

2008-10

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 120

TUESDAY, 11 MAY 2010

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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:

*Broadcasting Services Act 1992*—Digital television transmission and reception—Report, May 2010.

Civil Aviation Safety Authority—Corporate plan 2009-10 to 2011-12.

*Medical Indemnity Act 2002*—Costs of the Australian Government's run-off cover scheme for medical indemnity insurers—Report for 2008-09.

Office of the Inspector of Transport Security—International piracy and armed robbery at sea security inquiry report, April 2010.

**3 COMMITTEES—LEAVE TO MEET DURING SITTING**

Senator O'Brien, by leave and at the request of the chairs of the respective committees, moved—That—

- (a) the Select Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 1.45 pm to 2 pm;
- (b) the Environment, Communications and the Arts Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 3.15 pm to 4 pm; and
- (c) the Environment, Communications and the Arts References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 3.15 pm to 4 pm.

Question put and passed.

**4 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Special Minister of State (Senator Ludwig), by leave, moved—That the hours of meeting for Tuesday, 11 May 2010 be from 12.30 pm to 6.30 pm and 8 pm to adjournment, and for Thursday, 13 May 2010 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:

- (a) the routine of business from 8 pm on Tuesday, 11 May 2010 shall be:
  - (i) Budget statement and documents 2010-11, and
  - (ii) adjournment; and
- (b) the routine of business from 8 pm on Thursday, 13 May 2010 shall be:
  - (i) Budget statement and documents—party leaders and independent senator to make responses to the statement and documents for not more than 30 minutes each, and
  - (ii) adjournment.

Question put and passed.

**5 TAX LAWS AMENDMENT (2010 MEASURES NO. 1) BILL 2010**

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.

*At 2 pm:* Debate was interrupted.

**6 MINISTRY AND MINISTERIAL ARRANGEMENTS**

The Leader of the Government in the Senate (Senator Evans), by leave, informed the Senate of changes to the Rudd Ministry.

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*Document:* Senator Evans tabled a document showing all members of the Rudd Ministry and ministerial representation, dated 14 April 2010.

**7 LEADER OF THE OPPOSITION IN THE SENATE AND DEPUTY LEADER OF THE OPPOSITION IN THE SENATE**

Senator Abetz, by leave, informed the Senate of his appointment as Leader of the Opposition in the Senate, and the appointment of Senator Brandis as Deputy Leader of the Opposition in the Senate.

*Statements by leave:* The Leader of The Nationals in the Senate (Senator Joyce), the Leader of the Australian Greens (Senator Bob Brown), the Leader of the Family First Party (Senator Fielding) and Senator Xenophon, by leave, made statements relating to the matter.

**8 QUESTIONS**

Questions without notice were answered.

**9 MOTION TO TAKE NOTE OF ANSWERS**

Senator Cash moved—That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senators Cormann and Macdonald today relating to taxation.

Debate ensued.

Question put and passed.

**10 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Special Minister of State (Senator Ludwig), by leave, moved—That the order of the Senate agreed to earlier today (*see entry no. 4*) relating to the hours of meeting and routine of business, be amended as follows:

Omit paragraph (a), substitute:

(a) the routine of business from 8 pm on Tuesday, 11 May 2010 shall be:

(i) Budget statement 2010-11 and related documents, and

(ii) immediately after the completion of business listed in paragraph (i) above, the Senate shall adjourn without any question being put.

Question put and passed.

**11 COMMUNICATIONS—SOCIAL NETWORKING SITES—MINISTERIAL STAFF—  
TURNOVER—PERSONAL EXPLANATIONS**

The Minister for Defence (Senator Faulkner), by leave, made personal explanations relating to social networking sites not associated with him and to articles in News Limited newspapers of 15 April 2010 concerning staff turnover in ministerial offices.

**12 NOTICES**

*Notices of motion:*

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

- (a) notes:
  - (i) the pledge, first made by Australia in the year 2000, to spare no effort to free our fellow men, women and children from the abject and dehumanising conditions of extreme poverty, to which more than a billion are currently subjected,
  - (ii) that with only 5 years until the international goals to address extreme poverty are due, there is now an urgent need to recommit ourselves to this task, and
  - (iii) that our actions of the past 20 years have already succeeded in halving rates of extreme poverty, and within a generation we can and will make poverty history; and
- (b) welcomes the ‘Make Poverty History’ campaign to ensure that we do our fair share to achieve all the Millennium Development Goals. (*general business notice of motion no. 771*)

The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—That there be laid on the table by the Minister representing the Treasurer, no later than noon on Thursday, 13 May 2010, all modelling, costings, consultancy statements and other relevant documents used by the Government to inform its response to the ‘Henry Review’ (*Australia’s Future Tax System* report). (*general business notice of motion no. 772*)

Senator Ludlam: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Trade, no later than 4 pm on 15 June 2010, the following:

- (a) documents containing National Interest Assessments on the Papua New Guinea Liquefied Natural Gas Project (the project);
- (b) documents containing assessments of the project authored by the Department of Foreign Affairs and Trade, AusAID and the Department of Resources, Energy and Tourism;
- (c) documents containing the Export Finance and Insurance Corporation environment and social impact assessment; and
- (d) any document benchmarking or evaluating compliance of the project with the Equator Principles or the International Finance Corporation’s Performance Standards. (*general business notice of motion no. 773*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That the order of the Senate agreed to on 13 February 2008, relating to the allocation of departments and agencies to legislative and general purpose standing committees, be amended to read as follows:

*Environment, Communications and the Arts*  
 Broadband, Communications and the Digital Economy  
 Climate Change and Energy Efficiency  
 Environment, Water, Heritage and the Arts

*Finance and Public Administration*  
 Finance and Deregulation  
 Human Services  
 Parliament  
 Prime Minister and Cabinet

Senator Birmingham: To move on the next day of sitting—That there be laid on the table by the Minister for Climate Change, Energy Efficiency and Water, no later than noon on 13 May 2010, a copy of the following reports relating to the Green Loans program, as referred to by the Minister in her 10 March 2010 statement to the Senate (Senate *Hansard*, p. 1521):

- (a) the audit report by PricewaterhouseCoopers into the assessor accreditation process and adherence to the Protocol for Assessor Accrediting Organisations; and
- (b) the report of the independent inquiry in relation to contractual agreements and procurement processes entered into during the final design and implementation of the program. (*general business notice of motion no. 774*)

Senator Birmingham: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Environment Protection, Heritage and the Arts, no later than noon on 13 May 2010, a copy of correspondence from the Minister for Environment Protection, Heritage and the Arts (Mr Garrett) dated 14 August, 27 August, 28 October and 30 October 2009 addressed to the Prime Minister (Mr Rudd) regarding the Home Insulation Program. (*general business notice of motion no. 775*)

Senator Birmingham: To move on the next day of sitting—That there be laid on the table by the Minister representing the Prime Minister, no later than noon on 13 May 2010, a copy of correspondence from the Minister for Environment Protection, Heritage and the Arts (Mr Garrett) dated 14 August, 27 August, 28 October and 30 October 2009 addressed to the Prime Minister (Mr Rudd) regarding the Home Insulation Program. (*general business notice of motion no. 776*)

The Chair of the Education, Employment and Workplace Relations References Committee (Senator Cash): To move on the next day of sitting—That the Senate—

- (a) notes that:
  - (i) under the agreement reached between the Commonwealth Government and the states, stimulus funding under the Government's Nation Building and Jobs Plan is to be additional to existing state spending efforts,

- (ii) as part of its inquiry into the Primary Schools for the 21st Century school building program, the Education, Employment and Workplace Relations References Committee is seeking to ensure that states and territories have maintained their planned spending on primary schools and have not reduced their spending as a consequence of receiving stimulus funding through the Government's Nation Building and Jobs Plan,
  - (iii) the committee received evidence in November 2009 that maintenance of spending effort is being monitored through quarterly reports by the states and territories to Heads of Treasury,
  - (iv) the committee wrote to the Secretary of the Department of the Treasury (Dr Ken Henry) in December 2009 requesting copies of these quarterly reports,
  - (v) the Secretary of the Department of the Treasury wrote back to the committee, also in December 2009, declining to provide the reports on the basis that to do so would not be in the public interest as it would damage relations between the Commonwealth and the states, but noting that a decision on whether to provide the reports was ultimately a matter for the Treasurer (Mr Swan),
  - (vi) the committee then wrote to the Treasurer on 8 February 2010, noting its disagreement with the Secretary of the Department of the Treasury's assessment that provision of the reports would damage relations between the Commonwealth and the states, and requesting provision of the quarterly reports by no later than 26 February 2010,
  - (vii) having received no formal response, the committee again wrote to the Treasurer on 15 March 2010, asking that the reports be provided by 26 March 2010,
  - (viii) when the Treasurer finally responded to the committee's correspondence on 20 April 2010, he refused the committee's request on the basis that to release the quarterly reports (either publicly or in camera) could reasonably be expected to cause damage to relations with the states and would therefore not be in the public interest, and
  - (ix) the committee continues to disagree with the grounds advanced by the Treasurer for failing to provide the reports, for the following reasons:
    - (A) if all states and territories have complied with the requirement to maintain their spending effort, the committee does not see how any damage could be caused by providing evidence to confirm this fact,
    - (B) if any state or territory has not complied with the requirement to maintain its funding effort, it is an explicit feature of the National Partnership Agreement on the Nation Building and Jobs Plan that such a failure may be made public, and
    - (C) state and territory capital spending on schools will ultimately be made public through various budget papers and reports and the committee is merely seeking this information in a more timely fashion in order to progress its current inquiry; and
- (b) orders that there be laid on the table by the Minister representing the Treasurer, no later than 4 pm on Thursday, 13 May 2010, the quarterly reports as requested. (*general business notice of motion no. 777*)



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

(a) notes:

- (i) the growing body of evidence that the chemical Bisphenol A (BPA), used in plastics, including food packaging, is harmful to humans even in minute quantities and is unsuitable for use in babies' products, such as baby bottles and food containers,
- (ii) that research has linked BPA to a range of health problems, including reproductive problems, endometriosis (a chronic gynaecological disease), heart disease, diabetes and abnormalities in liver enzymes, among other conditions,
- (iii) the recent letter by eight toxicologists and cancer specialists from the United States of America (US), Britain and Italy, published in *The Independent* newspaper in the United Kingdom on 8 April 2010, that calls for the products containing BPA used for baby and children's food and liquid packaging to be withdrawn and replaced by less hazardous substances,
- (iv) that children's products containing BPA have been banned in Denmark, Canada and a number of states in the US,
- (v) that a number of manufacturers have voluntarily stopped using BPA in babies' products, demonstrating that alternatives are available, and
- (vi) that Food Standards Australia New Zealand permits the continued use of this chemical in babies' products in Australia; and

(b) calls on the Rudd Government to reassess the public health risk of BPA to all Australian consumers. (*general business notice of motion no. 778*)

Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Environment Protection, Heritage and the Arts (Senator Wong), by 13 May 2010, the following documents relating to the shortfin and longfin mako shark and the porbeagle shark during and since December 2008 when those species were listed on the United Nations Convention for the Conservation of Migratory Species of Wild Animals (the convention):

- (a) all briefings from the Department of the Environment, Water, Heritage and the Arts (the department) to the Minister for Environment Protection, Heritage and the Arts in relation to the listings on the convention and subsequently in relation to listing the species under the *Environment Protection and Biodiversity Conservation Act 1999*; and
- (b) any briefings and advice received by the department or the Minister for Environment Protection, Heritage and the Arts from scientific experts or bodies or other government departments in relation to those three species. (*general business notice of motion no. 779*)

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

(a) calls on:

- (i) the Government and the Inspector-General of Taxation to give assurances that any and all employees of the Australian Taxation Office (ATO) will be invited to provide information to the Inspector-General of Taxation's review into the ATO's Change Program, and
- (ii) the Government and Inspector-General of Taxation ensures that there be no prejudice against employees of the ATO for providing information to the Inspector-General of Taxation; and

- (b) requests that all employees of the ATO who provide information to the Inspector-General for Taxation be afforded protection under sections 15 and 16 of the *Inspector-General of Taxation Act 2003*, and exempted from any breach of section 70 of the *Crimes Act 1914* in relation to the review. (*general business notice of motion no. 780*)

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

- (a) formally recognises the genocide committed against the Armenian people in 1915, including the massacre of up to 1.5 million Armenians;
- (b) joins with countries including Poland, Belgium, Canada, France, Greece, Italy, Russia, Sweden, Switzerland, Lebanon, more than 40 states of the United States of America, the Vatican, the European Parliament, and also the states of New South Wales and South Australia, in condemning the 1915 massacre at the hands of the Ottoman Turkish Government;
- (c) notes that the intention of this recognition is to play a positive role in the healing process for the survivors of this event and their descendants; and
- (d) acknowledges that from 1915 to 1929, the Armenian Relief Fund of Australia provided humanitarian assistance to victims of the Armenian Genocide. (*general business notice of motion no. 781*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Australia's administration and management of the Torres Strait be extended to 2 September 2010. (*general business notice of motion no. 782*)

The Chair of the Select Committee on the National Broadband Network (Senator Macdonald): To move on the next day of sitting—That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on the National Broadband Network, be amended to omit "12 May 2010", and substitute "17 June 2010". (*general business notice of motion no. 783*)

Senator Hanson-Young: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to establish an independent Office of the Commonwealth Commissioner for Children and Young People, and for related purposes. ***Commonwealth Commissioner for Children and Young People Bill 2010***. (*general business notice of motion no. 784*)

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

- (a) notes:
  - (i) the recent decision by the Rudd Government to suspend the processing of asylum claims from Sri Lankan and Afghan nationals for 3 and 6 months respectively, and
  - (ii) in 2009, Australia received just 1.6 per cent of all asylum claims lodged in the world's 44 industrialised nations, with less than half of this number arriving by boat;
- (b) recognises that this new policy is in breach of Australia's international obligations under the:
  - (i) United Nations Refugee Convention,
  - (ii) United Nations Convention on the Rights of the Child, and
  - (iii) International Covenant on Civil and Political Rights;

- (c) congratulates the joint statement from 45 non-government organisations from 16 countries, in condemning the Australian Government's decision to suspend the processing of asylum claims for Sri Lankans and Afghans; and
- (d) calls on the Government to immediately reverse its suspension of asylum applications, restoring the right of people seeking protection from persecution to have their claims assessed in a fair and timely manner. (*general business notice of motion no. 785*)

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

- (a) notes the treacherous, and sometimes fatal journey asylum seekers who arrive by boat take in reaching Australia, including the reports as early as the week beginning 9 May 2010 of the five Australia-bound asylum seekers who perished at sea in an attempt to find assistance for their stricken vessel; and
- (b) calls on the Government to immediately conduct a public investigation and review into the protocols for monitoring and intercepting boat arrivals, and report back to the Senate by 30 June 2010. (*general business notice of motion no. 786*)

The Parliamentary Secretary for the Voluntary Sector (Senator Stephens): To move on the next day of sitting—That the Senate notes:

- (a) that from 10 May to 16 May 2010 is National Volunteer Week, the largest celebration of volunteers and volunteerism in Australia;
- (b) that one in four, or more than 5 million Australians, volunteer in their communities;
- (c) that Australian volunteers contribute more than 700 million hours of community service to many areas of society, including community health care, heritage and arts, environment conservation, emergency services, education, social justice and sports and international aid;
- (d) their service contributes approximately \$42 billion to our economy each year, with the community value of their efforts far exceeding dollar measurement;
- (e) that volunteering promotes active citizenship, builds connections and creates stronger communities, shaping Australia into a country in which we can be proud; and
- (f) that as a nation we say 'thank you' to our volunteers, and volunteering organisations, for their contribution to all facets of Australian life.

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

- (a) notes that:
  - (i) the \$435 million Renewable Energy Demonstration Program, which was intended to provide grants to support the commercialisation of emerging renewable generation technologies, was first announced by the Government in the budget 2 years ago,
  - (ii) applications closed on 15 April 2009, and four projects were awarded funding of \$235 million on 6 November 2009, and
  - (iii) more than one year after applications closed, significant funding remains outstanding; and
- (b) calls on the Government to:
  - (i) expedite the allocation of the remaining funding, and

- (ii) make clear which renewable energy projects it announces in the budget context are being funded with allocations held over from previous budget allocations and which is additional and new funding. (*general business notice of motion no. 787*)

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

- (a) notes the Australian Constitution was drafted at the Windsor Hotel, Melbourne, in 1898 and it housed many of Australia's 'founding fathers' during the formative years of our Parliament, accommodating prime ministers, politicians, actors, performers and celebrities; and as such
- (b) recognises the national heritage significance of the Windsor Hotel. (*general business notice of motion no. 788*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Government to commission a feasibility study into the staged construction of a high speed rail network on the east coast of Australia, which could deliver accessible fast, reliable, ecologically-sustainable long-distance transport. (*general business notice of motion no. 789*)

*Notice of motion withdrawn:* Senator Pratt withdrew general business notice of motion no. 761 standing in her name and the name of Senator Birmingham for today, relating to nuclear non-proliferation.

### 13 DEATH OF FORMER SENATOR BERNARD FRANCIS KILGARIFF, OAM, AM

The Acting Deputy President (Senator Trood) informed the Senate of the death, on 13 April 2010, of Bernard Francis Kilgariff, OAM, AM, a senator for the Northern Territory from 1975 to 1987.

The Leader of the Government in the Senate (Senator Evans), by leave, moved—That the Senate records its deep regret at the death, on 13 April 2010, of Bernard Francis Kilgariff, OAM, AM, former senator for the Northern Territory, and places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—

Question passed.

### 14 DEATH OF FORMER MEMBERS ANDREA GAIL WEST AND WILLIAM YATES

The Acting Deputy President (Senator Trood) informed the Senate of the death of the following former members of the House of Representatives:

Andrea Gail West, on 20 April 2010, a member for the division of Bowman from 1996 to 1998.

William Yates, on 10 April 2010, a member for the division of Holt from 1975 to 1980.

*Statements by leave:* Senators Kroger and Brandis, by leave, made statements.

### 15 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Ferguson from 11 May to 13 May 2010, on account of parliamentary business overseas on behalf of the President of the Senate.

Question put and passed.

Senator Parry, by leave, moved—That leave of absence be granted to Senator Boyce from 11 May to 13 May 2010, for personal reasons.

Question put and passed.

**16 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, by leave and on behalf of the Joint Committee of Public Accounts and Audit, moved—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 12 May 2010, from 11.30 am to 1 pm, to take evidence for the committee's inquiry into the review of Auditor-General's reports.

Question put and passed.

**17 POSTPONEMENTS**

The following items of business were postponed:

General business notice of motion no. 694 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Protection of Personal Information Bill 2010, postponed till 12 May 2010.

General business notice of motion no. 738 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Responsible Takeaway Alcohol Hours Bill 2010, postponed till 12 May 2010.

**18 HEALTH—THERAPEUTIC GROUPS—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Fierravanti-Wells amended general business notice of motion no. 768 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recalls its action in disallowing three therapeutic groups established by determination of the delegate of the Minister for Health and Ageing in January 2010, with the objective of ensuring a full Senate inquiry currently being conducted by the Community Affairs References Committee was complete and had reported to the Senate prior to these measures being implemented; and
- (b) orders that there be laid on the table by 12 pm on Wednesday, 12 May 2010, any documents, records, advice or other information received, compiled, requested or commissioned by the Minister for Health and Ageing, the Department of Health and Ageing and the Pharmaceutical Benefits Advisory Committee and its subcommittees relating to the determination and establishment of new therapeutic groups under the *National Health Act 1953* since 1 July 2007, including issues pertaining to interchangeability of medicines and products with such groups.

Question put and passed.

*Statement by leave:* Senator McEwen, by leave, made a statement relating to the motion.

**19 ENVIRONMENT—MILLEWA FOREST—LOGGING**

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. 770—That the Senate calls on the Government to uphold the *Environment Protection and Biodiversity Conservation Act 1999* in the Millewa Forest by immediately stopping red gum logging.

*Statements by leave:* The Special Minister of State (Senator Ludwig) and Senators Bob Brown and Williams, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 36

Senators—

Abetz	Cameron	Forshaw	Nash
Adams	Cash	Ludwig	Parry
Back	Colbeck	Lundy	Polley
Bernardi	Collins	Marshall	Pratt
Bilyk	Cormann	McEwen	Sherry
Bishop	Crossin	McGauran	Stephens
Brandis	Feeney	McLucas	Troeth
Brown, Carol	Fielding	Minchin	Williams (Teller)
Bushby	Fierravanti-Wells	Moore	Wortley

Question negatived.

## 20 FOREIGN AFFAIRS—UNITED STATES OF AMERICA—WAR POWERS RESOLUTION

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. 769—That the Senate notes the resolution put to the United States of America's House of Representatives on 10 March 2010:

### REMOVAL OF UNITED STATES ARMED FORCES FROM AFGHANISTAN

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress directs the President to remove the United States Armed Forces from Afghanistan—

- (1) by no later than the end of the period of 30 days beginning on the day on which this concurrent resolution is adopted; or
- (2) if the President determines that it is not safe to remove the United States Armed Forces before the end of that period, by no later than December 31, 2010, or such earlier date as the President determines that the Armed Forces can safely be removed.

Question put.

The Senate divided—

AYES, 6

Senators—

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

## NOES, 37

Senators—

Abetz	Cash	Ludwig	Polley
Adams	Colbeck	Lundy	Pratt
Back	Collins	Marshall	Sherry
Bernardi	Cormann	McEwen	Stephens
Bilyk	Crossin	McGauran	Troeth
Bishop	Feeney	McLucas	Williams (Teller)
Brandis	Fielding	Minchin	Wortley
Brown, Carol	Fierravanti-Wells	Moore	
Bushby	Forshaw	Nash	
Cameron	Joyce	Parry	

Question negatived.

**21 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—  
EXTENSION OF TIME TO REPORT**

The Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), by leave, moved—That the time for the presentation of the report of the Environment, Communications and the Arts Legislation Committee on the provisions of the Building Energy Efficiency Disclosure Bill 2010 be extended to 12 May 2010.

Question put and passed.

**22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—RUDD  
GOVERNMENT**

The Acting Deputy President (Senator McGauran) informed the Senate that the Leader of the Opposition in the Senate (Senator Abetz) had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Rudd Government's litany of broken promises.

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

**23 SENATORS' INTERESTS—STANDING COMMITTEE—ANNUAL REPORT**

The Acting Deputy President (Senator Marshall) tabled the following report received on 25 March 2010:

Senators' Interests—Standing Committee—Report 1 of 2010: Annual report 2009, dated March 2010.

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

**24 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING  
COMMITTEE—REPORT—CHANGING ECONOMIC ENVIRONMENT IN THE INDIAN  
OCEAN TERRITORIES**

The Acting Deputy President (Senator Marshall) tabled the following report received on 1 April 2010:

National Capital and External Territories—Joint Standing Committee—Inquiry into the changing economic environment in the Indian Ocean Territories—Report, dated March 2010.

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

Question put and passed.

**25 PROCEDURE—STANDING COMMITTEE—FIRST REPORT OF 2010**

The Acting Deputy President (Senator Marshall) tabled the following report received on 13 April 2010:

Procedure—Standing Committee—First report of 2010—Private senators' bills – consideration; Bills relying on delegated legislation; Arrangements for the opening of Parliament, dated April 2010.

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

**26 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—HUMAN RIGHTS IN THE ASIA-PACIFIC: CHALLENGES AND OPPORTUNITIES**

The Acting Deputy President (Senator Marshall) tabled the following report received on 19 April 2010:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Human rights in the Asia-Pacific: Challenges and opportunities—Report, dated April 2010.

**27 ECONOMICS LEGISLATION COMMITTEE—REPORT—OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2010**

The Acting Deputy President (Senator Marshall) tabled the following report and documents received on 23 April 2010:

Economics Legislation Committee—Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Bill 2010 [Provisions]—Report, dated April 2010, Hansard record of proceedings and submissions.

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

**28 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORTS—NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010**

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

Legal and Constitutional Affairs Legislation Committee—National Radioactive Waste Management Bill 2010 [Provisions]—

Interim report, dated 30 April 2010. [*Received 30 April 2010*]

Report, dated May 2010, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [*Received 7 May 2010*]

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

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

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



**29 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—  
NATIVE VEGETATION LAWS, GREENHOUSE GAS ABATEMENT AND CLIMATE  
CHANGE MEASURES**

The Acting Deputy President (Senator Marshall) tabled the following report and documents received on 30 April 2010:

Finance and Public Administration References Committee—Native vegetation laws, greenhouse gas abatement and climate change measures—Report, dated April 2010, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

**30 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—  
ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010**

The Acting Deputy President (Senator Marshall) tabled the following report and documents received on 4 May 2010:

Legal and Constitutional Affairs Legislation Committee—Anti-People Smuggling and Other Measures Bill 2010 [Provisions]—Report, dated May 2010, Hansard record of proceedings, additional information and submissions.

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

**31 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—  
INTERIM REPORTS—SUSTAINABLE MANAGEMENT BY THE COMMONWEALTH OF  
WATER RESOURCES AND ENERGY EFFICIENT HOMES PACKAGE**

The Acting Deputy President (Senator Marshall) tabled the following reports received on 5 May 2010:

Environment, Communications and the Arts References Committee—

Inquiry into sustainable management by the Commonwealth of water resources—Interim report, dated 5 May 2010.

Inquiry into the Energy Efficient Homes Package: Ceiling insulation—Interim report, dated 5 May 2010.

*Reporting date:* Senator Farrell, by leave and at the request of the Chair of the Environment, Communications and the Arts References Committee (Senator Fisher), moved—That the final reports of the Environment, Communications and the Arts References Committee on sustainable management by the Commonwealth of water resources, and the Energy Efficient Homes Package be presented by 22 June 2010.

Question put and passed.

**32 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—INTERIM  
REPORT—WILD RIVERS (ENVIRONMENTAL MANAGEMENT) BILL 2010 [NO. 2]**

The Acting Deputy President (Senator Marshall) tabled the following report received on 5 May 2010:

Legal and Constitutional Affairs Legislation Committee—Wild Rivers (Environmental Management) Bill 2010 [No. 2]—Interim report, dated 5 May 2010.

*Reporting date:* Senator Farrell, by leave and at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), moved—That the final report of the Legal and Constitutional Affairs Legislation Committee on the Wild Rivers (Environmental Management) Bill 2010 [No. 2] be presented by 30 June 2010.

Question put and passed.

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

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

**33 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
GOVERNMENT RESPONSE—REVIEW OF THE DEFENCE ANNUAL REPORT 2006-07**

The Acting Deputy President (Senator Marshall) tabled the following document received on 24 March 2010:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Review of the Defence Annual Report 2006-07: Recommendation 3—Government response.

**34 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—  
GOVERNMENT RESPONSE—AUSTRALIA'S INVOLVEMENT IN PEACEKEEPING  
OPERATIONS**

The Acting Deputy President (Senator Marshall) tabled the following document received on 25 March 2010:

Foreign Affairs, Defence and Trade—Standing Committee—Report—Australia's involvement in peacekeeping operations—Government response.

**35 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
GOVERNMENT RESPONSE—RENEWABLE ENERGY (ELECTRICITY) AMENDMENT  
(FEED-IN-TARIFF) BILL 2008**

The Acting Deputy President (Senator Marshall) tabled the following document received on 30 April 2010:

Environment, Communications and the Arts—Standing Committee—Report—Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008—Government response.

**36 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—GOVERNMENT  
RESPONSE—EFFECTIVENESS OF THE SEX DISCRIMINATION ACT 1984 IN  
ELIMINATING DISCRIMINATION AND PROMOTING GENDER EQUALITY**

The Acting Deputy President (Senator Marshall) tabled the following document received on 4 May 2010:

Legal and Constitutional Affairs—Standing Committee—Report—Effectiveness of the *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality—Government response.

**37 GOVERNMENT DOCUMENTS**

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

Australia's future tax system—

Report to the Treasurer [the Henry Review]—

Part one—Overview, December 2009. [*Received 3 May 2010*]

Part two—Detailed analysis, volumes 1 and 2, December 2009. [Received 3 May 2010]

Tax policy statement—Stronger, fairer, simpler: A tax plan for our future. [Received 3 May 2010]

Australian Communications and Media Authority (ACMA)—National relay service provider performance—Report for 2008-09. [Received 15 April 2010]

*Defence Act 1903*—Utilisation of the Defence Force to protect Commonwealth interests against violence if specified circumstances arise—Report, dated 30 March 2010; and orders, dated 10 and 18 March 2010. [Received 13 April 2010]

Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for the period 1 July to 31 December 2009. [Received 31 March 2010]

Department of the Treasury—Car dealership financing special purpose vehicle—Financial report for the period 1 September to 31 December 2009. [Received 6 May 2010]

Energy Efficient Homes Package—Review of the administration of the Home Insulation Program—Report by Allan Hawke, dated 6 April 2010. [Received 22 April 2010]

Foreign Investment Review Board—Report for 2008-09. [Received 6 May 2010]

Gene Technology Regulator—Quarterly report for the period 1 October to 31 December 2009. [Received 30 March 2010]

Government 2.0 Taskforce—Report—Engage: Getting on with government 2.0—Government response, May 2010. [Received 3 May 2010]

Government advertising—Independent review of government advertising arrangements—Report by Allan Hawke, dated 26 February 2010. [Received 31 March 2010]

*Housing Assistance Act 1996*—Report for 2007-08 and 2008-09 on the operation of the 2003 Commonwealth-State Housing Agreement [Final report]. [Received 12 April 2010]

*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 April to 30 June 2009, together with the report for 2008-09. [Received 19 March 2010]

Treaties—*Bilateral*—Text, together with national interest analysis—

Agreement between the Government of Australia and the Government of Gibraltar on the Exchange of Information with Respect to Taxes, done at London on 25 August 2009. [Received 29 March 2010]

Agreement between the Government of Australia and the Government of the Cook Islands on the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments, done at Rarotonga on 27 October 2009. [Received 29 March 2010]

Agreement between the Government of Australia and the Government of the Cook Islands on the Exchange of Information with Respect to Taxes, done at Rarotonga on 27 October 2009. [Received 29 March 2010]

Agreement between the Government of Australia and the States of Guernsey for the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments, done at London on 7 October 2009. [*Received 29 March 2010*]

Agreement between the Government of Australia and the States of Guernsey for the Exchange of Information Relating to Tax Matters, done at London on 7 October 2009. [*Received 29 March 2010*]

### 38 AUDITOR-GENERAL—AUDIT REPORTS NOS 25 TO 33 OF 2009-10—DOCUMENTS

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

Auditor-General—Audit reports for 2009-10—

No. 25—Performance audit—Security awareness and training. [*Received 15 April 2010*]

No. 26—Performance audit—Administration of climate change programs: Department of the Environment, Water, Heritage and the Arts; Department of Climate Change and Energy Efficiency; Department of Resources, Energy and Tourism. [*Received 20 April 2010*]

No. 27—Performance audit—Coordination and reporting of Australia's climate change measures: Department of Climate Change and Energy Efficiency; Department of Innovation, Industry, Science and Research. [*Received 20 April 2010*]

No. 28—Performance audit—The Australian Electoral Commission's preparation for and conduct of the 2007 federal general election. [*Received 21 April 2010*]

No. 29—Performance audit—Attorney-General's Department arrangements for the National Identity Security Strategy. [*Received 21 April 2010*]

No. 30—Performance audit—Management of the Strategic Regional Program/Off-Network Program: Department of Infrastructure, Transport, Regional Development and Local Government. [*Received 22 April 2010*]

No. 31—Performance audit—Management of the AusLink Roads to Recovery Program: Department of Infrastructure, Transport, Regional Development and Local Government. [*Received 22 April 2010*]

No. 32—Performance audit—Management of the overseas owned estate: Department of Foreign Affairs and Trade. [*Received 28 April 2010*]

No. 33—Performance audit—Building the Education Revolution - Primary Schools for the 21st Century: Department of Education, Employment and Workplace Relations. [*Received 5 May 2010*]

### 39 COMMUNICATIONS—NATIONAL BROADBAND NETWORK IMPLEMENTATION STUDY—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 11 March 2010, the Acting Deputy President (Senator Marshall) tabled the following document received on 7 May 2010:

Communications—National Broadband Network Implementation Study—Report, dated 5 March 2010.

**40 WORKPLACE RELATIONS—FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) BILL 2009—BILATERAL INTERGOVERNMENTAL AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 18 November 2009, the Acting Deputy President (Senator Marshall) tabled the following document received on 7 May 2010:

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Bilateral intergovernmental agreement for a national workplace relations system for the private sector—Agreement between the Commonwealth and New South Wales governments—Response to parts (2) and (3).

**41 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 Marshall) tabled the following documents received on the dates indicated:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2009—Statements of compliance—

Australian Agency for International Development (AusAID). [*Received 23 April 2010*]

Department of Climate Change, Energy Efficiency and Water. [*Received 5 May 2010*]

Office of the Commonwealth Ombudsman. [*Received 12 April 2010*]

Office of the Renewable Energy Regulator. [*Received 5 May 2010*]

**42 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 24 June 2008, as amended, the Acting Deputy President (Senator Marshall) tabled the following document received on 4 May 2010:

Departmental and agency appointments and vacancies—Budget estimates—Letter of advice—Australian Institute of Family Studies.

**43 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 24 June 2008 the Acting Deputy President (Senator Marshall) tabled the following document received on 4 May 2010:

Departmental and agency grants—Budget estimates—Letter of advice—Australian Institute of Family Studies.

**44 HEALTH—RENAL HEALTH SERVICES—DOCUMENT**

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

Health—Renal Health Services—Letter to the President of the Senate from the South Australian Minister for Health (Mr Hill) responding to the resolution of the Senate of 10 March 2010, dated 22 April 2010.

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

Question put and passed.

**45 NOTICES**

Senator Adams, by leave and at the request of the Chair of the Standing Committee of Privileges (Senator Brandis), gave a notice of motion as follows: To move on the next day of sitting—That the time for the presentation of the report of the Standing Committee of Privileges on the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 be extended to 4 June 2010. (*general business notice of motion no. 790*)

Senator Adams, by leave and at the request of the Chair of the Standing Committee of Privileges (Senator Brandis), gave a notice of motion as follows: To move on the next day of sitting—That the Standing Committee of Privileges be authorised to hold a public meeting during the sitting of the Senate on Thursday, 13 May 2010, from 4 pm to 7 pm, to take evidence for the committee's inquiry into the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009. (*general business notice of motion no. 791*)

**46 EDUCATION—EDUCATION SERVICES FOR OVERSEAS STUDENTS ASSURANCE FUND—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 23 February 2010, the Leader of the Government in the Senate (Senator Evans) tabled the following document:

Education—Education Services for Overseas Students Assurance Fund—Statement responding to the order of the Senate of 23 February 2010 and attachments.

**47 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN) BILL 2010**

Senator O'Brien, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following document:

Legal and Constitutional Affairs Legislation Committee—Report—Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 [Provisions]—Additional information.

**48 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—TERRITORIES LAW REFORM BILL 2010**

Senator Lundy, on behalf of the Joint Standing Committee on the National Capital and External Territories, tabled the following report and document:

National Capital and External Territories—Joint Standing Committee—Territories Law Reform Bill 2010 [Provisions]—Advisory report, dated May 2010 and minutes.

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

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

## 49 DOCUMENTS

The following documents were tabled by the Clerk:

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

A New Tax System (Goods and Services Tax) Act—A New Tax System (Goods and Services Tax) (Average Input Tax Credit Fraction) Determination 2010 [F2010L00759]\*.

ACIS Administration Act—ACIS Administration (Modulation) Guidelines 2006 Variation 2010 (No. 1) [F2010L00786]\*.

Aged Care Act—

Aged Care (Residential care subsidy – amount of accommodation supplement) Determination 2010 (No. 1) [F2010L00603]\*.

Aged Care (Residential care subsidy – amount of concessional resident supplement) Determination 2010 (No. 1) [F2010L00608]\*.

Aged Care (Residential care subsidy – amount of pensioner supplement) Determination 2010 (No. 1) [F2010L00609]\*.

Aged Care (Residential care subsidy – amount of respite supplement) Determination 2010 (No. 1) [F2010L00607]\*.

Aged Care (Residential care subsidy – amount of transitional accommodation supplement) Determination 2010 (No. 1) [F2010L00606]\*.

Aged Care (Residential care subsidy – amount of transitional supplement) Determination 2010 (No. 1) [F2010L00605]\*.

User Rights Amendment Principles 2010 (No. 1) [F2010L00602]\*.

Airports Act—Select Legislative Instrument 2010 No. 51—Airports (Building Control) Amendment Regulations 2010 (No. 1) [F2010L00747]\*.

Anti-Money Laundering and Counter-Terrorism Financing Act—Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2010 (No. 1) [F2010L00964]\*.

*Appropriation Act (No. 4) 2003-2004—Determination to Reduce Appropriations Upon Request (No. 7 of 2009-2010) [F2010L00845]\*.*

*Appropriation Act (No. 1) 2008-2009, Appropriation (Nation Building and Jobs) Act (No. 1) 2008-2009, Appropriation (Economic Security Strategy) Act (No. 1) 2008-2009, Appropriation Act (No. 3) 2008-2009, Appropriation Act (No. 5) 2008-2009 and Appropriation Act (No. 2) 2008-2009—Determination to Reduce Administered Appropriations (No. 1 of 2009-2010) [F2010L01155]\*.*

Australian Communications and Media Authority Act—

Radiocommunications (Charges) Amendment Determination 2010 (No. 1) [F2010L00839]\*.

Radiocommunications (Interpretation) Amendment Determination 2010 (No. 1) [F2010L00837]\*.

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2010 [F2010L00859]\*.

Australian National University Act—

Academic Board and University Policy Committees (Repeal) Statute 2010 [F2010L00784]\*.

Membership of the Council Statute 2008—Membership of the Council Rules 2010 [F2010L00779]\*.

University Committees Statute 2010 [F2010L00781]\*.

University Committees Statute 2010—University Quality and Standards Committees Rules 2010 [F2010L00782]\*.

Australian Passports Act—Australian Passports Amendment Determination 2010 (No. 1) [F2010L01189]\*.

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

4 of 2010—Information provided by trustees under Reporting Standard SRS 200.0, SRS 210.0, SRS 210.1, SRS 230, SRS 240.0 and SRS 250.0 [F2010L00716]\*.

5 of 2010—Certain information provided by specified entities under Reporting Standard SRS 100.0 [F2010L00717]\*.

6 of 2010—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2010L00753]\*.

7 of 2010—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2010L01063]\*.

Australian Securities and Investments Commission Act—Takeovers Panel – Procedural Rules, dated 12 April 2010 [F2010L0948]\*.

Banking Act—Select Legislative Instrument 2010 No. 53—Banking Amendment Regulations 2010 (No. 1) [F2010L00739]\*.

Broadcasting Services Act—

Broadcasting Services (Digital-Only Local Market Area for the Mildura/Sunraysia Licence Area) Determination (No. 1) 2010 [F2010L01098]\*.

Commercial Television Conversion Scheme 1999—Digital Television Commencement Date (Geraldton TV1, Kalgoorlie TV1 and Western Zone TV1 Licence Areas) Determination 2010 [F2010L01087]\*.

Variations to Licence Area Plans for—

Albury Radio – No. 1 of 2010 [F2010L00757]\*.

Deniliquin Radio – No. 1 of 2010 [F2010L00790]\*.

Griffith Radio – No. 1 of 2010 [F2010L00756]\*.

Moree Radio – No. 1 of 2010 [F2010L00833]\*.

Remote Central and Eastern Australia Radio – No. 1 of 2010 [F2010L00806]\*.

Civil Aviation Act—

Civil Aviation Order 82.1 Amendment Order (No. 1) 2010 [F2010L00693]\*.

Civil Aviation Order 82.3 Amendment Order (No. 1) 2010 [F2010L00698]\*.

Civil Aviation Order 82.5 Amendment Order (No. 1) 2010 [F2010L00701]\*.

Civil Aviation Regulations—Instruments Nos CASA—

78/10—Instructions – for approved use of P-RNAV procedures [F2010L00692]\*.

109/10—Instructions – RNP-AR approaches and departures [F2010L00674]\*.

113/10—Approval and directions – operations without an approved digital flight data recorder [F2010L00730]\*.



126/10—Instructions – for approved use of P-RNAV procedures [F2010L00844]\*.

EX16/10—Exemption – flight data recording [F2010L00808]\*.

EX19/10—Exemption – from standard take-off and landing minima – Qantas [F2010L00735]\*.

EX20/10—Exemption – navigation and anti-collision lights [F2010L00751]\*.

EX21/10—Exemption – from standard take-off minima – Virgin Blue [F2010L00768]\*.

EX24/10—Exemption – from standard take-off and landing minima – British Airways [F2010L00804]\*.

EX25/10—Exemption – from standard take-off and landing minima – Cathay Pacific [F2010L00820]\*.

#### Civil Aviation Safety Regulations—

##### Airworthiness Directives—

AD/A320/19 Amdt 1—Hydraulic Fire Shut-off Valve [F2010L00891]\*.

AD/A330/110—Fuel Line Inspection [F2010L00826]\*.

AD/A330/111—GE Engine – Forward Mount Bolts [F2010L00827]\*.

AD/A330/112—State of Design Airworthiness Directives [F2010L00860]\*.

AD/B717/4 Amdt 3—Rudder Trim Control [F2010L00888]\*.

AD/GA8/5 Amdt 3—Horizontal Stabiliser Inspection [F2010L00889]\*.

AD/HS 125/184—Main Entry Door Frame Pressing [F2010L00729]\*.

AD/HS 125/185—High Pressure Oxygen Hoses – Inspection [F2010L00861]\*.

AD/PR/35 Amdt 4—Propeller Hub Wall Cracking [F2010L00785]\*.

AD/RAD/91—Rockwell Collins TDR-94/94D Transponder – Air/Ground Discrete Inputs [F2010L00706]\*.

AD/RAD/91 Amdt 1—Rockwell Collins TDR-94/94D Transponder – Air/Ground Discrete Inputs [F2010L01095]\*.

AD/RAD/92—Rockwell Collins TDR-94/94D Transponder/Honeywell AZ800/810 Air Data Computer Selected Altitude Data Inputs [F2010L00705]\*.

AD/RAD/93—Rockwell Collins TDR-94/94D Transponders – Aircraft Type Category [F2010L00703]\*.

##### Instruments Nos CASA—

ADCX 003/10—Revocation of Airworthiness Directives [F2010L00752]\*.

ADCX 004/10—Revocation of Airworthiness Directives [F2010L00765]\*.

ADCX 005/10—Revocation of Airworthiness Directives [F2010L00825]\*.

ADCX 006/10—Revocation of Airworthiness Directives [F2010L00851]\*.

ADCX 007/10—Revocation of Airworthiness Directives [F2010L00869]\*.

ADCX 008/10—Revocation of Airworthiness Directives [F2010L00969]\*.

ADCX 009/10—Revocation of Airworthiness Directives [F2010L00970]\*.

- ADCX010/10—Revocation of Airworthiness Directives [F2010L01154]\*.
- EX17/10—Exemption – CASR Part 99 DAMP requirements for CAR 30 organisations overseas [F2010L00728]\*.
- EX22/10—Exemption – CASR Part 99 Standard for drug testing [F2010L00798]\*.
- EX23/10—Exemption – from provisions in Part 173 of CASR 1998 – Jeppesen Sanderson Inc. [F2010L00805]\*.
- Commissioner of Taxation—Public Rulings—
- Class Rulings CR 2010/7-CR 2010/11.
- Product Rulings PR 2010/5-PR 2010/9.
- Self Managed Superannuation Funds Determination SMSFD 2010/1.
- Self Managed Superannuation Funds Rulings—
- Addendum—SMSFR 2009/4.
- SMSFR 2010/2.
- Taxation Determinations—
- Addenda—TD 92/129, TD 92/158, TD 92/162, TD 92/171, TD 92/172, TD 93/36, TD 93/180, TD 93/182, TD 93/183, TD 93/184 and TD 96/18.
- Notices of Withdrawal—TD 92/173, TD 93/37, TD 95/8, TD 96/32, TD 2004/63 and TD 2005/16.
- TD 2010/2-TD 2010/12.
- Taxation Rulings (old series)—Notices of Withdrawal—IT 2440, IT 2651, and IT 2664.
- Taxation Rulings—
- Addenda—TR 2001/3 and TR 2006/3.
- Erratum—TR 2010/1.
- Commonwealth Authorities and Companies Act—Notices under section 45—
- Australian Energy Market Operator Limited.
- NBN Co Limited.
- Commonwealth Authorities and Companies Act and Anglo-Australian Telescope Agreement Act—Commonwealth Authorities and Companies Orders (Financial Statements for reporting periods ending on or after 1 July 2009) [F2010L00841]\*.
- Corporations Act—
- ASIC Class Orders—
- [CO 10/29] [F2010L00797]\*.
- [CO 10/135] [F2010L01085]\*.
- [CO 10/246] [F2010L00800]\*.
- [CO 10/249] [F2010L00802]\*.
- [CO 10/288] [F2010L01075]\*.
- [CO 10/289] [F2010L01077]\*.
- Select Legislative Instruments 2010 Nos—
- 54—Corporations Amendment Regulations 2010 (No. 1) [F2010L00737]\*.
- 55—Corporations Amendment Regulations 2010 (No. 2) [F2010L00738]\*.
- Corporations (Fees) Act—Select Legislative Instruments 2010 Nos—
- 56—Corporations (Fees) Amendment Regulations 2010 (No. 1) [F2010L00736]\*.
- 57—Corporations (Fees) Amendment Regulations 2010 (No. 2) [F2010L00741]\*.

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Cluster Headache No. 20 of 2010 [F2010L01036]\*.

Cluster Headache No. 21 of 2010 [F2010L01037]\*.

Dislocation No. 24 of 2010 [F2010L01040]\*.  
 Dislocation No. 25 of 2010 [F2010L01041]\*.  
 Non-Hodgkin's Lymphoma No. 28 of 2010 [F2010L01044]\*.  
 Non-Hodgkin's Lymphoma No. 29 of 2010 [F2010L01045]\*.

Veterans' Entitlements (Partially Asset-test Exempt Income Stream – Exemption) Amendment Principles 2010 [F2010L00854]\*.

Veterans' Entitlements (Veterans' Children Education Scheme – Scholarships) Instrument 2010—R24/2010 [F2010L00836]\*.

*Governor-General's Proclamation—Commencement of provisions of an Act*

*Renewable Energy (Electricity) Amendment Act 2009—Items 6 and 7 of Schedule 3—18 April 2010 [F2010L00946]\*.*

\* Explanatory statement tabled with legislative instrument.

**50 LAW AND JUSTICE—NATIONAL HUMAN RIGHTS CONSULTATION REPORT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following document was tabled pursuant to the order of the Senate of 17 March 2010:

Law and justice—National human rights consultation report—Australia's human rights framework, April 2010.

**51 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Moore) informed the Senate that the President had received a letter nominating senators to be members of a committee.

The Minister for Immigration and Citizenship (Senator Evans), by leave, moved—That senators be appointed to the Select Committee on the Reform of the Australian Federation as follows:

Senators Back, Ryan and Trood

Participating members: Senators Adams, Barnett, Bernardi, Birmingham, Boswell, Boyce, Brandis, Bushby, Cash, Colbeck, Coonan, Cormann, Eggleston, Ferguson, Fierravanti-Wells, Fifield, Fisher, Heffernan, Humphries, Johnston, Joyce, Kroger, Macdonald, Mason, McGauran, Minchin, Nash, Parry, Payne, Ronaldson, Scullion, Troeth and Williams.

Question put and passed.

**52 CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN) BILL 2010**

**TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) BILL 2009**

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

Message no. 556, dated 18 March 2010—Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010.

Message no. 557, dated 18 March 2010—Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009.

**53 NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010  
PROTECTION OF THE SEA LEGISLATION AMENDMENT BILL 2010**

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

Message no. 559, dated 18 March 2010—A Bill for an Act to make provision in relation to the selection of a site for, and the establishment and operation of, a radioactive waste management facility, and for related purposes.

Message no. 558, dated 18 March 2010—A Bill for an Act to amend the law in relation to the protection of the sea, and for related purposes.

The Minister for Immigration and Citizenship (Senator Evans) 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 Evans moved—That these bills be now read a second time.

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

*Consideration of legislation:* Senator Evans moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

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*At 8 pm—*

**54 BUDGET STATEMENT AND DOCUMENTS 2010-11**

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

The Budget 2010-11—Statement by the Treasurer (Mr Swan), dated 11 May 2010.

Budget papers—

No. 1—Budget strategy and outlook 2010-11.

No. 2—Budget measures 2010-11.

No. 3—Australia's federal relations 2010-11.

No. 4—Agency resourcing 2010-11.

Ministerial statements—

Closing the Gap – Building Momentum—Statement by the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin), dated 11 May 2010.

Stronger Rural and Regional Communities—Statement by the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese), the Minister for Agriculture, Fisheries and Forestry and Minister for population (Mr Burke), the Minister for Resources and Energy and Minister for Tourism (Mr Ferguson), the Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government (Ms McKew) and the Parliamentary Secretary for Western and Northern Australia (Mr Gray), dated 11 May 2010.

Skills and infrastructure – Building a Stronger and Fairer Australia—Statement by the Minister for Education and Minister for Employment and Workplace Relations and Minister for Social Inclusion (Ms Gillard) and the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese), dated 11 May 2010.

Australia's International Development Assistance: A Good International Citizen—Statement by the Minister for Foreign Affairs and Trade (Mr Smith) and the Parliamentary Secretary for International Development Assistance (Mr McMullan), dated 11 May 2010.

Senator Sherry, by leave, moved—That the Senate take note of the statement and documents.

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

**55 PARTICULARS OF PROPOSED AND CERTAIN EXPENDITURE FOR 2010-11—DOCUMENTS—REFERENCE OF ESTIMATES TO COMMITTEES**

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

Particulars of proposed expenditure in respect of the year ending on 30 June 2011.

Particulars of certain proposed expenditure in respect of the year ending on 30 June 2011.

Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2011.

Senator Sherry, by leave, moved—That the particulars documents be referred to standing committees for consideration of estimates.

Question put and passed.

**56 ESTIMATES OF PROPOSED EXPENDITURE FOR 2010-11—PORTFOLIO BUDGET STATEMENTS—PARLIAMENTARY DEPARTMENTS—DOCUMENTS**

The President tabled the following documents:

Estimates of proposed expenditure for 2010-11—Portfolio budget statements—Parliamentary departments—

Senate.

Parliamentary Services.

**57 ESTIMATES OF PROPOSED EXPENDITURE FOR 2010-11—PORTFOLIO BUDGET STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENTS**

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

Estimates of proposed expenditure for 2010-11—Portfolio budget statements—Portfolios and executive departments—

Agriculture, Fisheries and Forestry portfolio.

Attorney-General's portfolio.

Broadband, Communications and the Digital Economy portfolio.

Climate Change and Energy Efficiency portfolio.

Defence portfolio.

Department of Veterans' Affairs.

Education, Employment and Workplace Relations portfolio.

Environment, Water, Heritage and the Arts portfolio.

Families, Housing, Community Services and Indigenous Affairs portfolio.

Finance and Deregulation portfolio.



Foreign Affairs and Trade portfolio.  
Health and Ageing portfolio.  
Human Services portfolio.  
Immigration and Citizenship portfolio.  
Infrastructure, Transport, Regional Development and Local Government portfolio.  
Innovation, Industry, Science and Research portfolio.  
Prime Minister and Cabinet portfolio.  
Resources, Energy and Tourism portfolio.  
Treasury portfolio.

**58 QUESTION TIME—RULES FOR QUESTIONS—STATEMENT BY PRESIDENT—DOCUMENT**

The President tabled the following document:

Question time—Rules for questions—Statement by President—Matters raised during question time on 11 May 2010.

*Statement by leave:* The Leader of the Australian Greens (Senator Bob Brown), by leave, made a statement relating to the matter.

**59 ADJOURNMENT**

Pursuant to order, the Senate adjourned at 8.12 pm till Wednesday, 12 May 2010 at 9.30 am.

**60 ATTENDANCE**

Present, all senators except Senators Boyce\* and Ferguson\* (\* on leave).

**ROSEMARY LAING**  
Clerk of the Senate