

2008-10

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 125

THURSDAY, 17 JUNE 2010

Contents

1	Meeting of Senate.....	3589
2	Notice.....	3589
3	Order of Business—Rearrangement.....	3589
4	Postponement.....	3589
5	Rural and Regional Affairs and Transport Legislation Committee—Leave to Meet During Sitting	3589
6	Leave of Absence.....	3589
7	Rural and Regional Affairs and Transport References Committee— Reference	3589
8	Foreign Affairs—Gaza—Blockade.....	3590
9	World Refugee Day 2010	3590
10	Standing Order 193(3)—Statement by Leave.....	3591
11	Appropriations and Staffing—Standing Committee—50th Report.....	3591
12	Legal and Constitutional Affairs Legislation Committee—Additional Information—Budget and Additional Estimates 2009-10 and 2010-11.....	3592
13	Committee Membership	3592
14	Excise Tariff Amendment (Aviation Fuel) Bill 2010 Customs Tariff Amendment (Aviation Fuel) Bill 2010	3593
15	National Broadband Network—Select Committee—Final Report	3593
16	Legal and Constitutional Affairs Legislation Committee—Report—National Security Legislation Amendment Bill 2010 and Parliamentary Joint Committee on Law Enforcement Bill 2010.....	3593
17	Finance and Public Administration Legislation Committee—Report— Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010 and Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010.....	3594
18	Paid Parental Leave Bill 2010 Paid Parental Leave (Consequential Amendments) Bill 2010.....	3594
19	Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2010.....	3599

20	Child Support and Family Assistance Legislation Amendment (Budget and Other Measures) Bill 2010.....	3599
21	Tax Laws Amendment (2010 GST Administration Measures No. 2) Bill 2010	3600
22	Tax Laws Amendment (2010 Measures No. 2) Bill 2010.....	3600
23	Tax Laws Amendment (Transfer of Provisions) Bill 2010	3601
24	Ministers of State Amendment Bill 2010	3602
25	Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010	3602
26	Customs Tariff Amendment Bill (No. 1) 2010	3602
27	Health Legislation Amendment (Australian Community Pharmacy Authority and Private Health Insurance) Bill 2010	3603
28	Australian Wine and Brandy Corporation Amendment Bill 2009	3603
29	Transport Security Legislation Amendment (2010 Measures No. 1) Bill 2010	3603
30	Social Security Amendment (Flexible Participation Requirements for Principal Carers) Bill 2010	3603
31	Indigenous Education (Targeted Assistance) Amendment Bill 2010.....	3604
32	Defence Legislation Amendment Bill (No. 1) 2010	3604
33	Personal Property Securities (Corporations and Other Amendments) Bill 2010	3604
34	Interstate Road Transport Charge Amendment Bill 2010	3605
35	International Arbitration Amendment Bill 2010	3605
36	Airports (On-Airport Activities Administration) Validation Bill 2010	3605
37	Export Market Development Grants Amendment Bill 2010	3605
38	Questions.....	3606
39	Paid Parental Leave Bill 2010	3606
40	Motions to Take Note of Answers	3606
41	Law and Justice—Australian Federal Police—Ministerial Statement—Document.....	3606
42	Economics—Standing Committee—Government Response—Australia’s Mandatory Last Resort Home Warranty Insurance Scheme	3607
43	Auditor-General—Audit Report No. 45 of 2009-10—Document	3607
44	Health—Therapeutic Groups—Order For Production Of Documents—Document.....	3607
45	Senate—Statements by Prime Minister	3607
46	Paid Parental Leave Bill 2010 Paid Parental Leave (Consequential Amendments) Bill 2010.....	3607
47	Senate—Statements by Prime Minister	3609
48	Government Documents—Orders Of The Day—Consideration	3609
49	Committee Reports and Government Responses—Orders of the Day—Consideration.....	3612
50	Auditor-General’s Reports—Orders of the Day—Consideration	3614
51	Adjournment.....	3614
52	Attendance.....	3615

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 NOTICE

Contingent notice of motion: The Leader of the Australian Greens (Senator Bob Brown): To move (contingent on business being called on 22 June 2010)—That so much of the standing orders be suspended as would prevent the Preventing the Misuse of Government Advertising Bill 2010 having precedence over all government business until determined.

3 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Ludwig) moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 822 standing in the name of the Leader of the Opposition in the Senate (Senator Abetz) relating to statements by the Prime Minister concerning the Senate; and
- (b) orders of the day relating to government documents.

Question put and passed.

4 POSTPONEMENT

Senator Milne, by leave, moved—That general business notice of motion no. 821 standing in her name for today, relating to energy efficiency, be postponed till 21 June 2010.

Question put and passed.

**5 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
LEAVE TO MEET DURING SITTING**

Senator O'Brien, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.30 pm, to take evidence for the committee's inquiry into the provisions of the Excise Tariff Amendment (Aviation Fuel) Bill 2010 and a related bill.

Question put and passed.

6 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senators Cormann and Johnston for today, on account of parliamentary business.

Question put and passed.

**7 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
REFERENCE**

Senator Back, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—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.

Question put and passed.

8 FOREIGN AFFAIRS—GAZA—BLOCKADE

The Leader of the Australian Greens (Senator Bob Brown), also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 820—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.

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

Question put.

The Senate divided—

AYES, 5

Senators—

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

NOES, 41

Senators—

Adams	Collins	Hutchins	Parry (Teller)
Back	Coonan	Kroger	Polley
Bernardi	Crossin	Ludwig	Pratt
Bilyk	Farrell	Lundy	Ryan
Bishop	Feeney	Marshall	Sterle
Boswell	Ferguson	McEwen	Troeth
Brown, Carol	Fielding	McLucas	Williams
Bushby	Fifield	Minchin	Wortley
Cameron	Furner	Moore	
Cash	Hogg	Nash	
Colbeck	Hurley	O'Brien	

Question negatived.

9 WORLD REFUGEE DAY 2010

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 817—That the Senate—

- (a) recognises that:
 - (i) 20 June 2010 marks World Refugee Day 2010,

- (ii) the global theme for 2010 is ‘Home’, in recognition of the plight of more than 40 million uprooted people around the world, and
 - (iii) as a signatory to the 1951 United Nations Geneva Convention Relating to the Status on Refugees, Australia is obliged to protect those seeking asylum from persecution;
- (b) notes, with concern:
- (i) the Government’s commitment to reopening desert detention centres across the country, and
 - (ii) the effect that the suspension of processing claims for asylum seekers from Sri Lanka and Afghanistan will have on the mental health of some of the worlds most vulnerable; and
- (c) calls on the Government to immediately lift the imposed suspension and process all claims for asylum, irrespective of race or ethnicity.

Question put.

The Senate divided—

AYES, 5

Senators—

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

NOES, 33

Senators—

Adams	Collins	Hutchins	Parry
Back	Coonan	Ludwig	Polley
Bernardi	Crossin	Marshall	Pratt
Boswell	Farrell	McEwen	Ryan
Brown, Carol	Feeney	McLucas	Troeth
Bushby	Ferguson	Minchin	Wortley
Cameron	Fielding	Moore	
Cash	Hogg	Nash	
Colbeck	Hurley	O’Brien (Teller)	

Question negatived.

10 **STANDING ORDER 193(3)—STATEMENT BY LEAVE**

The Leader of the Australian Greens (Senator Bob Brown), by leave, made a statement relating to standing order 193(3) and general business notice of motion no. 822.

Statement by leave: Senator Parry, by leave, made a statement relating to the matter.

11 **APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—50TH REPORT**

The President tabled the following report:

Appropriations and Staffing—Standing Committee—50th report—Ordinary annual services of the government, dated June 2010.

Report ordered to be printed on the motion of the Special Minister of State (Senator Ludwig).

Notice of motion: Senator Ludwig, by leave, gave a notice of motion as follows: To move on the next day of sitting—That, in accordance with the recommendation made in the 50th Report of the Appropriations and Staffing Committee, the Senate resolves:

- (1) To reaffirm its constitutional right to amend proposed laws appropriating revenue or moneys for expenditure on all matters not involving the ordinary annual services of the Government.
- (2) That appropriations for expenditure on:
 - (a) the construction of public works and buildings;
 - (b) the acquisition of sites and buildings;
 - (c) items of plant and equipment which are clearly definable as capital expenditure (but not including the acquisition of computers or the fitting out of buildings);
 - (d) grants to the states under section 96 of the Constitution;
 - (e) new policies not previously authorised by special legislation;
 - (f) items regarded as equity injections and loans; and
 - (g) existing asset replacement (which is to be regarded as depreciation),
 are not appropriations for the ordinary annual services of the Government and that proposed laws for the appropriation of revenue or moneys for expenditure on the said matters shall be presented to the Senate in a separate appropriation bill subject to amendment by the Senate.
- (3) That, in respect of payments to international organisations:
 - (a) the initial payment in effect represents a new policy decision and therefore should be in Appropriation Bill (No. 2); and
 - (b) subsequent payments represent a continuing government activity of supporting the international organisation and therefore represent an ordinary annual service and should be in Appropriation Bill (No. 1).
- (4) That all appropriation items for continuing activities for which appropriations have been made in the past be regarded as part of ordinary annual services.

12 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—BUDGET AND ADDITIONAL ESTIMATES 2009-10 AND 2010-11

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

Legal and Constitutional Affairs Legislation Committee—

Additional estimates 2009-10—Additional information received between 12 May and 16 June 2010—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

Budget estimates 2010-11—Additional information received between— 24 May and 16 June 2010—Attorney-General's portfolio.

26 May and 16 June 2010—Immigration and Citizenship portfolio.

13 COMMITTEE MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of the appointment of a member of the House of Representatives to the Joint Standing Committee on the Parliamentary Library, as follows:

Message no. 608, dated 16 June 2010—Mr Oakeshott.

**14 EXCISE TARIFF AMENDMENT (AVIATION FUEL) BILL 2010
CUSTOMS TARIFF AMENDMENT (AVIATION FUEL) BILL 2010**

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

Message no. 609, dated 16 June 2010—A Bill for an Act to amend the *Excise Tariff Act 1921*.

Message no. 610, dated 16 June 2010—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

The Special Minister of State (Senator Ludwig) 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 Ludwig moved—That these bills be now read a second time.

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

15 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—FINAL REPORT

Senator Parry, at the request of the Chair of the Select Committee on the National Broadband Network (Senator Macdonald), tabled the following report and documents:

National Broadband Network—Select Committee—Final report, dated June 2010, Hansard record of proceedings, additional information and submissions.

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

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

Debate ensued.

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

**16 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—
NATIONAL SECURITY LEGISLATION AMENDMENT BILL 2010 AND PARLIAMENTARY
JOINT COMMITTEE ON LAW ENFORCEMENT BILL 2010**

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

Legal and Constitutional Affairs Legislation Committee—National Security Legislation Amendment Bill 2010 [Provisions] and Parliamentary Joint Committee on Law Enforcement Bill 2010 [Provisions]—Report, dated June 2010, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator O'Brien.

Senator O'Brien, by leave, moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator O'Brien in continuation.

**17 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—
ELECTORAL AND REFERENDUM AMENDMENT (HOW-TO-VOTE CARDS AND OTHER
MEASURES) BILL 2010 AND ELECTORAL AND REFERENDUM AMENDMENT
(MODERNISATION AND OTHER MEASURES) BILL 2010**

Pursuant to order, Senator O'Brien, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following report and documents:

Finance and Public Administration Legislation Committee—Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010 [Provisions] and Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010 [Provisions]—Report, dated June 2010 and submissions.

Report ordered to be printed on the motion of Senator O'Brien.

Senator O'Brien, by leave, moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator O'Brien in continuation.

**18 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.

—————
In the committee

PAID PARENTAL LEAVE BILL 2010—

Consideration resumed of the bill, as amended and subject to requests—*and of the amendment moved by Senator Hanson-Young:*

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.

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

The following amendments moved by Senator Fifield were reconsidered (*see entry no. 38, 16 June 2010*):

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 28), 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 resumed.

Question—That the amendments be agreed to—put again, by leave and passed.

Consideration resumed of the amendment moved and postponed by the Minister for Employment Participation (Senator Arbib) on 16 June 2010 (*see entry no. 38, 16 June 2010*):

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 resumed.

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

Consideration resumed of the amendment moved and postponed by Senator Hanson-Young on 16 June 2010 (*see entry no. 38, 16 June 2010*).

Senator Hanson-Young, by leave, withdrew the amendment.

On the motion of the Minister for Immigration and Citizenship (Senator Evans) the following amendment was debated and agreed to:

Page 236 (after line 20), after clause 307, insert:

307A Review of the operation of this Act

- (1) The Minister must cause a comprehensive review of the general operation of this Act to be begun by 31 January 2013.
- (2) The review must consider the following matters:
 - (a) the amount of time off work that primary carers are taking to care for newborn or newly adopted children;
 - (b) the availability and amount of leave and payments provided by employers in relation to the birth or adoption of a child, and the interaction of those entitlements with parental leave pay provided under this Act;
 - (c) the operation of the work test;
 - (d) whether primary claimants' partners should be paid parental leave pay separately from, or in addition to, primary claimants;
 - (e) whether employers should make superannuation contributions in relation to parental leave pay;
 - (f) the results of any evaluations conducted in relation to the operation of this Act;
 - (g) the administration of this Act;
 - (h) any other matter relevant to the general operation of this Act.
- (3) The Minister must ensure that public submissions are sought in relation to the review.
- (4) The Minister must cause a copy of a written report of the review to be tabled in each House of the Parliament within 15 sitting days of the day on which the Minister receives the report.

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

Page 236 (after line 25), after clause 308, insert:

309 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Page 236 (after line 25), at the end of the bill, add:

Schedule 1—Amendments relating to paid parental leave

Fair Work Act 2009

1 Subsection 67(1)

Omit “An”, substitute “Subject to section 67A, an”.

2 Subsection 67(2)

Omit “A”, substitute “Subject to section 67A, a”.

3 After section 67

Insert:

67A Additional application—paid parental leave

- (1) This section applies in relation to an employee if:
 - (a) the Secretary makes a determination under Part 2-2 of the *Paid Parental Leave Act 2010* that parental leave pay is payable to the employee for a child; and
 - (b) at the time the Secretary makes that determination, the employee does not meet the requirements of subsection 67(1) or (2); and
 - (c) the employee has, or will have, completed at least 3 months of continuous service with the employer immediately before the day the Secretary makes the determination.
- (2) The employee is entitled to leave under this Division.

Note: An employee qualifying under this section is entitled to leave during the employee’s PPL period for the child (see section 70A).
- (3) In this section, unless the contrary intention appears, any term that is defined in the *Paid Parental Leave Act 2010* has the meaning given in that Act.

4 Section 70

Omit “An”, substitute, “Subject to section 70A, an”.

5 After section 70

Insert:

70A Modified application—entitlement to paid parental leave

- (1) This section applies to an employee who is entitled to leave under this Division because of section 67A.
- (2) The employee is entitled to:
 - (a) unpaid parental leave during the employee’s PPL period for the child; and

- (b) if the leave is associated with the birth of a child—an additional period of unpaid parental leave of up to 6 weeks before the birth.
- (3) In this section, unless the contrary intention appears, any term that is defined in the *Paid Parental Leave Act 2010* has the meaning given in that Act.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 5

Senators—

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

NOES, 41

Senators—

Abetz	Coonan	Humphries	Polley
Adams	Crossin	Hutchins	Pratt
Back	Eggleston	Ludwig	Scullion
Bilyk	Farrell	Lundy	Sterle
Boyce	Feeney	Marshall	Troeth
Brown, Carol	Ferguson	McEwen	Trood
Bushby (Teller)	Fielding	McLucas	Williams
Cameron	Fifield	Minchin	Wortley
Cash	Fisher	Moore	
Colbeck	Forshaw	Nash	
Collins	Furner	Parry	

Question negatived.

Bill, as amended, agreed to, subject to requests.

PAID PARENTAL LEAVE (CONSEQUENTIAL AMENDMENTS) BILL 2010—

Bill taken as a whole by leave.

Question—That the bill be agreed to—divided, at the request of Senator Fifield, in respect of Schedule 2, Part 1.

Schedule 2, Part 1 debated.

Question—That Schedule 2, Part 1 stand as printed—put.

The committee divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

Abetz	Cash	Humphries	Payne
Adams (Teller)	Colbeck	Joyce	Ronaldson
Back	Coonan	Kroger	Ryan
Barnett	Eggleston	Macdonald	Scullion
Bernardi	Ferguson	Mason	Troeth
Boswell	Fielding	McGauran	Trood
Boyce	Fifield	Minchin	Williams
Brandis	Fisher	Nash	
Bushby	Heffernan	Parry	

Part negatived.

Bill, as amended, agreed to.

The Paid Parental Leave Bill 2010 to be reported with amendments and requests for amendments and the Paid Parental Leave (Consequential Amendments) Bill 2010 to be reported with amendments.

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

On the motion of the Special Minister of State (Senator Ludwig) the report from the committee was adopted and the Paid Parental Leave (Consequential Amendments) Bill 2010 read a third time.

19 TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

20 CHILD SUPPORT AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (BUDGET AND OTHER MEASURES) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

21 TAX LAWS AMENDMENT (2010 GST ADMINISTRATION MEASURES NO. 2) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

22 TAX LAWS AMENDMENT (2010 MEASURES NO. 2) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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, item 13, page 9 (after line 10), after subsection 109CA(7), insert:

(7A) Subsection (1) does not apply to the provision of a dwelling to the entity if:

(a) the dwelling is a flat or home unit that is part of a complex of 2 or more flats or home units; and

- (b) the provider of the dwelling is a company that owns a legal or equitable interest in the land on which the complex is erected; and
 - (c) there is more than one share in the company, and each share (whether singly or as part of a parcel of shares) gives the relevant shareholder the right to occupy a flat or home unit in the complex; and
 - (d) each flat or home unit in the complex is covered by a share, or a parcel of shares, in the company; and
 - (e) the dwelling is provided to the entity because a shareholder holds such a share, or parcel of shares; and
 - (f) the company does not have legal or equitable interests in any assets other than legal or equitable interests in:
 - (i) the complex, and the land on which it is erected; and
 - (ii) any related land and buildings; and
 - (iii) any related plant, machinery, equipment, furniture or fittings; and
 - (iv) any assets relating to the matters mentioned in paragraph (g); and
 - (g) the assessable income of the company is derived predominantly from:
 - (i) managing and maintaining the complex (including the assets mentioned in subparagraphs (f)(i), (ii) and (iii)); and
 - (ii) interest and dividends relating to income derived from managing and maintaining the complex (including the assets mentioned in those subparagraphs).
- (7B) Subsection (7A) does not apply in a case to which Subdivision E (about interposed entities) applies, if the company mentioned in that subsection is interposed between:
- (a) a private company; and
 - (b) a shareholder, or an associate of a shareholder, of the private company.

Schedule 1, item 13, page 9 (lines 12 and 13), omit “subsections (6) and (7)”, substitute “subsections (6) to (7A)”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The Acting Deputy President (Senator Hurley) 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.

23 TAX LAWS AMENDMENT (TRANSFER OF PROVISIONS) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

24 MINISTERS OF STATE AMENDMENT BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

25 ELECTORAL AND REFERENDUM AMENDMENT (PRE-POLL VOTING AND OTHER MEASURES) BILL 2010

Order of the day read for the adjourned debate on the motion of the Minister for Employment Participation (Senator Arbib)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

26 CUSTOMS TARIFF AMENDMENT BILL (NO. 1) 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 Special Minister of State (Senator Ludwig) the bill was read a third time.

27 HEALTH LEGISLATION AMENDMENT (AUSTRALIAN COMMUNITY PHARMACY AUTHORITY AND PRIVATE HEALTH INSURANCE) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

28 AUSTRALIAN WINE AND BRANDY CORPORATION AMENDMENT BILL 2009

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

29 TRANSPORT SECURITY LEGISLATION AMENDMENT (2010 MEASURES NO. 1) 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 Special Minister of State (Senator Ludwig) the bill was read a third time.

30 SOCIAL SECURITY AMENDMENT (FLEXIBLE PARTICIPATION REQUIREMENTS FOR PRINCIPAL CARERS) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—That this bill be now read a second time.

Debate resumed.

Senator Parry moved the following amendment:

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

- (a) expresses its grave concern about the lack of enforcement of mutual obligation participation requirements under the Rudd Government; and
- (b) calls on the Government to regularly publish transparent statistics regarding the number of benefit recipients with no participation requirements”.

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 Special Minister of State (Senator Ludwig) the bill was read a third time.

31 INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

32 DEFENCE LEGISLATION AMENDMENT BILL (NO. 1) 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

33 PERSONAL PROPERTY SECURITIES (CORPORATIONS AND OTHER AMENDMENTS) BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

34 INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

35 INTERNATIONAL ARBITRATION AMENDMENT BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the bill was read a third time.

36 AIRPORTS (ON-AIRPORT ACTIVITIES ADMINISTRATION) VALIDATION BILL 2010

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—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 Special Minister of State (Senator Ludwig) the bill was read a third time.

37 EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2010

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

Message no. 611, dated 17 June 2010—A Bill for an Act to amend the *Export Market Development Grants Act 1997*, and for related 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.

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

Debate ensued.

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 Senator Ludwig the bill was read a third time.

At 2 pm—

38 QUESTIONS

Questions without notice were answered.

39 PAID PARENTAL LEAVE BILL 2010

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 612, dated 17 June 2010—Paid Parental Leave Bill 2010.

On the motion of the Special Minister of State (Senator Ludwig) the bill was read a third time.

40 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Scullion moved—That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Brandis today relating to border security.

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Assistant Treasurer (Senator Sherry) to a question without notice asked by Senator Milne today relating to fossil fuel subsidies.

Question put and passed.

41 LAW AND JUSTICE—AUSTRALIAN FEDERAL POLICE—MINISTERIAL STATEMENT—DOCUMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Law and justice—Australian Federal Police—Ministerial statement by the Minister for Home Affairs (Mr O'Connor), dated 16 June 2010.

42 ECONOMICS—STANDING COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA'S MANDATORY LAST RESORT HOME WARRANTY INSURANCE SCHEME

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Economics—Standing Committee—Report—Australia's mandatory Last Resort Home Warranty Insurance Scheme—Government response.

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

Question put and passed.

43 AUDITOR-GENERAL—AUDIT REPORT NO. 45 OF 2009-10—DOCUMENT

The Deputy President (Senator Ferguson) tabled the following document:

Auditor-General—Audit report no. 45 of 2009-10—Performance audit—Contracting for Defence Force recruiting services: Department of Defence.

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

The Deputy President (Senator Ferguson) tabled the following document:

Health—Therapeutic groups—Letter from the President to the Minister for Health and Ageing (Ms Roxon), relating to the Minister's letter of 15 June 2010, responding to the resolution of the Senate of 11 May 2010, dated 16 June 2010.

Senator Fierravanti-Wells, by leave, moved—That the Senate take note of the document.

Question put and passed.

General business was called on.

45 SENATE—STATEMENTS BY PRIME MINISTER

The Leader of the Opposition in the Senate (Senator Abetz), pursuant to notice, moved general business notice of motion no. 822—That the Senate notes the Prime Minister's continued unprincipled attacks upon the Senate.

Debate ensued.

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

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

Messages from the House of Representatives were reported as follows:

Message no. 615, dated 17 June 2010—Paid Parental Leave Bill 2010, agreeing to amendments nos 1, 15 and 23 made by the Senate and disagreeing to amendments nos 2 to 14 and 16 to 22.

Message no. 616, dated 17 June 2010—Paid Parental Leave (Consequential Amendments) Bill 2010, disagreeing to the amendment made by the Senate.

Ordered, on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens), that the messages be considered in committee of the whole immediately.

—————
In the committee

PAID PARENTAL LEAVE BILL 2010—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE
HOUSE OF REPRESENTATIVES HAS DISAGREED

- (2) 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.
- (3) 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.
- (4) Clause 67, page 64 (line 22), omit "An employer or the Secretary", substitute "The Secretary".
- (5) Clause 67, page 64 (lines 26 to 31), omit the note.
- (6) Clause 68, page 65 (line 13), omit "An employer or the Secretary", substitute "The Secretary".
- (7) Clause 69, page 65 (lines 18 to 21), omit subclause (1).
- (8) Clause 69, page 65 (line 22), omit "(2)".
- (9) Clause 70, page 66 (lines 5 and 6), omit subclause (2) and the note.
- (10) Part 3-2, page 67 (line 1) to page 75 (line 9), omit the Part.
- (11) 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.

- (12) Clause 84, page 77 (line 2) to page 78 (line 28), 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.

- (13) Clauses 85 and 86, page 78 (line 27) to page 80 (line 12), omit the clauses.

- (14) Clauses 93 and 94, page 84 (line 1) to page 85 (line 1), omit the clauses.
- (16) Part 3-5, page 87 (line 1) to page 101 (line 8), omit the Part.
- (17) Clause 117, page 103 (lines 15 and 16), omit paragraph (c).
- (18) Clause 117, page 103 (line 19), omit “;”, substitute “.”.
- (19) Clause 117, page 103 (lines 20 to 25), omit paragraphs (e) to (g).
- (20) Heading to clause 133, page 112 (lines 3 and 4), omit “**or PPL funding amount**”.
- (21) 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.
- (22) Clause 138, page 113 (lines 21 and 22), omit “or a PPL funding amount”.

Senator Stephens moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put and passed.

Resolution to be reported.

The Acting Deputy President (Senator Forshaw) resumed the chair and the Temporary Chair of Committees reported that the committee had considered messages nos 615 and 616 from the House of Representatives relating to the Paid Parental Leave Bill 2010 and the Paid Parental Leave (Consequential Amendments) Bill 2010 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

On the motion of Senator Stephens the report from the committee was adopted.

47 SENATE—STATEMENTS BY PRIME MINISTER

Order read for the adjourned debate on the motion of the Leader of the Opposition in the Senate (Senator Abetz)—That the Senate notes the Prime Minister’s continued unprincipled attacks upon the Senate.

Debate resumed.

At 6 pm: Debate was interrupted while Senator Furner was speaking.

48 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

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

Australian Broadcasting Corporation (ABC)—Report for 2008-09. Motion to take note of document moved by Senator Parry, debated and agreed to.

Department of Resources, Energy and Tourism—Report for 2008-09, including Geoscience Australia report for 2008-09. Motion to take note of document moved by Senator Parry and agreed to.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2008-09. Motion of Senator Boyce to take note of document called on. Motion to take note of document moved by Senator Parry and agreed to.

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

Commonwealth Grants Commission—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Department of Climate Change—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Great Barrier Reef Marine Park Authority—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Bureau of Meteorology—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Rural Industries Research and Development Corporation (RIRDC)—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Sugar Research and Development Corporation—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Indigenous Business Australia—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Australian Fisheries Management Authority—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Australian Customs and Border Protection Service (formerly the Australian Customs Service)—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Torres Strait Protected Zone Joint Authority—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Tourism Australia—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Fisheries Research and Development Corporation (FRDC)—Report for 2008-09. Motion of Senator Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Australian Crime Commission (ACC)—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Mid-year economic and fiscal outlook—2009-10—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner). Motion of Senator Parry to take note of document agreed to.

Australian Electoral Commission—Election 2007—Funding and disclosure report. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Landcare Council—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Great Barrier Reef Marine Park Act 1975—Great Barrier Reef outlook report 2009—Correction. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Environment Protection and Biodiversity Conservation Act 1999—Report of the independent review by Allan Hawke, dated October 2009. Motion of Senator Parry to take note of document agreed to.

Australian Customs and Border Protection Service—Report for 2008-09—Correction. Motion of Senator Parry to take note of document agreed to.

Commonwealth Electoral Act 1918—2009 redistributions into electoral divisions—Queensland—Report, together with composite maps [3] and compact disc of supporting information. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.

Australian Communications and Media Authority (ACMA)—Communications report for 2008-09. Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator McGauran in continuation.

Regional Forest Agreement between the Commonwealth and Tasmania—Report—Inquiry on the progress with implementation of the Tasmanian Regional Forest Agreement (1997)—Second five yearly review—Joint Australian and Tasmanian government response, January 2010. Motion of Senator Parry to take note of document agreed to.

Health—National preventative health taskforce report—Order for production of documents—Document—Statement responding to the resolution of the Senate of 26 November 2009. Motion of Senator Parry to take note of document agreed to.

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Order for production of documents—Documents—Bilateral intergovernmental agreement for a national workplace relations system for the private sector—Response to part (2) (*see entry no. 38, 2 February 2010*). Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Fisher in continuation.

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Order for production of documents—Documents—Bilateral intergovernmental agreement for a national workplace relations system for the private sector—Response to part (3) (*see entry no. 38, 2 February 2010*). Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Fisher in continuation.

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

Employment—Fair Work Australia—Letter to Senator Fisher from the Clerk of the Senate, in relation to correspondence from the Secretary of the Industrial Relations Society of Australia tabled on 16 June 2010, dated 15 June 2010.

National Environment Protection Council (NEPC)—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2008 to 31 August 2009. Motion of Senator Parry to take note of document agreed to.

Northern Territory Fisheries Joint Authority—Report for 2007-08. Motion of Senator Parry to take note of document agreed to.

Commonwealth Grants Commission—Report on GST revenue sharing relativities—2010 review—Volume 1. Motion of Senator Cameron to take note of document called on. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Departmental and agency contracts for 2009—Order for production of documents—Letters of advice—Documents tabled 9 March 2010. Motion of Senator Bushby to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 574/09 to 580/10—Commonwealth Ombudsman's reports. Motion to take note of document moved by Senator Barnett. Debate adjourned till Thursday at general business, Senator Barnett in continuation.

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

Environment—Home Insulation Program—Orders For Production Of Documents—Documents. Motion of Senator Bushby to take note of document called on. On the motion of Senator Barnett the debate was adjourned till Thursday at general business.

General business orders of the day nos 36 and 38 relating to government documents were called on but no motion was moved.

General business concluded.

49 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY— CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

National Broadband Network—Select Committee—Fourth interim report. Motion of the chair of the committee (Senator Macdonald) to take note of report debated. Debate adjourned till the next day of sitting, Senator Fisher in continuation.

Economics Legislation Committee—Report—Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010 [Provisions]. Motion of Senator Macdonald to take note of report called on. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.

National Broadband Network—Select Committee—Fourth interim report—Correction. Motion of the chair of the committee (Senator Macdonald) to take note of report agreed to.

Public Works—Joint Statutory Committee—First report of 2010—Proposed fit-out of new premises for the Australian Taxation Office at 735 Collins St, Melbourne. Motion of Senator Macdonald to take note of report agreed to.

Environment, Communications and the Arts Legislation Committee—Report—Consideration of time critical bills [pursuant to the order of the Senate of 13 May 2010 the Ozone Protection and Synthetic Greenhouse Gas Management Amendment Bill 2010 [Provisions] has no substantive matters which require examination]. Motion of Senator Macdonald to take note of report agreed to.

Economics Legislation Committee—Report—Consideration of time critical bills [pursuant to the order of the Senate of 13 May 2010 the Corporations Amendment (Corporate Reporting Reform) Bill 2010 [Provisions], the Financial Sector Legislation Amendment (Prudential Refinements and Other Measures) Bill 2010 [Provisions], the Superannuation Industry (Supervision) Amendment Bill 2010 [Provisions], the Tax Laws Amendment (2010 GST Administration Measures No. 3) Bill 2010 [Provisions] and the Tax Laws Amendment (2010 Measures No. 3) Bill 2010 [Provisions] have no substantive matters which require examination]. Motion of Senator Macdonald to take note of report agreed to.

Foreign Affairs, Defence and Trade Legislation Committee—Report—Consideration of time critical bills [pursuant to the order of the Senate of 13 May 2010 the Export Market Development Grants Amendment Bill 2010 [Provisions] and the Veterans' Affairs Legislation Amendment (2010 Budget Measures) Bill 2010 [Provisions] have no substantive matters which require examination]. Motion of Senator Macdonald to take note of report agreed to.

Economics Legislation Committee—Report—Consideration of time critical bills [pursuant to the order of the Senate of 13 May 2010 the Corporations Amendment (Sons of Gwalia) Bill 2010 [Provisions], the Customs Tariff Amendment (Aviation Fuel) Bill 2010 [Provisions] and the Excise Tariff Amendment (Aviation Fuel) Bill 2010 [Provisions] have no substantive matters which require examination]. Motion of Senator Macdonald to take note of report agreed to.

Community Affairs Legislation Committee—Report—Exposure draft and Paid Parental Leave Bill 2010 [Provisions]. Motion of Senator Macdonald to take note of report agreed to.

Privileges—Standing Committee—144th report—Statutory secrecy provisions and parliamentary privilege - an examination of certain provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 (referred 18 March 2010). Motion of Senator Macdonald to take note of report agreed to.

Rural and Regional Affairs and Transport Legislation Committee—Report—Consideration of time critical bills [pursuant to the order of the Senate of 13 May 2010 the Farm Household Support Amendment (Ancillary Benefits) Bill 2010 [Provisions] and the Primary Industries (Excise) Levies Amendment Bill 2010 [Provisions] have no substantive matters which require examination]. Motion of Senator Macdonald to take note of report agreed to.

Environment, Communications and the Arts Legislation Committee—Interim report—Renewable Energy (Electricity) Amendment Bill 2010 [Provisions], Renewable Energy (Electricity) (Charge) Amendment Bill 2010 [Provisions] and Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010 [Provisions]. Motion of Senator Macdonald to take note of report agreed to.

Finance and Public Administration Legislation Committee—Report—Annual reports (No. 2 of 2007)—Government response. Motion of Senator Macdonald to take note of document agreed to.

Economics References Committee—Report—Milking it for all it's worth – competition and pricing in the Australian dairy industry. Motion of Senator Back to take note of report agreed to.

Community Affairs References Committee—Report—Hear us: Inquiry into hearing health in Australia. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Regional and Remote Indigenous Communities—Select Committee—Fourth report 2010. Motion of Senator Macdonald to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Advisory report—Territories Law Reform Bill 2010 [Provisions]. Motion of the chair of the committee (Senator Lundy) to take note of report agreed to.

Legal and Constitutional Affairs Legislation Committee—Interim report—Wild Rivers (Environmental Management) Bill 2010 [No. 2]. Motion of Senator Macdonald to take note of report agreed to.

Legal and Constitutional Affairs Legislation Committee—Report—National Radioactive Waste Management Bill 2010 [Provisions]. Motion of Senator Macdonald to take note of report agreed to.

Finance and Public Administration References Committee—Report—Native vegetation laws, greenhouse gas abatement and climate change measures. Motion of the chair of the committee (Senator Ryan) to take note of report agreed to.

Economics Legislation Committee—Report—Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009. Motion of Senator Milne to take note of report agreed to.

Community Affairs—Standing Committee—Report—Highway to health: better access for rural, regional and remote patients—Government response. Motion of Senator Parry to take note of document agreed to.

Environment, Communications and the Arts References Committee—Report—Forestry and mining operations on the Tiwi Islands. Motion of the chair of the committee to take note of report agreed to.

Treaties—Joint Standing Committee—Report 106—Nuclear non-proliferation and disarmament. Motion of Senator McGauran to take note of report agreed to.

50 AUDITOR-GENERAL'S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 34 of 2009-10—Performance audit—The management and use of double taxation agreement information collected through automatic exchange—Australian Taxation Office. Motion to take note of document moved by Senator McGauran and agreed to.

Orders of the day nos 1 to 9 and 11 to 22 relating to reports of the Auditor-General were called on but no motion was moved.

51 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.32 pm till Monday, 21 June 2010 at 12.30 pm.

52 ATTENDANCE

Present, all senators except Senators Carr*, Cormann*, Faulkner*, Johnston* and Xenophon* (* on leave).

ROSEMARY LAING
Clerk of the Senate