

2008-10

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 124

WEDNESDAY, 16 JUNE 2010

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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 GOVERNMENT DOCUMENTS**

The following documents were tabled:

*Migration Act 1958—*

Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2009 to 28 February 2010.

Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days—Report for the period 1 November 2009 to 28 February 2010.

Section 486O—Assessment of detention arrangements—Personal identifiers 590/10 to 594/10—

Commonwealth Ombudsman's reports.

Government response to Ombudsman's reports.

Treaties—*Bilateral*—Exchange of Letters Constituting an Agreement to Amend Annex 4-A (Textile or Apparel Specific Rules of Origin) of the Australia-United States Free Trade Agreement, done at Washington on 18 May 2004—Text, together with national interest analysis.

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

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), by leave, moved—That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question put and passed.

**4 PAID PARENTAL LEAVE BILL 2010****PAID PARENTAL LEAVE (CONSEQUENTIAL AMENDMENTS) 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—*and on the amendment moved by Senator Fifield in respect of the Paid Parental Leave Bill 2010—*

At the end of the motion, add “but the Senate:

- (a) affirms its commitment to supporting all Australian families and supports policies which give choice and flexibility to parents to enable them to choose what is right for their individual circumstances, whether they are at home or in the paid workforce;
- (b) recognises that parents have different patterns of family responsibilities and paid work over their life cycle;
- (c) recognises that due to rising costs of living and a housing affordability crisis, the majority of families require two incomes to make ends meet;
- (d) notes that Australia remains only one of two OECD countries that does not provide a paid parental leave scheme and that introducing a paid parental scheme is critical to the needs of working families and our national productivity more broadly;

- (e) rejects the Government's representation of a paid parental leave scheme as a social security measure and instead affirms that it is a valid workplace entitlement that must come with a superannuation component to arrest the gross inadequacy of female retirement incomes;
- (f) notes the Government's proposed paid parental leave scheme is inadequate in its current form and should be amended to better reflect the requirements of Australian working mothers, and families more generally;
- (g) supports the ability of casual, part-time and full-time women to access paid parental leave provided that they have met the qualifying criteria;
- (h) recognises that a paid parental leave scheme is only one part of government's important role in supporting families as they raise the next generation of Australians;
- (i) acknowledges that the bill does not:
  - (i) provide paid parental leave for a period of 26 weeks to afford all mothers the opportunity to breastfeed their infant for the minimum six month period recommended by the World Health Organisation, or
  - (ii) provide women with a replacement wage, to a cap or minimum wage (whichever is greater), and so does not adequately support working families when they are at their most financially vulnerable;
- (j) acknowledges that the bill places a totally unnecessary impost on Australian businesses by requiring employers to act as paymasters for eligible employees; and
- (k) calls on the Government to make such amendments to the bill as would rectify these flaws".

Debate resumed.

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

Main question put and passed.

Bills read a second time.

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

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*In the committee*

**PAID PARENTAL LEAVE BILL 2010—**

Bill taken as a whole by leave.

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*Explanatory memorandum:* The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled a supplementary explanatory memorandum relating to the government amendments and requests for amendments to be moved to the bill.

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Bill debated.

On the motion of Senator Stephens the following amendment was debated and agreed to:

Page 2 (after line 10), after Division 1, insert:

**Division 1A—Object of this Act**

**3A Object of this Act**

- (1) The object of this Act is to provide financial support to primary carers (mainly birth mothers) of newborn and newly adopted children, in order to:
  - (a) allow those carers to take time off work to care for the child after the child's birth or adoption; and
  - (b) enhance the health and development of birth mothers and children; and
  - (c) encourage women to continue to participate in the workforce; and
  - (d) promote equality between men and women, and the balance between work and family life.
- (2) Generally, the financial support is provided only to primary carers who have a regular connection to the workforce.
- (3) The financial support provided by this Act is intended to complement and supplement existing entitlements to paid or unpaid leave in connection with the birth or adoption of a child.

Bill, as amended, further debated.

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*Documents:* Senator Stephens tabled the following documents:

Paid Parental Leave Bill 2010—Copies of letters to the Deputy Prime Minister (Ms Gillard) from—

Acting Treasurer, Australian Capital Territory (Mr Stanhope), dated 26 May 2010.

Treasurer, New South Wales (Mr Roozendaal), undated.

Treasurer, Northern Territory (Ms Lawrie), dated 7 June 2010.

Treasurer, Queensland (Mr Fraser), dated 27 May 2010.

Treasurer, South Australia (Mr Foley), dated 30 May 2010.

Treasurer, Tasmania (Mr Aird), dated 3 June 2010.

Treasurer, Victoria (Mr Lenders), dated 10 June 2010.

Treasurer, Western Australia (Mr Barnett), dated 2 June 2010.

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Debate continued.

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

That the House of Representatives be requested to make the following amendments:

Clause 4, page 3 (line 27), omit “the work test,”.

Clause 6, page 18 (line 7), definition of *work test*, omit the definition.

Clause 12, page 23 (lines 26 and 27), omit “the work test.”

Clause 26, page 36 (line 9), omit paragraph (1)(a).

Clause 26, page 36 (line 19), omit paragraph (2)(a).

Clause 30, page 38 (line 11), omit “the work test.”

Clause 30, page 38 (lines 20 to 24), omit the paragraph relating to Division 3.

Clause 31, page 40 (line 8), omit paragraph (2)(a).

Clause 31, page 40 (line 32), omit subparagraph (4)(a)(i).

Part 2-3, page 42 (line 1) to page 45 (line 12), Division 3, omit the Part.

Debate ensued.

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

Senator Fielding moved the following amendments together by leave:

Clause 6, page 8 (after line 8), after the definition of **ABN**, insert:

**abortion** means intentionally causing the termination of a woman’s pregnancy with the consent of the woman by:

- (a) using an instrument; or
- (b) using a drug or a combination of drugs; or
- (c) any other means.

Clause 6, page 17 (line 16), at the end of the definition of **stillborn**, add “; but does not include a child whose period of gestation was terminated by abortion”.

Clause 31, page 41 (after line 9), at the end of the clause, add:

- (6) Despite subsections (2), (3) and (4), a person is not eligible for parental leave pay for a child on a day if the child:
  - (a) is stillborn following an abortion; or
  - (b) has died before that day following an abortion.

Debate ensued.

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

On the motion of the Minister for Immigration and Citizenship (Senator Evans) the following requests for amendments, taken together by leave, were debated and agreed to:

That the House of Representatives be requested to make the following amendments:

Clause 6, page 9 (after line 15), after the definition of **birth verification form**, insert:

**born prematurely:** a child is **born prematurely** if, at the time of the child’s delivery, the child’s period of gestation is less than 37 weeks.

Clause 31, page 40 (line 8), after “(see Division 3)”, insert “or subsection (4A) applies to the person”.

Clause 31, page 40 (line 32), after “(see Division 3)”, insert “or subsection (4A) applies to the person”.

Clause 31, page 41 (after line 6), after subclause (4), insert:

- (4A) This subsection applies to a person if:
  - (a) the person does not satisfy the work test in relation to a child; and
  - (b) the person is the birth mother of the child; and

- (c) the Secretary is satisfied that either or both of the following subparagraphs apply:
- (i) the child was born prematurely;
  - (ii) while the person was pregnant with the child, the person had complications or illness related to the pregnancy which prevented the person from performing paid work; and
- (d) the Secretary is satisfied that the person would have satisfied the work test if either or both of the subparagraphs in paragraph (c) had not applied.

Senator Hanson-Young moved the following requests for amendments together by leave:

That the House of Representatives be requested to make the following amendments:

Clause 7, page 19 (lines 23 to 27), omit “18”, substitute “26” (thrice occurring).

Clause 11, page 22 (line 30), omit “125 days”, substitute “181 days”.

Clause 11, page 22 (line 31), omit “18 weeks”, substitute “26 weeks”.

Debate ensued.

Question—That the requests be agreed to—put.

The committee divided—

AYES, 5

Senators—

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

NOES, 35

Senators—

Adams	Evans	Hurley	Parry
Bilyk	Farrell	Hutchins	Polley
Birmingham	Feeney	Lundy	Pratt
Boyce	Ferguson	Marshall	Sterle
Brown, Carol	Fielding	McEwen	Troeth
Cameron	Fifield	McLucas	Trood
Cash	Fisher	Minchin	Williams (Teller)
Cormann	Forshaw	Moore	Wortley
Crossin	Furner	O'Brien	

Question negatived.

Senator Hanson-Young moved the following amendments together by leave:

Clause 36, page 44 (line 24), omit “56”, substitute “84”.

Clause 36, page 45 (line 7), omit “56”, substitute “84”.

Debate ensued.

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

Senator Hanson-Young moved the following requests for amendments together by leave:

That the House of Representatives be requested to make the following amendments:

Heading to Chapter 3, page 61 (line 1), at the end of the heading, add “**and superannuation**”.

Clause 62, page 61 (at the end of line 10), after “(see Part 3-3).”, insert “Instalments are treated as salary or wages for superannuation purposes (see Part 3-6).”.

Page 101 (after line 8), at the end of Chapter 3, add:

### **Part 3-6—Superannuation**

#### **115A Entitlement to superannuation**

Parental leave pay instalments are to be treated as income, in the nature of salary or wages, and as part of ordinary time earnings for the purposes of superannuation law.

#### **115B Payments in lieu of superannuation**

- (1) Section 115A does not operate so as to impose taxation.
- (2) If, under section 115A, a superannuation contribution may not be made to a person in relation to an instalment because of the operation of subsection (1), the Secretary may make a payment to the person in lieu of that superannuation contribution.

#### **115C Regulations—Superannuation**

- (1) Regulations made for the purposes of this Part may provide for the following matters:
  - (a) the calculation of amounts of superannuation;
  - (b) the making of superannuation contributions;
  - (c) the calculation of amounts to be paid in lieu of superannuation;
  - (d) the payment of amounts in lieu of superannuation.
- (2) Without limiting subsection (1), regulations made for the purpose of that subsection may:
  - (a) modify provisions of this Act or of the superannuation law; or
  - (b) provide for the application (with or without modifications) of provisions of this Act or of the superannuation law, to matters to which they would otherwise not apply.

#### **115D Interpretation**

In this Part:

*superannuation law* means:

- (a) the *Superannuation Guarantee (Administration) Act 1992* and instruments made under that Act; and
- (b) the *Superannuation Industry (Supervision) Act 1993* and instruments made under that Act; and
- (c) the *Income Tax Assessment Act 1997*, and instruments made under that Act, to the extent that they deal with superannuation.

Debate ensued.

Question—That the requests be agreed to—put.



The committee divided—

**AYES, 5**

Senators—

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

**NOES, 34**

Senators—

Adams	Cormann	Lundy	Polley
Back	Crossin	Macdonald	Pratt
Bilyk	Feeney	Marshall	Stephens
Birmingham	Ferguson	Mason	Sterle
Boswell	Fielding	McEwen	Troeth
Cameron	Fisher	McLucas	Williams (Teller)
Colbeck	Furner	Minchin	Wortley
Collins	Hurley	Moore	
Coonan	Hutchins	Parry	

Question negatived.

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*After 12.45 pm:* The Acting Deputy President (Senator Crossin) resumed the chair and the Chair of Committees (Senator Ferguson) reported progress.

**5 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**6 QUESTIONS**

Questions without notice were answered.

**7 MOTION TO TAKE NOTE OF ANSWERS**

Senator Cormann moved—That the Senate take note of the answers given by the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) to questions without notice asked by Senators Birmingham, Bernardi and Cormann today relating to the proposed new tax on mining.

Debate ensued.

Question put and passed.

**8 PETITION**

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

From 376 petitioners, requesting that the Senate urge the Government to fund construction of a safe alternative for traffic and pedestrians at the intersection of Princes Highway and Hesse Street, Winchelsea, Victoria, and ensure that all issues are addressed through full community consultation.

## 9 NOTICES

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

- (a) notes that basic food products, including pasta, coriander, fruit jams, instant coffee and fresh meat, none of which have any link to national security, have been banned under Israel's blockade on Gaza; and
- (b) expresses its concern for the social, humanitarian and economic impact of Israel's blockade on Gaza. (*general business notice of motion no. 820*)

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

- (a) notes that:
  - (i) Australia needs to reverse its current trend of increasing carbon emissions if it is to contribute to efforts to reduce the risks of climate change,
  - (ii) a significant proportion of Australia's energy use is represented by energy waste, with estimates by researchers suggesting that cost-effective (i.e. budget neutral) opportunities exist to reduce energy use in residential and commercial buildings by 30 to 35 per cent, and
  - (iii) energy costs are increasing and will continue to do so, placing a growing burden on industry and households; and
- (b) resolves to:
  - (i) work multilaterally with industry, the community, the Government and all opposition parties to ensure that reducing energy waste is considered as a policy opportunity commensurate with its potential for environmental and economic benefit,
  - (ii) publicise the findings of the Prime Minister's Energy Efficiency Task Group and support action for far-reaching recommendations to create a step change in energy efficiency implementation at the earliest opportunity, and
  - (iii) work with the Australian Alliance to Save Energy to ensure that Members of Parliament are well informed on the opportunity that energy efficiency presents to improve Australia's economic competitiveness and the large contribution that it can make to reducing greenhouse emissions. (*general business notice of motion no. 821*)

Senator Back: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 August 2010:

- (a) the implications to the Australian horse industry of committing to an Emergency Animal Disease Response Agreement (EADRA);
- (b) the options for equitable contributions by horse owners to a levy scheme to meet their obligations under an EADRA in the event of an emergency animal disease outbreak in horses;
- (c) the criteria by which the cost burden of a levy would be shared between Commonwealth, state and territory governments, horse industry groups and owners;
- (d) quarantine and biosecurity threats to Australia's horse industry; and
- (e) any other related matters.

The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—That the Senate notes the Prime Minister's continued unprincipled attacks upon the Senate. (*general business notice of motion no. 822*)

#### 10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2010

The Chair of the Selection of Bills Committee (Senator O'Brien) tabled the following report:

#### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 8 OF 2010

1. The committee met in private session on Tuesday, 15 June 2010 at 4.28 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Excise Tariff Amendment (Aviation Fuel) Bill 2010 and the Customs Tariff Amendment (Aviation Fuel) Bill 2010 be *referred immediately* to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 22 June 2010; and
  - (b) the *provisions* of the National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 26 August 2010.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Fisheries Legislation Amendment Bill (No. 2) 2010
  - Paid Parental Leave (Consequential Amendments) Bill 2010.

*The committee recommends accordingly.*

4. The committee considered the following bills and, noting that they had been referred to committees pursuant to the order of the Senate of 13 May 2010, resolved to make no recommendation:
  - Autonomous Sanctions Bill 2010
  - Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Bill 2010
  - Competition and Consumer Legislation Amendment Bill 2010
  - Corporations Amendment (Corporate Reporting Reform) Bill 2010
  - Corporations Amendment (Sons of Gwalia) Bill 2010
  - Crimes Amendment (Royal Flying Doctor Service) Bill 2010
  - Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill (No. 2) 2010
  - Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010
  - Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010
  - Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010
  - Export Market Development Grants Amendment Bill 2010
  - Family Assistance Legislation Amendment (Child Care Budget Measures) Bill 2010
  - Farm Household Support Amendment (Ancillary Benefits) Bill 2010
  - Financial Sector Legislation Amendment (Prudential Refinements and Other Measures) Bill 2010
  - Human Rights (Parliamentary Scrutiny) Bill 2010

Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010  
 Migration Amendment (Visa Capping) Bill 2010  
 Ozone Protection and Synthetic Greenhouse Gas Management Amendment Bill 2010  
 Primary Industries (Excise) Levies Amendment Bill 2010  
 Superannuation Industry (Supervision) Amendment Bill 2010  
 Tax Laws Amendment (2010 GST Administration Measures No. 3) Bill 2010  
 Tax Laws Amendment (2010 Measures No. 3) Bill 2010  
 Veterans' Affairs Legislation Amendment (2010 Budget Measures) Bill 2010.

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

Kerry O'Brien  
 Chair  
 16 June 2010.

Senator O'Brien moved—That the report be adopted.

Question put and passed.

#### 11 LEAVE OF ABSENCE

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator Faulkner on 17 June 2010, on account of parliamentary business.

Question put and passed.

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator Xenophon for 16 June and 17 June 2010, for health reasons.

Question put and passed.

#### 12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of the Chair of the Legal and Constitutional Affairs References Committee (Senator Barnett) for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 23 June 2010.

Business of the Senate notice of motion no. 3 standing in the name of Senator Xenophon for today, proposing the disallowance of new regulations 4.67C and 4.67E in item [2] of Schedule 1 to the Aviation Transport Security Amendment Regulations 2010 (No. 1), postponed till 22 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 23 June 2010.

General business notice of motion no. 819 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to Australian combat troops in Afghanistan, postponed till 21 June 2010.

**13 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REFERENCE**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That, upon its introduction, the Preventing the Misuse of Government Advertising Bill 2010 be referred to the Finance and Public Administration Legislation Committee for inquiry and report by 21 June 2010.

Question put and passed.

*Statements by leave:* Senators O'Brien and Bob Brown, by leave, made statements relating to the motion.

**14 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Parry, at the request of the Chair of the Finance and Public Administration References Committee (Senator Ryan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 809—That the time for the presentation of the report of the Finance and Public Administration References Committee on COAG reforms relating to health and hospitals be extended to 21 June 2010.

Question put and passed.

**15 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REPORTING DATE**

Senator Parry, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 810—That the report of the Rural and Regional Affairs and Transport References Committee on import restrictions on beef be presented by 22 June 2010.

Question put and passed.

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

Senator Parry, at the request of the Chair of the Environment, Communications and the Arts References Committee (Senator Fisher) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 811—That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on the sustainable management by the Commonwealth of water resources be extended to 30 July 2010.

Question put and passed.

**17 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE**

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 30 June 2010:

- (a) whether the Rudd Government's tax reform advertising campaign is an outrageous abuse of taxpayers' dollars;
- (b) whether the Rudd Government should be allowed to spend millions of dollars in advertising a new tax that has not been approved by parliament;

- (c) whether the Special Minister of State and Cabinet Secretary (Senator Ludwig) acted appropriately in exempting the tax reform advertising campaign from the *Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies*; and
- (d) what further provisions are necessary to strengthen the controls on government advertising to prevent taxpayers' dollars being used for electioneering purposes in the future.

Question put and passed. All Australian Greens senators, by leave, recorded their votes for the ayes.

**18 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—BUDGET ESTIMATES 2010-11—DIRECTION TO MEET**

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. 807—

- (1) That the Finance and Public Administration Legislation Committee reconvene to resume its consideration of the 2010-11 Budget estimates on Thursday, 17 June 2010, during the sitting of the Senate from 4.30 pm to 6.30 pm, for the purpose of further examination of outcome Program 2.1, specifically, matters relating to government advertising.
- (2) That Senator Ludwig as the responsible minister, and officers and staff from the Department of Finance and Deregulation with responsibility for matters relating to government advertising, appear before the committee to answer questions.

Question put and passed.

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

Senator O'Brien, at the request of Senator Lundy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 814—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate, from 10 am to 1 pm, on Thursday, 17 June 2010, to take evidence for the committee's inquiry into the role of the Auditor-General in monitoring compliance with the 'Guidelines on Campaign Advertising'.

Question put and passed.

**20 PREVENTING THE MISUSE OF GOVERNMENT ADVERTISING BILL 2010**

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. 813—That the following bill be introduced:

A Bill for an Act to require the Auditor-General to oversee expenditure on government information and advertising campaigns, and for related purposes.

Question put and passed.

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

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

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

**21 FINANCE—FOSSIL FUEL SUBSIDIES—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 815—

- (1) That the Senate notes that at the G20 meeting in Pittsburgh in September 2009, the Prime Minister (Mr Rudd) agreed to ‘phase out and rationalise over the medium term inefficient fossil fuel subsidies while providing targeted support for the poorest’ and further that the Prime Minister also agreed to report back to the G20 on how to implement this commitment.
- (2) That there be laid on the table by 10 am on 17 June 2010, any document that the Government provided to the meeting of the G20 Finance Ministers and Central Bank Governors at Busan, Korea, on 5 June and 6 June 2010, regarding the commitment to phase out fossil fuel subsidies, including:
  - (a) the implementation plans for the phase out as required by the commitment, including any assessment of the nature and size of fossil fuels subsidies in Australia; and
  - (b) any advice from the department to the minister in relation to these implementation plans and how the Government seeks to define ‘fossil fuel subsidy’.

Question put and passed.

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

**22 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 812—That the time for the presentation of the report of the Community Affairs References Committee on the impact of gene patents on the provision of healthcare in Australia be extended to 2 September 2010.

Question put and passed.

**23 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—PROPOSED REPORTING DATE**

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. 808—That the Legal and Constitutional Affairs Legislation Committee present its report on the Wild Rivers (Environmental Management) Bill 2010 [No. 2] by 10 am on Thursday, 17 June 2010.

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

Omit “Thursday, 17 June 2010”, substitute “Monday, 21 June 2010”.

*Statements by leave:* Senators O’Brien and Fielding, by leave, made statements relating to the matter.

*Postponement:* Senator Parry, by leave, moved—That general business notice of motion no. 808 be postponed.

Question put and passed.

#### 24 **TRADE—AUSTRALIAN APPLE AND PEAR INDUSTRY**

Senator Colbeck, also on behalf of Senators Xenophon and Milne and the Leader of the Family First Party (Senator Fielding), amended general business notice of motion no. 816 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

- (i) the World Trade Organization (WTO) has issued a report to the Australian and New Zealand Governments regarding Australia’s 90-year-long ban on importing apples from New Zealand, and
- (ii) if the recommendations contained within the report are unfavourable this could expose Australia’s apple and pear industry to greater risk from disease and pests foreign to Australia’s shores;

(b) recognises that:

- (i) the Australian apple and pear industry generates an annual turnover of approximately \$500 million and any increase in major quarantine incursions could devastate both the industry’s biosecurity and future financial viability, and
- (ii) it is of paramount importance that Australia protects its biosecurity and maintains a disease free apple and pear producing industry; and

(c) calls on the Federal Government to:

- (i) publish the report as soon as possible to allow thorough consultation and review,
- (ii) vigorously defend the integrity of Australia’s science-based quarantine regime, and
- (iii) appeal any errors of law in the WTO interim report to the relevant appellate body.

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

Question put and passed.

#### 25 **DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION**

The Special Minister of State (Senator Ludwig), by leave, moved government business notice of motion no. 1—That—

(1) On Thursday, 17 June 2010:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
- (b) the routine of business from 7.30 pm shall be government business only;



- (c) divisions may take place after 4.30 pm; and  
 (d) if the Senate is sitting at 10 pm, the sitting of the Senate be suspended till 9 am on Friday, 18 June 2010.

(2) On Friday, 18 June 2010, the question for the adjournment of the Senate shall be put at 1.30 pm.

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

Arbib	Crossin	Hutchins	O'Brien
Bilyk	Farrell	Ludlam	Polley
Bishop	Feeney	Ludwig	Pratt
Brown, Bob	Forshaw	Lundy	Sherry
Brown, Carol	Furner	Marshall	Siewert
Cameron	Hanson-Young	McEwen (Teller)	Stephens
Collins	Hogg	McLucas	Sterle
Conroy	Hurley	Moore	Wortley

NOES, 33

Senators—

Adams	Cormann	Johnston	Payne
Bernardi	Eggleston	Joyce	Ronaldson
Birmingham	Ferguson	Kroger	Ryan
Boswell	Fielding	Macdonald	Scullion
Boyce	Fierravanti-Wells	Mason	Troeth
Bushby	Fifield	McGauran	Williams (Teller)
Cash	Fisher	Minchin	
Colbeck	Heffernan	Nash	
Coonan	Humphries	Parry	

Question negatived.

**26 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION**

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

The impact of the Government's ill-considered super tax on small quarries and on the cost of living.

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

**27 SCRUTINY OF BILLS—STANDING COMMITTEE—6TH REPORT AND ALERT DIGEST NO. 6 OF 2010**

Senator Adams, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

6th report of 2010, dated 16 June 2010.

Alert Digest No. 6 of 2010, dated 16 June 2010.

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

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

Debate ensued.

Question put and passed.

**28 ENVIRONMENT—INTERNATIONAL WHALING COMMISSION—MINISTERIAL STATEMENT—DOCUMENT**

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

Environment—International Whaling Commission—Ministerial statement by the Minister for Environment Protection, Heritage and the Arts (Mr Garrett), dated 15 June 2010.

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

Debate ensued.

Question put and passed.

**29 AUDITOR-GENERAL—AUDIT REPORTS NOS 43 AND 44 OF 2009-10—DOCUMENTS**

The Acting Deputy President (Senator McGauran) tabled the following documents:

Auditor-General—Audit reports for 2009-10—

No. 43—Performance audit—Army individual readiness notice: Department of Defence.

No. 44—Performance audit—Administration of the tax obligations of non-residents: Australian Taxation Office.

**30 EMPLOYMENT—FAIR WORK AUSTRALIA—DOCUMENTS**

The Acting Deputy President (Senator McGauran) tabled the following documents:

Employment—Fair Work Australia—Letters to the President of the Senate from—Secretary of the Industrial Relations Society of Australia (Mr Catanzariti), dated 10 June 2010.

Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), dated 15 June 2010 and attachment.

**31 HEALTH—THERAPEUTIC GROUPS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

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

Health—Therapeutic groups—Letter to the President of the Senate from the Minister for Health and Ageing (Ms Roxon) responding to the resolution of the Senate of 11 May 2010, dated 15 June 2010.

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

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

Estimates of proposed expenditure for 2010-11—Portfolio budget statements—Portfolios and executive departments—Environment, Water, Heritage and the Arts portfolio—Corrections [2].

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

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

Foreign Affairs—Papua New Guinea Liquefied Natural Gas Project—National Interest Assessments—Statement responding to the resolution of the Senate of 12 May 2010.

**34 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE UNITED NATIONS AND OTHER  
INTERNATIONAL AGENCIES IN EUROPE AND THE 121ST ASSEMBLY OF THE  
INTER-PARLIAMENTARY UNION—DOCUMENT**

Senator Troeth, by leave, tabled the following document:

United Nations and other International Agencies in Europe and the 121st Assembly of the Inter-parliamentary Union in Geneva—Report of the Australian parliamentary delegation, 7 October to 24 October 2009, dated June 2010.

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

Debate ensued.

Question put and passed.

**35 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Bureau of Statistics Act—Proposals Nos—

3 of 2010—2010 General Social Survey.

4 of 2010—Multipurpose Household Survey 2010-11.

5 of 2010—Health Care Services Survey.

6 of 2010—Waste Management Services Survey.

7 of 2010—Economic Activity Survey.

Commissioner of Taxation—Public Rulings—

Luxury Car Tax Determination LCTD 2010/1.

Product Ruling PR 2010/14.

Taxation Determination TD 2010/17.

Defence Act—Determination under section 58B—Defence Determination 2010/22—Medical officers – amendment.

Environment Protection and Biodiversity Conservation Act—Amendment of list of exempt native specimens—EPBC303DC/SFS/2010/28 [F2010L01590]\*.

\* Explanatory statement tabled with legislative instrument.

**36 ELECTORAL AND REFERENDUM AMENDMENT (PRE-POLL VOTING AND OTHER MEASURES) BILL 2010**  
**ELECTORAL AND REFERENDUM AMENDMENT (CLOSE OF ROLLS AND OTHER MEASURES) BILL (NO. 2) 2010**  
**ELECTORAL AND REFERENDUM AMENDMENT (MODERNISATION AND OTHER MEASURES) BILL 2010**  
**ELECTORAL AND REFERENDUM AMENDMENT (HOW-TO-VOTE CARDS AND OTHER MEASURES) BILL 2010**

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

Message no. 606, dated 16 June 2010—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

Message no. 607, dated 16 June 2010—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

Message no. 605, dated 16 June 2010—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

Message no. 604, dated 16 June 2010—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

The Minister for Employment Participation (Senator Arbib) 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 Arbib moved—That these bills be now read a second time.

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

*Consideration of legislation:* Senator Arbib moved—That the Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

**37 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION—STATEMENT BY LEAVE**

Senator O'Brien, by leave, made a statement relating to the vote on government business notice of motion no. 1 (*see entry no. 25*).

**38 PAID PARENTAL LEAVE BILL 2010**  
**PAID PARENTAL LEAVE (CONSEQUENTIAL AMENDMENTS) BILL 2010**

Order of the day read for the further consideration of the bills in committee of the whole.

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*In the committee*

**PAID PARENTAL LEAVE BILL 2010—**

Consideration resumed of the bill, as amended.

Senator Fifield moved the following amendments together by leave:

Clause 63, page 62 (lines 3 to 8), omit subclauses (1) and (2), substitute:

- (1) Parental leave pay must be paid to a person by the Secretary in instalments.

Clause 64, page 62 (line 16) to page 63 (line 18), omit the clause, substitute:

**64 A person's instalment period and the payday for an instalment**

- (1) A person's *instalment period* is the period of 14 days starting on a day the Secretary considers appropriate for the person (or a class of person in which the person is included) and each successive 14 day period

Note: Sections 93 and 94 affect when an instalment period for a person starts and ends in certain circumstances.

- (2) The *payday* for the instalment is a day that the Secretary considers appropriate that occurs after the instalment period to which the instalment relates.

Clause 67, page 64 (line 22), omit "An employer or the Secretary", substitute "The Secretary".

Clause 67, page 64 (lines 26 to 31), omit the note.

Clause 68, page 65 (line 13), omit "An employer or the Secretary", substitute "The Secretary".

Clause 69, page 65 (line 22), omit "(2)".

Clause 83, page 76 (lines 3 to 16), omit the clause, substitute:

**83 Guide to this Part**

This Part is about the payment of instalments to a person by the Secretary.

The Secretary is required to pay instalments directly to a person on the payday for the instalment.

In certain circumstances where the Secretary becomes required to pay instalments to a person, the Secretary is also required to pay the person arrears for instalments that had previously become payable, but not been paid, to the person.

Clause 84, page 77 (line 2) to page 78 (line 26), omit the clause, substitute:

**84 When the Secretary pays instalments**

The Secretary must pay an instalment that is payable to a person on the payday for the instalment.

Clause 117, page 103 (lines 15 and 16), omit paragraph (c).

Clause 117, page 103 (line 19), omit ":", substitute ".".

Clause 117, page 103 (lines 20 to 25), omit paragraphs (e) to (g).

Heading to clause 133, page 112 (lines 3 and 4), omit "**or PPL funding amount**".

Clause 133, page 112 (lines 8 to 15), omit paragraph(1)(b), substitute:

- (b) order the person to pay the Commonwealth an amount equal to any amount paid to, or in relation to, the person by way of an instalment of parental leave pay because of the act, failure or omission that constituted the offence.

Clause 138, page 113 (lines 21 and 22), omit "or a PPL funding amount".

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 31

Senators—

Adams (Teller)	Cash	Humphries	Nash
Back	Colbeck	Johnston	Parry
Barnett	Coonan	Joyce	Payne
Bernardi	Cormann	Kroger	Ryan
Birmingham	Ferguson	Macdonald	Scullion
Boswell	Fielding	Mason	Trood
Boyce	Fifield	McGauran	Williams
Brandis	Fisher	Minchin	

NOES, 32

Senators—

Arbib	Crossin	Hutchins	Moore
Bilyk	Farrell	Ludlam	O'Brien (Teller)
Bishop	Feeney	Ludwig	Pratt
Brown, Bob	Forshaw	Lundy	Sherry
Brown, Carol	Furner	Marshall	Siewert
Cameron	Hanson-Young	McEwen	Stephens
Collins	Hogg	McLucas	Sterle
Conroy	Hurley	Milne	Wortley

Question negatived.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Fifield, in respect of subclause 69(1); subclause 70(2) and the note; Part 3-2; clauses 85, 86, 93, 94; and Part 3-5.

Question—That subclause 69(1); subclause 70(2) and the note; Part 3-2; clauses 85, 86, 93, 94; and Part 3-5 stand as printed—put.

The committee divided—

AYES, 31

Senators—

Arbib	Crossin	Hutchins	O'Brien (Teller)
Bilyk	Farrell	Ludlam	Pratt
Bishop	Feeney	Ludwig	Sherry
Brown, Bob	Forshaw	Lundy	Siewert
Brown, Carol	Furner	Marshall	Stephens
Cameron	Hanson-Young	McLucas	Sterle
Collins	Hogg	Milne	Wortley
Conroy	Hurley	Moore	

NOES, 31

Senators—

Abetz	Brandis	Fisher	McGauran
Adams (Teller)	Cash	Heffernan	Minchin
Back	Colbeck	Humphries	Nash
Barnett	Coonan	Johnston	Parry
Bernardi	Cormann	Joyce	Scullion
Birmingham	Ferguson	Kroger	Trood
Boswell	Fielding	Macdonald	Williams
Boyce	Fifield	Mason	

The ayes and noes were equal and so the question was negatived.

The Minister for Employment Participation (Senator Arbib) moved the following amendment:

Page 86 (after line 29), at the end of Division 2, add:

**99A Payment of paid parental leave does not affect other employer obligations**

An obligation of an employer to pay a person parental leave pay under this Act is in addition to any other obligation the employer may have in relation to the person, however that other obligation might arise (including, for example, under another law of the Commonwealth, a State or a Territory, or an industrial instrument (however described)).

Debate ensued.

On the motion of Senator Arbib further consideration of the amendment was postponed.

Senator Hanson-Young moved the following amendment:

Page 233 (after line 7), after Division 3, insert:

**Division 3A—Review of Act**

**301A Review of operation of Act**

- (1) The Minister must cause a review of the Act to be conducted by an independent panel.
- (2) The review must:
  - (a) start not later than 1 October 2012; and
  - (b) be completed within 3 months.
- (3) The review must report on:
  - (a) the operation of the Act; and
  - (b) the options for extending the PPL period; and
  - (c) the options for including concurrent paid partner leave; and
  - (d) the options for payment of superannuation in connection with PPL; and
  - (e) the impact of the Act on pre-existing entitlements; and
  - (f) collective bargaining outcomes as they relate to paid parental leave schemes; and
  - (g) any other matters considered relevant.
- (4) The panel must give the Minister a written report of the review.
- (5) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of receiving the report.

On the motion of Senator Hanson-Young further consideration of the amendment was postponed.

Senator Hanson-Young moved the following amendment:

Page 233 (after line 7), after Division 3, insert:

**Division 3B—Data on the impact of PPL**

**301B Publication of data on the impact of PPL**

- (1) The Secretary must publish information on the following:
  - (a) the number of people receiving PPL instalments;

- (b) the number of people paid instalments:
    - (i) by employers; and
    - (ii) by the Secretary;
  - (c) PPL periods.
- (2) The Secretary must routinely consult with Fair Work Australia on bargaining outcomes in enterprise agreements with respect to paid parental leave schemes and publish a report on those consultations, including information about the extent to which enterprise agreements contain additional paid parental leave entitlements and changes to those bargaining outcomes over time.
- (3) Information required to be published under this section to must be:
- (a) updated at least every 6 months, not later than 31 December and 30 June each year; and
  - (b) published on the department's website.

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*At 6.50 pm:* The Acting Deputy President (Senator Crossin) resumed the chair and the Temporary Chair of Committees reported progress.

#### 39 GOVERNMENT DOCUMENTS—CONSIDERATION

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

#### 40 ADJOURNMENT

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

Debate ensued.

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*Document:* Senator Heffernan, by leave, tabled the following document:

Industry—Sugar industry—Foreign investment—Copy of email from constituent, dated 10 June 2010.

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Debate continued.

The Senate adjourned at 7.29 pm till Thursday, 17 June 2010 at 9.30 am.

#### 41 ATTENDANCE

Present, all senators except Senators Carr\* and Xenophon\* (\* on leave).

**ROSEMARY LAING**  
Clerk of the Senate