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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:

Australian Institute of Health and Welfare—Report—Australia's health 2010—Twelfth biennial report.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2010.

Education Services for Overseas Students Act 2000—ESOS Assurance Fund—Report on provider defaults—Aerospace Aviation Pty Ltd.

Productivity Commission—Report no. 50—Gambling, dated 26 February 2010—Volumes 1 and 2.

3 OPENING OF PARLIAMENT—‘WELCOME TO COUNTRY’ CEREMONY

The Leader of the Government in the Senate (Senator Evans), pursuant to notice, moved government business notice of motion no. 1—That the Senate is of the view that the declaration of the opening of Parliament should be preceded by an Indigenous ‘Welcome to Country’ ceremony.

Debate ensued.

Question put and passed.

4 RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010
RENEWABLE ENERGY (ELECTRICITY) (SMALL-SCALE TECHNOLOGY SHORTFALL CHARGE) BILL 2010

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

In the committee

RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010—

Consideration resumed of the bill, as amended—and of the amendments moved by Senator Milne:

Clause 3, page 2 (lines 7 to 11), omit the clause, substitute:

3 Schedule(s)

- (1) Each Act, and each set of regulations, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

Schedule 1, page 61 (after line 22), after item 110, insert:

110A At the end of subsection 17(2)

Add:

; (c) biomass from native vegetation of any kind.

Schedule 1, Part 2, page 80 (after line 4), at the end of the Part, add:

Renewable Energy (Electricity) Regulations 2001

137 Paragraph 8(1)(d)

Omit “; and”, substitute “.”.

138 Paragraph 8(1)(e)

Repeal the paragraph.

139 Subregulations 8(2), (3) and (4)

Repeal the subregulations.

140 Subregulation 9(2)

Repeal the subregulation, substitute:

(2) For section 17 of the Act, biomass from native vegetation is not an energy crop.

141 Subregulation 20AA(1)

Omit “subsections 23B (2) and”, substitute “subsection”.

Debate resumed.

Senator Colbeck, by leave, moved the following amendments:

Clause 3, page 2 (lines 7 to 11), omit the clause, substitute:

3 Schedule(s)

- (1) Each Act, and each set of regulations, 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.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

Schedule 1, Part 2, page 80 (after line 4), at the end of the Part, add:

Renewable Energy (Electricity) Regulations 2001

137 Paragraph 8(2)(b)

Repeal the paragraph, substitute:

- (b) a by-product (including thinnings and coppicing) of a harvesting operation that is carried out in accordance with ecologically sustainable forest management principles; and

138 Subregulation 8(3)

Repeal the subregulation.

139 Subregulation 8(4) (definition of *high value process*)

Repeal the definition.

140 At the end of subparagraph 9(1)(b)(ii)

Omit “;”, substitute “.”.

141 Paragraph 9(1)(c)

Repeal the paragraph.

Debate ensued.

Question—That the amendments moved by Senator Milne be agreed to—put.

The committee divided—

AYES, 5

Senators—

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

NOES, 42

Senators—

Abetz	Collins	Hurley	Pratt
Back	Coonan	Hutchins	Ryan
Bernardi	Crossin	Lundy	Stephens
Bilyk	Eggleston	Marshall	Sterle
Birmingham	Farrell	McEwen	Troeth
Bishop	Feeney	McLucas	Trood
Boyce	Ferguson	Minchin	Williams (Teller)
Brown, Carol	Fielding	Moore	Wong
Cameron	Fisher	O'Brien	Wortley
Cash	Forshaw	Parry	
Colbeck	Furner	Polley	

Question negatived.

Question—That the amendments moved by Senator Colbeck be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 33

Senators—

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

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

On the motion of Senator Milne the following amendment was debated and agreed to:
Schedule 1, item 99, page 59 (lines 16 to 21), omit the item, substitute:

99 Section 162

Repeal the section, substitute:

162 Biennial review of operation of renewable energy legislation

- (1) The Minister must cause an independent review of the following to be undertaken as soon as practicable after 30 June 2012 and every 2 years after that date:
 - (a) the operation of this Act and the scheme constituted by this Act;
 - (b) the operation of the regulations;
 - (c) the operation of the *Renewable Energy (Electricity) (Large-scale Generation Shortfall Charge) Act 2000*;
 - (d) the operation of the *Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Act 2010*;
 - (e) the diversity of renewable energy access to the scheme constituted by this Act, to be considered with reference to a cost benefit analysis of the environmental and economic impact of that access.
- (2) A review must be undertaken by a person who, in the Minister's opinion, possesses appropriate qualifications to undertake the review.
- (3) The person undertaking a review must give the Minister a written report of the review before 31 December in that year.
- (4) The Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the report is given to the Minister.
- (5) The report is not a legislative instrument.

Senator Birmingham moved the following amendment:

Schedule 1, items 111 and 112, page 61 (lines 23 to 30), omit the items, substitute:

111 Subparagraph 17A(1)(a)(i)

Repeal the subparagraph, substitute:

- (i) starting on 1 July 2011; and

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 32

Senators—

Abetz	Brandis	Fierravanti-Wells	Minchin
Adams (Teller)	Bushby	Fifield	Parry
Back	Cash	Fisher	Payne
Barnett	Colbeck	Humphries	Ryan
Bernardi	Coonan	Kroger	Scullion
Birmingham	Cormann	Macdonald	Troeth
Boswell	Eggleston	Mason	Trood
Boyce	Ferguson	McGauran	Williams

NOES, 33

Senators—

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

Question negatived.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Birmingham, in respect of Schedule 1, items 111 and 112.

Question—That Schedule 1, items 111 and 112 stand as printed—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 31

Senators—

Abetz	Brandis	Fierravanti-Wells	Parry
Adams (Teller)	Bushby	Fifield	Payne
Back	Cash	Fisher	Ryan
Barnett	Colbeck	Humphries	Scullion
Bernardi	Coonan	Kroger	Troeth
Birmingham	Cormann	Mason	Trood
Boswell	Eggleston	McGauran	Williams
Boyce	Ferguson	Minchin	

Items agreed to.

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

Schedule 1, item 96, page 58 (lines 28 to 30), omit subparagraph 141AA(c)(ii), substitute:

- (ii) a statement that the certificate was created in relation to a solar water heater other than an air source heat pump water heater, or that it was created in relation to an air source heat pump water heater, or that it was created in relation to a small generation unit (as appropriate); and

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

Schedule 1, page 60 (after line 2), before item 100, insert:

99A Subsection 5(1)

Insert:

air source heat pump water heater means a device that uses a vapour compression cycle incorporating a compressor, an evaporator that collects energy from the latent and sensible heat of the atmosphere and a condenser that delivers heat either directly or indirectly to a hot water storage container.

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

Schedule 1, page 62 (after line 26), after item 116, insert:

116A At the end of section 21

Add:

- (4) If a solar water heater is an air source heat pump water heater, certificates may only be created for the installation of such an air source heat pump water heater if it has a volumetric capacity of not more than 425 litres.

Senator Xenophon moved the following amendment:

Schedule 1, page 63 (after line 29), after item 119, insert:

119A At the end of Subdivision B of Division 4 of Part 2

Add:

23AAA Regulations to phase out air source heat pump water heaters from scheme

- (1) The regulations must provide for air source heat pump water heaters to be phased out of the scheme constituted by this Act by the end of 31 December 2012.
- (2) For the purposes of subsection (1), the regulations must provide that, after the commencement of this section, each month the number of certificates that can be created for the installation of an air source heat pump water heater are proportionally reduced, so that no certificates can be created for such an installation after the end of 31 December 2012.

Debate ensued.

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

Senator Xenophon moved the following amendment:

Schedule 1, item 117, page 63 (after line 6), after subsection 22(2), insert:

- (3) Without limiting subsection (1), regulations made for the purpose of that subsection must provide that, from 1 January 2013, the number of certificates that may be created in respect of the installation of any air source heat pump water heater are only to be created in relation to the first 6 years of operation of that heater.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 33

Senators—

Abetz	Cash	Humphries	Ronaldson
Adams	Colbeck	Joyce	Ryan
Back	Coonan	Kroger	Scullion
Barnett	Cormann	Mason	Troeth
Bernardi	Eggleston	McGauran	Trood
Birmingham	Ferguson	Minchin	Xenophon
Boswell	Fierravanti-Wells	Nash	
Boyce	Fifield	Parry	
Bushby (Teller)	Fisher	Payne	

NOES, 33

Senators—

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

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

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

Schedule 1, page 63 (after line 29), after item 119, insert:

119B Subsection 23B(2)

After “multiplied by”, insert “a number that does not exceed”.

Debate ensued.

At 12.45 pm: The Acting Deputy President (Senator Ryan) resumed the chair and the Temporary Chair of Committees reported progress.

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

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

Social issues—Aged care—Copy of letter from the Minister for Ageing (Ms Elliot) to the Chief Executive Officer, Aged Care Association of Australia (Mr Young), dated 23 June 2010.

Further questions without notice were answered.

7 MOTION TO TAKE NOTE OF ANSWER

Senator Bushby moved—That the Senate take note of the answer given by the Assistant Treasurer (Senator Sherry) to a question without notice asked by Senator Ryan today relating to the proposed new tax on mining.

Debate ensued.

Question put and passed.

8 ADMINISTRATION—ADVERTISING CAMPAIGN—EXEMPTION FROM GUIDELINES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Administration—Advertising campaign—Exemption from guidelines—Statement responding to the resolution of the Senate of 22 June 2010.

9 DEATH OF PRIVATE TIMOTHY APLIN, PRIVATE BENJAMIN CHUCK AND PRIVATE SCOTT PALMER

The Minister for Defence (Senator Faulkner), by leave, moved—That the Senate records its deep sorrow at the death, on 21 June 2010, of Private Timothy Aplin, Private Benjamin Chuck and Private Scott Palmer, while on combat operations in Afghanistan, and places on record its greatest appreciation of their service to our country, and tenders its profound sympathy to their families in their bereavement.

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

Question passed.

10 NOTICES

Notices of motion:

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

- (a) welcomes the signing of various bilateral agreements between China and Taiwan, including on direct flights, maritime shipping, linking postal services, food security, financial services and cooperation in telecommunications agreed to since May 2008;
- (b) recognises the continuing improvement in relations between China and Taiwan is conducive to the long-term rapprochement between these communities and will have a positive effect on the stability and security of the Asia-Pacific region; and
- (c) encourages both sides of the Taiwan Strait to further enhance dialogue, practical cooperation and confidence-building, including a cooperative approach towards providing increased opportunities for Taiwanese participation in international forums and global policy dialogue. (*general business notice of motion no. 848*)

Senator Birmingham: To move on the next day of sitting—That the Senate notes the continuing failings of the Rudd Government in relation to its Green Loans program (the program), despite the undertakings of the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) of 10 March 2010 to the Senate, including:

- (a) the training and accreditation of thousands more assessors than the Government first promised, had work for, or ever intended to contract;
- (b) systemic failures to process bookings for home sustainability assessments, return assessments to householders in a timely way or pay assessors for work undertaken in a timely way;
- (c) its cancellation of the loans component of the program, having provided only approximately 1 per cent of the 200 000 loans it promised at the 2007 election;
- (d) its failure to finalise additional assessor contracts in a timely manner, leaving thousands of assessors in limbo and/or unemployed and without any offer of Government support;
- (e) delays in its conduct of audits and reviews into the program, including reviews the Minister has indicated would inform the finalising of additional assessor contracts;
- (f) its failure to commit to the public release of these audit and review findings;
- (g) its failure to deliver a promised Green Rewards Card (the card) to householders and its expensive, bureaucratic alternative to the card;
- (h) its failure to implement, following the discontinuation of loans, any mechanism for evaluating the worth of assessments conducted at taxpayer expense; and
- (i) the Minister's failure to acknowledge, let alone respond, to correspondence. (*general business notice of motion no. 849*)

Senator Ludlam: To move on the next day of sitting—That the Senate notes that:

- (a) Australians use more than 11 billion drink containers every year;
- (b) through a container deposit scheme, South Australia has achieved a recovery rate of more than 80 per cent;
- (c) the *National Waste Report 2010* shows that Australians recycle only 40 per cent of our municipal solid waste;
- (d) a national container deposit scheme would:
 - (i) create hundreds of green jobs,
 - (ii) decrease litter by 12 to 15 per cent,
 - (iii) increase recycling of drink containers from 50 to 80 per cent,
 - (iv) divert more than 512 000 tonnes from landfill,
 - (v) reduce national greenhouse gas emissions by nearly one million tonnes of CO₂ each year, the equivalent of switching 135 000 homes to renewable energy, and
 - (vi) improve air quality to the equivalent of taking 56 000 cars off the road; and
- (e) a national container deposit scheme be introduced without further delay. (*general business notice of motion no. 850*)

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

- (a) the ineptitude of the Rudd Labor Government to deliver promised services to the Australian people; and

- (b) the mismanagement by the Rudd Labor Government in relation to:
 - (i) border protection,
 - (ii) migration,
 - (iii) Indigenous policy,
 - (iv) home insulation, and
 - (v) the Building Education Revolution. (*general business notice of motion no. 851*)

The Minister for Defence (Senator Faulkner): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Defence Act 1903*, and for related purposes. ***Defence Legislation Amendment (Security of Defence Premises) Bill 2010.***

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to enhance customer choice in the repair and maintenance of motor vehicles, and for related purposes. ***Choice of Repairer Bill 2010.*** (*general business notice of motion no. 852*)

The Chair of the Environment, Communications and the Arts References Committee (Senator Fisher): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on the Energy Efficient Homes Package be extended to 2 July 2010. (*general business notice of motion no. 853*)

Senator Barnett: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to establish the Parliamentary Budget Office, and for related purposes. ***Parliamentary Budget Office Bill 2010.*** (*general business notice of motion no. 854*)

Senator Barnett: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Financial Management and Accountability Act 1997* to ensure value for money in the use of Commonwealth resources, and for related purposes. ***Financial Management and Accountability Amendment (Value for Money in Government Spending) Bill 2010.*** (*general business notice of motion no. 855*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That, on Thursday, 24 June 2010:

- (a) consideration of government documents and the consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
- (b) the routine of business from not later than 6 pm shall be government business only; and
- (c) divisions may take place after 4.30 pm.

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

- (1) That the following matter be referred to the Finance and Public Administration Legislation Committee for inquiry and report by 1 July 2011:
Exposure drafts of Australian privacy amendment legislation.
- (2) That, in undertaking this inquiry the committee may consider the exposure draft of the Australian Privacy Principles and the draft companion guides on the Australian privacy reforms, and any other relevant documents tabled in the Senate or presented to the President by a senator when the Senate is not sitting.

The Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on Agricultural and Related Industries on food production in Australia be extended to 23 August 2010. (*general business notice of motion no. 856*)

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

- (a) notes that the price of alcohol has proven to be a significant factor in tackling alcohol abuse, especially among disadvantaged drinkers;
- (b) raises concern at the decision by Coles supermarkets to place on sale \$4 bottles of wine in Alice Springs;
- (c) calls on the Minister for Health and Ageing (Ms Roxon) to convene a meeting of the large supermarket chains and public health authorities to discuss responsible alcohol sales and promotions; and
- (d) calls on the Rudd Government to introduce a minimum price for alcohol. (*general business notice of motion no. 857*)

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

- (a) notes:
 - (i) the statement made by seven Coalition senators in their dissenting report in the Legal and Constitutional Affairs Legislation Committee's report *Wild Rivers (Environmental Management) Bill 2010 [No. 2]* that 'the principle of "free, prior and informed consent" is a fundamental human rights principal for Indigenous peoples', and
 - (ii) that the principle of 'free, prior and informed consent' is reflected in Articles 19 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples which was recently endorsed by the Federal Government but has yet to be implemented in Australian law;
- (b) affirms the view that 'free, prior and informed consent' is a fundamental human rights principle for Indigenous peoples; and
- (c) calls on all current and future Australian governments to ensure this principle is taken into account in developing, implementing and administering their laws and programs. (*general business notice of motion no. 858*)

Senators Nash and Colbeck: 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 31 July 2010:

- (a) the import risk analysis process for the proposed importation of Chinese apples into Australia; and
- (b) the protocols relating to the Australia/United States of America cherry trade.

Senator Ludlam: To move on the next day of sitting—That the following matter be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 20 October 2010:

The adequacy of protections for the privacy of Australians online, with regard to:

- (a) privacy protections and data collection on social networking sites;
- (b) data collection activities of private companies;
- (c) data collection activities of government agencies; and
- (d) other related issues.

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

(a) notes that:

- (i) the massive trade in complex financial derivatives was a major cause of the recent financial crisis and that governments around the world are now seeking solutions to ensure that financial markets price risk appropriately and that unregulated financial trading is more visible to regulators,
- (ii) the ‘Robin Hood’ tax (the tax), an idea that is gaining traction in many western countries with growing public support, imposes a small levy (0.05 per cent) on banks, hedge funds, foreign exchange transactions, derivatives and share deals,
- (iii) the tax is estimated to raise approximately \$400 billion dollars a year globally and up to \$18 billion in Australia, and
- (iv) the tax advocates proposes that 50 per cent of the revenue is spent by governments on the delivery of essential services and costs of bail-outs associated with the global financial crisis with the remaining 50 per cent to be spent on overseas development aid and climate change adaptation; and

(b) calls on the Government to support the adoption of this tax at the G20 meeting in Toronto, Canada, in June 2010. (*general business notice of motion no. 859*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Agricultural and Veterinary Chemicals Code Amendment Bill 2010
 Building Energy Efficiency Disclosure Bill 2010
 Crimes Amendment (Royal Flying Doctor Service) Bill 2010
 Farm Household Support Amendment (Ancillary Benefits) Bill 2010
 Food Standards Australia New Zealand Amendment Bill 2010
 Higher Education Support Amendment (Indexation) Bill 2010
 Immigration (Education) Amendment Bill 2010
 Insurance Contracts Amendment Bill 2010
 International Monetary Agreements Amendment Bill (No. 1) 2010
 Superannuation Industry (Supervision) Amendment Bill 2010
 Tax Laws Amendment (2010 Measures No. 3) Bill 2010
 Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009
 Tax Laws Amendment (Foreign Source Income Deferral) Bill (No. 1) 2010
 Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010
 Veterans’ Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2009.

Documents: Senator Ludwig tabled the following documents:

Consideration of legislation—Statements of reasons [15] for introduction and passage of the bills in the 2010 winter sittings.

Notice of motion withdrawn: Senator Xenophon, pursuant to notice of intention given on 22 June 2010, withdrew business of the Senate notice of motion no. 2 standing in his name for today for 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), as contained in Select Legislative Instrument 2010 No. 80 and made under the *Aviation Transport Security Act 2004*.

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2010

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 9 OF 2010

1. The committee met in private session on Tuesday, 22 June 2010 at 4.48 pm.
 2. The committee resolved to recommend—That—
 - (a) the Banking Amendment (Delivering Essential Financial Services for the Community) Bill 2010 be ***referred immediately*** to the Economics Legislation Committee for inquiry and report by 2 September 2010;
 - (b) the ***provisions*** of the Civil Dispute Resolution Bill 2010 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 30 July 2010; and
 - (c) the ***provisions*** of the Corporations Amendment (Sons of Gwalia) Bill 2010 be ***referred immediately*** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 August 2010.
 3. The committee resolved to recommend—That the following bills ***not*** be referred to committees:
 - Health Insurance Amendment (Professional Services Review) Bill 2010
 - International Monetary Agreements Amendment Bill (No. 1) 2010
 - Radiocommunications Amendment Bill 2010
 - Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010
 - Tradex Scheme Amendment Bill 2010
 - Water Efficiency Labelling and Standards Amendment Bill 2010.
- The committee recommends accordingly.***
4. The committee considered the Preventing the Misuse of Government Advertising Bill 2010 and noted that the Senate had agreed to refer the provisions of the bill to the Finance and Public Administration Legislation Committee for inquiry and report.
 5. The committee deferred consideration of the Commonwealth Commissioner for Children and Young People Bill 2010 to its next meeting.

Kerry O'Brien
Chair
23 June 2010.

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

Question put and passed.

12 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That the Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill (No. 2) 2010 be listed on the *Notice Paper* as a separate order of the day.

Question put and passed.

13 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 3 standing in the name of Senator Ryan for today, proposing a reference to the Finance and Public Administration References Committee, postponed till 24 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 24 August 2010.

General business notice of motion no. 800 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for 24 June 2010, relating to the logging industry in Tasmania and Victoria, postponed till 26 August 2010.

14 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—PROPOSED ATTENDANCE OF WITNESS

The Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 841—That the Senate—

- (a) notes the opening statement made by the President of Fair Work Australia on 1 June 2010 during his appearance at an estimates hearing of the Education, Employment and Workplace Relations Legislation Committee;
- (b) notes, in particular, the request made in that statement that the Senate reconsider its order of 28 October 2009 which requires that, on each occasion on which the Education, Employment and Workplace Relations Legislation Committee meets to consider estimates in relation to Fair Work Australia, the President of Fair Work Australia appear before the committee to answer questions; and
- (c) modifies the order of 28 October 2009 by declaring that, while relaxing the requirement that the President of Fair Work Australia attend to answer questions on all occasions when the Education, Employment and Workplace Relations Legislation Committee meets to consider estimates in relation to Fair Work Australia, the Senate expects that the President will appear should his or her presence be requested by the Education, Employment and Workplace Relations Legislation Committee in the future.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

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

Question negatived.

15 FUEL AND ENERGY—SELECT COMMITTEE—VARIATION

The Chair of the Select Committee on Fuel and Energy (Senator Cormann), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 842—That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on Fuel and Energy, be amended to omit “30 June 2010”, substitute “30 August 2010”.

Question put and passed.

16 INDUSTRIAL RELATIONS—BUILDING INDUSTRY

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 846—That the Senate—

(a) notes that:

- (i) a crisis is looming in the building industry with Vero exiting the last resort builders' home warranty insurance market in New South Wales by 30 September 2010 and in all other states by 30 June 2010 leaving only two providers in the market, QBE Insurance and Calliden,
- (ii) this insurance product is mandatory by law in all states except Tasmania and Queensland,
- (iii) thousands of Australian builders will be left without this insurance product on 30 June and 30 September 2010, respectively, requiring them to build illegally or to stop building immediately unless QBE Insurance provides insurance or there is government intervention within the next 8 days, and
- (iv) small building firms will be disproportionately affected as they will not be as attractive to a virtual monopoly provider as large building firms; and

- (b) calls on the Federal Government to act immediately with their state government counterparts to remove the mandatory requirement for this product before this impending crisis in the building industry occurs.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne

Siewert (Teller)

NOES, 32

Senators—

Abetz

Back

Bilyk

Boswell

Brown, Carol

Cameron

Cash

Collins

Cormann

Crossin

Eggleston

Farrell

Feeney

Ferguson

Forshaw

Furner

Hurley

Hutchins

Ludwig

Lundy

Macdonald

Marshall

McEwen

McGauran

McLucas

Moore

Parry

Polley

Stephens

Troeth

Williams (Teller)

Wortley

Question negatived.

17 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Parry, at the request of the Chair of the Legal and Constitutional Affairs References Committee (Senator Barnett) and 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 matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 November 2010:

The past and present practices of donor conception in Australia, with particular reference to:

- (a) donor conception regulation and legislation across federal and state jurisdictions;
- (b) the conduct of clinics and medical services, including:
 - (i) payments for donors,
 - (ii) management of data relating to donor conception, and
 - (iii) provision of appropriate counselling and support services;
- (c) the number of offspring born from each donor with reference to the risk of consanguine relationships; and
- (d) the rights of donor conceived individuals.

Question put and passed.

18 PRIVILEGES—STANDING COMMITTEE—REFERENCE

Senator Parry, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That, having regard to the report of the Foreign Affairs, Defence and Trade References Committee on parliamentary privilege and a possible interference in the work of the committee, the following matter be referred to the Committee of Privileges for inquiry and report by 2 September 2010:

The adequacy of advice contained in the *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters* for officials considering participating in a parliamentary committee whether in a personal capacity or otherwise.

Question put and passed.

19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE

Senator Parry, at the request of Senators Nash and Colbeck and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 22 November 2010:

- (a) the adequacy of current biosecurity and quarantine arrangements, including resourcing;
- (b) projected demand and resourcing requirements;
- (c) progress toward achievement of reform of Australian Quarantine and Inspection Service export fees and charges;
- (d) progress in implementation of the 'Beale Review' recommendations and their place in meeting projected biosecurity demand and resourcing; and
- (e) any related matters.

Question put and passed.

Statement by leave: The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, made a statement relating to the motion.

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

Senator Parry, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the management of aircraft noise by Airservices Australia be extended to 24 June 2010.

Question put and passed.

**21 ENVIRONMENT—COMMISSION OF INQUIRY INTO THE MONTARA OIL SPILL—
REPORT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 843—That there be laid on the table by the Minister representing the Minister for Resources and Energy, by Thursday, 24 June 2010, the report of the Commission of Inquiry into the Montara oil spill.

Question put and negatived.

Statement by leave: The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, made a statement relating to the motion.

**22 INDIGENOUS AUSTRALIANS—NATIONAL ABORIGINAL AND ISLANDER CHILDREN’S
DAY**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 844—That the Senate—

- (a) acknowledges that Sunday, 4 August 2010 is National Aboriginal and Islander Children’s Day;
- (b) recognises that the theme for 2010 is ‘Value My Culture, Value Me’ which emphasises that Aboriginal and Torres Strait Islander children need to know they are loved and valued, and to have every opportunity to nurture and explore a healthy and strong sense of self and community; and
- (c) embraces the message of ‘Value My Culture, Value Me’ by undertaking to promote new attitudes and forging a new pathway of understanding for the benefit of all Australians, build and improve relationships based on mutual respect, end disadvantage for Aboriginal and Torres Strait Islander children and families and create equality for all in the broader Australian community.

Question put and passed.

23 ENVIRONMENT—MOBILE PHONE CHARGERS

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. 845—That the Senate—

- (a) notes that the incompatibility of chargers for mobile phones is a major environmental problem that unnecessarily generates significant amounts of electronic waste;
- (b) acknowledges that it is an inconvenience for Australian consumers to acquire a new charger and dispose of the current one each time they want to acquire a new phone;
- (c) recognises that this problem can be fixed by the mobile phone industry working together to harmonise mobile phone chargers; and
- (d) calls on the Government to legislate for the harmonisation of mobile phone chargers in agreement with the mobile phone industry, similar to the agreement that has been reached in Europe.

Senator Cormann, by leave, moved the following amendment:

Paragraph (d), omit “legislate”, substitute “examine”.

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

Main question, as amended, put and passed.

Statements by leave: The Parliamentary Secretary for Social Inclusion (Senator Stephens) and Senators Bob Brown and Cormann, by leave, made statements relating to the motion.

24 ENVIRONMENT—KOALA POPULATION

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 847—That the Senate—

- (a) notes the decline in koala populations around Australia;
- (b) calls on the Government to have a public and transparent inquiry into the status, health and sustainability of Australia's koala population; and
- (c) in undertaking the inquiry, calls on the Government to consider the following matters:
 - (i) the iconic status of the koala and the history of its management,
 - (ii) knowledge of koala habitat,
 - (iii) threats to koala habitat such as logging, land clearing, poor management, attacks from feral and domestic animals, disease, roads and urban development,
 - (iv) the listing of the koala under the *Environment Protection and Biodiversity Conservation Act 1999*,
 - (v) the adequacy of the National Koala Conservation and Management Strategy,
 - (vi) appropriate future regulation for the protection of koala habitat,
 - (vii) interaction of state and federal laws and regulations, and
 - (viii) any related matters.

Question put and passed.

Statements by leave: The Parliamentary Secretary for Social Inclusion (Senator Stephens) and Senators Williams and Bob Brown, by leave, made statements relating to the motion.

**25 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
LEAVE TO MEET DURING SITTING**

Senator Parry, by leave and on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, moved—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate today, from 6 pm, to take evidence for the committee's inquiry into the continuing oversight of the operations of the Australian Securities and Investments Commission.

Question put and passed.

**26 PROPOSED MATTER OF PUBLIC IMPORTANCE—COMMUNICATIONS—NATIONAL
BROADBAND NETWORK**

The Deputy President (Senator Ferguson) informed the Senate that Senator Parry had withdrawn the proposed matter of public importance he had submitted to the President today relating to the National Broadband Network.

27 ROUTINE OF BUSINESS—VARIATION

Senator Parry, by leave, moved—That—

- (1) Renewable Energy (Electricity) Amendment Bill 2010 and related bills be considered under a limitation of time.
- (2) On Wednesday, 23 June 2010, the bill have precedence over all other business immediately.
- (3) The time allotted for the remaining stages of the bill be for 1 hour.
- (4) This order operate as an allocation of time under standing order 142.

Debate ensued.

Question put and passed.

28 RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010

RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010

RENEWABLE ENERGY (ELECTRICITY) (SMALL-SCALE TECHNOLOGY SHORTFALL CHARGE) BILL 2010

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

In the committee

RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010—

Consideration resumed of the bill, as amended—and of the amendment moved by the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) (see entry no. 4).

Debate resumed.

Senator Milne, by leave, moved the following amendment:

Schedule 1, page 63 (before line 30), before item 120, insert:

119E Subsection 23B(3)

Omit “the first 1.5kW”, substitute “not more than the first 3kW”.

Debate ensued.

Question—That the amendments moved by Senators Wong and Milne be agreed to—put and passed.

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

Schedule 1, page 63 (after line 29), after item 119, insert:

119A After section 23A

Insert:

23AAA Regulations to establish scheme for inspection of new installations of small generation units

- (1) The regulations must establish a scheme for the inspection of the installation of small generation units for which certificates have been created.
- (2) Without limiting subsection (1), regulations made under that subsection must provide, for small generation units installed after the commencement of this section:

- (a) that each year a statistically significant selection of small generation units that were installed during that year must be inspected for conformance with Australian standards and any other standards or requirements relevant to the creation of certificates in relation to that small generation unit;
- (b) that an inspection of a small generation unit is to be carried out by a person or organisation who:
 - (i) is independent of the person or organisation who designed and/or installed that small generation unit; and
 - (ii) does not have a conflict of interest in relation to that small generation unit or administration of the matters being inspected;
- (c) for the transfer of information, about any failures to comply with standards or other requirements relevant to the creation of certificates in relation to small generation units, to State, Territory or Commonwealth bodies with responsibility for the enforcement and administration of those standards or requirements.

Senator Xenophon moved the following amendments together by leave:

Schedule 1, page 65 (after line 19), after item 121, insert:

121A Subsection 39(3)

After “subsection (1)”, insert “for a year until the year ending on 31 December 2030”.

121B After subsection 39(3A)

Insert:

- (3B) Before the Governor-General makes a regulation under subsection (1) for the year commencing on 1 January 2031 and any later year until the year ending on 31 December 2040, the Minister must take into consideration:
 - (a) the required GWh of geothermal energy source electricity for the year; and
 - (b) the amount estimated as the amount of electricity that will be acquired under relevant acquisitions during the year; and
 - (c) for a year after the year commencing 1 January 2031—the amount by which the required GWhs of geothermal energy source electricity for all years from and including 2031 has exceeded, or has been exceeded by, the amount of geothermal energy source electricity required under the scheme in those years; and
 - (d) all partial exemptions expected to be claimed for the year.
- (3C) If, at the time the Minister takes into consideration the matters referred to in subsection (3B), the amount applicable under paragraph (3B)(c) is not known, then the Minister may take into consideration an estimate of that amount instead.

Schedule 1, page 67 (after line 6), after item 124, insert:

124A At the end of Division 2 of Part 4

Add:

40AA Required GWh of geothermal energy source electricity

- (1) The *required GWh of geothermal energy source electricity* for a year is set out in the following table:

Required GWh of geothermal energy source electricity	
Year	GWh
2031	41000
2032	41000
2033	41000
2034	41000
2035	41000
2036	41000
2037	41000
2038	41000
2039	41000
2040	41000

- (2) Geothermal energy source electricity must have one of the following characteristics:
- (a) a flash steam power plant;
 - (b) a dry steam power plant;
 - (c) a binary cycle power plant;
 - (d) direct use geothermal (that is, direct hot water systems);
 - (e) geothermal heat pumps (for heating);
 - (f) any other characteristic prescribed by the regulations for the purpose of this paragraph;
- to qualify as providing geothermal energy source electricity for the purposes of subsection (1).
- (3) A generation unit for geothermal energy source electricity must be 1 MW capacity or greater to qualify as capable of providing geothermal energy source electricity for the purposes of subsection (1).
- (4) The regulations must make provision for geothermal energy source electricity in relation to:
- (a) the acquisition of electricity by a liable entity;
 - (b) the creation and transfer of certificates;
 - (c) the calculation of the renewable power percentage for a year;
 - (d) the required renewable energy of a liable entity for a year;
 - (e) the surrender of certificates by a liable entity for a year;
 - (f) the renewable energy certificate shortfall of a liable entity for a year.

Debate ensued.

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

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

Schedule 1, item 124, page 66 (before line 3), before subsection (2), insert:

Adjustment of targets according to number of valid certificates as at the end of 2010

- (1A) If, as at the end of the year 2010, the total value, in GWh, of valid renewable energy certificates exceeds 34,500, the table in subsection (1) has effect in accordance with the following paragraphs:
- (a) the number of GWh specified in the table for each of the following years is taken to be increased by half of the excess:
 - (i) the year 2012;
 - (ii) the year 2013;
 - (b) the number of GWh specified in the table for each of the following years is taken to be reduced by one quarter of the excess:
 - (i) the year 2016;
 - (ii) the year 2017;
 - (iii) the year 2018;
 - (iv) the year 2019.

- (1B) As soon as practicable after the end of the year 2010, the Regulator must publish on its website the total value referred to in subsection (1A).

Adjustment of targets if there is a WCMG start day

Schedule 1, item 124, page 66 (line 5), omit “has effect as”, substitute “has effect (after first taking account of subsection (1A))”.

Senator Xenophon moved the following amendment:

Schedule 1, page 67 (after line 6), after item 124, insert:

124B After Division 2 of Part 4

Insert:

Division 2AA—Emerging renewable energy technologies

40AB Inclusion of emerging renewable energy technologies

The Minister may, by legislative instrument, determine that an emerging renewable energy technology that has demonstrated its energy efficiency is to be included as a renewable energy technology for the purpose of the scheme constituted by this Act.

Debate ensued.

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

Senator Birmingham moved the following amendments together by leave:

Clause 3, page 2 (lines 7 to 11), omit the clause, substitute:

3 Schedule(s)

- (1) Each Act, and each set of regulations, 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.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

Schedule 1, Part 2, page 80 (after line 4), at the end of the Part, add:

Renewable Energy (Electricity) Regulations 2001

138 Paragraph 22ZA(4)(a)

Repeal the paragraph.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 34

Senators—

Abetz	Bushby (Teller)	Fisher	Payne
Adams	Cash	Heffernan	Ronaldson
Back	Coonan	Humphries	Ryan
Barnett	Cormann	Joyce	Scullion
Bernardi	Eggleston	Kroger	Trood
Birmingham	Ferguson	Macdonald	Williams
Boswell	Fielding	Mason	Xenophon
Boyce	Fierravanti-Wells	Minchin	
Brandis	Fifield	Parry	

NOES, 32

Senators—

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

Question agreed to.

Limitation of debate: The time allotted for the consideration of the bills expired.

Consideration resumed of the amendment moved by Senator Xenophon and postponed earlier today.

Senator Xenophon, by leave, amended the amendment to read as follows:

Schedule 1, page 67 (after line 6), after item 124, insert:

124B After Division 2 of Part 4

Insert:

Division 2AA—Emerging renewable energy technologies

40AB Inclusion of emerging renewable energy technologies

The Minister may, by legislative instrument, determine that an emerging renewable energy technology be included as a renewable energy technology for the purpose of the scheme constituted by this Act.

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

The following amendment circulated by the Australian Greens was agreed to:

Schedule 1, page 63 (after line 29), after item 119, insert:

119C Subsection 23B(3)

After “However,”, insert “subject to subsections (3A) and (3C),”.

119D After subsection 23B(3)

Insert:

- (3A) However, in the case of an off-grid small generation unit, the regulations must provide for a number of certificates to be multiplied only if the certificates relate to the first 20kW of the rated power output of the unit.
- (3B) In subsection (3A):
off-grid small generation unit means:
 - (a) a small generation unit at least 1 kilometre from the nearest main-grid line; or
 - (b) in the case of a small generation unit less than 1 kilometre from a main-grid line—the owner has provided written evidence from the local network service provider that the total cost of connecting the unit to the main-grid is more than \$30,000, making it uneconomic to connect the unit to the main-grid.
- (3C) The regulations must provide that the number of certificates that may be created under subsection (3A) as a result of a multiplier in subsection (2) for a period specified in column 1 of an item in the following table must not exceed the number specified in column 2 of the item.

Maximum number of certificates created under subsection (3A)		
Item	Column 1 Period	Column 2 Number
1	1 July 2010 to 30 June 2011	250,000
2	1 July 2011 to 30 June 2012	250,000
3	1 July 2012 to 30 June 2013	200,000
4	1 July 2013 to 30 June 2014	150,000

Maximum number of certificates created under subsection (3A)		
Item	Column 1 Period	Column 2 Number
5	1 July 2014 to 30 June 2015	100,000

Statement by leave: Senator Wong, by leave, made a statement relating to the amendment.

The Renewable Energy (Electricity) Amendment Bill 2010, as amended, the Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010 agreed to.

The Renewable Energy (Electricity) Amendment Bill 2010 to be reported with amendments and the Renewable Energy (Electricity) (Charge) Amendment Bill 2010 and the Renewable Energy (Electricity) (Small-scale Technology Shortfall Charge) Bill 2010 to be reported without requests for amendments.

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

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

Bills read a third time.

29 SCRUTINY OF BILLS—STANDING COMMITTEE—7TH REPORT AND ALERT DIGEST NO. 7 OF 2010

Senator Parry, 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—

7th report of 2010, dated 23 June 2010.

Alert Digest No. 7 of 2010, dated 23 June 2010.

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

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

Debate ensued.

Question put and passed.

30 SENATORS' INTERESTS—STANDING COMMITTEE—REGISTER OF SENATORS' INTERESTS—DOCUMENTS

The Chair of the Standing Committee of Senators' Interests (Senator Fifield) tabled the following documents:

Senators' Interests—Standing Committee—

Register of gifts to the Senate and the Parliament incorporating declarations of gifts lodged between 2 December 2008 and 21 June 2010, dated June 2010.

Register of senators' interests incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 24 November 2009 and 21 June 2010, dated June 2010.

31 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—ADDITIONAL INFORMATION—NATIVE VEGETATION LAWS, GREENHOUSE GAS ABATEMENT AND CLIMATE CHANGE MEASURES

Senator Bilyk, at the request of the Chair of the Finance and Public Administration References Committee (Senator Ryan), tabled the following document:

Finance and Public Administration References Committee—Report—Native vegetation laws, greenhouse gas abatement and climate change measures—Additional information.

32 DEFENCE—AFGHANISTAN—MINISTERIAL STATEMENT

The Minister for Defence (Senator Faulkner), by leave, made a statement relating to Afghanistan.

The Leader of the Opposition in the Senate (Senator Abetz), by leave, moved—That the Senate take note of the statement.

Question put and passed.

33 HEALTH—HEALTH REFORM—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Health—e-Health reform—Ministerial statement by the Minister for Health and Ageing (Ms Roxon), dated 22 June 2010.

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

Question put and passed.

34 EMPLOYMENT—COMMUNITY SECTOR FUNDING—DOCUMENT

Senator Siewert, by leave, tabled the following document:

Employment—Petitioning document from 518 signatories relating to community sector funding.

35 DEPARTMENT OF THE SENATE—REGISTER OF SENIOR EXECUTIVE OFFICERS' INTERESTS—DOCUMENT

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

Department of the Senate—Register of Senate senior executive officers' interests incorporating notifications of alterations of interests of Senate senior executive officers lodged between 24 November 2009 and 21 June 2010, dated June 2010.

36 FINANCE—ORDINARY ANNUAL SERVICES OF GOVERNMENT—DOCUMENT

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

Finance—Ordinary Annual Services of Government—Copy of letter from the President of the Senate to the Minister for Finance and Deregulation (Mr Tanner), dated 21 June 2010.

37 AUDITOR-GENERAL—AUDIT REPORTS NOS 47 AND 48 OF 2009-10—DOCUMENTS

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

Auditor-General—Audit reports for 2009-10—

No. 47—Performance audit—Management of live animal imports: Department of Agriculture, Fisheries and Forestry.

No. 48—Performance audit—Community intelligence – Collecting and processing tip-offs: Australian Taxation Office.

38 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—ENVIRONMENT PROTECTION (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009

Senator Collins, by leave and at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), tabled the following document:

Environment, Communications and the Arts Legislation Committee—Report—Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2009—Government response, dated February 2010.

39 PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—PRESIDENT'S REPORT ON GOVERNMENT RESPONSES

Senator Collins, by leave and at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), tabled the following document:

Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 26 November 2009, dated 23 June 2010.

40 ENVIRONMENT—ENERGY EFFICIENCY TASK FORCE REPORT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Senator Collins, by leave and at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy), tabled the following document:

Environment—Energy Efficiency task force report—Statement responding to the resolution of the Senate of 22 June 2010.

41 ADMINISTRATION—ADVERTISING CAMPAIGN—EXEMPTION FROM GUIDELINES—ORDER FOR PRODUCTION OF DOCUMENTS—CONSIDERATION

Senator Ronaldson, by leave, moved—That the Senate take note of the document tabled earlier today (*see entry no. 8*).

Debate ensued.

Question put and passed.

42 DOCUMENTS

The following documents were tabled by the Clerk:

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

Aged Care Act—

Aged Care (Amount of Flexible Care Subsidy – Extended Aged Care at Home – Dementia) Determination 2010 (No. 1) [F2010L01530]*.

Aged Care (Amount of Flexible Care Subsidy – Extended Aged Care at Home) Determination 2010 (No. 1) [F2010L01529]*.

Aged Care (Amount of Flexible Care Subsidy – Innovative Care Service – Congress Community Development and Education Unit Ltd) Determination 2010 (No. 1) [F2010L01532]*.

Aged Care (Amount of Flexible Care Subsidy – Multi-Purpose Services) Determination 2010 (No. 1) [F2010L01531]*.

Aged Care (Amount of Flexible Care Subsidy – Transition Care Services) Determination 2010 (No. 1) [F2010L01535]*.

Aged Care (Community Care Subsidy Amount) Determination 2010 (No. 1) [F2010L01528]*.

Aged Care (Residential Care Subsidy – Adjusted Subsidy Reduction) Determination 2010 (No. 1) [F2010L01295]*.

Aged Care (Residential Care Subsidy – Amount of Oxygen Supplement) Determination 2010 (No. 1) [F2010L01294]*.

Aged Care (Residential Care Subsidy – Amount of Viability Supplement) Determination 2010 (No. 1) [F2010L01512]*.

Aged Care (Residential Care Subsidy – Basic Subsidy Amount) Determination 2010 (No. 1) [F2010L01480]*.

Civil Aviation Act—Civil Aviation Regulations and Civil Aviation Order 100.5—Instrument No. CASA EX52/10—Exemption – time-in-service recording on maintenance release; Determination – non-application of part of CAO 100.5 [F2010L01634]*.

Commissioner of Taxation—Public Rulings—

Class Rulings CR 2010/20-CR 2010/22.

Product Ruling PR 2010/15.

Taxation Determination—Addendum—TD 96/45.

Customs Act—Tariff Concession Orders—

0943936 [F2010L01460]*.

0945229 [F2010L01459]*.

0946989 [F2010L01455]*.

0947673 [F2010L01450]*.

0948291 [F2010L01458]*.

Defence Act—Section 51X—Utilisation of the Defence Force to protect Commonwealth interests against violence if specified circumstances arise—Report, dated 17 June 2010; and order, dated 3 June 2010.

Do Not Call Register Act—

Do Not Call Register (Access to Register) Amendment Determination 2010 (No. 2) [F2010L01633]*.

Do Not Call Register (Administration and Operation) Amendment Determination 2010 (No. 2) [F2010L01632]*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of CITES species, dated 16 June 2010 [F2010L01731]*.

Federal Financial Relations Act—

Federal Financial Relations (General purpose financial assistance) Determination No. 12 (March 2010) [F2010L01684]*.

Federal Financial Relations (National Partnership payments) Determination No. 14 (January 2010) [F2010L01685]*.

Hearing Services Administration Act—Hearing Services (Participants in the Voucher System) Amendment Determination 2010 (No. 1) [F2010L01642]*.

Migration Act—Migration Regulations—Instruments IMMI—

10/026—Skilled occupations, relevant assessing authorities, countries and points for general skilled migration visas and certain other visas [F2010L01318]*.

10/029—Level of salary and exemptions to the English language requirement for Subclass 457 (Business (Long Stay)) Visas [F2010L01409]*.

10/030—Specification of occupations for nominations in relation to Subclass 457 (Business (Long Stay)) for positions other than in the business of the nominator [F2010L01412]*.

10/032—Specification of occupations for nominations in relation to Subclass 457 (Business (Long Stay)) and Subclass 442 (Occupational Trainee) Visas [F2010L01414]*.

National Health Act—Instruments Nos PB—

55 of 2010—Amendment determination – pharmaceutical benefits [F2010L01637]*.

61 of 2010—Amendment determination – Pharmaceutical Benefits – Early Supply [F2010L01639]*.

65 of 2010—National Health (Remote Aboriginal Health Services Program) Special Arrangements Instrument 2010 [F2010L01537]*.

Veterans' Entitlements Act—Statements of Principles concerning—

Acute Articular Cartilage Tear No. 53 of 2010 [F2010L01666]*.

Acute Articular Cartilage Tear No. 54 of 2010 [F2010L01667]*.

Acute Meniscal Tear of the Knee No. 55 of 2010 [F2010L01668]*.

Acute Meniscal Tear of the Knee No. 56 of 2010 [F2010L01669]*.

Dupuytren's Disease No. 57 of 2010 [F2010L01676]*.

Methaemoglobinaemia No. 47 of 2010 [F2010L01660]*.

Methaemoglobinaemia No. 48 of 2010 [F2010L01661]*.

Sinus Barotrauma No. 49 of 2010 [F2010L01662]*.

Sinus Barotrauma No. 50 of 2010 [F2010L01663]*.

* Explanatory statement tabled with legislative instrument.

43 INTERNATIONAL MONETARY AGREEMENTS AMENDMENT BILL (NO. 1) 2010

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

Message no. 626, dated 22 June 2010—A Bill for an Act to amend the *International Monetary Agreements Act 1947*, 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.

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

44 LEGISLATION COMMITTEES—REPORTS—BUDGET ESTIMATES 2010-11

Pursuant to order, Senator Bishop, at the request of the chairs of the respective committees, tabled the following reports, dated June 2010, and documents:

Budget estimates 2010-11—

Community Affairs Legislation Committee—Report and Hansard record of proceedings.

Economics Legislation Committee—Report and Hansard record of proceedings and documents presented to the committee.

Education, Employment and Workplace Relations Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Environment, Communications and the Arts Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Finance and Public Administration Legislation Committee—Report and Hansard record of proceedings.

Foreign Affairs, Defence and Trade Legislation Committee—Report and Hansard record of proceedings.

Legal and Constitutional Affairs Legislation Committee—Report and Hansard record of proceedings.

Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Reports ordered to be printed on the motion of Senator Bishop.

45 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—EXCISE TARIFF AMENDMENT (AVIATION FUEL) BILL 2010 AND CUSTOMS TARIFF AMENDMENT (AVIATION FUEL) BILL 2010

Pursuant to order, Senator Bishop, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), tabled the following report and documents:

Rural and Regional Affairs and Transport Legislation Committee—Excise Tariff Amendment (Aviation Fuel) Bill 2010 [Provisions] and Customs Tariff Amendment (Aviation Fuel) Bill 2010 [Provisions]—Report, dated June 2010, Hansard record of proceedings and additional information.

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

**46 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REPORT—
COUNCIL OF AUSTRALIAN GOVERNMENTS REFORMS RELATING TO HEALTH AND
HOSPITALS**

The Chair of the Finance and Public Administration References Committee (Senator Ryan) tabled the following report and documents:

Finance and Public Administration References Committee—Council of Australian Governments reforms relating to health and hospitals—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 Ryan.

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

Debate ensued.

Question put and passed.

**47 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
REPORT—IMPORT RESTRICTIONS ON BEEF**

Pursuant to order, Senator Heffernan, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), tabled the following report and documents:

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

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

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

At 6.50 pm—

48 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) and general business orders of the day nos 74 to 99 relating to government documents were called on but no motion was moved.

49 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.29 pm till Thursday, 24 June 2010 at 9.30 am.

50 ATTENDANCE

Present, all senators except Senator Johnston (on leave).

ROSEMARY LAING
Clerk of the Senate