of the Australian Greens (Senator Bob Brown) the following amendment was debated and agreed to:

Page 22 (after line 23), at the end of the bill, add:

Schedule 5—Registries

Federal Court of Australia Act 1976

1 At the end of section 34

Add:

- (3) The Registrar shall cause at least one Registry in each State to be staffed on a full-time basis with the complement of staff in each such Registry to include a full-time Registrar.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Wong the report from the committee was adopted and the bill read a third time.

7 AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY BILL 2009

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

Message no. 426, dated 26 October 2009—A Bill for an Act to establish the Australian National Preventive Health Agency, 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.

Explanatory memorandum: Senator Wong tabled a correction to the explanatory memorandum relating to the bill.

Debate ensued.

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

8 QUESTIONS

Questions without notice were answered.

9 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Fierravanti-Wells moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Fierravanti-Wells, Back and Cash today relating to border protection and to the Tamil Tigers.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Defence (Senator Faulkner) to a question without notice asked by Senator Siewert today relating to the Montara oil spill in the Timor Sea.

Question put and passed.

10 PETITION

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

From 150 petitioners, requesting that the Senate take action to allow early childhood teachers working in non-government preschools, kindergartens and long day care services to remain under the Early Childhood Education Award.

11 NOTICES

Senator Cormann, the Leader of the Family First Party (Senator Fielding) and Senator Xenophon: To move on the next day of sitting—That items 42698, 42701, 42702 and 42718 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2009, as contained in Select Legislative Instrument 2009 No. 272 and made under the *Health Insurance Act 1973*, be disallowed.

Senator Moore: To move on 16 November 2009—That the Senate—

- (a) applauds the Government's increase of total health funding in the foreign aid budget and an increase in spending to maternal, newborn and child health and acknowledges that this is much needed when in our region, including South Asia, 200 000 mothers and 3.2 million children are dying every year from preventable causes;
- (b) notes that:
 - (i) Australia still requires an increase in total health funding in the foreign aid budget to progress towards Millennium Development Goals (MDGs) 4 and 5 by 2015,
 - (ii) MDG 4, to reduce child mortality by two-thirds, and MDG 5, to reduce maternal mortality by three-quarters, have made the slowest progress of all the MDGs and are off-track to being achieved by 2015,
 - (iii) MDG 5 has made virtually no progress globally and has reversed in most of sub-Saharan Africa in the past 20 years and it is the only MDG not making progress of any significance, and

- (iv) the health MDGs are achievable but require increased effort and greater cooperation from all developing and developed countries, given that evidence indicates that successful proven, cost-effective strategies exist that can reduce child deaths by at least 60 per cent and maternal deaths by 75 per cent, saving the lives of 240 000 children and 26 000 mothers in our immediate region each year;
- (c) acknowledges the importance of the Australian Government increasing its support for health systems in the Asia-Pacific region and in Africa (through coordinated mechanisms including the international Health Partnership) to ensure that adequate, coordinated, long-term and predictable donor resources are available to support effective basic and reproductive health plans and systems in each developing country in our region;
- (d) recognises that greater focus must be placed on training health professionals and midwives to ensure significant reductions in newborn, child and maternal mortality and that system strengthening must also be ensured to provide incentives for staff to remain in the country and in areas of need; and
- (e) recognises that an increase in Australian support for maternal and child health related spending is required to support the provision of basic health services and strengthened health systems and that this will demonstrate Australia's leadership and commitment to ending the preventable deaths of children and mothers globally. (*general business notice of motion no. 595*)

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

- (a) when the Education, Employment and Workplace Relations Legislation Committee meets to consider additional estimates in 2010:
 - (i) the committee further examine Fair Work Australia, and
 - (ii) the President of Fair Work Australia appear before the committee to answer questions; and
- (b) on each subsequent occasion on which the Education, Employment and Workplace Relations Legislation Committee meets to consider estimates in relation to Fair Work Australia, the President of Fair Work Australia appear before the committee to answer questions. (*general business notice of motion no. 596*)

Senator Milne: To move on the next day of sitting—That the following matters be referred to the Economics References Committee for inquiry and report by 31 March 2010:

- (a) a reconsideration of the committee's findings in relation to Australia's Mandatory Last Resort Home Warranty Insurance Scheme, in light of:
 - (i) the 2008 Federal Ombudsman's report that demonstrated that last resort home warranty insurance is the worst performing insurance in the nation,
 - (ii) the Essential Services Commission's review of the Victorian Domestic Insurance Scheme which demonstrates that there is virtually no benefit to anyone other than the insurers and their brokers of this insurance product,
 - (iii) evidence to these inquiries which demonstrate that the Senate's conclusions were based on information now shown to be wrong, including the fact that the Senate estimated that less than 10 per cent of builders provided securities whereas 44 per cent of those in Victoria have done so since 2002,

- (iv) the lack of competition in the market which is now down to three insurers, and
- (v) the questionable legality of the deeds of indemnity, bank guarantees and securities demanded by insurers as a condition of eligibility for warranty insurance;
- (b) any reforms which may lead to appropriate consumer and builder protection and improved housing affordability; and
- (c) any related matters.

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That the Senate notes that the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009 proposes legislative reforms to enhance competitive outcomes in the telecommunications industry and strengthen consumer safeguards, and is independent of the Government's new National Broadband Network legislation, and is therefore exempt from the order of the Senate of 13 May 2009 relating to the consideration of that legislation.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate agrees with a recent European Union resolution on Sri Lanka that:

- (a) deplors the fact that approximately 250 000 Tamil civilians are still held in camps, contrary to undertakings given by the Colombo Government, and calls on the Government to return them to their homes and give humanitarian organisations free access to the camps to provide necessary humanitarian assistance;
- (b) Tamil leaders must commit themselves to a political settlement and renounce terrorism and violence once and for all;
- (c) the Government must respect human rights in the conduct of trials of Liberation Tigers of Tamil Eelam members;
- (d) the Sri Lankan Government must cease its repression of the media in the name of its anti-terrorist legislation, which must be overhauled, and press freedom must be recognised; and
- (e) the Sri Lankan Government must put more effort into clearing minefields which are a serious obstacle to reconstruction and economic recovery, and must comply with the Ottawa Treaty (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction). (*general business notice of motion no. 597*)

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

- (a) notes that:
 - (i) the Renewable Energy Target Scheme allows renewable energy certificates to be generated from the installation of solar hot water and heat pumps, even though these are energy efficiency measures and not renewable energy generators,
 - (ii) this, as predicted by the industry and the Australia Greens, has collapsed the price of certificates, and
 - (iii) many hundreds of jobs are at risk in the coming months, unless the problem is fixed; and
- (b) calls on the Government to immediately reintroduce Renewable Energy Electricity legislation to address the problem by making the credits from these technologies additional to the renewable energy target. (*general business notice of motion no. 598*)

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing a reference to the Environment, Communications and the Arts References Committee, postponed till 28 October 2009.

General business notice of motion no. 591 standing in the name of Senator Xenophon for today, proposing the introduction of the Poker Machine (Reduced Losses—Interim Measures) Bill 2009, postponed till 28 October 2009.

13 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 581—That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 29 October 2009, from 3.30 pm, to take evidence for the committee's inquiry into the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009.

Question put and passed.

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

Senator O'Brien, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 583—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold public meetings during the sittings of the Senate as follows:

- (a) Wednesday, 28 October 2009, from 12.30 pm to 2 pm; and
- (b) Thursday, 29 October 2009, from 10 am to noon.

Question put and passed.

15 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator O'Brien, at the request of Senator Lundy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 584—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 11.45 am to 1.30 pm, to take evidence for the committee's inquiry into the review of Auditor-General's reports, on Wednesday, 28 October, Wednesday, 18 November and Wednesday, 25 November 2009.

Question put and passed.

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

Senator O'Brien, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 585—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 28 October 2009, from 11 am, to take evidence for the committee's inquiry into Australia's trade and investment relations with Asia, the Pacific and Latin America.

Question put and passed.

17 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. 582—That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 28 October 2009, from 5 pm, to take evidence for the committee's inquiry into the GROCERYchoice website.

Question put and passed.

18 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, at the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Mason) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 586—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 28 October 2009, from 5 pm, to take evidence for the committee's inquiry into financial products and services in Australia.

Question put and passed.

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

Senator Parry, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 587—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on rural and regional access to secondary and tertiary education opportunities be extended to 11 December 2009.

Question put and passed.

20 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE

Senator Milne, also on behalf of Senators Heffernan and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 November 2009:

The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef, especially relating to the import of beef from countries previously affected by bovine spongiform encephalopathy, otherwise known as mad cow disease, and any related matters.

Question put and passed.

21 LAW AND JUSTICE—TERRITORIAL COPYRIGHT PROTECTION

Senator Milne, also on behalf of Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 594—That the Senate—

- (a) notes that:
- (i) the experience from around the world does not support claims from the Productivity Commission and others that removing territorial copyright protection would reduce the market price for books, and
 - (ii) there is ample evidence that removing territorial copyright protection would hurt Australia's writers, publishers and printers, damaging both Australia's culture and economy; and
- (b) calls on the Government to abandon the plans, inherited from the Howard Government, to remove or restrict territorial copyright protection for books.

Statement by leave: The Leader of the Family First Party (Senator Fielding), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 39

Senators—

Adams
Back
Bernardi
Bilyk
Birmingham
Boswell
Boyce
Brown, Carol
Cameron
Cash

Colbeck
Coonan
Cormann
Crossin
Farrell
Feeney
Ferguson
Fielding
Fierravanti-Wells
Hurley

Hutchins
Kroger
Ludwig
Lundy
Marshall
McEwen
McLucas
Minchin
Nash
O'Brien

Parry (Teller)
Polley
Pratt
Ryan
Stephens
Sterle
Troeth
Williams
Wortley

Question negatived.

22 SENATE—ASYLUM SEEKERS AND BORDER PROTECTION ISSUES—DEBATE

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 593—That the Senate—

- (a) recognises each senator's role as a community leader and the collective responsibility to conduct debates on matters of public importance in a respectful and accurate manner, using language that is constructive and appropriate; and

- (b) agrees that all debate on the issue of asylum seekers and border protection be framed within the law, terms and definitions of the:
- (i) United Nations Convention relating to the Status of Refugees (1951),
 - (ii) *Migration Act 1958*,
 - (iii) *Criminal Code Act 1995*,
 - (iv) *Racial Discrimination Act 1975*, and
 - (v) *Anti-Discrimination Act 1977* (NSW).

Question put.

The Senate divided—

AYES, 5			
Senators—			
Brown, Bob	Ludlam	Milne	Siewert (Teller)
Hanson-Young			
NOES, 40			
Senators—			
Back	Colbeck	Hutchins	Parry
Bernardi	Coonan	Kroger	Polley
Bilyk	Cormann	Ludwig	Pratt
Birmingham	Crossin	Lundy	Ryan
Boswell	Farrell	Marshall	Stephens
Boyce	Feeney	McEwen	Sterle
Brown, Carol	Ferguson	McLucas	Troeth
Bushby	Fielding	Minchin	Williams
Cameron	Fierravanti-Wells	Nash	Wortley
Cash	Hurley	O'Brien (Teller)	Xenophon

Question negatived.

Statements by leave: Senators Fierravanti-Wells and Hanson-Young, by leave, made statements relating to the motion.

23 PROTECTING PROBLEM GAMBLERS 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. 588—That the following bill be introduced:

A Bill for an Act to protect problem gamblers by reducing bet limits to \$1 per spin and load up limits to \$20, 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.

**24 ENVIRONMENT—NORTHERN VICTORIAN IRRIGATION RENEWAL PROJECT—
ORDER FOR PRODUCTION OF DOCUMENT**

Senator Birmingham, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 592—That there be laid on the table by the Minister for Climate Change and Water, no later than noon on 29 October 2009, a copy of the letter to the Victorian Minister for Water (Mr Holding) relating to funding approval for stage 2 of the Northern Victorian Irrigation Renewal Project, referred to by Senator Wong in an answer to a question from Senator Wortley during the supplementary budget estimates hearings of the Environment, Communications and the Arts Legislation Committee on 20 October 2009 (ECA *Hansard*, p.128).

Statements by leave: The Special Minister of State (Senator Ludwig) and Senator Birmingham, by leave, made statements relating to the motion.

Question put and passed.

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

**25 ECONOMICS—CARBON POLLUTION REDUCTION SCHEME—FRONTIER ECONOMICS
REPORT—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 590—That there be laid on the table by the Minister representing the Treasurer, no later than 4 November 2009, any modelling or analysis commissioned by the Department of the Treasury and/or the Department of Climate Change and all documents prepared by the Department of the Treasury in relation to the August 2009 Frontier Economics report, *The economic impact of the CPRS and modifications to the CPRS*.

Question put and passed.

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

**26 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—CLIMATE
CHANGE**

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

The glaring disparity between the findings of the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts of the impact of sea level rise on Australian coastlines and the Government's climate change policies and targets.

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

27 STANDING ORDER 37(3)—ACCESS TO COMMITTEE DOCUMENTS—DOCUMENT

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

Standing order 37(3)—Access to committee documents—Joint Committee on Social Security (1941-46)—Report to the Senate.

28 WOMEN—EQUAL PAY DAY—DOCUMENT

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

Women—Equal Pay Day—Letter to the President of the Senate from the Deputy Prime Minister (Ms Gillard) responding to the resolution of the Senate of 8 September 2009, dated 22 October 2009.

29 AUSTRALIAN PARLIAMENTARY SERVICE COMMISSIONER—REPORT FOR 2008-09—DOCUMENT

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

Australian Parliamentary Service Commissioner—Report for 2008-09.

30 ASEAN INTER-PARLIAMENTARY ORGANISATION—30TH GENERAL ASSEMBLY—DOCUMENT

Senator Hurley, by leave, tabled the following document:

ASEAN Inter-Parliamentary Assembly (AIPA)—Report of the Australian parliamentary delegation to the 30th General Assembly, Pattaya City, Thailand, 2 August to 8 August 2009, dated October 2009.

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

Question put and passed.

31 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 Safety Regulations—Airworthiness Directives—

AD/ERJ 190/24—Ram Air Turbine [F2009L03968]*.

Part—

105—

AD/B727/219—Auxiliary Fuel Tanks [F2009L03938]*.

AD/B727/220—Vertical Stabiliser Kickload Beam Shear Tie and Web Post [F2009L03939]*.

AD/B747/80—Equipment Cooling System E30 Cooling Rack Orifice [F2009L03783]*.

AD/B767/254—Door Mounted Escape Slides and Slide Rafts [F2009L03936]*.

AD/BELL 205/19 Amdt 1—Transmission Support Case – Inspection [F2009L03853]*.

AD/BELL 205/43—Engine Air Inlet Screen – Inspection [F2009L03851]*.

AD/BELL 205/44—Cyclic Control Cylinder Assembly – Inspection of Piston Rods [F2009L03850]*.

AD/BELL 206/100—Main Rotor Blade Retaining Nuts P/N 206-011-119-1 [F2009L03792]*.

AD/BELL 206/101 Amdt 1—Tail Boom to Gearbox Attachment [F2009L03791]*.

AD/BELL 206/103—Tension/Torsion Strap Fitting [F2009L03788]*.

- AD/BELL 206/119 Amdt 1—Main Rotor Flight Control System Bolts [F2009L03787]*.
- AD/BELL 212/51—Fin To Tail Boom Junction [F2009L03919]*.
- AD/BELL 212/56—Tailboom Doublor [F2009L03804]*.
- AD/CESSNA 550/3—Cabin Door Frame – Inspection, Modification and Replacement [F2009L03806]*.
- AD/CESSNA 550/4 Amdt 1—Main Gear Actuator to Strut Attach Stud – Inspection [F2009L03808]*.
- AD/CESSNA 550/5—Elevator and Rudder Trim System – Inspection [F2009L03809]*.
- AD/CESSNA 550/8—Nitrogen Bottle Installation – Inspection [F2009L03812]*.
- AD/CESSNA 550/11—TKS Proportioning Unit Connections [F2009L03813]*.
- AD/CESSNA 550/12—Elevator Trim Take-Off Range Marker [F2009L03814]*.
- AD/CESSNA 550/13—Bleed Air Check Valve [F2009L03815]*.
- AD/CESSNA 550/17 Amdt 1—Fuel Flow Transmitters [F2009L03816]*.
- AD/CESSNA 550/18—Brake Shuttle Valve [F2009L03817]*.
- AD/CL-600/2—Elevator Inboard Hinge\Fitting – Inspection and Replacement [F2009L03818]*.
- AD/CL-600/4—Auxiliary Power Unit Load Control Valve – Special Check and Adjustment [F2009L03819]*.
- AD/CL-600/30—Time Limits and Maintenance Checks [F2009L03823]*.
- AD/DHC-8/5 Amdt 1—Fire Bottle Explosive Squib Wiring [F2009L03826]*.
- AD/DHC-8/13—Landing Gear Control System [F2009L03827]*.
- 106—
- AD/CON/90 Amdt 1—EQ3 Cylinders – Inspection for Cracks [F2009L03981]*.
- AD/PORSCHE/1—Camshaft Oil Feed Pipes [F2009L03929]*.
- 107—
- AD/PR/1—Pitch Lock Cylinder – Modification [F2009L03932]*.
- AD/PR/8—Hub Driving Centre – Modification [F2009L03931]*.
- AD/PR/21—Hub Assembly – Inspection of Blade Sockets [F2009L03933]*.
- Commissioner of Taxation—Public Rulings—
- Product Rulings—
- Addendum—PR 2007/71.
- PR 2009/53-PR 2009/54.
- Taxation Determination—Addendum—TD 2009/18.
- Financial Management and Accountability Act—Financial Management and Accountability Determination 2009/31—Abolition of Special Accounts 2009 [F2009L03986]*.
- Fisheries Management Act—
- Fisheries Management (Eastern Tuna and Billfish Fishery Management Plan 2005) Temporary Order 2009—Eastern Tuna and Billfish Fishery Branchline Clips Determination 2009 [F2009L03860]*.

Fisheries Management (Southern Bluefin Tuna Management Plan) Temporary Order 2009 [F2009L04004]*.

Private Health Insurance Act—Private Health Insurance (Benefit Requirements) Amendment Rules 2009 (No. 6) [F2009L04002]*.

Sydney Airport Curfew Act—Dispensation Report 09/09.

* Explanatory statement tabled with legislative instrument.

32 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, moved—That Senator Scullion be discharged from and Senator Humphries be appointed to the Joint Standing Committee on the National Capital and External Territories.

Question put and passed.

33 TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) AMENDMENT BILL 2009

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

Message no. 425, dated 26 October 2009—A Bill for an Act to amend the *Telecommunications (Interception and Access) Act 1979*, and for related purposes.

The Parliamentary Secretary for Social Inclusion (Senator Stephens) 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 Stephens moved—That this bill be now read a second time.

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

34 ECONOMICS REFERENCES COMMITTEE—PROPOSED REFERENCE

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Economics References Committee for inquiry and report by 4 February 2010:

The Reserve Bank of Australia's subsidiaries, Note Printing Australia and Securrency, with particular reference to:

- (a) allegations of payments to overseas agents into offshore tax havens and corruption in securing note printing contracts and what the Reserve Bank, Austrade and the Australian Government knew about the alleged behaviour;
- (b) any investigations conducted into those allegations;
- (c) any actions taken to press charges against past and existing overseas agents; and
- (d) action which may be taken to prevent improper dealings occurring again.

Debate ensued.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 36

Senators—

Arbib	Colbeck	Furner	O'Brien
Back	Collins	Hurley	Parry
Bilyk	Cormann	Hutchins	Polley
Birmingham	Crossin	Lundy	Pratt
Brown, Carol	Eggleston	Macdonald	Ryan
Bushby (Teller)	Farrell	Marshall	Scullion
Cameron	Feeney	McEwen	Troeth
Carr	Ferguson	McLucas	Williams
Cash	Fisher	Nash	Wortley

Question negatived.

**35 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
REPORT—SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME
SUPPORT FOR STUDENTS) BILL 2009**

Pursuant to order, 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—Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [Provisions]—Report, dated October 2009, Hansard record of proceedings, additional information and submissions.

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

**36 ECONOMICS REFERENCES COMMITTEE—REPORT—GOVERNMENT'S ECONOMIC
STIMULUS INITIATIVES**

Pursuant to order, the Chair of the Economics References Committee (Senator Eggleston) tabled the following report and documents:

Economics References Committee—Government's economic stimulus initiatives—Report, dated October, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

37 NOTICE

Senator Stephens, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) notes that 28 October 2009 marks the 150th anniversary of the establishment of the Goulburn congregation of the Sisters of Mercy, the first Mother House in regional Australia;

- (b) acknowledges the contribution of the Sisters of Mercy to the development of education, nursing, pastoral care and care for the aged and disadvantaged in Australia; and
- (c) congratulates the inspirational women of the Goulburn congregation on their colourful history and involvement in shaping the history of the region. (*general business notice of motion no. 599*)

38 HEALTH—MACULAR DEGENERATION—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 26 October 2009:

Health—Macular Degeneration—Answers to questions on notice nos 2043 and 2044 asked by Senator Cormann.

39 AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY BILL 2009

Order 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 the Government has tabled a response to all of the recommendations of the report of the National Preventative Health Taskforce”.

Debate ensued.

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

40 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2008-09, including Aboriginals Benefit Account report for 2008-09 and financial statements for Aboriginal and Torres Strait Islander Land Account. Motion to take note of document moved by Senator Boyce. Debate adjourned till Thursday at general business, Senator Boyce in continuation.

National Water Commission—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

National Transport Commission (NTC Australia)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Broadcasting Corporation (ABC)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Director of National Parks—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Centre for International Agricultural Research—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Department of Resources, Energy and Tourism—Report for 2008-09, including Geoscience Australia report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2008-09. Motion to take note of document moved by Senator Boyce. Debate adjourned till Thursday at general business, Senator Boyce in continuation.

Australian Institute of Marine Science (AIMS)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Trade Commission (Austrade)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Wet Tropics Management Authority—Report for 2008-09, including State of the Wet Tropics report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Commonwealth Grants Commission—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2009-10. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

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

Electoral reform—Strengthening Australia's democracy—Green paper by the Special Minister of State, dated September 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

NBN Co Limited—Report for the period 9 April to 30 June 2009. Motion to take note of document moved by Senator Birmingham. Debate adjourned till Thursday at general business, Senator Birmingham in continuation.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2008-09. Motion to take note of document moved by Senator Boyce. Debate adjourned till Thursday at general business, Senator Boyce in continuation.

General business orders of the day nos 10, 12 to 20 and 23 to 25 relating to government documents were called on but no motion was moved.

41 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.09 pm till Wednesday, 28 October 2009 at 9.30 am.

42 ATTENDANCE

Present, all senators except Senators Barnett*, Moore* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate