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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 TEMPORARY CHAIR OF COMMITTEES

The President tabled a warrant, dated 13 May 2010, nominating Senator Ludlam as an additional temporary chair of committees.

3 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REFERENCE

Senator Parry, by leave, moved—

- (1) That the following matters be referred to the Joint Standing Committee on Electoral Matters for inquiry and report:
 - (a) the circumstances surrounding the impersonation of Family First polling booth workers and the distribution of misleading voting information at polling booths in the recent South Australian state election;
 - (b) the extent to which this was a calculated activity designed to mislead voters into directing their preferences in a different direction from that of the official Family First voting information;
 - (c) whether comparable activity would be considered to be legal under the *Commonwealth Electoral Act 1918*, including the implications flowing from the decisions in *Bray v Walsh* (1976), *Evans v Crichton-Browne* (1981), *Webster v Deahm* (1993) and *Re Carroll v Electoral Commission of Queensland* (1998);
 - (d) what changes would be required to the *Commonwealth Electoral Act 1918* so as to prevent a political party (or others) engaging in such misleading and deceptive conduct at future federal elections;
 - (e) the allegations that a single family illegally lodged more than 150 votes on polling day through impersonation of other voters; and
 - (f) the allegations that a large number of votes remained uncollected from hospital facilities because of errors on the part of polling officials.
- (2) That in conducting the review the committee calls for public submissions and undertakes hearings in relevant capital cities.

Debate ensued.

Document: The Special Minister of State (Senator Ludwig) tabled the following document:

Electoral Matters—Joint Standing Committee—Reference—Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010—Proposed amendments (sheet CA241).

Debate continued.

Question put and passed.

4 PETITIONS

The following 4 petitions, lodged with the Clerk by the senators indicated, were received:

By Senator Humphries, from 8 petitioners, requesting that the Senate take certain action in respect of a review of the convictions imposed by the 1902 court martials of Lieutenants Morant, Handcock and Witton.

By Senator Marshall, from 31 petitioners, requesting that the Senate support the Carbon Pollution Reduction Scheme legislation.

By Senator Parry, from 4 572 petitioners, requesting that the Senate take action to have a magnetic resonance imaging unit installed at the North West Regional Hospital, Tasmania.

By Senator Siewert, from 435 petitioners, requesting that the Senate take action to have the Dampier Archipelago in Western Australia included in the World Heritage List.

5 NOTICES

Senator McEwen: To move on 21 June 2010—That the Senate—

(a) expresses:

- (i) the gratitude of the Australian nation to the military personnel and civilians in Rabaul and the New Guinea islands for their services in the defence of Australia during World War II, and
- (ii) its regret and sorrow for the sacrifices that were made in the defence of Rabaul and the New Guinea islands after the invasion of 23 January 1942 and in the subsequent sinking of the *Montevideo Maru* on 1 July 1942; and

(b) conveys:

- (i) its condolences to the relatives of the people who died in this conflict, and
- (ii) its thanks to the relatives for their forbearance and efforts in ensuring that the nation remembers the sacrifices made. (*general business notice of motion no. 802*)

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

(a) acknowledges that:

- (i) there are approximately 60 000 donor conceived individuals in Australia and with advances in reproductive technology this number is likely to increase significantly,
- (ii) all children, including adopted children and children conceived by artificial forms of conception, have the right to know, as far as possible, who their genetic parents are, and
- (iii) not enabling donor conceived individuals to have access to information about their donors and half siblings is a violation of the human rights of donor conceived individuals as described in the International Covenant on Civil and Political Rights, to which Australia is a signatory; and

- (b) agrees that Australia should consider enshrining the rights of donor conceived individuals in national legislation and the need for a nationally-controlled donor registry, given that the vast majority of donor conceived people do not have access to proper family medical histories. (*general business notice of motion no. 803*)

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

- (a) recognises the grief, pain and anguish suffered by thousands of mothers who were victims of the forced adoption policies implemented by state governments for decades; and
- (b) acknowledges:
 - (i) this pain and grief is on-going, and
 - (ii) these mothers deserve an apology for the pain and anguish they have suffered and continue to suffer. (*general business notice of motion no. 804*)

Senator Adams: To move on the next day of sitting—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 June 2010, from 12.30 pm to 2 pm, to take evidence for the committee's biannual review of the National Capital Authority. (*general business notice of motion no. 805*)

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

- (a) notes that:
 - (i) the Rudd Government's current and promised overseas aid commitment fails to meet the agreed United Nations (UN) Millennium Development Goal of 0.7 per cent of gross national income (GNI),
 - (ii) under the Copenhagen Accord, the Rudd Government undertook to contribute to US\$30 billion for 'fast start' financing for the period 2010 to 2012 and that this would be additional to existing aid funding,
 - (iii) an Australian contribution to US\$30 billion is estimated at AU\$760 million,
 - (iv) the climate aid related spending announced in the budget is not additional and is less than half of Australia's fair contribution, and
 - (v) UN climate chief Yvo de Boer noted that, by pledging money that is not new and additional, some industrialised countries are beginning to 'climate-wash' and that this is not conducive to rebuilding trust in the international climate negotiations; and
- (b) calls on the Government to:
 - (i) provide overseas development aid of 0.7 per cent of GNI,
 - (ii) state precisely what it regards as a fair and equitable contribution to the US\$30 billion 'fast start' financing for climate mitigation and adaptation,
 - (iii) make the climate funding additional to the overseas aid budget, and
 - (iv) state when and how this funding will be provided. (*general business notice of motion no. 806*)

6 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

Health Practitioner Regulation (Consequential Amendments) Bill 2010.

No. 4 Australian Research Council Amendment Bill 2010.

No. 5 Therapeutic Goods Amendment (2009 Measures No. 3) Bill 2009
Therapeutic Goods (Charges) Amendment Bill 2009.

No. 6 Higher Education Support Amendment (University College London) Bill 2010.

Australian Information Commissioner Bill 2010

Freedom of Information Amendment (Reform) Bill 2010.

Do Not Call Register Legislation Amendment Bill 2009.

Question put and passed.

Senator Wong, by leave, moved—That a motion relating to the Government's waste and mismanagement of taxpayer money be considered during general business today.

Question put and passed.

7 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 2 September 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 15 June 2010.

General business notice of motion no. 800 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to the logging industry in Tasmania and Victoria, postponed till 24 June 2010.

8 COMMITTEES—REFERENCES

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong), at the request of the Special Minister of State (Senator Ludwig) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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, by unanimous decision, 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).

Question put and passed.

9 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services to improve exterior lighting within the Parliament House precinct.

Statements by leave: The Leader of the Australian Greens (Senator Bob Brown) and Senator Wong, by leave, made statements relating to the motion.

Question put and passed.

10 RESPONSIBLE TAKEAWAY ALCOHOL HOURS BILL 2010

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 738—That the following bill be introduced:

A Bill for an Act to restrict the hours during which takeaway alcoholic beverages can be sold, and for related purposes.

Question put and passed.

Senator Fielding presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

11 INDIGENOUS AUSTRALIANS—STRATEGIC INDIGENOUS HOUSING AND INFRASTRUCTURE PROGRAM

Senator Parry, at the request of Senator Scullion and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 793—

- (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.

Question put and passed.

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

12 TAX LAWS AMENDMENT (PUBLIC BENEFIT TEST) BILL 2010

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 795—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.

Question put and passed.

Senator Xenophon presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

13 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 797—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.

Question put and passed.

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

Senator O'Brien, at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 798—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.

Question put and passed.

15 ENROL TO VOTE WEEK 2010

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 801—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.

Question put and passed.

16 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

Senator Fierravanti-Wells amended business of the Senate notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 18 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.

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

Document: The Special Minister of State (Senator Ludwig) tabled the following document:

Health—A national health and hospitals network for Australia's future: Delivering better health and better hospitals.

Question put and passed.

**17 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES
COMMITTEE—REFERENCE**

Senator Hanson-Young amended business of the Senate notice of motion no. 2 by leave and, pursuant to notice of motion not objected to as a formal motion, moved— That the following matters be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 13 August 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.

Question put and passed.

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

18 ENVIRONMENT—GLOBAL POPULATION

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. 746—

- (1) That the Senate—
 - (a) notes that:
 - (i) global population is expected to grow from 6.8 billion people now to 9.2 billion in 2050,
 - (ii) Australia’s population size and capacity to sustain population growth at the current rate is an issue of national significance that requires a national population policy and strategic plan as a matter of urgency,
 - (iii) as a wealthy nation, Australia is disproportionately able to influence and slow global population growth, and
 - (iv) there is growing public debate about the question of population size; and
 - (b) calls on the Prime Minister (Mr Rudd) to establish an independent national inquiry into Australia’s population to 2050, which is to report by 1 July 2011.
- (2) That, in establishing the inquiry:
 - (a) the chair and panel of the inquiry be appointed with cross party support to ensure independence;

- (b) sufficient funds are allocated to ensure that the inquiry holds public hearings in all capital cities and major regional centres across Australia; and
- (c) the terms of reference for the inquiry include:
- (i) the impact on Australia of the growing global population and how best Australia may affect it,
 - (ii) the development of a plan for a population that can be best supported in Australia within and then beyond the next 40 years, taking into account technology options, infrastructure, patterns of resource use and quality of life considerations,
 - (iii) the environmental, social and economic sustainability of Australia's population in the short-, medium- and long-term,
 - (iv) the value of a whole-of-government approach to population incorporating consideration of immigration and family policies,
 - (v) making recommendations of national policy options in relation to population including, taking into account regional and local perspectives, and
 - (vi) any related matters.

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

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 40

Senators—

Adams	Crossin	Hutchins	Parry
Back	Farrell	Kroger	Polley
Barnett	Feeney	Ludwig	Pratt
Bernardi	Fielding	Lundy	Ronaldson
Bilyk	Fierravanti-Wells	Marshall	Ryan
Bishop	Fisher	McEwen	Sherry
Bushby	Forshaw	McGauran	Sterle
Cameron	Furner	McLucas	Trood
Collins	Hogg	Moore	Williams
Cormann	Hurley	O'Brien (Teller)	Wortley

Question negatived.

19 ENVIRONMENT—MARGARET RIVER—OFFSHORE PETROLEUM EXPLORATION

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 792—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.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 39

Senators—

Adams
Back
Barnett
Bernardi
Bilyk
Bishop
Bushby
Cameron
Collins
Cormann

Crossin
Farrell
Feeney
Fielding
Fierravanti-Wells
Fisher
Forshaw
Furner
Hogg
Hurley

Hutchins
Kroger
Ludwig
Lundy
Marshall
McEwen
McGauran
McLucas
Moore
O'Brien

Parry (Teller)
Polley
Pratt
Ronaldson
Ryan
Sherry
Sterle
Trood
Wortley

Question negatived.

**20 TAXATION—AUSTRALIA'S FUTURE TAX SYSTEM—GOVERNMENT'S RESPONSE—
ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Parry, at the request of the Leader of the Opposition in the Senate (Senator Abetz) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 772—That there be laid on the table by the Minister representing the Treasurer, no later than noon on Thursday, 20 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).

Statement by leave: The Assistant Treasurer (Senator Sherry), by leave, made a statement relating to the motion.

Question put and passed.

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

21 ADMINISTRATION—AUSTRALIAN TAXATION OFFICE—CHANGE PROGRAM

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 780—That the Senate—

(a) calls on:

- (i) the Inspector-General of Taxation to give assurances that the identity of any and all employees of the Australian Taxation Office (ATO) who provide information to the Inspector-General of Taxation's review into the ATO's Change Program will not be disclosed outside the Inspector-General of Taxation Office and any related submissions will be treated as strictly confidential where requested by those employees, and
- (ii) the ATO to ensure that there be no prejudice against employees of the ATO for providing information to the Inspector-General of Taxation and requests that the ATO confirm this in writing to the Senate as soon as practicable, or no later than by the close of business Monday, 31 May 2010; and

(b) requests that:

- (i) the review be undertaken in such a manner that those employees be afforded protection under section 17 of the *Inspector-General of Taxation Act 2003* in relation to the review, and
- (ii) the Inspector-General of Taxation provide a progress report on the review by no later than 15 September 2010, with a final report to be publicly released no later than 31 October 2010.

Statements by leave: The Assistant Treasurer (Senator Sherry), Senator Xenophon and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to the motion.

Question put and passed.

Statements by leave: Senator O'Brien and the Leader of the Australian Greens (Senator Bob Brown), by leave, made statements relating to the motion.

22 CYBER-SAFETY—JOINT SELECT COMMITTEE—VARIATION OF APPOINTMENT

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 794—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.

Senator O'Brien, by leave, moved the following amendment:

Omit paragraph (b).

Statements by leave: Senators Xenophon and Ludlam, by leave, made statements relating to the matter.

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

Main question, as amended, put and passed.

23 ECONOMICS LEGISLATION COMMITTEE—ATTENDANCE OF WITNESS

Senator Bushby, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 796—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.

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

Omit all words after “That”, substitute “the Secretary of the Department of the Treasury, Dr Henry, is to appear before the Economics Legislation Committee at a mutually agreeable time on or before 30 June 2010”.

Statements by leave: The Assistant Treasurer (Senator Sherry), Senators Bushby, Bob Brown and Xenophon and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to the matter.

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

Main question, as amended, put and passed.

24 COMMITTEES—ADDITIONAL INFORMATION—BUDGET AND ADDITIONAL ESTIMATES 2009-10

Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates (Supplementary) 2009-10—

Economics Legislation Committee—Additional information received between 4 February and 12 May 2010—Resources, Energy and Tourism portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 12 March and 13 May 2010—Human Services portfolio.

Additional estimates 2009-10—

Community Affairs Legislation Committee—Additional information received between—

25 February and 12 May 2010—Families, Housing, Community services and Indigenous Affairs portfolio.

18 March and 12 May 2010—

Health and Ageing portfolio.

Indigenous issues across portfolios—Education, Employment and Workplace Relations portfolio; Human Services portfolio.

Economics Legislation Committee—Additional information received between 10 February and 12 May 2010—

Innovation, Industry, Science and Research portfolio.

Resources, Energy and Tourism portfolio.

Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 1 April and 12 May 2010—
Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts Legislation Committee—Additional information received between 12 February and 12 May 2010—

Broadband, Communications and the Digital Economy portfolio.

Environment, Water, Heritage and the Arts portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 12 March and 13 May 2010—

Climate Change portfolio.

Finance and Deregulation portfolio.

Human Services portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 1 April and 13 May 2010—

Defence portfolio.

Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 17 March and 11 May 2010—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

25 PUBLICATIONS—STANDING COMMITTEE—18TH REPORT

Senator McEwen, on behalf of the Standing Committee on Publications, tabled the following report:

PUBLICATIONS COMMITTEE 18TH REPORT

The Publications Committee, having considered documents presented to the Parliament since 18 March 2010, recommends that the following be printed:

Australia's future tax system—Tax policy statement—Stronger, fairer, simpler: A tax plan for our future.

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

Finance—Budget 2010-11—Ministerial statements—

Australia's International Development Assistance: A Good International Citizen.

Closing the gap between indigenous and non-indigenous Australians.

Skills and Infrastructure—Building a Stronger and Fairer Australia.

Stronger Rural and Regional Communities.

Foreign Investment Review Board—Report for 2008-09.

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

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

REPORT OF COMMITTEE ACTIVITIES

Electronic Parliamentary Papers Series inquiry: The committee reports that it today resolved to inquire into the development of an electronic Parliamentary Papers Series and will present its report to both houses on 24 June 2010.

Review of compliance with printing standards: The committee undertook a review of compliance by departments and agencies with the printing standards. The review indicates a general level of compliance. The main areas of non compliance relate to the use of “bleeding” and full colour printing. At its meeting today the committee resolved to continue to make departments and agencies aware of the printing standards and to undertake a second compliance review later this year.

Senator Mason
Deputy Chair
13 May 2010.

Senator McEwen moved—That the report be adopted.
Question put and passed.

26 TAX LAWS AMENDMENT (2010 MEASURES NO. 1) BILL 2010

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

Message no. 566, dated 12 May 2010—Tax Laws Amendment (2010 Measures No. 1) Bill 2010.

27 AUSTRALIAN INFORMATION COMMISSIONER BILL 2010**FREEDOM OF INFORMATION AMENDMENT (REFORM) BILL 2010****HEALTH PRACTITIONER REGULATION (CONSEQUENTIAL AMENDMENTS) BILL 2010**

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

Message no. 561, dated 12 May 2010—A Bill for an Act to establish the Office of the Australian Information Commissioner, and for related purposes.

Message no. 562, dated 12 May 2010—A Bill for an Act to amend the law relating to access to information, and for related purposes.

Message no. 563, dated 12 May 2010—A Bill for an Act to make amendments consequential on uniform legislation relating to the regulation of health practitioners, and for related purposes.

The Assistant Treasurer (Senator Sherry) 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 Sherry moved—That these bills be now read a second time.

Explanatory memoranda: Senator Sherry tabled revised explanatory memoranda [3] relating to the bills.

On the motion of Senator Sherry the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

Consideration of legislation: Senator Sherry moved—That the Health Practitioner Regulation (Consequential Amendments) Bill 2010 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

**28 CUSTOMS TARIFF AMENDMENT BILL (NO. 1) 2010
HEALTH INSURANCE AMENDMENT (PATHOLOGY REQUESTS) BILL 2010
TRANSPORT SECURITY LEGISLATION AMENDMENT (2010 MEASURES NO. 1)
BILL 2010**

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

Message no. 564, dated 12 May 2010—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Message no. 567, dated 12 May 2010—A Bill for an Act to amend the law relating to health, and for related purposes.

Message no. 565, dated 12 May 2010—A Bill for an Act to amend the law relating to the security of aviation and maritime transport and offshore facilities, and for related purposes.

The Assistant Treasurer (Senator Sherry) 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 Sherry moved—That these bills be now read a second time.

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

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

Question put and passed.

**29 REGIONAL AND REMOTE INDIGENOUS COMMUNITIES—SELECT COMMITTEE—
FOURTH REPORT**

Pursuant to order, Senator Macdonald, at the request of the Chair of the Select Committee on Regional and Remote Indigenous Communities (Senator Scullion), tabled the following report and documents:

Regional and Remote Indigenous Communities—Select Committee—Fourth report 2010, 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 Macdonald.

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

Debate ensued.

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

30 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—HEARING HEALTH IN AUSTRALIA

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Hear us: Inquiry into hearing health in Australia—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 Siewert.

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

Debate ensued.

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

31 ECONOMICS LEGISLATION COMMITTEE—REPORT—TRADE PRACTICES AMENDMENT (MATERIAL LESSENING OF COMPETITION—RICHMOND AMENDMENT) BILL 2009

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

Economics Legislation Committee—Trade Practices Amendment (Material Lessening of Competition—Richmond Amendment) Bill 2009—Report, dated May 2010, Hansard record of proceedings, document presented to the committee and submissions.

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

32 ECONOMICS REFERENCES COMMITTEE—REPORT—AUSTRALIAN DAIRY INDUSTRY

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

Economics References Committee—Milking it for all it's worth: Competition and pricing in the Australian dairy industry—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 Back.

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

Debate ensued.

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

33 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Immigration and Citizenship (Senator Evans) moved—That government business order of the day no. 18 (Foreign Evidence Amendment Bill 2008) be considered after consideration of government business order of the day no. 6 (Higher Education Support Amendment (University College London) Bill 2010).

Question put and passed.

34 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.

Senator Hanson-Young moved the following amendment:

At the end of the motion, add “and further consideration of the bill be an order of the day for the first day of sitting after:

- (a) the bill has been subjected to inquiry by the Parliamentary Joint Committee on Human Rights, proposed by the Government as part of its new Human Rights Framework; and
- (b) a statement of the bill’s compatibility with Australia’s international obligations has been produced and tabled in the Senate”.

Debate ensued.

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

Main question put and passed.

Bill read a second time.

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

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

At 12.45 pm—

35 HEALTH PRACTITIONER REGULATION (CONSEQUENTIAL AMENDMENTS) BILL 2010

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

36 AUSTRALIAN RESEARCH COUNCIL AMENDMENT 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.

Question put and passed.

Bill read a second time.

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

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

**37 THERAPEUTIC GOODS AMENDMENT (2009 MEASURES NO. 3) BILL 2009
THERAPEUTIC GOODS (CHARGES) AMENDMENT BILL 2009**

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

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

**38 HIGHER EDUCATION SUPPORT AMENDMENT (UNIVERSITY COLLEGE LONDON)
BILL 2010**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

39 FOREIGN EVIDENCE AMENDMENT BILL 2008

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change, Energy Efficiency and Water (Senator Wong)—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 Special Minister of State (Senator Ludwig) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, items 11 and 12, page 4 (line 18) to page 5 (line 13), omit the items, substitute:

11 At the end of section 24

Add:

- (3) Paragraph (2)(b) does not apply if:
 - (a) the foreign material is a business record; and
 - (b) the only reason why the evidence would not have been admissible had it been adduced from the person at the hearing is that an Australian law relating to hearsay evidence (however described) would have applied to the evidence.
- (4) For the purpose of determining whether foreign material is a business record, and may be adduced as evidence, the court may:
 - (a) examine the foreign material; and
 - (b) draw any reasonable inference from the form and contents of the foreign material as well as from any other matters from which inferences may properly be drawn.

Schedule 1, item 15, page 6 (line 3), omit “**amendments made by items 7 and 8**”, substitute “**amendment made by item 7**”.

Schedule 1, item 15, page 6 (line 4), omit “amendments made by items 7 and 8 of this Schedule apply”, substitute “amendment made by item 7 of this Schedule applies”.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Ludwig, in respect of Schedule 1, items 8 and 17.

Question—That Schedule 1, items 8 and 17 stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

40 AUSTRALIAN INFORMATION COMMISSIONER BILL 2010

FREEDOM OF INFORMATION AMENDMENT (REFORM) BILL 2010

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

Senator Ludlam moved the following amendments in respect of the Freedom of Information Amendment (Reform) Bill 2010 together by leave:

Schedule 6, page 137 (after line 30), after item 19, insert:

19A Subsections 7(1) and (1A)

Repeal the subsections.

Schedule 6, page 147 (after line 29), after item 37, insert:

37A Division 1 of Part I of Schedule 2 (the items relating to the Australian Security Intelligence Service, the Australian Security Intelligence Organisation, the Inspector-General of Intelligence and Security and the Office of National Assessments)

Repeal the items.

37B Division 2 of Part I of Schedule 2

Repeal the Division.

Debate ensued.

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

Question—That the Freedom of Information Amendment (Reform) Bill 2010 be agreed to—divided, at the request of Senator Ludlam, in respect of Schedule 6, items 4, 20 and 21.

Schedule 6, items 4, 20 and 21 agreed to.

Senator Ludlam moved the following amendment in respect of the Freedom of Information Amendment (Reform) Bill 2010:

Schedule 4, item 57, page 118 (after line 32), after subsection 93B(2), insert:

- (2A) The terms of reference of the review must provide that the persons conducting the review:
 - (a) must consider and report on whether the exemptions from the operation of this Act in respect of the intelligence agencies specified in Divisions 1 and 2 of Part I of Schedule 2 are appropriate; and
 - (b) may make recommendations about continuing or repealing those exemptions.
- (2B) The review must include an opportunity for members of the public to make written submissions on the operation of this Act in respect of the intelligence agencies specified in Divisions 1 and 2 of Part I of Schedule 2.

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

Bills agreed to.

Bills to be reported without amendments.

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

On the motion of the Special Minister of State (Senator Ludwig) the report from the committee was adopted and the bills read a third time.

41 DO NOT CALL REGISTER LEGISLATION AMENDMENT BILL 2010

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

Message no. 569, dated 13 May 2010—A Bill for an Act to amend the *Do Not Call Register Act 2006*, and for other purposes.

The Special Minister of State (Senator Ludwig) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Consideration of legislation: Senator Ludwig, by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to this bill, allowing it to be considered during this period of sittings.

Document: Senator Ludwig tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Do Not Call Register Legislation Amendment Bill 2010 in the 2010 Budget sittings.

Question put and passed.

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

Explanatory memorandum: Senator Ludwig tabled a revised explanatory memorandum relating to the bill.

Debate ensued.

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

42 QUESTIONS

Questions without notice were answered.

Document: The President of the Senate tabled the following document:

Parliament—Parliament House Security—Response to a question from the Leader of the Australian Greens (Senator Bob Brown) of 12 May 2010 relating to security at Parliament House, dated 12 May 2010.

43 MOTION TO TAKE NOTE OF ANSWERS

Senator Johnston 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 Senators Colbeck and Williams today relating to the proposed tax on the mining industry.

Debate ensued.

Question put and passed.

**44 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—REVIEW OF THE AUSTRALIAN CRIME COMMISSION
ACT 2002**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Review of the *Australian Crime Commission Act 2002*—Government response.

**45 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—AUSTRALIAN CRIME COMMISSION—REPORT FOR
2004-05**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Examination of the annual report for 2004-05 of the Australian Crime Commission—Government response.

**46 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—AMPHETAMINES AND OTHER SYNTHETIC DRUGS**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Inquiry into the manufacture, importation and use of amphetamines and other synthetic drugs (AOSD) in Australia—Government response.

**47 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—FUTURE IMPACT OF SERIOUS AND ORGANISED CRIME
ON AUSTRALIAN SOCIETY**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Inquiry into the future impact of serious and organised crime on Australian society—Government response.

**48 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—AUSTRALIAN CRIME COMMISSION—REPORT FOR
2006-07**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Examination of the annual report for 2006-07 of the Australian Crime Commission—Government response.

**49 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—INQUIRY INTO THE AUSTRALIAN CRIME COMMISSION
AMENDMENT ACT 2007**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Inquiry into the *Australian Crime Commission Amendment Act 2007*—Government response.

**50 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—
GOVERNMENT RESPONSE—INQUIRY INTO THE LEGISLATIVE ARRANGEMENTS TO
OUTLAW SERIOUS AND ORGANISED CRIME GROUPS**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Inquiry into the legislative arrangements to outlaw serious and organised crime groups—Government response.

**51 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—GOVERNMENT
RESPONSE—REPORTS ON THE REVIEW OF THE RE-LISTING OF VARIOUS
TERRORIST ORGANISATIONS**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Intelligence and Security—Joint Statutory Committee—Reports—Review of the re-listing of Ansar al-Islam, AAA, IAA, IMU, JeM and LeJ as terrorist organisations; Review of the re-listing of Hizballah's External Security Organisation (ESO) as a terrorist organisation; Review of the listing of Al-Shabaab as a terrorist organisation; Review of the re-listing of Hamas' Brigades, PKK, LeT and PIJ as terrorist organisations—Government response.

**52 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
GOVERNMENT RESPONSE—INQUIRY INTO RAAF F-111 DESEAL/RESEAL
WORKERS AND THEIR FAMILIES**

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Sealing a just outcome: Report from the inquiry into RAAF F-111 deseal/reseal workers and their families—Government response.

53 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—103RD REPORT

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Treaties—Joint Standing Committee—103rd report—Treaties tabled on 12 March and 13 May 2009—Government response.

54 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—49TH REPORT

The Acting Deputy President (Senator Trood) tabled the following report:

Appropriations and Staffing—Standing Committee—49th report—Estimates for the Department of the Senate 2010-11, dated May 2010.

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

55 AUSTRALIAN PARLIAMENTARY DELEGATION TO PEOPLE'S REPUBLIC OF CHINA AND HONG KONG—DOCUMENT

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

People's Republic of China and Hong Kong—Report of the Australian parliamentary delegation, 1 to 12 November 2009, dated May 2010.

56 ENVIRONMENT—GREEN LOANS PROGRAM—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 12 May 2010, the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled the following document:

Environment—Green Loans Program—Statement responding to the resolution of the Senate of 12 May 2010, dated 13 May 2010.

57 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 7 OF 2010

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 7 OF 2010

1. The committee met in private session on Thursday, 13 May 2010 at 12 noon.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Food Standards Australia New Zealand Amendment Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 15 June 2010;
 - (b) the Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 18 October 2010;
 - (c) the *provisions* of the Paid Parental Leave Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 3 June 2010, noting that the committee is currently undertaking an inquiry into the exposure draft legislation;

- (d) the *provisions* of the Renewable Energy (Electricity) Amendment Bill 2010, the Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 10 June 2010;
 - (e) the Responsible Takeaway Alcohol Hours Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 25 October 2010;
 - (f) the Tax Laws Amendment (Public Benefit Test) Bill 2010 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 31 August 2010;
 - (g) the *provisions* of the Tax Laws Amendment (Research and Development) Bill 2010 and the Income Tax Rates Amendment (Research and Development) Bill 2010 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 15 June 2010; and
 - (h) the Water (Crisis Powers and Floodwater Diversion) Bill 2010 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 24 August 2010.
3. The committee resolved to recommend—That the following bills not be referred to committees:
- Airports (On-Airport Activities Administration) Validation Bill 2010
 - Customs Tariff Amendment (Tobacco) Bill 2010
 - Defence Legislation Amendment Bill (No. 1) 2010
 - Excise Tariff Amendment (Tobacco) Bill 2010
 - Health Legislation Amendment (Australian Community Pharmacy Authority and Private Health Insurance) Bill 2010
 - Higher Education Support Amendment (Indexation) Bill 2010
 - Interstate Road Transport Charge Amendment Bill 2010
 - National Health Amendment (Continence Aids Payment Scheme) Bill 2010
 - Tax Laws Amendment (Foreign Source Income Deferral) Bill (No. 1) 2010
 - Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2010.

The committee recommends accordingly.

4. The committee deferred consideration of the Commonwealth Commissioner for Children and Young People Bill 2010 to its next meeting.

Kerry O'Brien
Chair
13 May 2010.

Senator Farrell moved—That the report be adopted.

Question put and passed.

58 DOCUMENTS

The following documents were tabled by the Clerk:

Commissioner of Taxation—Public Rulings—Class Rulings CR 2010/12-CR 2010/13.

59 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—Department of Immigration and Citizenship.

60 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 Immigration and Citizenship.

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

Senator Farrell, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the management of aircraft noise by Airservices Australia be extended to 23 June 2010.

Question put and passed.

62 ROUTINE OF BUSINESS—VARIATION

The Minister for Climate Change, Energy Efficiency and Water (Senator Wong), by leave, moved—That the order of the Senate agreed to on 11 May 2010 be varied to provide that, on Thursday, 13 May 2010:

- (a) consideration of general business be interrupted at 5.30 pm; and
- (b) the routine of business from 5.30 pm to 6 pm, shall be consideration of the government business order of the day relating to the Do Not Call Register Legislation Amendment Bill 2010.

Debate ensued.

Question put and passed.

General business was called on.

63 TAXATION—RUDD GOVERNMENT

Senator Parry, by leave, moved—That the Senate notes the Rudd Labor Government's waste and mismanagement of taxpayer money.

Debate ensued.

At 5.30 pm: Debate was interrupted while Senator Pratt was speaking.

General business concluded.

64 DO NOT CALL REGISTER LEGISLATION AMENDMENT 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 ensued.

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, debated.

The Leader of the Family First Party (Senator Fielding) moved the following amendments together by leave:

Schedule 1, item 42, page 13 (lines 9 to 14), omit paragraph 17(1)(b), substitute:

(b) remains in force unless removed from the Do Not Call Register:

- (i) under paragraph 16(f); or
- (ii) in accordance with a determination under paragraph 18(1)(e); or
- (iii) in accordance with an application by:
 - (A) the relevant telephone account-holder; or
 - (B) a nominee of the relevant telephone account-holder;in the form (if any) specified in a determination under paragraph 18(1)(aa).

Schedule 1, item 43, page 13 (lines 19 and 20), omit the item, substitute:

43 Subsection 17(2)

Repeal the subsection.

Schedule 1, page 13 (after line 24), after item 49, insert:

49A After paragraph 18(1)(a)

Insert:

- (aa) the form of applications for Australian numbers to be removed from the Do Not Call Register;

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

Question—That the bill be agreed to—divided, at the request of Senator Fielding, in respect of Schedule 1, item 42A.

Schedule 1, item 42A agreed to.

Senator Fielding moved the following amendment:

Schedule 1, page 16 (after line 4), after item 67, insert:

67A Clause 3 of Schedule 1

Repeal the clause.

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

Question—That the bill be agreed to—divided, at the request of Senator Fielding, in respect of Schedule 1, item 71.

Schedule 1, item 71 agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the report from the committee was adopted and the bill read a third time.

65 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—Veterans' Affairs portfolio agencies.

66 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Budget estimates—Letters of advice—
Office of the Privacy Commissioner.
Veterans' Affairs portfolio agencies.

67 COMMITTEE MEMBERSHIP

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

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

Environment, Communications and the Arts Legislation Committee—

Appointed—

Substitute members:

Senator Farrell to replace Senator Lundy on 24 May 2010

Senator Bishop to replace Senator Lundy on 25 May 2010

Senator Marshall to replace Senator Lundy on 26 May 2010

Senator Bilyk to replace Senator Lundy on 27 May 2010

Senator Carol Brown to replace Senator McEwen on 15 June 2010

Senator Milne to replace Senator Ludlam for the committee's inquiry into the provisions of the Renewable Energy (Electricity) Amendment Bill 2010 and related bills

Participating members: Senators Ludlam, Lundy and McEwen

Reform of the Australian Federation—Select Committee—

Appointed—

Senators Furner and Lundy

Participating members: Senators Bilyk, Bishop, Carol Brown, Cameron, Collins, Farrell, Feeney, Forshaw, Hurley, Hutchins, Marshall, McEwen, McLucas, O'Brien, Polley, Pratt, Stephens, Sterle and Wortley

Scrutiny of Bills—Standing Committee—

Discharged—Senator Collins

Appointed—Senator Pratt.

Question put and passed.

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on the Parliamentary Library, as follows:

Message no. 570, dated 13 May 2010—Mrs Mirabella, discharged.

**68 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2010
TAX LAWS AMENDMENT (2010 MEASURES NO. 2) BILL 2010
VETERANS' ENTITLEMENTS AMENDMENT (INCOME SUPPORT MEASURES)
BILL 2010**

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

Message no. 572, dated 13 May 2010—A Bill for an Act to amend the *Indigenous Education (Targeted Assistance) Act 2000*, and for related purposes.

Message no. 571, dated 13 May 2010—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 568, dated 13 May 2010—A Bill for an Act to amend the law relating to veterans' entitlements, and for related purposes.

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

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Stephens moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

69 EDUCATION—PRIMARY SCHOOLS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 12 May 2010, the Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Education—Primary schools—Statement responding to the resolution of the Senate of 12 May 2010, dated 13 May 2010.

At 8 pm—

70 BUDGET STATEMENT AND DOCUMENTS 2010-11

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sherry)—That the Senate take note of the Budget statement and documents.

Debate resumed.

On the motion of the Minister for Employment Participation (Senator Arbib) the debate was adjourned till the next day of sitting.

71 ENVIRONMENT—MAKO SHARK AND PORBEAGLE SHARK—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 12 May 2010, the Minister for Employment Participation (Senator Arbib) tabled the following document:

Environment—Mako shark and porbeagle shark—Statement responding to the resolution of the Senate of 12 May 2010.

72 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.09 pm till Tuesday, 15 June 2010 at 12.30 pm.

73 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate