

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 77

THURSDAY, 25 JUNE 2009

**Contents**

1	Meeting of Senate.....	2186
2	Notices .....	2186
3	Order of Business—Rearrangement.....	2186
4	Postponements .....	2186
5	Migration Amendment (Abolishing Detention Debt) Bill 2009—Order of the Day Discharged.....	2186
6	Banking Amendment (Keeping Banks Accountable) Bill 2009 .....	2187
7	Foreign Affairs—India—Students.....	2187
8	Environment—Montreal Protocol on Substances that Deplete the Ozone Layer.....	2187
9	Trade—Illegal Timber Imports—Order for Production of Documents.....	2188
10	Science and Technology—Parkes Observatory .....	2188
11	Environment— <i>Environment Protection and Biodiversity Conservation Act</i> <i>1999</i> —Greenhouse Trigger .....	2188
12	Treasury Modelling—Carbon Pollution Reduction Scheme—Orders for Production of Documents—Non-Compliance.....	2189
13	Education—Building the Education Revolution Program.....	2189
14	Environment—Snowy River .....	2190
15	Animal Welfare—Namibian Cape Fur Seals.....	2191
16	Law and Justice— <i>Great Barrier Reef Marine Park Act 1975</i> .....	2192
17	Economics—Productivity Commission—Carbon Pollution Reduction Scheme—Order for Production of Documents.....	2192
18	Notice of Motion Withdrawn .....	2193
19	National Security Legislation Monitor Bill 2009 Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009 Migration Amendment (Immigration Detention Reform) Bill 2009 .....	2193
20	Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009.....	2194
21	Consideration of Legislation .....	2194
22	Privileges—Standing Committee—Proposed Reference.....	2194

23	Hours of Meeting and Routine of Business—Variation.....	2195
24	Publications—Standing Committee—11th Report.....	2198
25	Community Affairs Legislation Committee—Additional Information— Health Workforce Australia Bill 2009 .....	2198
26	Economics Legislation Committee—Additional Information—Reports.....	2199
27	Committees—Additional Information—Budget Estimates 2008-09 and 2009-10 and Additional Estimates 2008-09 .....	2199
28	Rural and Regional Affairs and Transport References Committee— Report—Matters Relating to the Establishment of an Australian Football League Team for Tasmania .....	2200
29	Foreign Affairs, Defence and Trade—Joint Standing Committee—Report— Inquiry into RAAF F-111 Deseal/Reseal Workers and Their Families.....	2200
30	Treaties—Joint Standing Committee—102nd Report .....	2200
31	Intelligence and Security—Joint Statutory Committee—Report—Review of the Re-listing of Hizballah’s External Security Organisation (ESO) as a Terrorist Organisation .....	2200
32	Health Workforce Australia Bill 2009.....	2201
33	Coordinator-General for Remote Indigenous Services Bill 2009.....	2201
34	Postponement.....	2201
35	Directions in Relation to Coercive Powers—Disallowance .....	2201
36	Export Control (Fees) Amendment Orders—Proposed Disallowance— Statement by Leave.....	2202
37	Community Affairs References Committee—Report—Lost Innocents and Forgotten Australians Revisited .....	2202
38	Education, Employment and Workplace Relations References Committee— Report—DEEWR Tender Process to Award Employment Services Contracts .....	2203
39	Order of Business—Rearrangement.....	2203
40	Coordinator-General for Remote Indigenous Services Bill 2009.....	2203
41	Migration Amendment (Protection of Identifying Information) Bill 2009 .....	2203
42	Private Health Insurance Legislation Amendment Bill 2009.....	2204
43	Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 .....	2204
44	Car Dealership Financing Guarantee Appropriation Bill 2009.....	2205
45	Questions.....	2205
46	Motions to Take Note of Answers .....	2205
47	Selection of Bills—Standing Committee—Report No. 10 of 2009.....	2205
48	Documents.....	2207
49	Committee Membership .....	2209
50	Hours of Meeting and Routine of Business—Variation.....	2209
51	Car Dealership Financing Guarantee Appropriation Bill 2009.....	2210
52	Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009.....	2210
53	Appropriation (Parliamentary Departments) Bill (No. 1) 2009-2010 Appropriation Bill (No. 1) 2009-2010 Appropriation Bill (No. 2) 2009-2010.....	2212
54	Government Documents—Orders Of The Day—Consideration .....	2213
55	Committee Reports and Government Responses—Orders of the Day— Consideration.....	2213

56	Auditor-General's Reports—Orders of the Day—Consideration .....	2214
57	Parliamentary Committee Reports—President's Report—Government Responses Outstanding.....	2214
58	Governor-General's Messages—Assent to Laws .....	2214
59	Auditor-General—Audit Reports Nos 46 and 47 of 2008-09—Documents .....	2215
60	Public Accounts and Audit—Joint Statutory Committee—Government Response—412th Report.....	2215
61	Parliamentarians' Travel Costs—Document.....	2215
62	Former Parliamentarians' Travel Costs—Document.....	2215
63	Parliamentarians' Overseas Study Travel Reports—Document .....	2215
64	Department of Defence—Special Purpose Flights—Document .....	2216
65	Committee Membership .....	2216
66	Next Meeting of Senate .....	2216
67	Leave of Absence.....	2216
68	Adjournment.....	2216
69	Attendance.....	2216

**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 NOTICES**

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That the Select Committee on Agricultural and Related Industries:

- (a) report on its inquiry on the incidence and severity of bushfires across Australia by 27 November 2009; and
- (b) conclude on 27 November 2009, after the presentation of reports by the committee on its inquiries into food production in Australia and on the incidence and severity of bushfires across Australia.

Senator Milne: To move on the next day of sitting—That the Energy Efficiency Opportunities Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 119 and made under the *Energy Efficiency Opportunities Act 2006*, be disallowed.

**3 ORDER OF BUSINESS—REARRANGEMENT**

The Special Minister of State (Senator Ludwig) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

Coordinator-General for Remote Indigenous Services Bill 2009.

No. 5 Migration Amendment (Protection of Identifying Information) Bill 2009.

Private Health Insurance Legislation Amendment Bill 2009.

No. 6 Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008.

Question put and passed.

**4 POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notice of motion no. 3 standing in the name of Senator Milne for today, proposing the disallowance of certain legislative instruments, postponed till 20 August 2009.

General business notice of motion no. 489 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing an amendment to standing order 18, postponed till the next day of sitting.

**5 MIGRATION AMENDMENT (ABOLISHING DETENTION DEBT) BILL 2009—ORDER OF THE DAY DISCHARGED**

The Special Minister of State (Senator Ludwig), by leave, moved—That government business order of the day no. 12 (Migration Amendment (Abolishing Detention Debt) Bill 2009) be discharged from the *Notice Paper*.

Debate ensued.

Question put and passed.

**6 BANKING AMENDMENT (KEEPING BANKS ACCOUNTABLE) BILL 2009**

The Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 465—That the following bill be introduced:

A Bill for an Act to amend the *Banking Act 1959* to keep banks accountable in setting mortgage interest rates, and for related purposes.

Question put and passed.

Senator Fielding presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

**7 FOREIGN AFFAIRS—INDIA—STUDENTS**

Senator Hanson-Young, also on behalf of Senator Xenophon, amended general business notice of motion no. 492 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) condemns the recent violent attacks on Indian students in Australia; and
- (b) calls on governments to continue working with the Indian High Commission, to ensure the safety and welfare of Indian students while studying in Australia.

Question put and passed.

**8 ENVIRONMENT—MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 467—That the Senate—

- (a) acknowledges proposals submitted by the Federated States of Micronesia and Mauritius to amend the Montreal Protocol on Substances that Deplete the Ozone Layer to regulate and phase-down hydrofluorocarbons (HFCs) with a high global warming potential, and promote the destruction of banks of ozone-depleting substances at the Montreal Protocol Open Ended Working Group meeting to be held in Geneva from 13 July to 18 July 2009;
- (b) notes that these proposals will strengthen the protocol to provide fast-action climate change mitigation several times greater than the emission reductions sought during the first commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC);
- (c) recognises the importance of these and other fast-action mitigation strategies to reduce the threat of crossing tipping points for abrupt, irreversible and catastrophic climate changes – tipping points many leading scientists now warn may be only a few years away; and
- (d) calls on the Government to support the proposals from the Federated States of Micronesia and Mauritius, and to recognise the need to work towards an HFC phase-out coordinated between the UNFCCC and the protocol, and to seek amendments that will enable the UNFCCC and the protocol to both play important collaborative roles in the phase-out of HFCs.

Question put and passed.

*Statements by leave:* Senator O'Brien and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to the motion.

**9 TRADE—ILLEGAL TIMBER IMPORTS—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 495—That there be laid on the table by 4 pm on 11 August 2009:

- (a) any documents or advice prepared by or for the Department of Foreign Affairs and Trade (DFAT) or the Department of Agriculture, Fisheries and Forestry (DAFF) since the Government came to power, relating to legal and policy issues surrounding illegal timber imports and options for addressing such imports;
- (b) all material provided to the Centre for International Economics relating to the development of the Regulatory Impact Statement for illegal timber legislation options; and
- (c) any correspondence from or to DAFF or DFAT, relating to illegal timber imports since the Government came to power, including but not limited to correspondence from other departments.

Question put and passed.

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

**10 SCIENCE AND TECHNOLOGY—PARKES OBSERVATORY**

Senator Ryan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 490—That the Senate notes:

- (a) that 21 July 2009 is the 40th anniversary of the first successful moonwalk, as part of the Apollo 11 mission;
- (b) the critical role played by Australian scientists and the Parkes Observatory in supporting this mission; and
- (c) in particular, the fact that the majority of the broadcast of the first moonwalk was beamed around the globe to more than 600 million people courtesy of the pictures provided by the Parkes Observatory and its staff.

Question put and passed.

**11 ENVIRONMENT—ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999—GREENHOUSE TRIGGER**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 497—That the Senate calls on the Government to implement its policy to insert a greenhouse trigger into the *Environment Protection and Biodiversity Conservation Act 1999*.

*Statement by leave:* The Special Minister of State (Senator Ludwig), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob  
Hanson-Young

Ludlam  
Milne

Siewert (Teller)

Xenophon

## NOES, 38

Senators—

Abetz	Farrell	Ludwig	Payne
Adams	Feeney	Macdonald	Pratt
Arbib	Ferguson	Marshall	Ronaldson
Back	Fielding	Mason	Ryan
Bernardi	Fisher	McLucas	Sterle
Bishop	Forshaw	Minchin	Trood
Cash	Hogg	Moore	Wong
Colbeck	Humphries	Nash	Wortley
Collins	Hurley	O'Brien	
Cormann	Hutchins	Parry (Teller)	

Question negatived.

**12 TREASURY MODELLING—CARBON POLLUTION REDUCTION SCHEME—ORDERS FOR PRODUCTION OF DOCUMENTS—NON-COMPLIANCE**

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 491—That the Senate—

(a) notes:

- (i) with concern, that the Government has refused, without good reason, as indicated by the Senate's resolution of 17 June 2009, to provide to the Select Committee on Fuel and Energy information essential to the proper consideration of the Carbon Pollution Reduction Scheme (CPRS) legislation, and
- (ii) that the Government has refused to provide information in response to successive orders of the Senate concerning modelling done for the Government's CPRS, without raising a valid claim of public interest immunity, thus preventing the Senate from making a properly informed judgement about the impact of the proposed CPRS on the economy, jobs and regional Australia; and

(b) concludes that the Treasurer (Mr Swan) has been contemptuous of the Senate and of proper parliamentary processes.

Question put and passed.

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

**13 EDUCATION—BUILDING THE EDUCATION REVOLUTION PROGRAM**

Senator Mason, also on behalf of Senator Williams, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 493—

- (1) That the Senate requests the Auditor-General to undertake an urgent investigation of waste and mismanagement of the Building the Education Revolution (BER) program, with regard to:
  - (a) whether value for money is being achieved in both the program's job creation and education aspirations, particularly as demonstrated by examples of:
    - (i) schools being prevented from using local builders, in favour of government-preferred contractors who are charging significantly more for comparable projects,

- (ii) tenderers being offered the opportunity to bid for projects outside of their local area, but prevented from bidding for projects in their local area,
  - (iii) construction costs incurred under the tender program being substantially higher than current construction industry rates,
  - (iv) significant consultancy fees being levied by project managers over and above the 1.5 per cent limit that state and territory departments may take for administration costs,
  - (v) schools receiving funds for maintenance and infrastructure in 2009 when the school will cease to exist in 2010,
  - (vi) schools being forced by state education departments to accept pre-fabricated demountable halls that do not meet the needs of the local school community, and
  - (vii) schools being forced to duplicate existing facilities rather than provide new infrastructure that the school community needs;
- (b) whether the Commonwealth Government is exercising sufficient supervision over state and territory governments and block grant authorities in the administration and implementation of the BER in order to prevent mismanagement and minimise waste;
- (c) whether the Commonwealth's guidelines for the program are appropriate where:
- (i) certain categories of school (for example, distance education schools and secondary campuses of multi-campus schools) are ineligible for funding irrespective of their comparative level of need or ability to deliver projects,
  - (ii) schools wishing to spend School Pride maintenance funds on energy-efficient air-conditioning or heating are explicitly prevented from doing so, and
  - (iii) principals and governing council members feel they are prevented from raising concerns about BER projects for fear of losing funding for their school; and
- (d) any other examples of waste and mismanagement by either Commonwealth, state or territory governments in relation to this program that the Auditor-General deems relevant.
- (2) That the Auditor-General is requested to respond in a timely manner in order for the public to be fully informed of the program in advance of further parliamentary scrutiny of the issue.

*Statement by leave:* The Special Minister of State (Senator Ludwig), by leave, made a statement relating to the motion.

Question put and passed.

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

#### 14 ENVIRONMENT—SNOWY RIVER

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 482—That the Senate—

- (a) notes:
- (i) that Sunday, 28 June 2009, is the 7th anniversary of the corporatisation of Snowy Hydro Limited, of which the Commonwealth, New South Wales and Victorian governments are shareholders, and

- (ii) the recent report of the Snowy Scientific Committee which warned that critical deep pools in the upper reaches of the Snowy River are ‘under threat of permanent or near permanent change’;
- (b) expresses concern:
- (i) at the failure of the three governments to meet legislated targets for returning environmental flows to the Snowy River, which should have seen the return of 15 per cent annual natural flow to the river by 2009, rather than the 46.7GL or just over 4 per cent planned to be delivered in 2009-10, and
  - (ii) at the recommissioning of the Mowamba Aqueduct, diverting the waters of the Mowamba River to Lake Jindabyne, and calls for the suspension of repayment of the Mowamba Borrowings Account from the Snowy River environmental allocation and the permanent decommissioning of the aqueduct; and
- (c) calls on:
- (i) the New South Wales Government to release the long overdue draft report of the first five-year review on the Snowy Water Licence, which was due in 2007, and
  - (ii) the Commonwealth to commit additional resources for the immediate purchase of high security water entitlements to meet the commitment to return 21 per cent of annual natural flows to the Snowy River by 2012 and 28 per cent of natural flows beyond 2012.

*Statement by leave:* The Special Minister of State (Senator Ludwig), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 36

Senators—

Abetz	Cormann	Humphries	Nash
Adams	Crossin	Hurley	O'Brien
Arbib	Farrell	Joyce	Parry (Teller)
Back	Feeny	Ludwig	Pratt
Bernardi	Ferguson	Marshall	Ronaldson
Birmingham	Fielding	McEwen	Ryan
Bushby	Fisher	McLucas	Troeth
Cameron	Forshaw	Minchin	Williams
Collins	Hogg	Moore	Wong

Question negatived.

#### 15 ANIMAL WELFARE—NAMIBIAN CAPE FUR SEALS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 494—That the Senate notes that:

- (a) the cruel slaughter of Namibian cape fur seals is due to commence on 1 July 2009, with a quota of 91 000 seals set to be killed;

- (b) the market for Namibian cape fur seal skins has collapsed over recent years due to lack of demand and import bans in the European Union, the United States, Mexico and South Africa because of the cruelty involved in the sealing methods; and
- (c) the continued involvement of Australian-based fur and skins company, Hatem Yavuz, as the last remaining buyer of the skins.

*Statement by leave:* The Special Minister of State (Senator Ludwig), by leave, made a statement relating to the motion.

Question put and passed.

#### 16 LAW AND JUSTICE—GREAT BARRIER REEF MARINE PARK ACT 1975

Senator Macdonald, also on behalf of Senator Boswell and the Leader of the Family First Party (Senator Fielding), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 496—That the Senate calls on the Government to fix by Proclamation, a day, not later than 31 July 2009, on which the provisions inserted into the *Great Barrier Reef Marine Park Act 1975* which treat as spent, certain convictions relating to offences against former section 38C of that Act which were passed through the Senate on 11 November 2008 and adopted unanimously by the House of Representatives on 12 November 2008, commence.

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

Question put and passed.

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

#### 17 ECONOMICS—PRODUCTIVITY COMMISSION—CARBON POLLUTION REDUCTION SCHEME—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 480—

- (1) That the Senate calls on the Government to make a reference to the Productivity Commission requiring modelling of alternative emissions trading schemes including:
  - (a) a conventional baseline-and-credit scheme;
  - (b) an intensity model;
  - (c) a carbon tax;
  - (d) a consumption-based carbon tax; and
  - (e) the McKibbin model;
 with a view to determining which scheme design (including the Government's Carbon Pollution Reduction Scheme (CPRS) and schemes with higher targets) provides the best environmental and economic outcomes.
- (2) That the Productivity Commission's report on modelling under paragraph (1) be laid on the table by 6 August 2009 to inform the debate on the CPRS bills.
- (3) That there be laid on the table by 6 August 2009 all documents held by the Productivity Commission relating to the design and economic impacts of the Government's CPRS.

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

Question put and passed.

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

**18 NOTICE OF MOTION WITHDRAWN**

Senator Xenophon withdrew business of the Senate notice of motion no. 1 standing in his name for today proposing a reference to the Standing Committee of Senators' Interests.

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

**19 NATIONAL SECURITY LEGISLATION MONITOR BILL 2009**

**AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TEST REVIEW AND OTHER MEASURES) BILL 2009**

**MIGRATION AMENDMENT (IMMIGRATION DETENTION REFORM) BILL 2009**

The Minister for Climate Change and Water (Senator Wong), at the request of the Minister for Defence (Senator Faulkner) and the Minister for Immigration and Citizenship (Senator Evans) and pursuant to notices of motion not objected to as formal motions, moved government business notices of motion nos 1 to 3—That the following bills be introduced:

A Bill for an Act to provide for the appointment of a National Security Legislation Monitor, and for related purposes.

A Bill for an Act to amend the *Australian Citizenship Act 2007*, and for related purposes.

A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

Question put and passed.

Senator Wong presented the bills and 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 Wong moved—That these bills be now read a second time.

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*Explanatory memoranda:* Senator Wong tabled explanatory memoranda [3] relating to the bills.

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*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.

Senator Wong moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**20 TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK MEASURES NO. 1) BILL 2009**

The Minister for Climate Change and Water (Senator Wong), at the request of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 4—That the following bill be introduced:

A Bill for an Act to amend legislation relating to telecommunications, and for related purposes.

Question put and passed.

Senator Wong presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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*Explanatory memorandum:* Senator Wong tabled an explanatory memorandum relating to the bill.

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*Consideration of legislation:* Pursuant to order of the Senate of 13 May 2009, the debate was adjourned and the resumption of the debate made an order of the day for the next day of sitting after the presentation of documents relating to the National Broadband Network tender process.

**21 CONSIDERATION OF LEGISLATION**

The Minister for Climate Change and Water (Senator Wong), at the request of the Special Minister of State (Senator Ludwig) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 5—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Coordinator-General for Remote Indigenous Services Bill 2009  
 Migration Amendment (Abolishing Detention Debt) Bill 2009  
 National Greenhouse and Energy Reporting Amendment Bill 2009  
 Private Health Insurance Legislation Amendment Bill 2009.

Question put and passed.

**22 PRIVILEGES—STANDING COMMITTEE—PROPOSED REFERENCE**

The Minister for Employment Participation (Senator Arbib), at the request of the Special Minister of State (Senator Ludwig) and pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matters be referred to the Committee of Privileges:

- (a) whether any false or misleading evidence was given to the Economics Legislation Committee at its hearing on 19 June 2009; and
- (b) whether there was any improper interference with the proceedings of the committee, or any misleading of the committee, by the use of a false document as a basis for questioning of a witness;

and whether any contempt was committed in that regard.

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

*Leave refused:* Senator Xenophon sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

*Statements by leave:* The Special Minister of State (Senator Ludwig), the Leader of the Opposition in the Senate (Senator Minchin), 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 motion.

*Leave refused:* The Minister for Climate Change and Water (Senator Wong) sought leave to make a statement relating to the motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

#### AYES, 34

Senators—

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

#### NOES, 34

Senators—

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

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

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

### 23 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 487—That, on Thursday, 13 August 2009:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm to adjournment;
- (b) the routine of business from 12.45 pm till not later than 2 pm, and from 3.45 pm shall be government business only;

- (c) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
- (d) divisions may take place after 4.30 pm; and
- (e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the Carbon Pollution Reduction Scheme Bill 2009 and related bills.

*Statements by leave:* The Special Minister of State (Senator Ludwig), Senator Parry, the Leader of the Family First Party (Senator Fielding), the Leader of the Australian Greens (Senator Bob Brown) and the Minister for Climate Change and Water (Senator Wong), by leave, made statements relating to the motion.

Senator Ludwig, by leave, moved the following amendment:

Omit all words after "That", substitute "on Thursday, 25 June 2009:

- (a) the hours of meeting shall be 9.30 am to adjournment;
- (b) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 3.45 pm shall be government business only;
- (c) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;
- (d) divisions may take place after 4.30 pm; and
- (e) the question for the adjournment of the Senate shall be proposed after the consideration of the following government business orders:

Carbon Pollution Reduction Scheme Bill 2009 and related bills  
 Car Dealership Financing Guarantee Appropriation Bill 2009  
 National Greenhouse and Energy Reporting Amendment Bill 2009  
 Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009  
 Coordinator-General for Remote Indigenous Services Bill 2009  
 Migration Amendment (Protection of Identifying Information) Bill 2009  
 Private Health Insurance Legislation Amendment Bill 2009  
 Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008  
 Appropriation (Parliamentary Departments) Bill (No. 1) 2009-2010 and two related bills  
 Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and a related bill.

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

Senator Bob Brown, by leave, moved the following amendment to Senator Ludwig's proposed amendment:

Omit all words after "That", substitute "on Thursday, 25 June 2009:

- (a) the hours of meeting shall be 9.30 am to 7.40 pm;
- (b) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 3.45 pm shall be government business only;
- (c) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;

- (d) divisions may take place after 4.30 pm;
- (e) the question for the adjournment of the Senate shall be proposed at 7 pm; and
- (f) the following government business orders of the day shall be considered:

Car Dealership Financing Guarantee Appropriation Bill 2009  
 National Greenhouse and Energy Reporting Amendment Bill 2009  
 Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009  
 Migration Amendment (Abolishing Detention Debt) Bill 2009 Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 – Consideration in committee of the whole of message No.361 from the House of Representatives  
 Coordinator-General for Remote Indigenous Services Bill 2009  
 Migration Amendment (Protection of Identifying Information) Bill 2009  
 Private Health Insurance Legislation Amendment Bill 2009  
 Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008  
 Appropriation (Parliamentary Departments) Bill (No. 1) 2009-2010 and two related bills  
 Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and a related bill.

Question—That Senator Bob Brown’s amendment to Senator Ludwig’s proposed amendment be agreed to—put and negatived.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

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

Question negatived.

*Statements by leave:* Senators Bob Brown and Wong, the Leader of The Nationals in the Senate (Senator Joyce), Senator Parry, the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and Senator Fielding, by leave, made statements relating to the motion.

Main question put and passed.

*Statements by leave:* The Minister for Immigration and Citizenship (Senator Evans) and the Leader of the Opposition in the Senate (Senator Minchin), by leave, made statements relating to the motion.

#### 24 PUBLICATIONS—STANDING COMMITTEE—11TH REPORT

The Chair of the Standing Committee on Publications (Senator Carol Brown) tabled the following report:

##### PUBLICATIONS COMMITTEE

##### 11TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 4 June 2009, recommends that the following be printed:

Australian Competition and Consumer Commission—Telecommunications reports for 2007 08—Report 1: Telecommunications competitive safeguards; Report 2: Changes in the prices paid for telecommunications services in Australia.

Australian National University—Report for 2008.

*Defence Force Discipline Act 1982*—Reports for 2008—

Director of Military Prosecutions.

Judge Advocate General.

##### REPORT OF COMMITTEE ACTIVITIES

The Publications Committee reports that, in accordance with an undertaking given in the committee's report *Distribution of the Parliamentary Papers Series*, as at 24 June 2009, 35 documents are yet to be supplied by their author agency for inclusion in the series. These agencies have been, or are in the process of being, reminded of their obligations. The committee will report to the chamber if agencies remain in default at the end of 2009.

Senator Carol Brown

Chair

25 June 2009.

Senator Carol Brown moved—That the report be adopted.

Question put and passed.

#### 25 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—**HEALTH WORKFORCE AUSTRALIA BILL 2009**

Senator Farrell, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following document:

Community Affairs Legislation Committee—Report—Health Workforce Australia Bill 2009 [Provisions]—Additional information.

**26 ECONOMICS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—REPORTS**

Senator Farrell, at the request of the Chair of the Economics Legislation Committee (Senator Hurley), tabled the following documents:

Economics Legislation Committee—Reports—

Exposure draft of the legislation to implement the Carbon Pollution Reduction Scheme—Additional information.

Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009 [Provisions]—Additional information.

**27 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2008-09 AND 2009-10 AND ADDITIONAL ESTIMATES 2008-09**

Senator Farrell, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2008-09 (Supplementary)—

Finance and Public Administration—Standing Committee—Additional information received 19 May 2009—Finance and Deregulation portfolio.

Additional estimates 2008-09—

Community Affairs—Standing Committee—Additional information received between 14 May and 24 June 2009—

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

Economics—Standing Committee—Additional information received between 14 May and 24 June 2009—Treasury portfolio.

Education, Employment and Workplace Relations—Standing Committee—Additional information received between 14 May and 1 June 2009—Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts—Standing Committee—Additional information received between 14 May and 25 June 2009—

Broadband, Communications and the Digital Economy portfolio.

Environment, Water, Heritage and the Arts portfolio.

Legal and Constitutional Affairs—Standing Committee—Additional information received between 13 May and 24 June 2009—Attorney-General's portfolio.

Budget estimates 2009-10—

Community Affairs Legislation Committee—Additional information received between—

4 June and 24 June 2009—

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

5 June and 24 June 2009—Indigenous issues across portfolios—Families, Housing, Community Services and Indigenous Affairs; and Environment, Water, Heritage and the Arts.

Finance and Public Administration Legislation Committee—Additional information received between 27 May and 22 June 2009—

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 25 May and 23 June 2009—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

**28 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
REPORT—MATTERS RELATING TO THE ESTABLISHMENT OF AN AUSTRALIAN  
FOOTBALL LEAGUE TEAM FOR TASMANIA**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Matters relating to the establishment of an Australian Football League team for Tasmania—Report, dated June 2009, Hansard record of proceedings, documents presented to the committee and submissions.

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

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

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

**29 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
REPORT—INQUIRY INTO RAAF F-111 DESEAL/RESEAL WORKERS AND THEIR  
FAMILIES**

The Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Forshaw) tabled the following report:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Sealing a just outcome: Report from the inquiry into RAAF F-111 deseal/reseal workers and their families—Report, dated June 2009.

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

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

**30 TREATIES—JOINT STANDING COMMITTEE—102ND REPORT**

Senator Birmingham, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—102nd report—Treaties tabled on 12 and 16 March 2009, dated June 2009.

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

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

**31 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—  
REVIEW OF THE RE-LISTING OF HIZBALLAH'S EXTERNAL SECURITY  
ORGANISATION (ESO) AS A TERRORIST ORGANISATION**

Senator Marshall, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Review of the re-listing of Hizballah's External Security Organisation (ESO) as a terrorist organisation—Report, dated June 2009.

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

Question put and passed.

**32 HEALTH WORKFORCE AUSTRALIA BILL 2009**

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

Message no. 370, dated 24 June 2009—Health Workforce Australia Bill 2009.

**33 COORDINATOR-GENERAL FOR REMOTE INDIGENOUS SERVICES BILL 2009**

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

Message no. 369, dated 24 June 2009—A Bill for an Act to provide for a Coordinator-General for Remote Indigenous Services, and for related purposes.

The Minister for Employment Participation (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.

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

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

**34 POSTPONEMENT**

Senator Colbeck, by leave, moved—That business of the Senate notice of motion no. 2 standing in his name for today, proposing the disallowance of the Export Control (Fees) Amendment Orders 2009, be postponed till 20 August 2009.

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

Question put and passed.

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

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

Trade—Agricultural exports—Letter from the Minister for Agriculture, Fisheries and Forestry (Mr Burke) to Senator Milne, dated 25 June 2009.

**35 DIRECTIONS IN RELATION TO COERCIVE POWERS—DISALLOWANCE**

Senator Fisher, at the request of Senator Abetz and pursuant to notice, moved business of the Senate notice of motion no. 4—That the Directions in Relation to Coercive Powers, made on 17 June 2009 under section 11 of the *Building and Construction Industry Improvement Act 2005*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

**36 EXPORT CONTROL (FEES) AMENDMENT ORDERS—PROPOSED DISALLOWANCE—STATEMENT BY LEAVE**

The Leader of the Family First Party (Senator Fielding), by leave, made a statement relating to business of the Senate notice of motion no. 2, proposing the disallowance of the Export Control (Fees) Amendment Orders postponed earlier today (*see entry no. 34*).

**37 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—LOST INNOCENTS AND FORGOTTEN AUSTRALIANS REVISITED**

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Lost innocents and forgotten Australians revisited: Report on the progress with the implementation of the recommendations of the lost innocents and forgotten Australians reports—Report, dated June 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

**38 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—REPORT—DEEWR TENDER PROCESS TO AWARD EMPLOYMENT SERVICES CONTRACTS**

Pursuant to order, the Chair of the Education, Employment and Workplace Relations References Committee (Senator Humphries), tabled the following report and documents:

Education, Employment and Workplace Relations References Committee—DEEWR tender process to award employment services contracts—Report, dated June 2009, Hansard record of proceedings, documents presented to the committee and submissions.

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

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

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

**39 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Defence (Senator Faulkner), by leave, moved—That government business have precedence over business of the Senate from 12.45 pm till 2 pm today and that the following government business orders of the day be considered:

Coordinator-General for Remote Indigenous Services Bill 2009.

No. 5 Migration Amendment (Protection of Identifying Information) Bill 2009.

Private Health Insurance Legislation Amendment Bill 2009.

No. 6 Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008.

Remaining government business orders of the day.

Question put and passed.

**40 COORDINATOR-GENERAL FOR REMOTE INDIGENOUS SERVICES BILL 2009**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Defence (Senator Faulkner) the bill was read a third time.

**41 MIGRATION AMENDMENT (PROTECTION OF IDENTIFYING INFORMATION) BILL 2009**

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

**42 PRIVATE HEALTH INSURANCE LEGISLATION AMENDMENT BILL 2009**

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

Message no. 371, dated 25 June 2009—A Bill for an Act to amend the law in relation to private health insurance, and for related purposes.

The Assistant Treasurer (Senator Sherry) 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 Sherry moved—That this bill be now read a second time.

Debate ensued.

Question put and passed.

Bill read a second time.

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

On the motion of Senator Sherry the bill was read a third time.

**43 DISABILITY DISCRIMINATION AND OTHER HUMAN RIGHTS LEGISLATION AMENDMENT BILL 2008**

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sherry)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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.

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*Explanatory memorandum:* Senator Sherry tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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On the motion of Senator Sherry the following amendment was agreed to:

Schedule 2, item 60, page 18 (lines 3 and 4), omit “the first person did not request or require the information for”, substitute “none of the purposes for which the first person requested or required the information was”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of Senator Sherry the report from the committee was adopted and the bill read a third time.

#### 44 CAR DEALERSHIP FINANCING GUARANTEE APPROPRIATION BILL 2009

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

Debate resumed.

*At 2 pm:* Debate was interrupted while the Leader of the Australian Greens (Senator Bob Brown) was speaking.

#### 45 QUESTIONS

Questions without notice were answered.

#### 46 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Cormann moved—That the Senate take note of the answers given by the Special Minister of State (Senator Ludwig) to questions without notice asked by Opposition senators today relating to public hospitals.

Debate ensued.

Question put and passed.

The Leader of the Australian Greens (Senator Bob Brown) moved—That the Senate take note of the answer given by the Minister for Defence (Senator Faulkner) to a question without notice asked by Senator Bob Brown today relating to human rights in China and Chinese democrat, Liu Xiaobo.

Question put and passed.

#### 47 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 10 OF 2009

Senator McEwen, by leave and at the request of the Chair of the Selection of Bills Committee (Senator O'Brien), tabled the following report:

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 10 OF 2009

1. The committee met in private session on Thursday, 25 June 2009 at 11.49 am.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 17 September 2009;
  - (b) the Anti-Terrorism Laws Reform Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 28 October 2009;

- (c) the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 September 2009;
  - (d) the *provisions* of the Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 August 2009;
  - (e) the *provisions* of the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 17 September 2009;
  - (f) the *provisions* of the Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009 and **2 related bills** be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 7 August 2009;
  - (g) the Marriage Equality Amendment Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 26 November 2009;
  - (h) the Migration Amendment (Immigration Detention Reform) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 August 2009;
  - (i) the *provisions* of the National Consumer Credit Protection Bill 2009 and **3 related bills** be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 August 2009;
  - (j) the National Security Legislation Monitor Bill 2009 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 7 September 2009;
  - (k) the *provisions* of the Personal Property Securities Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 7 August 2009;
  - (l) the Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 17 August 2009;
  - (m) the *provisions* of the Therapeutic Goods Amendment (2009 Measures No. 2) Bill 2009 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 7 August 2009; and
  - (n) the *provisions* of the Trade Practices Amendment (Australian Consumer Law) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 7 September 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- ACIS Administration Amendment Bill 2009
  - Australian Wine and Brandy Corporation Amendment Bill 2009
  - Automotive Transformation Scheme Bill 2009
  - Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2]
  - Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2]
  - Higher Education Support Amendment Bill 2009
  - Road Transport Reform (Dangerous Goods) Repeal Bill 2009

Statute Stocktake (Regulatory and Other Laws) Bill 2009  
 Tax Agent Services (Transitional Provisions and Consequential  
 Amendments) Bill 2009  
 Tax Laws Amendment (2009 Measures No. 4) Bill 2009.

***The committee recommends accordingly.***

4. The committee deferred consideration of the following bills to its next meeting:
- Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009
  - Banking Amendment (Keeping Banks Accountable) Bill 2009
  - National Health Security Amendment Bill 2009
  - Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009.

Kerry O'Brien  
 Chair  
 25 June 2009.

Senator McEwen moved—That the report be adopted.

Question put and passed.

**48 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 8 of 2009—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2009L02487]\*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA EX48/09—Exemption – from take-off minima inside Australian territory [F2009L02280]\*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—105—

AD/LA-4/4—Fuel Filter – Installation [F2009L02283]\*.

AD/MU-2/9—Trim Aileron Bellcrank Bracket Bolt Holes – Inspection [F2009L02315]\*.

AD/MU-2/19—Engine Nacelle Upper Door Rod Assembly – Removal and Modification [F2009L02316]\*.

AD/MU-2/26—Control Cable Turnbuckles – Inspection and Replacement [F2009L02317]\*.

AD/MU-2/27—Engine Control System Cable Pulleys – Replacement [F2009L02318]\*.

AD/MU-2/38—Landing Gear Aural Warning System [F2009L02319]\*.

AD/MU-2/72—Electrical Wiring [F2009L02320]\*.

AD/S-76/54—Main Gearbox Tail Takeoff Flange Locknut [F2009L02346]\*.

AD/S-76/55 Amdt 1—Retention Bolt for Stationary Swashplate Expandable Pin [F2009L02347]\*.

AD/S-76/58—Tail Gearbox Output Shaft [F2009L02348]\*.

AD/SF340/108 Amdt 1—Hydraulic System Accumulators [F2009L02349]\*.

AD/SM-205/19—Carburettor Air Intake Box and Engine Cowling – Modification [F2009L02350]\*.

106—

AD/PT6A/7—Re-Routing of Governor Air Pressure Line [F2009L02321]\*.

AD/PT6A/23—Replacement of Compressor Delivery Heated Air Tube by a Non-Metallic Hose [F2009L02328]\*.

AD/PT6A/26—Power Turbine Containment Ring [F2009L02329]\*.

AD/PT6T/2—Check and Regulating Valve Housing Reinforcing Bracket [F2009L02330]\*.

Health Insurance Act—Declaration of Quality Assurance Activity—QAA No. 1/2009 [F2009L02413]\*.

*Income Tax Assessment Act 1936* and *Taxation Administration Act*—Lodgment of income tax returns for the year of income ended 30 June 2009 in accordance with the *Income Tax Assessment Act 1936* and the *Taxation Administration Act 1953* – Child Support Agency – parents with a child support assessment [F2009L02503]\*.

*Income Tax Assessment Act 1936*, *Income Tax Assessment Act 1997*, *Taxation Administration Act*, *Superannuation Industry (Supervision) Act* and *Income Tax (Transitional Provisions) Act*—Lodgment of returns for the year of income ended 30 June 2009 in accordance with the *Income Tax Assessment Act 1936*, the *Income Tax Assessment Act 1997*, the *Taxation Administration Act 1953*, the *Superannuation Industry (Supervision) Act 1993* and the *Income Tax (Transitional Provisions) Act 1997* [F2009L02500]\*.

*Migration Act*—*Migration Regulations*—Instrument IMMI 09/061—Appropriate regional authority [F2009L02147]\*.

*National Health Act*—*Pharmaceutical Benefits Determination* under section 84BA, dated 19 June 2009 [F2009L02492]\*.

*Sydney Airport Curfew Act*—*Dispensation Report 05/09*.

*Taxation Administration Act*—Lodgment of statements by first home saver account providers for the year ended 30 June 2009 in accordance with the *Taxation Administration Act 1953* [F2009L02505]\*.

*Veterans' Entitlements Act*—Statements of Principles concerning—

Acquired Cataract No. 51 of 2009 [F2009L02421]\*.

Acquired Cataract No. 52 of 2009 [F2009L02422]\*.

Deep Vein Thrombosis No. 45 of 2009 [F2009L02415]\*.

Deep Vein Thrombosis No. 46 of 2009 [F2009L02416]\*.

Eating Disorder No. 47 of 2009 [F2009L02417]\*.

Eating Disorder No. 48 of 2009 [F2009L02418]\*.

Ischaemic Heart Disease No. 43 of 2009 [F2009L02411]\*.

Ischaemic Heart Disease No. 44 of 2009 [F2009L02412]\*.

Motor Neurone Disease No. 53 of 2009 [F2009L02423]\*.

Personality Disorder No. 49 of 2009 [F2009L02419]\*.

Personality Disorder No. 50 of 2009 [F2009L02420]\*.

Systemic Lupus Erythematosus No. 41 of 2009 [F2009L02404]\*.

Systemic Lupus Erythematosus No. 42 of 2009 [F2009L02403]\*.

Toxic Maculopathy No. 39 of 2009 [F2009L02400]\*.

Toxic Maculopathy No. 40 of 2009 [F2009L02402]\*.

Water Act—

Water Charge (Termination Fees) Rules 2009 [F2009L02425]\*.

Water Market Rules 2009 [F2009L02424]\*.

\* Explanatory statement tabled with legislative instrument.

#### 49 COMMITTEE MEMBERSHIP

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

The Special Minister of State (Senator Ludwig), by leave, moved—That senators be discharged from and appointed to committees as follows:

##### **Finance and Public Administration Legislation Committee—**

Appointed—

Substitute member: Senator Ludlam to replace Senator Siewert for the committee's inquiry into the National Security Legislation Monitor Bill 2009

Participating member: Senator Siewert

##### **Intelligence and Security—Joint Statutory Committee—**

Discharged—Senator Coonan

Appointed—Senator Trood

##### **Legal and Constitutional Affairs Legislation Committee—**

Appointed—

Substitute members:

Senator Polley to replace Senator Marshall for the committee's inquiry into the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009

Senator Hanson-Young to replace Senator Ludlam for the committee's inquiry into the Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009

Senator Hanson-Young to replace Senator Ludlam for the committee's inquiry into the Marriage Equality Amendment Bill 2009

Senator Hanson-Young to replace Senator Ludlam for the committee's inquiry into the Migration Amendment (Immigration Detention Reform) Bill 2009

Participating members: Senators Ludlam and Marshall.

Question put and passed.

#### 50 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Special Minister of State (Senator Ludwig), by leave, moved—That, on Thursday, 25 June 2009:

- (a) the routine of business from not later than 3.45 pm shall be government business only;
- (b) consideration of government documents under general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall be proceeded with;
- (c) divisions may take place after 4.30 pm; and
- (d) the following government business orders of the day shall be considered:

Car Dealership Financing Guarantee Appropriation Bill 2009

Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009  
 Appropriation (Parliamentary Departments) Bill (No. 1) 2009-2010 and two related bills

Debate ensued.

Question put and passed.

*Notice of motion withdrawn:* Senator Ludwig withdrew government business notice of motion no. 6 standing in his name for today, relating to the hours of meeting for 18 June 2009.

**51 CAR DEALERSHIP FINANCING GUARANTEE APPROPRIATION BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Faulkner)—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 Assistant Treasurer (Senator Sherry) the bill was read a third time.

**52 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (PENSION REFORM AND OTHER 2009 BUDGET MEASURES) BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr)—That this bill be now read a second time—*and on the amendment moved by Senator Siewert:*

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

- (a) the pension rate increases in this bill should be extended to the parenting payment single rate and to all recipients of the disability support pension including those who are under age 21 without children, who have been excluded from the rate increase; and
- (b) the rate of Newstart Allowance should be increased to equal the pension rate”.

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, 46

Senators—

Abetz	Coonan	Furner	Polley
Adams (Teller)	Cormann	Humphries	Pratt
Arbib	Crossin	Hutchins	Ronaldson
Back	Eggleston	Kroger	Ryan
Bernardi	Evans	Ludwig	Scullion
Bilyk	Farrell	Macdonald	Sherry
Birmingham	Feeney	Marshall	Sterle
Brown, Carol	Ferguson	McEwen	Troeth
Cameron	Fierravanti-Wells	Moore	Trood
Cash	Fifield	O'Brien	Wortley
Colbeck	Fisher	Parry	
Collins	Forshaw	Payne	

Question negatived.

Main 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.

Question—That the bill be agreed to—divided, at the request of Senator Siewert, in respect of Schedule 11.

Schedule 11 debated.

Question—That Schedule 11 stand as printed—put.

The committee divided—

## AYES, 48

Senators—

Abetz	Collins	Hurley	Parry
Adams	Cormann	Hutchins	Payne
Arbib	Crossin	Joyce	Polley
Back	Evans	Kroger	Pratt
Bilyk	Farrell	Ludwig	Ronaldson
Birmingham	Feeney	Macdonald	Ryan
Bishop	Ferguson	Marshall	Scullion
Brown, Carol	Fierravanti-Wells	McEwen (Teller)	Sherry
Bushby	Fifield	McLucas	Sterle
Cameron	Fisher	Moore	Troeth
Cash	Forshaw	Nash	Williams
Colbeck	Furner	O'Brien	Wortley

## NOES, 7

Senators—

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

Question agreed to.

Question—That the bill be agreed to—divided, at the request of Senator Siewert, in respect of Schedule 14.

Schedule 14 debated and agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Immigration and Citizenship (Senator Evans) the report from the committee was adopted and the bill read a third time.

**53 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2009-2010**

**APPROPRIATION BILL (NO. 1) 2009-2010**

**APPROPRIATION BILL (NO. 2) 2009-2010**

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change and Water (Senator Wong)—That these bills be now read a second time.

Debate resumed.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment in respect of Appropriation Bill (No. 1) 2009-2010 and Appropriation Bill (No. 2) 2009-2010:

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

- (a) again endorses recommendation 1 of the Finance and Public Administration Committee in its report on the additional estimates 2008-09, that the Government respond to the Standing Committee on Appropriations and Staffing reports on the ordinary annual services of the Government as a matter of priority; and
- (b) calls on the Minister for Finance and Deregulation (Mr Tanner) to respond by 12 August 2009 to the longstanding correspondence of the Standing Committee on Appropriations and Staffing on the matter”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 7**

Senators—

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

**NOES, 48**

Senators—

Abetz	Cash	Humphries	Parry
Adams	Colbeck	Hurley	Payne
Arbib	Collins	Hutchins	Polley
Back	Cormann	Kroger	Pratt
Bernardi	Crossin	Ludwig	Ryan
Bilyk	Farrell	Marshall	Scullion
Birmingham	Feeney	Mason	Sherry
Bishop	Ferguson	McEwen	Sterle
Boyce	Fierravanti-Wells	McLucas	Troeth
Brown, Carol	Fifield	Moore	Trood
Bushby (Teller)	Forshaw	Nash	Williams
Cameron	Furner	O'Brien	Wortley

Question negatived.

Main question put and passed.

Bills read a second time.

No amendments to the bills were circulated and the bills were not considered in committee.

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

**54 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following order of the day relating to government documents was considered:

Australian Institute of Health and Welfare—Report for 2007-08. Motion of Senator Williams to take note of document called on. Debate adjourned till Thursday at general business, Senator Ryan in continuation.

**55 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

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

Electoral Matters—Joint Standing Committee—Reports—Advisory report on the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008—Report on the conduct of the 2007 federal election and matters related thereto. Motion of Senator Carol Brown to take note of reports called on. Debate adjourned till the next day of sitting, Senator Birmingham in continuation.

Community Affairs; Education, Employment and Workplace Relations; Environment, Communications and the Arts; Finance and Public Administration; Foreign Affairs, Defence and Trade; Legal and Constitutional Affairs; and Rural and Regional Affairs and Transport—Legislation Committees—Reports—Budget estimates 2009-10. Motion of Senator Cormann to take note of reports called on. On the motion of Senator Birmingham the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Inquiry into Australia's relationship with ASEAN. Motion of Senator Farrell to take note of report agreed to.

Climate Policy—Select Committee—Report—Economics Legislation Committee—Report—Carbon Pollution Reduction Scheme Bill 2009 and related bills [Provisions]. Motion of Senator O'Brien to take note of reports agreed to.

Finance and Public Administration—Standing Committee—Report—Residential and community aged care in Australia. Motion of the chair of the committee (Senator Polley) to take note of report agreed to.

Community Affairs—Standing Committee—Report—Grasping the opportunity of Opal: Assessing the impact of the Petrol Sniffing Strategy. Motion of the chair of the committee (Senator Moore) to take note of report agreed to.

Legal and Constitutional Affairs—Standing Committee—Report—Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008. Motion of Senator Barnett to take note of report agreed to.

Community Affairs—Standing Committee—Report—Government expenditure on Indigenous affairs and social services in the Northern Territory. Motion of Senator Crossin to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Opportunity not opportunism: Improving conduct in Australian franchising. Motion of Senator Williams to take note of report agreed to.

Community Affairs—Standing Committee—Report—Towards recovery: Mental health services in Australia. Motion of the chair of the committee (Senator Moore) to take note of report agreed to.

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

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

Auditor-General—Audit report no. 11 of 2008-09—Performance audit—Disability employment services—Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations. Motion of Senator Parry to take note of document agreed to.

Auditor-General—Audit report no. 37 of 2008-09—Performance audit—Online availability of government entities' documents tabled in the Australian Parliament. Motion of Senator Parry to take note of document agreed to.

Auditor-General—Audit report no. 40 of 2008-09—Performance audit—Planning and allocating aged care places and capital grants—Department of Health and Ageing. Motion of Senator Parry to take note of document agreed to.

Orders of the day nos 4 to 7 relating to reports of the Auditor-General were called on but no motion was moved.

#### 57 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT'S REPORT—GOVERNMENT RESPONSES OUTSTANDING

Acting Deputy President (Senator Trood) tabled the following document:

President's report to the Senate on government responses outstanding to parliamentary committee reports as at 25 June 2009.

#### 58 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

23 June 2009—Message—

No. 16—

*Higher Education Support Amendment (VET FEE-HELP and Providers) Act 2009* (Act No. 39, 2009)

*Nation-building Funds Amendment Act 2009* (Act No. 40, 2009)

*Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Act 2009* (Act No. 41, 2009)

*Tax Laws Amendment (2009 Measures No. 2) Act 2009* (Act No. 42, 2009).

No. 17—

*Social Security Amendment (Training Incentives) Act 2009* (Act No. 43, 2009)

*Social Security Legislation Amendment (Improved Support for Carers) Act 2009* (Act No. 44, 2009)

*Social Security Legislation Amendment (Improved Support for Carers) (Consequential and Transitional) Act 2009* (Act No. 45, 2009).

24 June 2009—Message—

No. 18—

*Defence Legislation Amendment Act (No. 1) 2009* (Act No. 46, 2009)

*Tax Laws Amendment (2009 Measures No. 3) Act 2009* (Act No. 47, 2009).

No. 19—

*Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Act 2009* (Act No. 48, 2009)

*Family Assistance Amendment (Further 2008 Budget Measures) Act 2009* (Act No. 49, 2009)

*Family Assistance Legislation Amendment (Child Care) Act 2009* (Act No. 50, 2009)

*Private Health Insurance (National Joint Replacement Register Levy) Act 2009* (Act No. 51, 2009)

*Social Security and Other Legislation Amendment (Australian Apprentices) Act 2009* (Act No. 52, 2009).

**59 AUDITOR-GENERAL—AUDIT REPORTS NOS 46 AND 47 OF 2008-09—DOCUMENTS**

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

Auditor-General—Audit reports for 2008-09—

No. 46—Performance audit—Business continuity management and emergency management in Centrelink—Centrelink.

No. 47—Performance audit—Management of domestic fishing compliance—Australian Fisheries Management Authority.

**60 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—412TH REPORT**

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

Public Accounts and Audit—Joint Statutory Committee—412th report—Audit reports reviewed during the 41st Parliament—Government response to recommendation 18.

**61 PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT**

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

Parliamentarians' travel paid by the Department of Finance and Deregulation—1 July to 31 December 2008, dated June 2009.

**62 FORMER PARLIAMENTARIANS' TRAVEL COSTS—DOCUMENT**

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

Former parliamentarians' travel paid by the Department of Finance and Deregulation—1 July to 31 December 2008, dated June 2009.

**63 PARLIAMENTARIANS' OVERSEAS STUDY TRAVEL REPORTS—DOCUMENT**

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

Parliamentarians' overseas study travel reports—1 July to 31 December 2008, dated June 2009.

**64 DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT**

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

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2008.

**65 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Trood) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Special Minister of State (Senator Ludwig), by leave, moved—That senators be discharged from and appointed to the Legal and Constitutional Affairs Legislation Committee as follows:

Appointed—

Substitute member: Senator Hutchins to replace Senator Feeney for the committee's inquiry into the provisions of the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009

Participating member: Senator Feeney.

Question put and passed.

**66 NEXT MEETING OF SENATE**

The Special Minister of State (Senator Ludwig) moved—That the Senate, at its rising, adjourn till Tuesday, 11 August 2009, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

**67 LEAVE OF ABSENCE**

The Special Minister of State (Senator Ludwig) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

**68 ADJOURNMENT**

The Special Minister of State (Senator Ludwig) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.09 pm till Tuesday, 11 August 2009 at 12.30 pm.

**69 ATTENDANCE**

Present, all senators except Senators Barnett\*, Brandis\*, Lundy\*, McGauran\* and Stephens\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate