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Contents

1	Meeting of Senate.....	3449
2	Government Documents	3449
3	Fuel and Energy—Select Committee—Leave to Meet During Sitting.....	3450
4	Tax Laws Amendment (2010 Measures No. 1) Bill 2010.....	3450
5	Anti-People Smuggling and Other Measures Bill 2010	3456
6	Health—Therapeutic Groups—Order for Production of Documents— Document.....	3456
7	Matters of Public Interest	3456
8	Questions.....	3456
9	Motion to Take Note of Answers.....	3456
10	Notices	3456
11	Environment, Communications and the Arts References Committee— Extension of Time to Report	3460
12	Leave of Absence.....	3461
13	Postponements	3461
14	Notice of Motion Withdrawn	3461
15	Foreign Affairs, Defence and Trade References Committee—Extension of Time to Report.....	3461
16	Privileges—Standing Committee—Extension of Time to Report	3462
17	Privileges—Standing Committee—Leave to Meet During Sitting	3462
18	Committees—Allocation of Departments—Variation	3462
19	National Volunteer Week.....	3462
20	Education—Primary Schools—Order for Production of Documents.....	3463
21	Environment—Green Loans Program—Order for Production of Documents ..	3464
22	Environment—Home Insulation Program—Orders for Production of Documents	3464
23	Health—Plastics—Bisphenol A	3465
24	Social Issues—Poverty	3465
25	Foreign Affairs—Papua New Guinea Liquefied Natural Gas Project— National Interest Assessments—Order for Production of Documents	3466

26	Environment—Mako Shark and Porbeagle Shark—Order for Production of Documents	3466
27	National Broadband Network—Select Committee—Variation of Appointment.....	3467
28	Immigration—Processing of Asylum Claims—Sri Lankan and Afghan Nationals	3467
29	Immigration—Boat Arrivals—Protocols for Monitoring and Interception.....	3468
30	Commonwealth Commissioner for Children and Young People Bill 2010	3469
31	Transport—High Speed Rail Network—Feasibility Study	3469
32	Historical Events—Victoria—Windsor Hotel.....	3470
33	Discussion of Matter of Public Importance—Taxation—Rudd Government ...	3470
34	Scrutiny of Bills—Standing Committee—5th Report and Alert Digest No. 5 of 2010.....	3470
35	Scrutiny of Bills—Standing Committee—Interim Report—Future Direction and Role of the Scrutiny of Bills Committee.....	3470
36	Public Accounts And Audit—Joint Statutory Committee—Statement—Draft Estimates for the Audit Office.....	3471
37	Rural and Regional Affairs and Transport References Committee—Document—Import Restrictions on Beef.....	3471
38	Documents.....	3471
39	Departmental and Agency Appointments and Vacancies—Order for Production of Documents—Document	3472
40	Departmental and Agency Grants—Order for Production of Documents—Document.....	3472
41	National Library of Australia—Senate Member of Council.....	3473
42	Committee Membership	3473
43	Governor-General’s Messages—Assent to Laws	3473
44	Community Affairs Legislation Committee—Report—Health Practitioner Regulation (Consequential Amendments) Bill 2010.....	3475
45	Economics Legislation Committee—Report—Tax Laws Amendment (2010 Measures No. 2) Bill 2010	3475
46	Community Affairs Legislation Committee—Report—Health Insurance Amendment (Pathology Requests) Bill 2010	3475
47	Legal and Constitutional Affairs Legislation Committee—Report—Personal Property Securities (Corporations and Other Amendments) Bill 2010	3476
48	Environment, Communications and the Arts Legislation Committee—Report—Broadcasting Legislation Amendment (Digital Television) Bill 2010	3476
49	Environment, Communications and the Arts Legislation Committee—Report—Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010.....	3476
50	Environment, Communications and the Arts Legislation Committee—Report—Building Energy Efficiency Disclosure Bill 2010	3476
51	Anti-People Smuggling and Other Measures Bill 2010	3477
52	Government Documents—Consideration.....	3477
53	Adjournment.....	3477
54	Attendance.....	3478

1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Migration Act 1958—Section 486O—Assessment of detention arrangements—
Personal identifiers 581/10 to 589/10—

Commonwealth Ombudsman's reports.

Government response to Ombudsman's reports.

Treaties—*Bilateral*—

Agreement between the Government of Australia and the Government of the United States of America concerning Peaceful Uses of Nuclear Energy, done at New York on 4 May 2010—Text, together with national interest analysis and agreed minute.

Convention between Australia and the Republic of Chile for the Avoidance of Double Taxation with Respect to Taxes on Income and Fringe Benefits and the Prevention of Fiscal Evasion, and Protocol, done at Santiago on 10 March 2010—Text, together with national interest analysis and regulation impact statement.

Text, together with national interest analysis—

Agreement between Australia and the European Union on the Security of Classified Information, done at Brussels, 13 January 2010.

Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Classified Military Information, done at Singapore on 30 May 2009.

Amendments to the Agreement between the Government of Australia and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam relating to Air Services, done at Canberra 30 April 1992 [1992] ATS 20.

Third Protocol amending the Agreement between the Government of Australia and the Government of Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, as amended by the First Protocol of 2 August 1999 and the Second Protocol of 28 July 2002, done at Canberra on 24 February 2010.

Text, together with national interest analysis and annexure—

Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services, done at London on 10 July 2008.

Agreement between the Government of Australia and the Swiss Federal Council relating to Air Services, done at Canberra on 28 November 2008.

Text, together with national interest analysis and annexures—

Agreement between Australia and the Kingdom of Spain relating to Air Services, done at Canberra on 24 June 2009.

Agreement between the Government of Australia and the Government of the United States of America Concerning Acquisition and Cross-Servicing, Done at Canberra on 27 April 2010.

3 **FUEL AND ENERGY—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Parry, by leave and at the request of the Chair of the Select Committee on Fuel and Energy (Senator Cormann), moved—That the Select Committee on Fuel and Energy 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 pm.

Question put and passed.

4 **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.

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: The Assistant Treasurer (Senator Sherry) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

The Leader of The Nationals in the Senate (Senator Joyce) moved the following amendment:

Schedule 1, item 5, page 7 (line 4 and 5), omit subsection (3), substitute:

- (3) An ***approved clearing house*** means one of the following:
- (a) a licensed superannuation clearing house, which meets the minimum standards specified in the regulations for the purposes of this paragraph; or
 - (b) a government-subsidised clearing house, selected subject to a competitive process for awarding a government contract, as specified in the regulations for the purposes of this paragraph.

Debate ensued.

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

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

Schedule 3, item 4, page 16 (lines 24 to 26), omit paragraph 275-15(1)(b), substitute:

- (b) every *member of the trust is a managed investment trust in relation to the income year (or a trust that is treated in the same way as a managed investment trust in relation to the income year through the operation of this Subdivision).

Schedule 3, item 4, page 17 (lines 6 to 13), omit paragraphs 275-20(b) and (c), substitute:

- (b) the trust would be a managed investment trust in relation to the income year (or a trust that would be treated in the same way as a managed investment trust in relation to the income year through the operation of this Subdivision) if the trustee of the trust had made the first fund payment in relation to the income year on the first day of the income year; and
- (c) the trust would be a managed investment trust in relation to the income year (or a trust that would be treated in the same way as a managed investment trust in relation to the income year through the operation of this Subdivision) if the trustee of the trust had made the first fund payment in relation to the income year on the last day of the income year.

Schedule 3, item 4, page 21 (lines 32 and 33), omit “year of income”, substitute “income year”.

Schedule 3, item 4, page 22 (line 1), after “Division 6C”, insert “of Part III”.

Schedule 3, item 4, page 22 (line 2), omit “year of income”, substitute “income year”.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Sherry, in respect of Schedule 3, item 4, sections 275-5, 275-10 and 275-25.

Question—That Schedule 3, item 4, sections 275-5, 275-10 and 275-25 stand as printed—put and negatived.

Senator Milne moved the following amendment:

Page 34 (after line 6), after Schedule 4, insert:

Schedule 4A—Carbon sink forests

Income Tax Assessment Act 1997

1 Subdivision 40-J

Repeal the Subdivision.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 7

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne
Siewert (Teller)

Xenophon

NOES, 27

Senators—

Adams
Bilyk
Bishop
Bushby
Cameron
Collins
Crossin

Farrell
Feeney
Forshaw
Furner
Hurley
Hutchins
Ludwig

Lundy
Marshall
McEwen
McLucas
Moore
Parry (Teller)
Polley

Pratt
Sherry
Stephens
Sterle
Troeth
Wortley

Question negatived.

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

Schedule 5, page 37 (after line 11), after item 3, insert:

3A Subsection 701-58(2)

After “(5A)”, insert “, (5C)”.

3B At the end of Division 701

Add:

701-90 Valuable right to future income treated as separate asset

- (1) This subsection covers a valuable right (including a contingent right) to receive an amount for the performance of work or services or the provision of goods (other than *trading stock) if:
 - (a) the valuable right forms part of a contract or agreement; and
 - (b) the *market value of the valuable right (taking into account all the obligations and conditions relating to the right) is greater than nil.
- (2) For the purposes of this Part, treat a valuable right covered by subsection (1) as a separate asset.
- (3) For the purposes of this Part, if:
 - (a) a valuable right is treated as a separate asset under subsection (2); and
 - (b) the contract or agreement mentioned in paragraph (1)(a) also includes one or more other rights;
 for the purposes of this Part, treat the contract or agreement (excluding the valuable right) as a separate asset.
- (4) For the purposes of this Part:
 - (a) take into account all the obligations and conditions relating to a valuable right treated as a separate asset under subsection (2) in working out the *market value of that separate asset; and
 - (b) if a contract or agreement (excluding the valuable right) is treated as a separate asset under subsection (3)—take into account all the obligations and conditions relating to each right (other than the valuable right) that forms part of the contract or agreement in working out the market value of that separate asset.

Schedule 5, item 4, page 39 (lines 4 to 7), omit paragraph 716-405(2)(a), substitute:

- (a) unless paragraph (b) applies—the amount determined under subsection (3A); or

Schedule 5, item 4, page 39 (after line 22), after subsection 716-405(3), insert:

- (3A) For the purposes of paragraph (2)(a), the amount is the lesser of the following:
 - (a) the *unexpended tax cost setting amount for the asset for that income year;
 - (b) the unexpended tax cost setting amount for the asset for the first income year ending after the joining time, divided by the lesser of:
 - (i) 10; or

- (ii) if the contract or agreement giving rise to the valuable right mentioned in paragraph 716-410(a) is for a specified period—the number of days in that period that end after the joining time, divided by 365 and rounded upwards to the nearest whole number.

Schedule 5, item 4, page 40 (lines 23 and 24), omit paragraph 716-410(a), substitute:

- (a) the asset is a valuable right covered by subsection 701-90(1); and

Note: Such a valuable right is treated as a separate asset for the purposes of this Part (see subsection 701-90(2)).

Schedule 5, item 4, page 40 (lines 28 to 30), omit paragraph 716-410(c), substitute:

- (c) it is reasonable to expect that an amount attributable to the asset will be included in the assessable income of the entity or any other entity after the joining time; and
- (d) Division 230 does not apply in relation to the asset (disregarding section 230-455).

Schedule 5, item 8, page 43 (lines 12 to 14), omit paragraph (4)(a), substitute:

- (a) on or before 30 June 2011; or

Schedule 5, item 84, page 66 (lines 2 and 3), omit “leaving entity” (wherever occurring), substitute “partnership”.

Schedule 5, page 86 (after line 18), after item 146, insert:

146A Section 715-230 (note 1)

Omit “a direct or indirect interest in a subsidiary member”, substitute “certain kinds of interests in a member”.

Schedule 5, page 86 (after line 28), after item 148, insert:

148A After section 715-260

Insert:

715-265 Head company does not have relevant equity or debt interest in a loss company if widely held top company does not have such an interest

- (1) For the purposes of Subdivision 165-CD, treat the ^{*}head company of a ^{*}consolidated group as *not* having a relevant equity interest in a ^{*}loss company at a particular time if:
 - (a) the head company is an ^{*}eligible tier-1 company of a ^{*}top company at that time; and
 - (b) the top company is a ^{*}widely held company at that time; and
 - (c) because of subsections 165-115X(2A), (2B) and (2C), the top company does not have a relevant equity interest under section 165-115X in the loss company at that time.
- (2) For the purposes of paragraph (1)(c), disregard the operation of subsection 701-1(1) (the single entity rule) in determining whether subsection 165-115X(2C) has the effect that the ^{*}top company has the relevant equity interest mentioned in that paragraph.
- (3) For the purposes of Subdivision 165-CD, treat the ^{*}head company of a ^{*}consolidated group as *not* having a relevant debt interest in a ^{*}loss company at a particular time if:

- (a) the head company is an *eligible tier-1 company of a *top company at that time; and
- (b) the top company is a *widely held company at that time; and
- (c) because of subsections 165-115Y(3A), (3B) and (3C), the top company does not have a relevant debt interest under section 165-115Y in the loss company at that time.

Schedule 5, page 87 (after line 11), after item 150, insert:

150A Section 715-450 (note)

Omit “a direct or indirect interest in a subsidiary member”, substitute “certain kinds of interests in a member”.

150B Subdivision 715-H (heading)

Repeal the heading, substitute:

Subdivision 715-H—Cancelling loss on realisation event for direct or indirect interest in a member of a consolidated group

150C Paragraph 715-610(2)(d)

Omit “a consolidated group.”, substitute “a consolidated group; or”.

150D At the end of subsection 715-610(2)

Add:

- (e) all of these conditions are satisfied at that time:
 - (i) the realised interest was an equity or loan interest, an *indirect equity or loan interest or an external indirect equity or loan interest, in the *head company of a consolidated group;
 - (ii) the owner was *not* a member of the group;
 - (iii) the head company was an *eligible tier-1 company of a *top company.

150E Subsection 715-610(3)

Omit “a *subsidiary member”, substitute “a member”.

150F Subsection 715-610(3)

Omit “the subsidiary member” (wherever occurring), substitute “the member”.

Schedule 5, item 193, page 102 (lines 20 and 21), omit the item, substitute:

193 Application provision

- (1) The amendments made by this Part apply in relation to a consolidated group or MEC group on or after:
 - (a) if the head company of the consolidated group (or the head company or provisional head company of the MEC group) makes a choice in accordance with subitems (2) and (3)—10 February 2010; or
 - (b) otherwise—1 July 2002.
- (2) A choice mentioned in paragraph (1)(a) must be made:
 - (a) on or before 30 June 2014; or
 - (b) within a further time allowed by the Commissioner.
- (3) A choice mentioned in paragraph (1)(a) must be made in writing.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

5 ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010

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

Debate resumed.

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

6 HEALTH—THERAPEUTIC GROUPS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 11 May 2010, the Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Health—Therapeutic groups—Statement by the Minister for Health and Ageing (Ms Roxon) relating to the order of the Senate of 11 May 2010, dated 12 May 2010.

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 MOTION TO TAKE NOTE OF ANSWERS

Senator Eggleston 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 the Leader of the Opposition in the Senate (Senator Abetz), the Leader of The Nationals in the Senate (Senator Joyce) and Senator Back today relating to the 2010-11 Budget.

Debate ensued.

Question put and passed.

10 NOTICES

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That—

- (1) To ensure appropriate consideration of time-critical bills by Senate committees, the provisions of all bills introduced into the House of Representatives after 13 May 2010 and before 3 June 2010 that contain provisions commencing on or before 1 July 2010 (together with the provisions of any related bill) are referred to committees for inquiry and report by 15 June 2010.

- (2) The committee to which each bill is referred shall be determined in accordance with the order of 13 February 2008 allocating departments and agencies to standing committees.
- (3) A committee to which a bill has been referred may determine that there are no substantive matters that require examination and report that fact to the Senate.
- (4) This order does not apply in relation to bills which contain no provisions other than provisions appropriating revenue or moneys (appropriation bills).

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

- (a) notes that:
 - (i) the Government has included in the annual release of offshore petroleum exploration areas for 2010 an area 83 km off the coast of Margaret River in south Western Australia,
 - (ii) the Government is expected to announce its final decision on the release of this area on 16 May 2010,
 - (iii) up to 90 per cent of the marine life in the south west region of Australia is unique and half of the world's whale and dolphin species use the region,
 - (iv) the region is becoming increasingly important for the tourism industry,
 - (v) the area proposed for release overlaps the Naturaliste Plateau, which is considered likely to be a treasure trove of undiscovered species,
 - (vi) the south west region is currently undergoing assessment as part of the bioregional marine planning process,
 - (vii) the proposed new petroleum exploration area overlaps the 'southwest corner' area identified within this process for further assessment and potential inclusion in a network of new marine parks under the bioregional marine planning framework, and
 - (viii) the Montara Commission of Inquiry is still underway, and at the same time a serious oil spill in the Gulf of Mexico is threatening large areas of the coast line of the United States of America; and
- (b) calls on the Government not to pre-empt the marine protection process and to withdraw the area off the coast of Margaret River from the offshore petroleum exploration areas release program until a network of marine protected areas has been put in place to protect the south west's unique marine life. (*general business notice of motion no. 792*)

Senator Scullion: To move on the next day of sitting—

- (1) That the Senate requests the Auditor-General to undertake an urgent investigation of waste and mismanagement of the Strategic Indigenous Housing and Infrastructure Program (SIHIP), with regard to:
 - (a) whether value for money is being achieved with the construction and renovation of houses, particularly:
 - (i) the project management, administration and supervision costs being charged by the Alliance partner for houses renovated by sub-contractors,
 - (ii) whether renovated houses are meeting minimum applicable housing standards as stipulated by the Northern Territory Government upon handover,
 - (iii) what financial penalties have been applied for any houses that have failed to meet applicable standards or have had defects noted upon handover, and how was any remedial work paid for,

- (iv) how the guaranteed profit margin for Alliance partners is calculated and does this represent value for money for taxpayers, and
 - (v) the comparison of actual construction costs of new and renovated houses through SIHIP compared with industry standard costs;
 - (b) whether the Commonwealth Government is exercising sufficient supervision of the Northern Territory Government over the administration and implementation of SIHIP in order to prevent mismanagement and minimise waste;
 - (c) the adequacy of tenancy arrangements and mechanisms in place for the Northern Territory Government to manage public housing stocks under SIHIP; and
 - (d) any other examples of waste and mismanagement by either the Commonwealth or the Northern Territory governments in relation to this program that the Auditor-General deems relevant.
- (2) That the Auditor-General is requested to respond in a timely manner in order for the public to be fully informed of the program in advance of further parliamentary scrutiny of the issue. (*general business notice of motion no. 793*)

Senator Xenophon: To move on the next day of sitting—That the Joint Select Committee on Cyber-Safety include in its terms of reference:

- (a) the merit of establishing an Online Ombudsman to investigate, advocate and act on cyber-safety issues; and
- (b) the risk of online gambling and simulated gambling applications, particularly those accessible to children. (*general business notice of motion no. 794*)

Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Income Tax Assessment Act 1997* to require that religious and charitable institutions meet a public benefit test to justify their exemption from taxation, and for related purposes. **Tax Laws Amendment (Public Benefit Test) Bill 2010.** (*general business notice of motion no. 795*)

Senator Fierravanti-Wells: To move on the next day of sitting—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 25 June 2010:

The key outcomes agreed by the Commonwealth Government and five states and two territories at the Council of Australian Governments (COAG) meeting on 19 April and 20 April 2010 and the process of consultation between the states and Commonwealth prior to these agreements and related matters, including but not limited to:

- (a) the new financial arrangements between the Commonwealth and states and territories over the forward estimates and the conditional requirements upon the states for receipt of additional Commonwealth funding;
- (b) what amounts of the \$5.4 billion Commonwealth funding is new spending, what is re-directed from existing programs/areas, the impact on these existing programs and what savings are projected in existing health programs across the forward estimates from these new financial arrangements, including the inputs, assumptions and modelling underpinning these funding amounts;
- (c) the projected number of additional/new services this additional funding will provide in elective surgery treatments, in emergency department treatments, in expected numbers of patients to sign up to the diabetes spending measure, in additional general practitioner (GP) treatments in aged care facilities, including the inputs, assumptions and modelling underpinning these projections;

- (d) the \$15.6 billion top-up payments guaranteed to the states by the Commonwealth in the period 2014-15 to 2019-20, including exploring the breakdown of expenditure relating to hospitals, outpatient services, capital expenditure, GP and primary healthcare, aged care and other areas of health expenditure;
- (e) the names, roles, structures, operations, resourcing, funding and staffing of any new statutory bodies, organisations or other entities needed to establish, oversee, monitor, report upon or administer the National Health and Hospital Networks, Primary Care Organisations and the funding channels to be established under the COAG agreements;
- (f) what arrangements are in place, or are being negotiated for states that have not signed up, nor fully signed up to the COAG agreements, including what contingencies have been put in place for states that may want to alter agreements in future;
- (g) the intent of the state and territory governments and their preferred number and size of Local Hospital Networks in each state and territory;
- (h) the number of hospitals which will receive: activity-based funding, block grant funding, or a mix of both;
- (i) aged care:
 - (i) the 2 500 new aged care beds to be generated by zero interest loans,
 - (ii) the 2 000 beds for long stay older patients to be established,
 - (iii) the funding for the above, and
 - (iv) the establishment of the Commonwealth Government as responsible for full funding, policy, management and delivery responsibility for a national aged care system;
- (j) mental health matters; and
- (k) any other related matter.

Senator Bushby: To move on the next day of sitting—That, when the Economics Legislation Committee meets to consider budget estimates in relation to the Department of the Treasury in the week beginning 31 May 2010, the Secretary of the department, Dr Henry, is to appear before the committee to answer questions. (*general business notice of motion no. 796*)

The Chair of the Community Affairs Legislation Committee (Senator Moore): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs Legislation Committee on the Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2009 be extended to 31 August 2010. (*general business notice of motion no. 797*)

The Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen): To move on the next day of sitting—That the Environment, Communications and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 15 June 2010, from 4 pm to 6 pm, to consider the 2010-11 Budget estimates for Australia Post. (*general business notice of motion no. 798*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 15 June 2010—That the following bill be introduced: A Bill for an Act to deliver essential financial services at reasonable cost, fair mortgages for families and increased competition for the community, and for related purposes. **Banking Amendment (Delivering Essential Financial Services for the Community) Bill 2010**. (*general business notice of motion no. 799*)

Senator Hanson-Young: To move on the next day of sitting—That the following matters be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 31 July 2010:

- (a) the conflicting claims made by the Government, educational experts and peak bodies in relation to the publication of the National Assessment Program – Literacy and Numeracy (NAPLAN) testing;
- (b) the implementation of possible safeguards and protocols around the public presentation of the testing and reporting data;
- (c) the impact of the NAPLAN assessment and reporting regime on:
 - (i) the educational experience and outcomes for Australian students,
 - (ii) the scope, innovation and quality of teaching practice,
 - (iii) the quality and value of information about student progress provided to parents and principals, and
 - (iv) the quality and value of information about individual schools to parents, principals and the general community; and
- (d) international approaches to the publication of comparative reporting of the results, i.e. ‘league tables’; and
- (e) other related matters.

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

- (a) notes:
 - (i) the calls from logging industry representatives in Tasmania and Victoria for assistance in the industry’s restructure, and
 - (ii) the change in global wood market realities and potential; and
- (b) calls on the Government to review the industry’s circumstances with a view to aiding an early resolution of its problems. (*general business notice of motion no. 800*)

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

- (a) notes that:
 - (i) Enrol to Vote Week 2010 will run from 17 May to 23 May 2010 with the theme ‘You never know when an election might be called!’, and
 - (ii) in 2007 only 17 208 Australians enrolled or updated their details by 8 pm on the day election writs were issued compared to 423 975 in the old 7 day period in 2004; and
- (b) recognises the empowerment of young people to the democratic process. (*general business notice of motion no. 801*)

11 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE— EXTENSION OF TIME TO REPORT

The Chair of the Environment, Communications and the Arts References Committee (Senator Fisher), by leave, moved—That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on Australia Post’s treatment of injured and ill workers be extended to 24 June 2010.

Question put and passed.

12 LEAVE OF ABSENCE

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator Carol Brown for 12 May and 13 May 2010, for personal reasons.

Question put and passed.

13 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Community Affairs References Committee, postponed till 15 June 2010.

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 13 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 13 May 2010.

General business notice of motion no. 763 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for 17 June 2010, proposing the introduction of the National Integrity Commissioner Bill 2010, postponed till 22 June 2010.

General business notice of motion no. 772 standing in the name of the Leader of the Opposition in the Senate (Senator Abetz) for today, proposing an order for the production of documents by the Minister representing the Treasurer, postponed till 13 May 2010.

General business notice of motion no. 780 standing in the name of Senator Xenophon for today, relating to the review into the Australian Taxation Office's Change Program, postponed till 13 May 2010.

General business notice of motion no. 781 standing in the name of Senator Xenophon for today, relating to the Armenian genocide of 1915, postponed till 2 September 2010.

14 NOTICE OF MOTION WITHDRAWN

Senator Milne withdrew general business notice of motion no. 787 standing in her name for today, relating to the Renewable Energy Demonstration Program.

15 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 782—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.

Question put and passed.

16 PRIVILEGES—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Standing Committee of Privileges (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 790—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.

Question put and passed.

17 PRIVILEGES—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, at the request of the Chair of the Standing Committee of Privileges (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 791—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.

Question put and passed.

18 COMMITTEES—ALLOCATION OF DEPARTMENTS—VARIATION

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

Question put and passed.

19 NATIONAL VOLUNTEER WEEK

The Special Minister of State (Senator Ludwig), at the request of the Parliamentary Secretary for the Voluntary Sector (Senator Stephens) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—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.

Question put and passed.

20 EDUCATION—PRIMARY SCHOOLS—ORDER FOR PRODUCTION OF DOCUMENTS

The Chair of the Education, Employment and Workplace Relations References Committee (Senator Cash), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 777—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.

Question put and passed.

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

21 ENVIRONMENT—GREEN LOANS PROGRAM—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Birmingham, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 774—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.

Question put and passed.

Statement by leave: Senator O'Brien, by leave, made a statement relating to the motion and to general business notices of motion nos 775 and 776.

22 ENVIRONMENT—HOME INSULATION PROGRAM—ORDERS FOR PRODUCTION OF DOCUMENTS

Senator Birmingham, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 775—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.

Question put and passed.

Senator Birmingham, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 776—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.

Question put and passed.

23 HEALTH—PLASTICS—BISPHENOL A

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 778—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.

Question put and passed.

24 SOCIAL ISSUES—POVERTY

Senator Pratt, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 771—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.

Question put and passed.

25 FOREIGN AFFAIRS—PAPUA NEW GUINEA LIQUEFIED NATURAL GAS PROJECT—NATIONAL INTEREST ASSESSMENTS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 773—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.

Question put and passed.

26 ENVIRONMENT—MAKO SHARK AND PORBEAGLE SHARK—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 779—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.

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

Question put and passed.

27 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—VARIATION OF APPOINTMENT

Senator Parry, at the request of the Chair of the Select Committee on the National Broadband Network (Senator Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 783—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”.

Question put and passed.

Statements by leave: Senators O’Brien, Ludlam and Parry, by leave, made statements relating to the motion.

28 IMMIGRATION—PROCESSING OF ASYLUM CLAIMS—SRI LANKAN AND AFGHAN NATIONALS

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 785—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.

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

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 36

Senators—			
Back	Cormann	Hutchins	O'Brien (Teller)
Bilyk	Crossin	Kroger	Parry
Bishop	Farrell	Ludwig	Polley
Bushby	Feeney	Lundy	Pratt
Cameron	Fielding	Marshall	Sterle
Carr	Fierravanti-Wells	McEwen	Troeth
Cash	Fisher	McLucas	Trood
Colbeck	Furner	Moore	Williams
Collins	Hurley	Nash	Wortley

Question negatived.

29 IMMIGRATION—BOAT ARRIVALS—PROTOCOLS FOR MONITORING AND INTERCEPTION

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 786—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.

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

Question put.

The Senate divided—

AYES, 7

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

NOES, 36

Senators—			
Back	Crossin	Ludwig	Parry (Teller)
Bilyk	Farrell	Lundy	Polley
Bishop	Feeney	Macdonald	Pratt
Bushby	Fierravanti-Wells	Marshall	Scullion
Cameron	Fisher	McEwen	Sterle
Carr	Furner	McLucas	Troeth
Colbeck	Hurley	Moore	Trood
Collins	Hutchins	Nash	Williams
Cormann	Kroger	O'Brien	Wortley

Question negatived.

30 COMMONWEALTH COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE BILL 2010

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 784—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.

Question put and passed.

Senator Hanson-Young 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 Hanson-Young moved—That this bill be now read a second time.

Explanatory memorandum: Senator Hanson-Young, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.

31 TRANSPORT—HIGH SPEED RAIL NETWORK—FEASIBILITY STUDY

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. 789—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.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 28

Senators—

Arbib	Cormann	Joyce	Parry
Barnett	Crossin	Kroger	Polley
Bilyk	Farrell	Macdonald	Scullion
Birmingham	Feeney	Marshall	Sterle
Bushby	Fierravanti-Wells	McEwen	Troeth
Colbeck	Hurley	Nash	Williams
Collins	Hutchins	O'Brien (Teller)	Wortley

Question negatived.

Statements by leave: Senator Bob Brown, the Minister for Employment Participation (Senator Arbib) and Senator Macdonald, by leave, made statements relating to the motion.

32 HISTORICAL EVENTS—VICTORIA—WINDSOR HOTEL

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. 788—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.

Statements by leave: The Minister for Employment Participation (Senator Arbib) and Senator Bob Brown, 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.

33 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—RUDD GOVERNMENT

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

The reckless spending, high taxing Rudd Labor Government.

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

34 SCRUTINY OF BILLS—STANDING COMMITTEE—5TH REPORT AND ALERT DIGEST NO. 5 OF 2010

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan) tabled the following report and document:

Scrutiny of Bills—Standing Committee—

5th report of 2010, dated 12 May 2010.

Alert Digest No. 5 of 2010, dated 12 May 2010.

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

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

Question put and passed.

35 SCRUTINY OF BILLS—STANDING COMMITTEE—INTERIM REPORT—FUTURE DIRECTION AND ROLE OF THE SCRUTINY OF BILLS COMMITTEE

Pursuant to order, the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan) tabled the following report:

Scrutiny of Bills—Standing Committee—Future Direction and Role of the Scrutiny of Bills Committee—Interim report, dated 12 May 2010

Extension of time to report: Senator Coonan moved—That the Senate adopt the recommendation of the interim report that the time for the presentation of the committee's report on this inquiry be extended, with the reporting date to be determined after the introduction of legislation to establish the proposed Parliamentary Joint Committee on Human Rights.

Question put and passed.

**36 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—STATEMENT—
DRAFT ESTIMATES FOR THE AUDIT OFFICE**

Senator Lundy, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following document:

Public Accounts and Audit—Joint Statutory Committee—Statement on the draft budget estimates for the Australian National Audit Office for 2001-11.

Senator Lundy moved—That the Senate take note of the document.

Question put and passed.

**37 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
DOCUMENT—IMPORT RESTRICTIONS ON BEEF**

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

Rural and Regional Affairs and Transport References Committee—The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restriction on beef—Correction.

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

38 DOCUMENTS

The following documents were tabled by the Clerk:

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

Agricultural and Veterinary Chemicals Code Act—Select Legislative Instrument 2010 No. 75—Agricultural and Veterinary Chemicals Code Amendment Regulations 2010 (No. 1) [F2010L00976]*.

Australian Securities and Investments Commission Act—Select Legislative Instruments 2010 Nos—

86—Australian Securities and Investments Commission Amendment Regulations 2010 (No. 1) [F2010L01096]*.

87—Australian Securities and Investments Commission Amendment Regulations 2010 (No. 2) [F2010L01197]*.

Aviation Transport Security Act—Select Legislative Instrument 2010 No. 80—Aviation Transport Security Amendment Regulations 2010 (No. 1) [F2010L01200]*.

Civil Aviation Act—Select Legislative Instrument 2010 No. 81—Civil Aviation Amendment Regulations 2010 (No. 1) [F2010L01205]*.

Commonwealth Electoral Act—Select Legislative Instrument 2010 No. 79—Electoral and Referendum Amendment Regulations 2010 (No. 1) [F2010L00975]*.

Corporations Act—

ASIC Class Order [CO 10/333] [F2010L01204]*.

Select Legislative Instruments 2010 Nos—

88—Corporations Amendment Regulations 2010 (No. 3) [F2010L01097]*.

89—Corporations Amendment Regulations 2010 (No. 4) [F2010L01198]*.

Fair Work (Transitional Provisions and Consequential Amendments) Act—Select Legislative Instrument 2010 No. 77—Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2010 (No. 1) [F2010L01199]*.

Family Law Act—Select Legislative Instrument 2010 No. 76—Family Law Amendment Regulations 2010 (No. 1) [F2010L01220]*.

Migration Act—Select Legislative Instrument 2010 No. 90—Migration Amendment Regulations 2010 (No. 5) [F2010L01203]*.

Moomba-Sydney Pipeline System Sale Act—Select Legislative Instrument 2010 No. 84—Moomba-Sydney Pipeline System Sale Repeal Regulations 2010 [F2010L01194]*.

National Rental Affordability Scheme Act—Select Legislative Instrument 2010 No. 78—National Rental Affordability Scheme Amendment Regulations 2010 (No. 1) [F2010L01193]*.

Privacy Act—Temporary Public Interest Determination No. 2010-1—To allow collation of victims of crime statistics involving student visa holders for research purposes [F2010L01206]*.

Remuneration Tribunal Act—Determination 2010/05: Remuneration and Allowances for Holders of Public Office [F2010L01196]*.

Snowy Mountains Engineering Corporation Act—Select Legislative Instrument 2010 No. 85—Snowy Mountains Engineering Corporation (Conversion into Public Company) Repeal Regulations 2010 [F2010L01191]*.

Veterans' Entitlements Act—Statements of Principles concerning—

Gout No. 30 of 2010 [F2010L01046]*.

Gout No. 31 of 2010 [F2010L01047]*.

Iliotibial Band Syndrome No. 34 of 2010 [F2010L01050]*.

Iliotibial Band Syndrome No. 35 of 2010 [F2010L01051]*.

Joint Instability No. 32 of 2010 [F2010L01048]*.

Joint Instability No. 33 of 2010 [F2010L01049]*.

Reactive Arthritis No. 26 of 2010 [F2010L01042]*.

Reactive Arthritis No. 27 of 2010 [F2010L01043]*.

Water Act—Select Legislative Instrument 2010 No. 83—Water Amendment Regulations 2010 (No. 1) [F2010L01207]*.

* Explanatory statement tabled with legislative instrument.

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

The following document was tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Budget estimates—Letter of advice—Broadband, Communications and the Digital Economy portfolio agencies.

40 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Budget estimates—Letter of advice—Department of Broadband, Communications and the Digital Economy.

41 NATIONAL LIBRARY OF AUSTRALIA—SENATE MEMBER OF COUNCIL

The Acting Deputy President (Senator Hurley) informed the Senate that the President had received a letter from the Leader of the Opposition in the Senate (Senator Abetz) nominating a senator to be a member of the Council of the National Library of Australia.

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, moved—That, in accordance with the provisions of the *National Library Act 1960*, the Senate elect Senator Trood to be a member of the Council of the National Library of Australia on and from 13 June 2010, for a period of 3 years.

Question put and passed.

42 COMMITTEE MEMBERSHIP

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

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

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—

Discharged—Senator Johnston

Appointed—Senator Fierravanti-Wells

Legal and Constitutional Affairs Legislation Committee—

Appointed—Substitute member: Senator McLucas to replace Senator Marshall for the consideration of the 2010-11 Budget estimates from 24 May to 26 May 2010

Privileges—Standing Committee—

Discharged—Senators Brandis (from 14 May 2010) and Collins

Appointed—Senators Feeney and Johnston (from 14 May 2010)

Procedure—Standing Committee—

Appointed—Senator Brandis

Regulations and Ordinances—Standing Committee—

Discharged—Senator Wortley

Appointed—Senator Collins.

Question put and passed.

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Joint Select Committee on Cyber-Safety, as follows:

Message no. 560, dated 11 May 2010—Mr Danby, Mr Fletcher, Mr Hawke, Mr Perrett, Mr Oakeshott, Mr Ripoll and Ms Vamvakinou.

43 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

24 March 2010—Message—

No. 9—*Social Security and Other Legislation Amendment (Income Support for Students) Act 2010* (Act No. 17, 2010).

No. 10—*Australian Centre for Renewable Energy Act 2010* (Act No. 18, 2010).

- No. 11—
Tax Laws Amendment (2009 Measures No. 6) Act 2010 (Act No. 19, 2010)
Tax Laws Amendment (2009 GST Administration Measures) Act 2010 (Act No. 20, 2010)
Tax Laws Amendment (2010 GST Administration Measures No. 1) Act 2010 (Act No. 21, 2010).
- No. 12—*Health Insurance Amendment (Diagnostic Imaging Accreditation) Act 2010* (Act No. 22, 2010).
- 25 March 2010—Message—
- No. 13—*Antarctic Treaty (Environment Protection) Amendment Act 2010* (Act No. 23, 2010).
- No. 14—
Appropriation Act (No. 3) 2009-2010 (Act No. 24, 2010)
Appropriation Act (No. 4) 2009-2010 (Act No. 25, 2010).
- No. 15—
Corporations Amendment (Financial Market Supervision) Act 2010 (Act No. 26, 2010)
Corporations (Fees) Amendment Act 2010 (Act No. 27, 2010)
Crimes Amendment (Working With Children—Criminal History) Act 2010 (Act No. 28, 2010).
- 12 April 2010—Message No. 16—
Health Legislation Amendment (Midwives and Nurse Practitioners) Act 2010 (Act No. 29, 2010)
Midwife Professional Indemnity (Commonwealth Contribution) Scheme Act 2010 (Act No. 30, 2010)
Midwife Professional Indemnity (Run-off Cover Support Payment) Act 2010 (Act No. 31, 2010).
- 13 April 2010—Message—
- No. 17—*Independent National Security Legislation Monitor Act 2010* (Act No. 32, 2010).
- No. 18—
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Act 2010 (Act No. 33, 2010)
Family Assistance Legislation Amendment (Child Care) Act 2010 (Act No. 34, 2010)
Trans-Tasman Proceedings Act 2010 (Act No. 35, 2010)
Trans-Tasman Proceedings (Transitional and Consequential Provisions) Act 2010 (Act No. 36, 2010).
- No. 19—
Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010 (Act No. 37, 2010)
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Act 2010 (Act No. 38, 2010).
- No. 20—
Fisheries Legislation Amendment Act 2010 (Act No. 39, 2010)
Private Health Insurance Legislation Amendment Act (No. 1) 2010 (Act No. 40, 2010).

14 April 2010—Message—

No. 21—

Aviation Transport Security Amendment (2009 Measures No. 1) Act 2010 (Act No. 41, 2010)

Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010 (Act No. 42, 2010)

Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Act 2010 (Act No. 43, 2010).

No. 22—

Trade Practices Amendment (Australian Consumer Law) Act (No. 1) 2010 (Act No. 44, 2010)

Social Security and Family Assistance Legislation Amendment (Weekly Payments) Act 2010 (Act No. 45, 2010).

44 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—HEALTH PRACTITIONER REGULATION (CONSEQUENTIAL AMENDMENTS) BILL 2010

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

Community Affairs Legislation Committee—Health Practitioner Regulation (Consequential Amendments) Bill 2010 [Provisions]—Report, dated May 2010, Hansard record of proceedings, document presented to the committee, additional information and submissions.

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

45 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (2010 MEASURES NO. 2) BILL 2010

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

Economics Legislation Committee—Tax Laws Amendment (2010 Measures No. 2) 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.

46 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—HEALTH INSURANCE AMENDMENT (PATHOLOGY REQUESTS) BILL 2010

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

Community Affairs Legislation Committee—Health Insurance Amendment (Pathology Requests) Bill 2010 [Provisions]—Report, dated May 2010, Hansard record of proceedings and submissions.

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

**47 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—
PERSONAL PROPERTY SECURITIES (CORPORATIONS AND OTHER AMENDMENTS)
BILL 2010**

Pursuant to order, Senator Farrell, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:

Legal and Constitutional Affairs Legislation Committee—Personal Property Securities (Corporations and Other Amendments) Bill 2010 [Provisions]—Report, dated May 2010 and submissions.

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

**48 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—
REPORT—BROADCASTING LEGISLATION AMENDMENT (DIGITAL TELEVISION)
BILL 2010**

Pursuant to order, Senator Farrell, at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), tabled the following report and documents:

Environment, Communications and the Arts Legislation Committee—Broadcasting Legislation Amendment (Digital Television) Bill 2010 [Provisions]—Report, dated May 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.

**49 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—
REPORT—TELECOMMUNICATIONS LEGISLATION AMENDMENT (FIBRE
DEPLOYMENT) BILL 2010**

Pursuant to order, Senator Farrell, at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), tabled the following report and documents:

Environment, Communications and the Arts Legislation Committee—Telecommunications Legislation Amendment (Fibre Deployment) 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.

**50 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—
REPORT—BUILDING ENERGY EFFICIENCY DISCLOSURE BILL 2010**

Pursuant to order, Senator Farrell, at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), tabled the following report and documents:

Environment, Communications and the Arts Legislation Committee—Building Energy Efficiency Disclosure 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.

51 ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010

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

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Hanson-Young was speaking.

52 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

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

Energy Efficient Homes Package—Review of the administration of the Home Insulation Program—Report by Allan Hawke, dated 6 April 2010. Motion to take note of document moved by Senator Barnett. Debate adjourned till Thursday at general business, Senator Barnett in continuation.

Australia's future tax system—Report to the Treasurer [the Henry Review]—

Part one—Overview, December 2009.

Part two—Detailed analysis, volumes 1 and 2, December 2009.

—Motion to take note of documents moved by Senator Barnett. Debate adjourned till Thursday at general business, Senator Barnett in continuation.

Foreign Investment Review Board—Report for 2008-09. Motion to take note of document moved by the Leader of the Family First Party (Senator Fielding). Debate adjourned till Thursday at general business, Senator Fielding in continuation.

General business orders of the day nos 43 to 58, 60 and 63 relating to government documents were called on but no motion was moved.

53 ADJOURNMENT

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

Document: The Leader of the Family First Party (Senator Fielding), by leave, tabled the following document:

Regional Australia—Guildford Post Office—Petitioning document from 239 signatories relating to the Australia Post Office at Guildford and EFTPOS services.

Debate ensued.

Document: Senator Moore, by leave, tabled the following document:

Foreign affairs—Union aid abroad APHEDA—Labour 4A Just Palestine—Middle East study trip report.

The Senate adjourned at 7.34 pm till Thursday, 13 May 2010 at 9.30 am.

54 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate