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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 64

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1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Medical Indemnity Act 2002—Costs of the Australian Government's run-off cover scheme for medical indemnity insurers—Report for 2007-08.

Superannuation (Government Co-contribution for Low Income Earners) Act 2003—Quarterly report on the operation of the Government co-contribution scheme for the period 1 July to 30 September 2008.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2008.

Telecommunications Act 1997—Funding of research and consumer representation in relation to telecommunications—Report for 2007-08.

Treaties—

Bilateral—Text, together with national interest analysis—

Agreement between the Government of Australia and the Government of the Isle of Man for the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments, done at London on 29 January 2009.

Agreement between the Government of Australia and the Government of the Isle of Man on the Exchange of Information with Respect to Taxes, done at London on 29 January 2009.

Multilateral—Convention on Cluster Munitions Adopted at Dublin on 30 May 2008—Text, together with national interest analysis.

3 ROUTINE OF BUSINESS—VARIATION

The Minister for Human Services (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That consideration of the business before the Senate on Tuesday, 17 March 2009 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Back to make his first speech without any question before the chair.

Question put and passed.

4 CARBON POLLUTION REDUCTION SCHEME—TREASURY MODELLING—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, made a statement relating to the order of the Senate of 11 March 2009 for the production of documents concerning information relating to the Department of the Treasury modelling of the impact of the proposed Carbon Pollution Reduction Scheme (*see entry no. 17, 11 March 2009*).

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

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

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

In the committee

Consideration resumed of the bills, subject to requests.

The Leader of the Family First Party (Senator Fielding) moved the following request for an amendment in respect of the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009:

That the House of Representatives be requested to make the following amendment:
 Clause 2, page 2 (after table item 2), insert:

- 2A. Schedule 1A The later of:
- (a) 6 months after this Act receives the Royal Assent; and
 - (b) 6 months after the *Excise Tariff Amendment (2009 Measures No. 1) Act 2009* receives the Royal Assent.

However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.

Debate ensued.

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

Bills further debated.

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

Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 and Excise Tariff Amendment (2009 Measures No. 1) Bill 2009—Copy of letter from the Minister for Health and Ageing (Ms Roxon) to the Leader of the Australian Greens (Senator Bob Brown) and Senators Siewert and Xenophon, dated 17 March 2009.

Bills further debated.

Question—That the bills be agreed to, subject to requests—put.

The committee divided—

AYES, 39

Senators—

Abetz	Coonan	Johnston	Parry
Back	Cormann	Joyce	Payne
Barnett	Eggleston	Kroger	Ronaldson
Bernardi	Fielding	Ludlam	Ryan
Birmingham	Fierravanti-Wells	Macdonald	Scullion
Boyce	Fifield	Mason	Siewert
Brown, Bob	Fisher	McGauran	Trooth
Bushby	Hanson-Young	Milne	Trood
Cash	Heffernan	Minchin	Williams (Teller)
Colbeck	Humphries	Nash	

NOES, 28

Senators—

Arbib	Conroy	Hurley	Polley
Bilyk	Crossin	Hutchins	Pratt
Bishop	Evans	Ludwig	Sherry
Brown, Carol	Farrell	Lundy	Stephens
Cameron	Feeney	Marshall	Sterle
Carr	Furner	Moore	Wong
Collins	Hogg	O'Brien (Teller)	Wortley

Question agreed to.

Bills to be reported with requests for amendments.

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

On the motion of the Minister for Human Services (Senator Ludwig) the report from the committee was adopted.

6 DEATH OF AUSTRALIAN SOLDIER—STATEMENT BY LEAVE

The Leader of the Government in the Senate (Senator Evans), by leave, made a statement relating to the death of an Australian soldier on combat operations in Afghanistan.

Statements by leave: The Leader of the Opposition in the Senate (Senator Minchin), the Leader of The Nationals in the Senate (Senator Joyce), the Leader of the Australian Greens (Senator Bob Brown), the Leader of the Family First Party (Senator Fielding) and Senator Xenophon, by leave, made statements relating to the matter.

After 2 pm—

7 QUESTIONS

Questions without notice were answered.

8 MOTIONS TO TAKE NOTE OF ANSWERS

The Leader of The Nationals in the Senate (Senator Joyce) moved—That the Senate take note of answers given by the Minister for Climate Change and Water (Senator Wong) to questions without notice asked by Senators Boswell, Boyce and Mason today relating to the proposed emissions trading scheme.

Debate ensued.

Question put and passed.

Senator Hanson-Young moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Hanson-Young today relating to the Lower Lakes.

Question put and passed.

9 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 public meetings during the sittings of the Senate on Wednesday, 18 March 2009, and Thursday, 19 March 2009, from 6.30 pm, to take evidence for the committee's inquiry into the exposure draft of the legislation to implement the Carbon Pollution Reduction Scheme. (*general business notice of motion no. 397*)

The Minister for Human Services (Senator Ludwig): To move on the next day of sitting—That the government business orders of the day relating to the Appropriation Bill (No. 3) 2008-2009 and the Appropriation Bill (No. 4) 2008-2009, and the Appropriation Bill (No. 5) 2008-2009 and the Appropriation Bill (No. 6) 2008-2009, may be taken together for their remaining stages.

The Minister for Immigration and Citizenship (Senator Evans): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to migration, and for other purposes. ***Migration Amendment (Abolishing Detention Debt) Bill 2009.***

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the release of the Australian Human Rights Commission concluding paper of the sex and gender diversity project, and
- (ii) this 'sex files' project focuses on the legal recognition of sex and gender diverse individuals as a fundamental human right, in all documents and government records;
- (b) recognises the great work of the Australian Human Rights Commission in highlighting ways the Australian Government could better assist in promoting and protecting the human rights of people who are transgender, transsexual or intersex; and
- (c) encourages the Australian Government to take steps to harmonise federal, state and territory policies, procedures and legislation relevant to the legal recognition of sex and gender diverse individuals in federal documents and records. (*general business notice of motion no. 398*)

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

(a) Notes:

- (i) The increasing occurrence of officers of departments or agencies appearing before Senate committees refusing to respond to certain requests for information or for documents from a Commonwealth department or agency;

- (ii) That on a number of occasions, when challenged by a Senator that refusals to provide information or documents have to be based on a particular ground that disclosure of the information would be harmful to the public interest in a particular way and have to be made by ministers, that requirement was not complied with either by the officer concerned, the Minister at the table or the Chair of the Committee;
 - (iii) That this is contrary to well established Senate practice and the Government's own guidelines;
 - (iv) Paragraph 2.28 of the Government Guidelines for Official Witnesses, which have been in place since 1989, which states that *Claims that information should be withheld from disclosure on grounds of public interest (public interest immunity) should only be made by Ministers (normally the responsible Minister in consultation with the Attorney-General and the Prime Minister).*
- (b) Orders that the following operate as an order of continuing effect:
- (1) If:
 - (a) a Senate committee, or a senator in the course of proceedings of a committee, requests information or a document from a Commonwealth department or agency; and
 - (b) an officer of the department or agency to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee,
 - the officer shall state to the committee the ground on which the officer believes that it may not be in the public interest to disclose the information or document to the committee, and specify the harm to the public interest that could result from the disclosure of the information or document.
 - (2) If, after receiving the officer's statement under paragraph (1), the committee or the senator requests the officer to refer the question of the disclosure of the information or document to a responsible minister, the officer shall refer that question to the minister.
 - (3) If a minister, on a reference by an officer under paragraph (2), concludes that it would not be in the public interest to disclose the information or document to the committee, the minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.
 - (4) A minister, in a statement under paragraph (3), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as in camera evidence.
 - (5) If, after considering a statement by a minister provided under paragraph (3), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Senate.
 - (6) A decision by a committee not to report a matter to the Senate under paragraph (5) does not prevent a senator from raising the matter in the Senate in accordance with other procedures of the Senate.

- (7) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraph (1) or (4).
- (8) If a minister concludes that a statement under paragraph (3) should more appropriately be made by the head of an agency, by reason of the independence of that agency from ministerial direction or control, the minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraph (3). (*general business notice of motion no. 399*)

The Leader of The Nationals in the Senate (Senator Joyce) and the Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the following matter be referred to the Economics Committee for inquiry and report by 17 June 2009:

- (a) the international experience of sovereign wealth funds and state-owned companies, their role in acquisitions of significant shareholdings of corporations, and the impact and outcomes of such acquisitions on business growth and competition; and
- (b) the Australian experience of foreign investment by sovereign wealth funds and state-owned companies in the context of Australia's foreign investment arrangements.

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

- (a) notes:
 - (i) the unique national broadcasting service that the Special Broadcasting Service Corporation (SBS) provides to the Australian community,
 - (ii) the invaluable role that the SBS plays in promoting a multicultural Australia and the services it provides to Australians from non-English speaking backgrounds, and
 - (iii) that the inadequate funding provided to the SBS has resulted in the SBS having to undertake in-program advertising; and
- (b) calls on the Government to ensure adequate funding and support for the SBS, free from political and commercial interference. (*general business notice of motion no. 400*)

Senator Macdonald: To move on the next day of sitting—That the Senate calls on the Government to establish a Royal Commission to investigate all aspects of the oil spill and loss of containers containing ammonium nitrate from the vessel *Pacific Adventurer* on the morning of Wednesday, 11 March 2009, including:

- (a) the response of the Queensland Government and its agencies;
- (b) the response of the Federal Government and its agencies;
- (c) the operation of the 'National Marine Oil Spill Contingency Plan';
- (d) the apparent delay in activation of the plan;
- (e) the apparent delay in other remedial action; and
- (f) possible recommendations for a change in procedures to more closely involve and fund local authorities in remedial action. (*general business notice of motion no. 401*)

10 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Minister for Human Services (Senator Ludwig), by leave, moved—That the order of the Senate agreed to on 12 March 2009 be varied to omit paragraphs (2)(a) and (b), and substitute:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm; and
- (b) the routine of business from 7.30 pm shall be government business only.

Debate ensued.

Question put and passed.

11 POSTPONEMENT

The following item of business was postponed:

Government business notice of motion no. 3 standing in the name of the Minister for Human Services (Senator Ludwig) for today, proposing a variation to the appointment of the Select Committee on Climate Policy, postponed till 18 March 2009.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 390—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 March 2009, from 10 am, to take evidence for the committee's inquiry into human rights mechanisms and the Asia-Pacific.

Question put and passed.

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

Senator O'Brien, 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. 391—That the Foreign Affairs, Defence and Trade Committee be authorised to hold an in camera hearing during the sitting of the Senate on Thursday, 19 March 2009, from 5 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.

14 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator McGauran) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 392—That the Joint Standing Committee on Treaties be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 17 March 2009, from 8 pm.

Question put and passed.

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

Senator O'Brien, at the request of the Chair of the Environment, Communications and the Arts Committee (Senator McEwen) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 393—That the time for the presentation of the report of the Environment, Communications and the Arts Committee on the Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008 be extended to 7 May 2009.

Question put and passed.

16 COMMUNITY AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, 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. 394—That the time for the presentation of the report of the Community Affairs Committee on the implementation of recommendations of committee reports on child migration and Australians who experienced institutional or out-of-home care as children be extended to 25 June 2009.

Question put and passed.

17 DAYS OF MEETING—PROPOSED VARIATION

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. 371—That the Senate meet from Monday, 6 April, to Thursday, 9 April 2009.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 46

Senators—

Arbib	Collins	Furner	Parry (Teller)
Back	Cormann	Humphries	Polley
Bernardi	Crossin	Hurley	Pratt
Bilyk	Eggleston	Hutchins	Ronaldson
Birmingham	Farrell	Kroger	Ryan
Bishop	Faulkner	Ludwig	Stephens
Boswell	Feeney	Lundy	Troeth
Boyce	Ferguson	Macdonald	Trood
Brandis	Fielding	Mason	Williams
Bushby	Fierravanti-Wells	McEwen	Wortley
Cameron	Fifield	Moore	
Cash	Forshaw	O'Brien	

Question negatived.

18 ECONOMICS—STANDING COMMITTEE—PROPOSED REFERENCE

Leave refused: The Leader of the Australian Greens (Senator Bob Brown) sought leave to amend business of the Senate notice of motion no. 1 standing in his name for today, proposing a reference to the Economics Committee.

An objection was raised and leave was not granted.

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

19 ENVIRONMENT—SWIFT PARROT

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. 387—That the Senate calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to prevent any deliberate action which would increase the prospect of Australia's swift parrot going to extinction.

Statement by leave: The Minister for Human Services (Senator Ludwig) and Senator Bob Brown, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 46

Senators—

Abetz
Arbib
Back
Bernardi
Bilyk
Birmingham
Bishop
Boswell
Boyce
Brandis
Cameron
Cash

Collins
Cormann
Eggleston
Farrell
Feeney
Ferguson
Fielding
Fierravanti-Wells
Fifield
Fisher
Forshaw
Furner

Humphries
Hurley
Hutchins
Ludwig
Lundy
Macdonald
Marshall
Mason
McEwen
Moore
O'Brien (Teller)
Parry

Polley
Pratt
Ronaldson
Ryan
Sherry
Stephens
Troeth
Trood
Williams
Wortley

Question negatived.

20 ECONOMICS—STANDING COMMITTEE—PROPOSED REFERENCE

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Economics Committee for inquiry and report by 17 June 2009:

- (a) to review the Government's obligations under the *Foreign Acquisitions and Takeovers Act 1975* and under the Foreign Acquisitions and Takeovers Regulations 1989 to determine whether proposed foreign acquisitions by foreign government entities, for example the current bid for Chinalco to invest in Rio Tinto, are consistent with Australia's national interests;

- (b) to review the operations of the Foreign Investment Review Board with specific regard to their advisory role in direct investments by foreign governments and their agencies;
- (c) to review the ‘Principles guiding consideration of foreign government related investment in Australia’ as outlined in April 2008 by the Treasurer;
- (d) the international experience of sovereign wealth funds and state-owned companies, their role in acquisitions of significant shareholdings of corporations, and the impact and outcomes of such acquisitions on business growth and competition;
- (e) the Australian experience of foreign investment by sovereign wealth funds and state-owned companies;
- (f) examination of monitoring and regulation of foreign investment in Australia and the effectiveness of the current regulatory regime in supporting well functioning markets; and
- (g) other related matters.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 44

Senators—

Arbib	Collins	Humphries	Parry
Back	Cormann	Hurley	Polley
Bernardi	Eggleston	Hutchins	Pratt
Bilyk	Farrell	Ludwig	Ronaldson
Birmingham	Feeney	Lundy	Ryan
Bishop	Ferguson	Macdonald	Sherry
Boswell	Fierravanti-Wells	Marshall	Stephens
Boyce	Fifield	Mason	Troeth
Brandis	Fisher	McEwen	Trood
Cameron	Forshaw	Moore	Williams (Teller)
Cash	Furner	O'Brien	Wortley

Question negatived.

21 FOREIGN AFFAIRS—IRAN—DEATH PENALTY

Senator Hanson-Young, also on behalf of Senator Humphries, amended general business notice of motion no. 396 by leave and, pursuant to notice of motion not objected to as a formal motion, moved— That the Senate—

- (a) expresses its deep regret at the two stonings in Mashhad, Iran, in December 2008;
- (b) notes:
 - (i) reports received by Amnesty International highlighting that as many as eight woman are at imminent risk of being stoned to death for adultery in Iran, and
 - (ii) that Iran has one of the highest execution rates in the world; and

- (c) calls on the Australian Government to immediately urge the Iranian authorities to cease the punishment of death by stoning and halt all remaining executions of those sentenced to death.

Question put and passed.

22 FAMILY AND COMMUNITY SERVICES—ABC LEARNING—CHILD CARE

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 395—That the Senate—

- (a) notes that:
- (i) the Government's second prop-up of \$34 million to keep ABC Learning operating until 31 March 2009, is due to expire in 2 weeks time, and
 - (ii) of the 241 failed centres due to be sold or closed, to date only 65 have been sold;
- (b) recognises that this crisis represents an opportunity for child care in Australia to be transformed from a market-driven industry to a vital community service and a government-supported first step in lifelong learning; and
- (c) calls on the Government to immediately make available capital grants funds and operational costs to assist not-for-profit child care providers in taking over the remaining centres.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 32

Senators—

Arbib	Cash	Ludwig	Parry
Back	Farrell	Lundy	Polley
Birmingham	Feeney	Macdonald	Ryan
Bishop	Ferguson	Marshall	Sherry
Boswell	Forshaw	Mason	Stephens
Boyce	Humphries	McEwen	Troeth
Brandis	Hurley	Moore	Trood
Cameron	Hutchins	O'Brien (Teller)	Williams

Question negatived.

23 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMICS—QUEENSLAND ECONOMY

The Deputy President (Senator Ferguson) informed the Senate that, at 8.30 am today, Senator Brandis and Senator Hanson-Young each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, the Deputy President (Senator Ferguson) informed the Senate that Senator Brandis had proposed that the following matter of public importance be submitted to the Senate for discussion:

The serious deterioration of the public finances of Queensland, and the collapse of the Queensland economy, under the Rudd and Bligh governments.

The proposal was supported by 4 senators and the matter was discussed.

After 5 pm—

24 FIRST SPEECH

Pursuant to order (*see entry no. 3*), Senator Back made his first speech.

25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMICS—QUEENSLAND ECONOMY

Discussion of the matter of public importance proposed by Senator Brandis (*see entry no. 23*) concluded.

26 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—INTERIM REPORT—2007 FEDERAL ELECTION

Senator Hutchins, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:

Electoral Matters—Joint Standing Committee—2007 federal election electronic voting trails—Inquiry into the conduct of the 2007 election and matters related thereto—Interim report, dated March 2009 and minutes of proceedings.

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

Question put and passed.

27 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Bureau of Statistics Act—Proposal No. 2 of 2009—Vineyards Survey.

Broadcasting Services Act—National Television Conversion Scheme Variation 2009 (No. 1) [F2009L01059]*.

Census and Statistics Act—Statement No. 1 of 2009—Lists of Agricultural Farm Businesses for the Australian Bureau of Agricultural and Resource Economics.

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order 100.66 Amendment Order (No. 1) 2009 [F2009L00825]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/B737/353—Stringer Tie Clips [F2009L00984]*.

AD/BELL 206/176—Cyclic Control Lever Assembly Installation [F2009L01066]*.

AD/BELL 212/26 Amdt 1—Hydraulic Servo Cylinder Assembly – Spanner Link Assembly Inspection and Rework [F2009L00976]*.

AD/BELL 407/32—Cyclic Control Lever Assembly Installation [F2009L01065]*.

AD/PA-42/18—Elevator Upper Skin Cracking [F2009L00871]*.

107—

AD/PHS/16—Blade Retaining Rings [F2009L00937]*.

AD/PHZL/39 Amdt 1—Propeller Damper – Replacement [F2009L00936]*.

AD/PHZL/50—A-4025 Spring Retainer – Inspection [F2009L00935]*.

AD/PHZL/58—Piston Nut B474 [F2009L00934]*.

AD/PHZL/62 Amdt 4—Propeller Blade Pilot Tube Bore [F2009L00933]*.

AD/PMC/12 Amdt 3—Propeller Hub – Replacement [F2009L00931]*.

AD/PMC/18 Amdt 1—Propeller Hub – Modification or Replacement [F2009L00930]*.

AD/PMC/27 Amdt 1—Attachment Studs [F2009L00929]*.

AD/PMC/33—Propeller Hubs – Modification to Oil Filled Standard [F2009L00928]*.

Instruments Nos CASA—

EX07/09—Exemption – extension of time for drug and alcohol education program [F2009L00772]*.

EX08/09—Exemption – CASR Part 99 DAMP requirements for foreign aircraft AOC holders [F2009L00847]*.

EX16/09—Exemption – CASR Part 99 DAMP requirements for CAR 30 organisations overseas [F2009L00848]*.

Commissioner of Taxation—Public rulings—

Class Ruling CR 2009/14.

Fuel Tax Determination FTD 2009/1.

Product Ruling PR 2009/9.

Taxation Determinations—TD 2009/3 and TD 2009/4.

Criminal Code Act—Select Legislative Instruments 2009 Nos—

34—Criminal Code Amendment Regulations 2009 (No. 1) [F2009L00835]*.

35—Criminal Code Amendment Regulations 2009 (No. 2) [F2009L00834]*.

36—Criminal Code Amendment Regulations 2009 (No. 3) [F2009L00838]*.

37—Criminal Code Amendment Regulations 2009 (No. 4) [F2009L00837]*.

38—Criminal Code Amendment Regulations 2009 (No. 5) [F2009L00836]*.

39—Criminal Code Amendment Regulations 2009 (No. 6) [F2009L00833]*.

Customs Act—Tariff Concession Orders—

0825249 [F2009L00770]*.

0825778 [F2009L00771]*.

0827978 [F2009L00343]*.

0829304 [F2009L00638]*.

0829954 [F2009L00639]*.

0830062 [F2009L00640]*.

0832485 [F2009L00780]*.

0832574 [F2009L00781]*.

0823641 [F2009L01024]*.

Excise Act—

Excise (Alcoholic strength of excisable goods) Determination 2009 (No. 1) [F2009L00998]*.

Excise (Volume – Alcoholic excisable goods) Determination 2009 (No. 1) [F2009L00992]*.

Radiocommunications Act—Radiocommunications Advisory Guidelines (Protection of Molonglo Observatory Synthesis Telescope) Revocation 2009 [F2009L00844]*.

Retirement Savings Accounts Act—Select Legislative Instrument 2009 No. 45—Retirement Savings Accounts Amendment Regulations 2009 (No. 2) [F2009L00986]*.

Social Security (Administration) Act—Social Security (Administration) (Declared relevant Northern Territory areas — Various) Determination 2009 (No. 2) [F2009L01060]*.

Superannuation Industry (Supervision) Act—Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 2) [F2009L00983]*.

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(b) No. 1 of 2009 [F2009L00846]*.

Governor-General's Proclamations—Commencement of provisions of an Act

Migration Legislation Amendment Act (No. 1) 2009—Schedules 1 to 3—15 March 2009 [F2009L01026].*

* Explanatory statement tabled with legislative instrument.

28 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—

Infrastructure, Transport, Regional Development and Local Government portfolio agencies.

Office of the Official Secretary to the Governor-General.

29 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for Government Service Delivery (Senator Arbib), by leave, moved—That senators be discharged from and appointed to committees as follows:

Climate Policy—Select Committee—

Appointed—

Senators Boswell, Cash, Colbeck, Macdonald and Milne

Participating members: Senators Abetz, Adams, Back, Barnett, Bernardi, Birmingham, Boyce, Brandis, Bushby, Coonan, Cormann, Eggleston, Ferguson, Fierravanti-Wells, Fifield, Fisher, Heffernan, Humphries, Johnston, Joyce, Kroger, Mason, McGauran, Minchin, Nash, Parry, Payne, Ronaldson, Ryan, Scullion, Troeth, Trood and Williams

Community Affairs—Standing Committee—

Appointed—

Substitute member: Senator Farrell to replace Senator Bilyk for the committee's inquiry into the implementation of recommendations of committee reports on child migration and Australians who experienced institutional or out-of-home care as children

Participating member: Senator Bilyk

Finance and Public Administration—Standing Committee—

Appointed—

Substitute member: Senator Carol Brown to replace Senator Collins on 27 March and 7 April 2009

Participating member: Senator Collins.

Question put and passed.

30 APPROPRIATION BILL (NO. 5) 2008-2009

APPROPRIATION BILL (NO. 6) 2008-2009

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

Message no. 284, dated 16 March 2009—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 285, dated 16 March 2009—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, 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.

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

31 COMMONWEALTH ELECTORAL AMENDMENT (POLITICAL DONATIONS 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. 283, dated 16 March 2009—A Bill for an Act to amend the *Commonwealth Electoral Act 1918*, 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.

Senator Arbib 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.

32 COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2008-09

Pursuant to order, Senator Farrell, at the request of the Chairs of the respective committees, tabled the following reports, dated March 2009, and documents:

Additional estimates 2008-09—

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

Economics—Standing Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

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

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

Finance and Public Administration—Standing Committee—Report, Hansard record of proceedings and documents presented to the committee.

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

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

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

33 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—REPORT—ANNUAL REPORTS

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

Legal and Constitutional Affairs—Standing Committee—Annual reports referred to committees—Report no. 1 of 2009, dated March 2009.

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

34 FAIR WORK BILL 2008

Order of the day read for the consideration of the bill in committee of the whole.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Minister for Human Services (Senator Ludwig) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.

Document: Senator Ludwig tabled the following document:

Fair Work Bill 2008—Copy of letter from the Deputy Prime Minister (Ms Gillard) to the Leader of the Australian Greens (Senator Bob Brown), dated 16 March 2009.

Bill further debated.

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

Clause 2, page 2 (table), omit the table, substitute:

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	
2. Sections 3 to 40	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	
3. Sections 41 to 572	A day or days to be fixed by Proclamation. A Proclamation must not specify a day that occurs before the day on which the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> receives the Royal Assent. However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> receives the Royal Assent, they commence on the first day after the end of that period.	

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
4. Sections 573 to 718	At the same time as the provision(s) covered by table item 2.	
5. Sections 719 to 800	<p>A day or days to be fixed by Proclamation.</p> <p>A Proclamation must not specify a day that occurs before the day on which the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> receives the Royal Assent.</p> <p>However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> receives the Royal Assent, they commence on the first day after the end of that period.</p>	
6. Schedule 1	At the same time as the provision(s) covered by table item 2.	

Senator Siewert moved the following amendments together by leave:

Clause 3, page 3 (lines 11 and 12), omit “take into account”, substitute “give effect to”.

Page 3 (after line 36), after Division 2, insert:

Division 2A—Interpretation of this Act

3A Interpretation of this Act

This Act is to be interpreted in a way that is consistent with, and gives effect to, Australia’s international labour obligations.

Page 3 (after line 36), after Division 2, insert:

Division 2B—Review by the ILO

3B Review of this Act by the ILO

- (1) The Minister must, as soon as practicable after the commencement of this Act, submit the Act to the ILO Committee of Experts on the Application of Conventions and Recommendations with a request for urgent advice as to the compliance of the Act with international labour standards.

- (2) The Minister must also provide to the ILO Committee any additional information it requests to assist in its provision of advice on the compliance of the Act, and must cause a copy of that information to be laid before each House of the Parliament within 6 sitting days of that House after the information is provided to the committee.
- (3) The Minister must cause any response from the ILO Committee to be laid before each House of the Parliament within 6 sitting days of that House after the Minister receives the response.
- (4) To avoid doubt, the submission of the Act to the ILO Committee in accordance with subsection (1) is additional to the obligations Australia has to report regularly on measures that have been taken to implement ILO conventions.

Debate ensued.

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

Senator Abetz moved the following amendment:

Clause 3, page 3 (line 34), omit “enterprise-level”, substitute “workplace-level”.

Debate ensued.

The Leader of the Family First Party (Senator Fielding) moved the following amendment to Senator Abetz’s proposed amendment:

Omit “workplace-level”, substitute “enterprise-level or workplace-level”.

Debate ensued.

Question—That Senator Fielding’s amendment to Senator Abetz’s proposed amendment be agreed to—put and passed.

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

Senator Abetz moved the following amendments together by leave:

No. 1—Clause 6, page 6 (line 10), omit “independent contractors and”.

No. 2—Clause 12, page 18 (lines 10 and 11), definition of *industrial association*, omit “or independent contractors, or both,”.

No. 3—Clause 12, page 18 (lines 14 and 15), definition of *industrial association*, omit “, or independent contractors, or both”.

No. 4—Clause 12, page 18 (lines 17 and 18), definition of *industrial association*, omit “, or their interests as independent contractors (as the case may be)”.

No. 5—Clause 12, page 18 (line 21), definition of *industrial association*, omit “and/or independent contractors”.

No. 6—Clause 12, page 26 (lines 20 and 21), definition of *registered employee association* omit “or independent contractors, or both,”.

No. 7—Clause 12, page 30 (line 31), definition of *workplace law*, omit paragraph (c) of the definition.

No. 8—Clause 194, page 183 (line 13), at the end of the clause, add:

; or (h) any matter that restricts, controls or dictates the use or non-use of independent contractors.

No. 9—Clause 342, pages 297 and 298 (table items 3 and 4), omit the table items.

No. 10—Clause 342, page 298 (table item 6), omit the table item.

Debate ensued.

The question was divided—

Question—That amendments nos 1 to 7 be agreed to—put and negated.

Question—That amendment no. 8 be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 31

Senators—

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

Question agreed to.

Question—That amendments nos 9 and 10 be agreed to—put.

The committee divided—

AYES, 32

Senators—

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

NOES, 32

Senators—

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

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

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

Clause 12, page 10 (after line 24), after the definition of *annual wage review*, insert:

anti-discrimination law: see subsection 351(3).

Clause 12, page 28 (line 13), omit the definition of *State or Territory anti-discrimination law*.

Clause 347, page 301 (line 31), after “association”, insert “, or to someone in lieu of an industrial association”.

Clause 351, page 304 (lines 12 and 13), omit paragraph (2)(a), substitute:

(a) not unlawful under any anti-discrimination law in force in the place where the action is taken; or

Clause 351, page 304 (lines 22 and 23), omit the note.

Clause 351, page 304 (line 24), omit “a *State or Territory*”, substitute “an”.

Clause 351, page 304 (before line 26), before paragraph (3)(a), insert:

(aa) the *Age Discrimination Act 2004*;

(ab) the *Disability Discrimination Act 1992*;

(ac) the *Racial Discrimination Act 1975*;

(ad) the *Sex Discrimination Act 1984*;

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

Clause 12, page 11 (lines 8 and 9), omit “or 177(b)”.

Clause 12, page 12 (line 5), omit “sections 176 and 177”, substitute “section 176”.

Clause 172, page 162 (line 3), at the end of subparagraph (2)(b)(ii), add “and will be covered by the agreement”.

Clause 172, page 162 (line 19), at the end of subparagraph (3)(b)(ii), add “and will be covered by the agreement”.

Clause 178, page 168 (line 32), omit “; and”.

Clause 178, page 169 (lines 1 to 4), omit paragraph (2)(c).

Clause 182, page 172 (lines 24 and 25), omit “will be covered by the agreement”, substitute “the agreement is expressed to cover (which need not be all of the relevant employee organisations for the agreement)”.

Clause 182, page 172 (lines 26 to 30), omit subclause (4).

Clause 185, page 174 (after line 11), after subclause (1), insert:

(1A) Despite subsection (1), if the agreement is a greenfields agreement, the application must be made by:

(a) an employer covered by the agreement; or

(b) a relevant employee organisation that is covered by the agreement.

Clause 187, page 177 (after line 23), at the end of the clause, add:

Requirements relating to greenfields agreements

(5) If the agreement is a greenfields agreement, FWA must be satisfied that:

- (a) the relevant employee organisations that will be covered by the agreement are (taken as a group) entitled to represent the industrial interests of a majority of the employees who will be covered by the agreement, in relation to work to be performed under the agreement; and
- (b) it is in the public interest to approve the agreement.

Clause 193, page 181 (lines 19 to 22), omit all the words from and including “that” to the end of subclause (3), substitute “that each prospective award covered employee for the agreement would be better off overall if the agreement applied to the employee than if the relevant modern award applied to the employee”.

Clause 207, page 196 (line 4), after “concerned”, insert “and are covered by the agreement”.

Clause 219, page 203 (line 20), after “concerned”, insert “and are covered by the agreement”.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Ludwig, in respect of clauses 175 and 177.

Question—That clauses 175 and 177 stand as printed—put and negatived.

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

Clause 12, page 14 (after line 2), after the definition of *Deputy President*, insert:

designated outworker term of a modern award, enterprise agreement, workplace determination or other instrument, means any of the following terms, so far as the term relates to outworkers in the textile, clothing or footwear industry:

- (a) a term that deals with the registration of an employer or outworker entity;
- (b) a term that deals with the making and retaining of, or access to, records about work to which outworker terms of a modern award apply;
- (c) a term imposing conditions under which an arrangement may be entered into by an employer or an outworker entity for the performance of work, where the work is of a kind that is often performed by outworkers;
- (d) a term relating to the liability of an employer or outworker entity for work undertaken by an outworker under such an arrangement, including a term which provides for the outworker to make a claim against an employer or outworker entity;
- (e) a term that requires minimum pay or other conditions, including the National Employment Standards, to be applied to an outworker who is not an employee;
- (f) any other terms prescribed by the regulations.

Clause 12, page 24 (lines 10 to 12), omit paragraph (e) of the definition of *outworker entity*, substitute:

- (e) a person who carries on an activity (whether of a commercial, governmental or other nature) in a Territory in Australia, so far as:
 - (i) the person arranges for work to be performed for the person (either directly or indirectly); and

- (ii) the work is of a kind that is often performed by outworkers; and
- (iii) the work is, or is reasonably likely, to be performed in the Territory or in connection with the activity carried on in the Territory.

Clause 27, page 46 (line 22), at the end of paragraph (2)(d), add “(within the ordinary meaning of the term)”.

Clause 46, page 61 (lines 1 to 3), omit the note, substitute:

Note: Subsection (2) does not affect the ability of outworker terms in a modern award to be enforced under Part 4-1 in relation to outworkers who are not employees.

Page 69, after clause 57 (after line 14), insert:

57A Designated outworker terms of a modern award continue to apply

- (1) This section applies if, at a particular time:
 - (a) an enterprise agreement applies to an employer; and
 - (b) a modern award covers the employer (whether the modern award covers the employer in the employer’s capacity as an employer or an outworker entity); and
 - (c) the modern award includes one or more designated outworker terms.
- (2) Despite section 57, the designated outworker terms of the modern award apply at that time to the following:
 - (a) the employer;
 - (b) each employee who is both:
 - (i) a person to whom the enterprise agreement applies; and
 - (ii) a person who is covered by the modern award;
 - (c) each employee organisation that is covered by the modern award.
- (3) To avoid doubt:
 - (a) designated outworker terms of a modern award can apply to an employer under subsection (2) even if none of the employees of the employer is an outworker; and
 - (b) to the extent to which designated outworker terms of a modern award apply to an employer, an employee or an employee organisation because of subsection (2), the modern award applies to the employer, employee or organisation.

Clause 140, page 136 (lines 25 and 26), omit “is, or is reasonably likely to be,”, substitute “is of a kind that is often”.

Clause 186, page 176 (after line 11), after subclause (4), insert:

Requirement that there be no designated outworker terms

- (4A) FWA must be satisfied that the agreement does not include any designated outworker terms.

Clause 200, page 186 (line 22), after “employee”, insert “in any respect”.

Clause 253, page 229 (line 6), at the end of subclause (1), add:

; or (c) it is a designated outworker term.

Clause 272, page 244 (line 18), at the end of subclause (3), add:

; or (c) any designated outworker terms.

Clause 545, page 442 (after line 20), after subclause (3), insert:

- (3A) An eligible State or Territory court may order an outworker entity to pay an amount to, or on behalf of, an outworker if the court is satisfied that:
- (a) the outworker entity was required to pay the amount under a modern award; and
 - (b) the outworker entity has contravened a civil remedy provision by failing to pay the amount.

Note 1: For the court's power to make pecuniary penalty orders, see section 546.

Note 2: For limitations on orders in relation to costs, see section 570.

Clause 547, page 443 (lines 25 and 26), omit "an employer was required to pay to, or on behalf of, an employee", substitute "a person was required to pay to, or on behalf of, another person".

Clause 548, page 445 (lines 9 to 14), omit paragraph (1)(b), substitute:

- (b) the order relates to an amount referred to in subsection (1A); and

Clause 548, page 445 (after line 17), after subclause (1), insert:

- (1A) The amounts are as follows:
- (a) an amount that an employer was required to pay to, or on behalf of, an employee:
 - (i) under this Act or a fair work instrument; or
 - (ii) because of a safety net contractual entitlement; or
 - (iii) because of an entitlement of the employee arising under subsection 542(1);
 - (b) an amount that an outworker entity was required to pay to, or on behalf of, an outworker under a modern award.

Clause 679, page 516 (line 9), after "employers", insert ", outworkers, outworker entities".

Clause 682, page 517 (line 13), after "employers", insert ", outworkers, outworker entities".

Clause 682, page 517 (lines 23 to 26), after "employees" (wherever occurring), insert "or outworkers".

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

Clause 12, page 13 (line 2), omit the definition of *conscientious objection certificate*.

Clause 601, page 472 (lines 15 and 16), omit paragraph (5)(b).

Clause 625, page 485 (lines 13 and 14), omit paragraph (2)(e).

At 11 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Crossin) reported progress.

35 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 11.29 pm till Wednesday, 18 March 2009 at 9.30 am.

36 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate