

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 61

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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 Meat and Live-stock Industry Act 1997*—Live-stock mortalities during exports by sea—Report for the period 1 July to 31 December 2008.

Department of Finance and Deregulation—Office of Evaluation and Audit (Indigenous Programs)—Performance audit of Centrecorp Aboriginal Investment Corporation Pty Ltd, November 2008.

*Housing Assistance Act 1996*—Report for 2006-07 on the operation of the 2003 Commonwealth-State Housing Agreement.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers 492/08 to 508/09—Commonwealth Ombudsman's reports—Corrigenda.

*War Crimes Act 1945*—Report for 2007-08 on the operation of the Act.

**3 TEMPORARY CHAIR OF COMMITTEES**

The President tabled a warrant, dated 11 March 2009, nominating Senator Bernardi as an additional temporary chair of committees.

**4 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator O'Brien, by leave and at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), moved—That the Legal and Constitutional Affairs Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.

Question put and passed.

**5 FAIR WORK BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Ludwig)—That this bill be now read a second time—*and on the amendment moved by Senator Hanson-Young:*

At the end of the motion, add “but the Senate calls on the Government to bring forward amendments to its industrial relations legislation to provide for paid parental leave in the 2009 Budget”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob  
Fielding

Hanson-Young  
Ludlam

Milne  
Siewert (Teller)

Xenophon

## NOES, 48

## Senators—

Arbib	Colbeck	Furner	Parry
Barnett	Collins	Humphries	Polley
Bernardi	Conroy	Hutchins	Pratt
Bilyk	Crossin	Kroger	Ronaldson
Birmingham	Eggleston	Ludwig	Ryan
Bishop	Farrell	Lundy	Sherry
Boyce	Feeney	Macdonald	Stephens
Brown, Carol	Ferguson	Marshall	Sterle
Bushby	Fierravanti-Wells	McEwen	Troeth
Cameron	Fifield	McGauran	Trood
Carr	Fisher	McLucas	Williams (Teller)
Cash	Forshaw	Nash	Wortley

Question negatived.

Main question put and passed.

Bill read a second time.

On the motion of the Senator Ludwig consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

**6 COMMONWEALTH ELECTORAL AMENDMENT (POLITICAL DONATIONS AND OTHER MEASURES) BILL 2008 [2009]**

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Ludwig)—That this bill be now read a second time.

Debate resumed.

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

At the end of the motion, add “but the Senate calls on the Government to introduce truth in advertising measures in relation to elections so that voters are not deceived”.

Debate ensued.

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

Main question put.

The Senate divided—

## AYES, 32

## Senators—

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

NOES, 32

Senators—

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

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

**7 TAX LAWS AMENDMENT (TAXATION OF FINANCIAL ARRANGEMENTS) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Sherry was speaking.

**8 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**9 QUESTIONS**

Questions without notice were answered.

\_\_\_\_\_

*Distinguished visitors:* The President welcomed members of a parliamentary delegation from Uganda led by the Right Honourable Edward K Ssekandi, Speaker of the Parliament, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

\_\_\_\_\_

Further questions without notice were answered.

**10 MOTION TO TAKE NOTE OF ANSWERS**

Senator Macdonald moved—That the Senate take note of the answers given by the Minister for Climate Change and Water (Senator Wong) and the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by Senators Abetz, Trood and Boswell today relating to employment and the proposed Carbon Pollution Reduction Scheme.

Debate ensued.

Question put and passed.

## 11 NOTICES

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 March 2009, from 6.30 pm, to take evidence for the committee's inquiry into bank mergers. (*general business notice of motion no. 376*)

The Chair of the Finance and Public Administration Committee (Senator Polley): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration Committee on annual reports tabled by 31 October 2008 be extended to 19 March 2009. (*general business notice of motion no. 377*)

The Chair of the Legal and Constitutional Affairs Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on annual reports tabled by 31 October 2008 be extended to 17 March 2009. (*general business notice of motion no. 378*)

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of reports of the Rural and Regional Affairs and Transport Committee be extended as follows:

- (a) natural resource management and conservation challenges—to 12 May 2009;
- (b) management of the Murray-Darling Basin system—to 12 May 2009; and
- (c) 2008-09 additional estimates—to 31 March 2009. (*general business notice of motion no. 379*)

The Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 16 March 2009, from 4.45 pm, to take evidence for the committee's inquiry into the management of the Murray-Darling Basin system. (*general business notice of motion no. 380*)

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

- (a) notes:
  - (i) the 50th anniversary of the Tibetan uprising of 10 March 1959 and the Dalai Lama's exile to India, and
  - (ii) the continuing human rights concerns in Tibet;
- (b) acknowledges the Tibetans' half century of peaceful resistance to policies undermining their religion, culture and livelihoods and expresses solidarity with the Tibetan people;
- (c) notes with concern the Chinese Government's outright rejection of the Tibetans' Memorandum on Genuine Autonomy for the Tibetan People, a detailed proposal for resolving the Tibet issue through proper implementation of existing provisions for regional ethnic autonomy contained in the constitution of the People's Republic of China; and
- (d) acknowledges that recent unilateral efforts by concerned governments, including Australia, have failed to secure meaningful negotiations on Tibet's future. (*general business notice of motion no. 381*)

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

- (a) notes that, according to the Aluminum Corporation of China (Chinalco), the Chinese Government has potential control over Chinalco through the power of appointment and removal of the president and members of the executive committee of Chinalco exercisable by the State Council and the State Assets Supervision and Administration Committee; and
- (b) calls on the Treasurer (Mr Swan) not to approve Chinalco's proposed deal with the Rio Tinto group unless he can be assured that a foreign government does not have the capacity to appoint or remove any of Chinalco's staff. (*general business notice of motion no. 382*)

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

- (a) supports the measures to address the excesses of executives in the United States of America proposed by President Obama which include:
  - (i) a \$500 000 salary cap for executives of companies which have received financial support from the government,
  - (ii) a limit on executive compensation packages to be in restricted stock that will not vest until taxpayers are reimbursed,
  - (iii) tougher restrictions on 'golden parachute' severance payments, particularly on banks, and
  - (iv) new transparency rules on corporate jets, office renovations and entertainment which require companies to publicise large expenditures; and
- (b) calls on the Government to introduce similar measures in Australia. (*general business notice of motion no. 383*)

The Chair of the Select Committee on the National Broadband Network (Senator Fisher): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on the National Broadband Network be extended to 22 June 2009. (*general business notice of motion no. 384*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That—

- (1) On Monday, 16 March 2009:
  - (a) the hours of meeting shall be noon to 6.30 pm and 7 pm to 11.30 pm;
  - (b) the routine of business from 7 pm shall be government business only; and
  - (c) the question for the adjournment of the Senate shall be proposed at 10.50 pm.
- (2) On Tuesday, 17 March 2009:
  - (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7 pm to 11.40 pm;
  - (b) the routine of business from 7 pm shall be government business only; and
  - (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

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

- (a) notes the presence in the chamber during question time on Thursday, 12 March 2009, of three members of the Parliament of Burma, democratically-elected in the 1990 election but denied the right to exercise their mandate; and
- (b) expresses its support for the democratic aspirations of the people of Burma. (*general business notice of motion no. 385*)

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

- (a) notes that:
  - (i) 13 March is recognised as Burma Human Rights Day,
  - (ii) the global campaign ‘Free Burma’s Political Prisoners Now!’ will commence on 13 March 2009,
  - (iii) the democratically-elected parliament was not convened in Burma after the 1990 election, and
  - (iv) the referendum on the current constitution held immediately following Cyclone Nargis was a sham and the result cannot be considered credible;
- (b) calls on the Australian Government to:
  - (i) use all diplomatic means to encourage the Burmese regime to make meaningful progress towards democracy and to immediately and unconditionally release all political prisoners, including Daw Aung San Suu Kyi,
  - (ii) refuse to endorse the outcomes of the election in 2010 unless the political climate improves in Burma,
  - (iii) press the Burmese regime to engage in genuine multi-party talks leading to an inclusive, open and transparent political process, including constitutional reform, and
  - (iv) engage other nations through the United Nations and other multilateral fora to press for multiparty talks and an inclusive, open and transparent political process; and
- (c) expresses its support for the democratic aspirations of the people of Burma. (*general business notice of motion no. 386*)

#### **12 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, by leave and at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), moved—That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on the exposure draft of the Personal Property Security Bill 2008 be extended to 19 March 2009.

Question put and passed.

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

Senator Boyce, 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 private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 5 pm.

Question put and passed.

#### 14 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 367 standing in the name of the Chair of the Community Affairs Committee (Senator Moore) for today, proposing an extension of time for the committee to report, postponed till 12 March 2009.

General business notice of motion no. 371 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, relating to days of meeting of the Senate, postponed till 17 March 2009.

#### 15 ECONOMICS—STANDING COMMITTEE—REFERENCE

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*Documents:* The Parliamentary Secretary for the Voluntary Sector (Senator Stephens) tabled the following documents:

Exposure drafts relating to the Carbon Pollution Reduction Scheme—

Carbon Pollution Reduction Scheme Bill 2009.

Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009.

Australian Climate Change Regulatory Authority Bill 2009.

Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009.

Carbon Pollution Reduction Scheme (Charges—General) Bill 2009.

Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009.

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Senator Stephens, at the request of the Minister for Climate Change and Water (Senator Wong) 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 Economics Committee for inquiry and report by 14 April 2009:

The exposure draft of the legislation to implement the Carbon Pollution Reduction Scheme.

Question put and passed.

#### 16 HEALTH—PRIVATE HEALTH INSURANCE—REFORMS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 374—That the Senate—

(a) notes:

- (i) the Prime Minister's stated commitment before the 2007 Federal election that Federal Labor would retain the 'existing private health insurance rebates, including the 30 per cent general rebate and the 35 and 40 per cent rebates for older Australians' as well as the commitment to 'maintain Lifetime Health Cover and the Medicare Levy Surcharge',
- (ii) the government's reaffirmation of those commitments during its first Senate Estimates as the new government in February 2008, and on other occasions,

- (iii) revelations that since the election of the Rudd Government work has been done by both Treasury and the Department of Health and Ageing on options and/or recommendations for scrapping the private health insurance rebate and other options for change to the rebate and Lifetime Health Cover, and
  - (iv) the departmental records listing for the Department of Health and Ageing for the period 1 July 2008 until 31 December 2008 listing six specific ideas and policy development papers on changes to private health insurance in general and Lifetime Health Cover in particular;
- (b) considers publication of those policy development ideas to be in the public interest; and
- (c) orders that there be laid on the table by the Minister Representing the Minister for Health and Ageing by no later than 12 pm on 16 March, the following documents:
- (i) 2008/039344 CARE & ACCESS – POLICY – Development – Private Health Insurance Reforms 2008 – Ideas Paper – ACPHI,
  - (ii) 2008/043077 CARE & ACCESS – POLICY – Development – Private Health Insurance Reforms 2008 – Ideas Paper – Pt2 – ACPHI,
  - (iii) 2008/048024 CARE & ACCESS – POLICY – Development – Private Health Insurance Reforms 2008 – Ideas Paper – Pt3 – ACPHI,
  - (iv) 2008/058144 CARE & ACCESS – POLICY – Development – Private Health Insurance Reforms 2008 – Ideas Paper – Pt4 – ACPHI,
  - (v) 2008/066297 CARE & ACCESS – POLICY – Development – Private Health Insurance Reforms 2008 – Policy Development & Implementation (PD&I) Section – ACPHI, and
  - (vi) 2008/021657 CARE & ACCESS – POLICY – Development – Lifetime Health Cover (LHC) – Loading Waiver Provision – Private Health Insurance Act 2007 – ACPHI.

Question put and passed.

**17 CARBON POLLUTION REDUCTION SCHEME—TREASURY MODELLING—ORDER FOR PRODUCTION OF DOCUMENTS**

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. 375—That the Senate—

- (1) Notes:
- (a) that the government has not complied with the order of the Senate made on 4 February 2009, ordering the production of certain unpublished information relating to the Department of the Treasury modelling, *Australia's Low Pollution Future: The economics of climate change mitigation*;
  - (b) the government's statement to the Senate on 11 February 2009 expressing the 'belief' that the provision of some of the documents requested would cause substantial commercial harm to organisations that were contracted to assist Treasury;

- (c) that the claim of commercial harm cited by the government in its refusal to release the required information relates to only part of the information requested and that no explanation was provided as to why all of the other information not covered by the claim of commercial harm should not be provided for scrutiny by the Senate;
  - (d) the evidence to the committee in this regard by Professor McKibbin, one of the consultants contracted by Treasury for its modelling, that in his view models developed with public funding should be publicly available;
  - (e) that the committee has received correspondence from Monash University, one of the two organisations the government indicated in its statement would be exposed to substantial commercial harm were the requested information to be released, which states that “*the University wishes to assist (the Fuel and Energy Committee) in every way possible*”, and that the University Solicitors would work with the creators of the Monash Multi-Regional Forecasting model “*to identify the manner and nature of disclosure that will meet the Committee’s needs as far as possible while protecting the University’s interests*”;
  - (f) the correspondence received from Purdue University, the other organisation mentioned in the government’s statement, which explains that the simple purchase of a licence would avoid any commercial harm;
  - (g) the evidence of the WA Department of Treasury and Finance indicating that they had also been unsuccessful in obtaining access to relevant modelling information, which was preventing them from providing proper and informed advice on the economic impact of the proposed Carbon Pollution Reduction Scheme in Western Australia to the government in that state; and
  - (h) the ongoing concerns expressed by a wide variety of stakeholders about the inadequacy of the Treasury modelling of the impact of the proposed Carbon Pollution Reduction Scheme;
- (2) Considers that:
- (a) irrespective of the government’s statement in the Senate on 11 February 2009 it is in the public interest that all the underlying information used by Treasury in its modelling be available to help facilitate proper scrutiny by the Senate of the impact of the government’s proposed Carbon Pollution Reduction Scheme;
  - (b) models used in the modelling exercise developed using public funding ought to be publicly available; and
  - (c) where the public release of information is likely to cause significant commercial harm to an external organisation every effort ought to be made to prevent that harm while not preventing the Senate from fulfilling its proper role to scrutinise the activities and proposals of government;
- (3) Orders that the following information be produced to the Senate Select Committee on Fuel and Energy by noon on Friday 13 March 2009:
- (a) the information referred to in paragraph (b) of the Senate’s order for documents of 4 February 2009 relating to the Department of the Treasury modelling, *Australia’s Low Pollution Future: The economics of climate change mitigation*;

- (b) any other information not published and not covered by (a) relating to the Department of the Treasury modelling, including but not limited to:
  - (i) any information and documents generated by the government for the purpose of the composition of the information covered by (a),
  - (ii) for the two scenarios modelled for the CPRS (CPRS -5 per cent and the CPRS -15 per cent) and the reference scenario, the time series data per annum to 2050 for all states and territories of the following:
    - a) Industry growth output in millions of dollars,
    - b) Employment numbers,
    - c) Gross State Product,
    - d) Emissions, and
    - e) Household CPI changes,
  - (iii) the data from (ii), a), b) and c) broken down by region where applicable, and
  - (iv) any substrate data of gross industry output by the above regions.
- (4) That the committee may make the information described in paragraph (3) available to the person contracted by the committee and referred to in paragraph (a) of the Senate's order of 4 February 2009, and any person appointed by the leader of a party in the Senate or an independent senator, duly notified to the committee, to examine that information and report to that senator.
- (5) That the committee, any senator and any other person referred to in paragraph (4) treat the information produced in accordance with paragraph (3)(a) of this order as confidential, and not publish the information to any other person except as authorised by this order.
- (6) That the committee may refer to the information produced to it in accordance with this order and any conclusions reached from it in a report to the Senate, but shall not disclose the information in such a report.

*Statement by leave:* Senator Milne, by leave, made a statement relating to the motion.

Question put and passed.

#### **18 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 363—That the time for the presentation of the report of the Education, Employment and Workplace Relations Committee on Australia's research and training capacity in the area of climate change be extended to 17 September 2009.

Question put and passed.

**19 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
EXTENSION OF TIME TO REPORT**

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 364—That the time for the presentation of the first report of the Environment, Communications and the Arts Committee on the effectiveness of the *Environment Protection and Biodiversity Conservation Act 1999* and other programs in protecting threatened species and ecological communities be extended to 18 March 2009.

Question put and passed.

**20 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET  
DURING SITTINGS**

Senator McEwen, at the request of Senator Lundy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 365—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate on Wednesday, 18 March 2009, from 11 am to 1 pm, and Thursday, 19 March 2009, from 9.30 am to 11.30 am, to take evidence for the committee's review of Auditor-General's reports.

Question put and passed.

**21 COMMUNITY AFFAIRS—STANDING COMMITTEE—LEAVE TO MEET DURING  
SITTINGS**

Senator McEwen, at the request of the Chair of the Community Affairs Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 366—That the Community Affairs Committee be authorised to hold public meetings during the sittings of the Senate, from 3.30 pm:

- (a) on Thursday, 12 March 2009, to take evidence for the committee's inquiry into petrol sniffing and substance abuse in central Australia; and
- (b) on Thursday, 19 March 2009, to take evidence for the committee's inquiry into the impact of gene patents on the provision of healthcare in Australia.

Question put and passed.

**22 FOREIGN AFFAIRS, DEFENCE AND TRADE—STANDING COMMITTEE—LEAVE TO  
MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Foreign Affairs, Defence and Trade Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 368—That the Foreign Affairs, Defence and Trade Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 March 2009, from 4.30 pm, to take evidence for the committee's inquiry into the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific.

Question put and passed.

**23 CLIMATE POLICY—SELECT COMMITTEE—APPOINTMENT**

Senator Milne, also on behalf of Senator Abetz, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 369—

- (1) That a select committee, to be known as the Select Committee on Climate Policy, be established to inquire into and report by 14 May 2009 on:
  - (a) the choice of emissions trading as the central policy to reduce Australia's carbon pollution, taking into account the need to:
    - (i) reduce carbon pollution at the lowest economic cost,
    - (ii) put in place long-term incentives for investment in clean energy and low-emission technology, and
    - (iii) contribute to a global solution to climate change;
  - (b) the relative contributions to overall emission reduction targets from complementary measures such as renewable energy feed-in laws, energy efficiency and the protection or development of terrestrial carbon stores such as native forests and soils;
  - (c) whether the Government's Carbon Pollution Reduction Scheme is environmentally effective, in particular, with regard to the adequacy or otherwise of the Government's 2020 and 2050 greenhouse gas emission reduction targets in avoiding dangerous climate change;
  - (d) an appropriate mechanism for determining what a fair and equitable contribution to the global emission reduction effort would be;
  - (e) whether the design of the proposed scheme will send appropriate investment signals for green collar jobs, research and development, and the manufacturing and service industries, taking into account permit allocation, leakage, compensation mechanisms and additionality issues; and
  - (f) any related matter.
- (2) That the committee consist of 10 senators, 4 nominated by the Leader of the Opposition in the Senate, 4 nominated by the Leader of the Government in the Senate, 1 nominated by the Leader of the Australian Greens and 1 nominated by the independent senators.
- (3) That:
  - (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
  - (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
  - (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.
- (4) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
- (5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and, as deputy chair, a member nominated by the Australian Greens.

- (6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
- (7) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and the deputy chair at a meeting of the committee.
- (8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.
- (10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.
- (11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

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

Omit paragraph (2), substitute:

- (2) That the committee consist of 10 senators, 4 nominated by the Leader of the Opposition in the Senate, 3 nominated by the Leader of the Government in the Senate, 1 nominated by the Leader of the Australian Greens, 1 nominated by the Leader of the Family First Party and 1 nominated by an independent senator.

*Statements by leave:* The Leader of the Australian Greens (Senator Bob Brown) and Senators Abetz, Milne and Fielding, by leave, made statements relating to the matter.

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

*Statement by leave:* The Minister for Human Services (Senator Ludwig), by leave, made a statement relating to the motion.

Main question put and passed.

#### 24 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE— PROPOSED DISCONTINUATION OF INQUIRY

Senator Abetz, also on behalf of Senators Colbeck, Parry, Bushby and Barnett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 370—That the Senate—

(a) notes:

- (i) that the inquiry into the establishment of an Australian Football League (AFL) team for Tasmania being undertaken by the Rural and Regional Affairs Committee has only received 2 submissions since the reference was referred on 28 August 2008 and is yet to hold hearings,

- (ii) that discussions are ongoing between the Tasmanian Government and the AFL regarding a future Tasmanian AFL team, and
- (iii) the comments of the Tasmanian Government that they do not intend to make a submission to the inquiry;
- (b) further notes the comments of the Tasmanian Government that a submission to this inquiry could jeopardise negotiations with the AFL regarding a future Tasmanian AFL team; and
- (c) directs the Rural and Regional Affairs and Transport Committee to discontinue its inquiry into the establishment of an AFL team for Tasmania immediately.

Question put.

The Senate divided—

AYES, 32

Senators—

Abetz	Cash	Johnston	Parry (Teller)
Barnett	Colbeck	Joyce	Payne
Bernardi	Eggleston	Kroger	Ronaldson
Birmingham	Ferguson	Macdonald	Ryan
Boswell	Fierravanti-Wells	Mason	Scullion
Boyce	Fifield	McGauran	Trooth
Brandis	Fisher	Minchin	Trood
Bushby	Humphries	Nash	Williams

NOES, 34

Senators—

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

Question negatived.

**25 WOMEN—INTERNATIONAL WOMEN'S DAY**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 373—That the Senate—

- (a) notes that:
  - (i) 8 March was International Women's Day (IWD),
  - (ii) this global day of action was established to celebrate the economic, political and social achievements of women past, present and future, and
  - (iii) IWD is now an official holiday in China, Armenia, Russia, Azerbaijan, Belarus, Bulgaria, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Mongolia, Tajikistan, Ukraine, Uzbekistan and Vietnam;
- (b) recognises that:
  - (i) for more than 30 years, Australian women have been campaigning for the introduction of paid parental leave, and
  - (ii) Australia and the United States of America are now the only two Organisation for Economic Cooperation and Development countries yet to formally legislate on a paid parental leave scheme; and

- (c) calls on the Rudd Government, as part of their election promises and their commitment to Australian families, to support the introduction of a paid parental leave scheme in the upcoming 2009 Budget.

Question put and passed.

**26 INDUSTRY—TASMANIA—RED MEAT INDUSTRY**

Senator Abetz, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 372—That the Senate—

- (a) notes with concern recent developments in the Tasmanian red meat industry; and
- (b) calls on Swift Australia Pty Ltd to deal fairly with the Australian hide and skin company Cuthbertson Brothers Pty Ltd, and others, in its operation of its Tasmanian abattoirs.

Question put and passed.

**27 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND ALERT DIGEST NO. 3 OF 2009**

Senator Boyce, 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—

2nd report of 2009, dated 11 March 2009.

Alert Digest No. 3 of 2009, dated 11 March 2009.

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

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

Question put and passed.

**28 SENATORS' INTERESTS—STANDING COMMITTEE—ANNUAL REPORT**

Senator Boyce, at the request of the Chair of the Standing Committee of Senators' Interests (Senator Johnston), tabled the following report:

Senators' Interests—Standing Committee—Report 1 of 2009: Annual report 2008, dated March 2009.

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

**29 BUSHFIRES IN VICTORIA—DOCUMENT**

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

Bushfires in Victoria—Letter of condolence to the President of the Senate from the Chairman, Council of Representatives, Kingdom of Bahrain (Khalifa bin Ahmed Al-Zahrani), dated 10 February 2009.

**30 AUDITOR-GENERAL—AUDIT REPORT NO. 25 OF 2008-09—DOCUMENT**

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

Auditor-General—Audit report no. 25 of 2008-09—Performance audit—Green office procurement and sustainable office management.

**31 ESTIMATES OF PROPOSED SUPPLEMENTARY ADDITIONAL EXPENDITURE FOR 2008-09—PORTFOLIO SUPPLEMENTARY ADDITIONAL ESTIMATES STATEMENTS NO. 2—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENT**

The Parliamentary Secretary for the Voluntary Sector (Senator Stephens) tabled the following document:

Estimates of proposed supplementary additional expenditure for 2008-09—Portfolio supplementary additional estimates statements no. 2—Portfolios and executive departments—Education, Employment and Workplace Relations portfolio.

**32 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE REPUBLIC OF SERBIA—INTER-PARLIAMENTARY UNION 119TH ASSEMBLY—DOCUMENT**

Senator Troeth, by leave, tabled the following document:

Republic of Serbia—Inter-Parliamentary Union 119th Assembly, Geneva—Report of the Australian parliamentary delegation, 4 to 18 October 2008.

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

Question put and passed.

**33 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Commonwealth Inscribed Stock Act—

Declaration of special circumstances which justify an increase in the amount of Commonwealth Government Securities on issue, dated 10 March 2009.

Directions relating to Commonwealth borrowing, dated—

15 December 2008.

11 March 2009.

Directions relating to Commonwealth borrowing, securities lending and the investment of public money 2009, dated 3 February 2009.

Currency Act—Currency (Royal Australian Mint) Determination 2009 (No. 1) [F2009L00842]\*.

Customs Act—Tariff Concession Orders—

0812759 [F2009L00599]\*.

0823068 [F2009L00603]\*.

0823069 [F2009L00669]\*.

0823747 [F2009L00667]\*.

0823798 [F2009L00670]\*.

0824440 [F2009L00598]\*.

0825007 [F2009L00602]\*.

0825247 [F2009L00414]\*.

0825280 [F2009L00597]\*.

0825353 [F2009L00600]\*.

0825386 [F2009L00412]\*.

0825423 [F2009L00688]\*.

0826064 [F2009L00665]\*.

0826091 [F2009L00399]\*.  
0826127 [F2009L00664]\*.  
0826221 [F2009L00601]\*.  
0826244 [F2009L00663]\*.  
0826255 [F2009L00405]\*.  
0827147 [F2009L00817]\*.  
0827738 [F2009L00338]\*.  
0827796 [F2009L00342]\*.  
0827797 [F2009L00341]\*.  
0827990 [F2009L00340]\*.  
0828028 [F2009L00339]\*.  
0828206 [F2009L00334]\*.  
0828209 [F2009L00335]\*.  
0828344 [F2009L00560]\*.  
0828807 [F2009L00336]\*.  
0829202 [F2009L00333]\*.  
0829837 [F2009L00750]\*.  
0829886 [F2009L00748]\*.  
0829952 [F2009L00328]\*.  
0830152 [F2009L00794]\*.  
0830749 [F2009L00615]\*.  
0830751 [F2009L00610]\*.  
0831070 [F2009L00749]\*.  
0831072 [F2009L00624]\*.  
0831074 [F2009L00617]\*.  
0831076 [F2009L00618]\*.  
0831266 [F2009L00745]\*.  
0831307 [F2009L00744]\*.  
0831406 [F2009L00787]\*.  
0831475 [F2009L00613]\*.  
0831550 [F2009L00621]\*.  
0831592 [F2009L00620]\*.  
0831633 [F2009L00790]\*.  
0831636 [F2009L00623]\*.  
0831678 [F2009L00792]\*.  
0831911 [F2009L00619]\*.  
0831994 [F2009L00549]\*.  
0831995 [F2009L00550]\*.  
0832371 [F2009L00789]\*.  
0832611 [F2009L00793]\*.  
0832745 [F2009L00777]\*.  
0832746 [F2009L00747]\*.  
0832747 [F2009L00782]\*.  
0832865 [F2009L00579]\*.  
0833171 [F2009L00783]\*.  
0833236 [F2009L00796]\*.  
0833357 [F2009L00577]\*.

0833361 [F2009L00558]\*.  
0833362 [F2009L00559]\*.  
0833535 [F2009L00741]\*.  
0834035 [F2009L00578]\*.  
0834254 [F2009L00557]\*.  
0834339 [F2009L00548]\*.  
0834440 [F2009L00547]\*.  
0834441 [F2009L00546]\*.  
0834652 [F2009L00822]\*.  
0834686 [F2009L00746]\*.  
0834894 [F2009L00816]\*.  
0835251 [F2009L00818]\*.  
0835295 [F2009L00801]\*.  
0835300 [F2009L00798]\*.  
0835301 [F2009L00799]\*.  
0835365 [F2009L00800]\*.  
0835438 [F2009L00819]\*.  
0835610 [F2009L00820]\*.  
0835794 [F2009L00811]\*.  
0835842 [F2009L00810]\*.  
0835869 [F2009L00809]\*.  
0835934 [F2009L00808]\*.  
0835935 [F2009L00520]\*.  
0835989 [F2009L00813]\*.  
0836342 [F2009L00611]\*.  
0836343 [F2009L00751]\*.  
0836431 [F2009L00607]\*.  
0836432 [F2009L00608]\*.  
0836599 [F2009L00609]\*.  
0836656 [F2009L00604]\*.  
0836683 [F2009L00612]\*.  
0836840 [F2009L00605]\*.  
0836867 [F2009L00406]\*.  
0837057 [F2009L00752]\*.  
0837558 [F2009L00521]\*.  
0837700 [F2009L00606]\*.  
0838638 [F2009L00542]\*.  
0838715 [F2009L00530]\*.  
0838999 [F2009L00531]\*.  
0839208 [F2009L00532]\*.  
0839279 [F2009L00533]\*.  
0839280 [F2009L00536]\*.  
0840065 [F2009L00534]\*.  
0840179 [F2009L00645]\*.  
0840264 [F2009L00647]\*.  
0840331 [F2009L00646]\*.  
0840467 [F2009L00535]\*.

0840620 [F2009L00814]\*.

Higher Education Support Act—VET Provider Approvals Nos—

10 of 2009—Victoria University [F2009L00978]\*.

11 of 2009—MHM Australasia Pty Ltd [F2009L00979]\*.

12 of 2009—The Board of the Kangan Batman Institute of Technical and Further Education [F2009L00980]\*.

13 of 2009—TAFE Commission [F2009L00981]\*.

National Health Act—National Health (Immunisation Program — Designated Vaccines) Determination 2009 (No. 1) [F2009L00831]\*.

Veterans' Entitlements Act—Determination of Warlike Service—Operation KRUGER, dated 11 February 2009 [F2009L00722]\*.

\* Explanatory statement tabled with legislative instrument.

**34 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2008—Statements of compliance—

Environment, Water, Heritage and the Arts portfolio agencies.

Workplace Authority.

**35 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—PROPOSED VARIATION OF APPOINTMENT**

A message from the House of Representatives was reported as follows:

Message no. 274, dated 10 March 2009—Joint Standing Committee on Foreign Affairs, Defence and Trade,

and transmitting for the concurrence of the Senate the following resolution:

That paragraph (2) of the resolution of appointment of the Joint Standing Committee on Foreign Affairs, Defence and Trade be amended to read:

That the committee consist of 34 members, 13 Members of the House of Representatives to be nominated by the Government Whip or Whips, 9 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 5 Senators to be nominated by the Leader of the Government in the Senate, 5 Senators to be nominated by the Leader of the Opposition in the Senate and 2 Senators to be nominated by any minority group or groups or independent Senator or independent Senators.

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) consideration of message no. 274 was made an order of the day for the next day of sitting.

**36 CUSTOMS TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009  
EXCISE TARIFF AMENDMENT (2009 MEASURES NO. 1) BILL 2009**

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

Message no. 273, dated 10 March 2009—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Message no. 272, dated 10 March 2009—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) 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.

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*Explanatory memorandum:* Senator McLucas tabled a revised explanatory memorandum relating to the bills.

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Senator McLucas moved—That these bills be now read a second time.

On the motion of Senator McLucas the debate was adjourned.

**37 TELECOMMUNICATIONS AMENDMENT (INTEGRATED PUBLIC NUMBER DATABASE) BILL 2009**

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

Message no. 275, dated 11 March 2009—Telecommunications Amendment (Integrated Public Number Database) Bill 2009.

**38 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—FEDERAL COURT OF AUSTRALIA AMENDMENT (CRIMINAL JURISDICTION) BILL 2008**

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

Legal and Constitutional Affairs—Standing Committee—Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 [Provisions]—Report, dated March 2009, Hansard record of proceedings, additional information and submissions.

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

**39 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—FOREIGN EVIDENCE AMENDMENT BILL 2008**

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

Legal and Constitutional Affairs—Standing Committee—Foreign Evidence Amendment Bill 2008—Report, dated March 2009, Hansard record of proceedings, additional information and submissions.

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

**40 TAX LAWS AMENDMENT (TAXATION OF FINANCIAL ARRANGEMENTS) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the bill was read a third time.

**41 DEFENCE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Ludwig)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave, debated.

Question—That the bill be agreed to—divided, at the request of Senator Ludlam, in respect of Schedule 3.

Question—That Schedule 3 stand as printed—put.

The committee divided—

**AYES, 32**

Senators—

Arbib	Cash	Fifield	McLucas
Barnett	Colbeck	Fisher	O'Brien (Teller)
Bernardi	Crossin	Hurley	Parry
Bilyk	Farrell	Hutchins	Payne
Bishop	Feeney	Kroger	Polley
Brown, Carol	Ferguson	Lundy	Pratt
Bushby	Fielding	Macdonald	Troeth
Cameron	Fierravanti-Wells	McGauran	Wortley

**NOES, 5**

Senators—

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

Schedule agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the report from the committee was adopted and the bill read a third time.

**42 AVIATION LEGISLATION AMENDMENT (2008 MEASURES NO. 2) BILL 2008**

Order of the day read for the adjourned debate on the motion of the Minister for Superannuation and Corporate Law (Senator Sherry)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

On the motion of the Parliamentary Secretary for Government Service Delivery (Senator Arbib) consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

**43 CIVIL AVIATION AMENDMENT BILL 2009  
TRANSPORT SAFETY INVESTIGATION AMENDMENT BILL 2009**

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

Message no. 276, dated 11 March 2009—A Bill for an Act to amend the *Civil Aviation Act 1988*, and for related purposes.

Message no. 277, dated 11 March 2009—A Bill for an Act to amend the *Transport Safety Investigation Act 2003*, and for related purposes.

The Parliamentary Secretary for Government Service Delivery (Senator Arbib) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Arbib moved—That these bills be now read a second time.

Debate ensued.

Question put and passed.

Bills read a second time.

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

On the motion of the Senator Arbib the bills were read a third time.

**44 AUSTRALIAN ENERGY MARKET AMENDMENT (AEMO AND OTHER MEASURES) BILL 2009**

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

Message no. 278, dated 11 March 2009—A Bill for an Act to amend the law relating to the Australian energy market, and for related purposes.

The Parliamentary Secretary for Government Service Delivery (Senator Arbib) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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*Explanatory memorandum:* Senator Arbib tabled a replacement supplementary explanatory memorandum relating to the bill.

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Senator Arbib 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 the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) the bill was read a third time.

**45 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That consideration of government documents be called on immediately.

Question put and passed.

**46 GOVERNMENT DOCUMENTS—CONSIDERATION**

The government documents tabled earlier today (*see entry no. 2*) and general business orders of the day nos 59 to 76 relating to government documents were called on but no motion was moved.

**47 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.15 pm till Thursday, 12 March 2009 at 9.30 am.

**48 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate