



# Senate Daily Summary

Tuesday, 28 September 2010

The Senate met from 10.30 am until 7.15 pm

## Opening of 43rd Parliament

The Deputy of the Governor-General opened the 43rd Parliament in the Senate chamber. Following a suspension of sitting, the Governor-General [addressed](#) the members of both houses assembled in the Senate chamber. The Senate agreed that the speech will be debated and an Address-in-reply agreed to.

Senators [Humphries](#) and [Lundy](#) (representing the Australian Capital Territory) and [Crossin](#) and [Scullion](#) (representing the Northern Territory) were sworn in.

The Leader of the Government in the Senate advised the Senate of the [Second Gillard Ministry](#) and [party appointments](#) in the Senate.

The Leaders in the Senate of the [Opposition](#), the [Australian Greens](#), and [Family First](#) advised the Senate of various party appointments.

A motion moved by Senator Ludwig to enable the Senate to meet at 9.30 am on 29 September was agreed to and a notice of motion was given to establish the [days of meeting](#) of the Senate for the remainder of 2010.

## Legislation

[For bills and related documents](#)

### **Notices of motion**

To introduce government bills

- ❑ Aviation Crimes and Policing Legislation Amendment Bill 2010—notice given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)
- ❑ Crimes Legislation Amendment Bill 2010—notice given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)
- ❑ Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2010—notice given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)

- ❑ National Measurement Amendment Bill 2010—notice given by the Minister for Innovation, Industry, Science and Research (Senator Carr)
- ❑ Service and Execution of Process Amendment (Interstate Fine Enforcement) Bill 2010—notice given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)
- ❑ Water Efficiency Labelling and Standards Amendment Bill 2010—notice given by the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)

### To introduce private senators' bills

- ❑ Anti-Terrorism Laws Reform Bill 2010—notice given by Senator Ludlam
- ❑ Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Banking Amendment (Delivering Essential Financial Services) Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Building and Construction Industry (Restoring Workplace Rights) Bill 2010—notice given by Senator Siewert
- ❑ Commonwealth Commissioner for Children and Young People Bill 2010—notice given by Senator Hanson-Young
- ❑ Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Commonwealth Radioactive Waste Management (Repeal and Consequential Amendment) Bill 2010—notice given by Senator Ludlam
- ❑ Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010—notice given by Senator Ludlam
- ❑ Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010—notice given by Senator Siewert and the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010—notice given by Senator Ludlam
- ❑ Evidence Amendment (Journalists' Privilege) Bill 2010—notice given by Senator Brandis
- ❑ Fair Work Amendment (Paid Parental Leave) Bill 2010—notice given by Senator Hanson-Young
- ❑ Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2010—notice given by Senator Siewert
- ❑ Food Safety (Trans Fats) Bill 2010—notice given by Senator Siewert
- ❑ Food Standards Amendment (Truth in Labelling Laws) Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010—notice given by Senator Xenophon and the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Marriage Equality Amendment Bill 2010—notice given by Senator Hanson-Young
- ❑ National Integrity Commissioner Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)

- ❑ Ombudsman Amendment (Education Ombudsman) Bill 2010—notice given by Senator Hanson-Young
- ❑ Plastic Bag Levy (Assessment and Collection) Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Plebiscite for an Australian Republic Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Poker Machine (Reduced Losses—Interim Measures) Bill 2010—notice given by Senator Xenophon
- ❑ Preventing the Misuse of Government Advertising Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Protecting Children from Junk Food Advertising (Broadcasting Amendment) Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2010—notice given by Senator Milne
- ❑ Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2010—notice given by Senator Milne
- ❑ Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2010—notice given by Senator Ludlam
- ❑ Stolen Generations Reparations Tribunal Bill 2010—notice given by Senator Siewert
- ❑ Water (Crisis Powers and Floodwater Diversion) Bill 2010—notice given by Senators Xenophon and Hanson-Young

### **Messages from the House of Representatives from the previous Parliament**

- ❑ Broadcasting Legislation Amendment (Digital Television) Bill 2010—agreeing to the amendments made by the Senate [This bill has been assented to]
- ❑ Competition and Consumer Legislation Amendment Bill 2010—reporting the bill
- ❑ Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010—agreeing to the amendments made by the Senate [This bill has been assented to]
- ❑ Healthcare Identifiers Bill 2010 and a related bill—agreeing to the amendments made by the Senate [These bills have been assented to]

### **Bills assented to**

[Assent](#) to a number of laws was reported in the Senate.

See **Committees** for details of reports relating to legislation

## Committees

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[For scheduled public committee hearings](#)

[For committee reports](#)

### Reports tabled

Reports presented out of sitting

- Agricultural and Related Industries Select Committee—
  - Food production in Australia [\[report\]](#)
  - The incidence and severity of bushfires across Australia [\[report\]](#)
- Community Affairs Legislation Committee—
  - Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2009 [\[report\]](#)
  - National Health and Hospitals Network Bill 2010 [\[report\]](#)
  - National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2010 [\[report\]](#)
  - Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009 [\[report\]](#)
  - Poker Machine (Reduced Losses—Interim Measures) Bill 2009 and Protecting Problem Gamblers Bill 2009 [\[report\]](#)
  - Responsible Takeaway Alcohol Hours Bill 2010 [\[report\]](#)
- Community Affairs References Committee—
  - Impact of gene patents on the provision of healthcare in Australia [\[report\]](#)
  - New therapeutic groups under the Pharmaceutical Benefits Scheme [\[report\]](#)
  - Planning options and services for people ageing with a disability [\[report\]](#)
  - The prevalence of interactive and online gambling in Australia [\[report\]](#)
- Economics Legislation Committee—
  - Banking Amendment (Delivering Essential Financial Services for the Community) Bill 2010 [\[report\]](#)
  - Federal Financial Relations Amendment (National Health and Hospitals Network) Bill 2010 [\[report\]](#)
  - Tax Laws Amendment (Public Benefit Test) Bill 2010 [\[interim report\]](#) [\[report\]](#)
- Economics References Committee—
  - Access of small business to finance [\[report\]](#)
  - The regulation, registration and remuneration of insolvency practitioners in Australia: the case for a new framework [\[interim report\]](#) [\[report\]](#)
- Education, Employment and Workplace Relations Legislation Committee—  
Education Services for Overseas Students Legislation Amendment Bill 2010 [\[interim report\]](#)
- Education, Employment and Workplace Relations References Committee—
  - Administration and reporting of NAPLAN testing [\[interim report\]](#)
  - Industry skills councils [\[interim report\]](#)

- Environment, Communications and the Arts Legislation Committee–
  - Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009 [[report](#)]
  - Water (Crisis Powers and Floodwater Diversion) Bill 2010 [[report](#)]
- Environment, Communications and the Arts References Committee–
  - Administration and effectiveness of the Green Loans Program [[interim report](#)]
  - Energy Efficient Homes Package (ceiling insulation) [[second interim report](#)] [[third interim report](#)] [[report](#)]
  - Sustainable management by the Commonwealth of water resources [[second interim report](#)]
- Finance and Public Administration Legislation Committee–Parliamentary Budget Office Bill 2010 [[interim report](#)]
- Finance and Public Administration References Committee–
  - Reform of Australian government administration [[interim report](#)]
  - The funding arrangements for tax reform advertising [[report](#)]
- Foreign Affairs, Defence and Trade Joint Committee–Review of the Defence annual report 2008-09 [[report](#)]
- Foreign Affairs, Defence and Trade Legislation Committee–
  - Australian Civilian Corps Bill 2010 [[report](#)]
  - Autonomous Sanctions Bill 2010 [[report](#)]
  - Defence Legislation Amendment (Security of Defence Premises) Bill 2010 [[report](#)]
- Foreign Affairs, Defence and Trade References Committee–
  - The administration and management of matters relating to Australia’s northern air, sea and land approaches in the region of the Torres Strait [[interim report](#)]
  - Equity and diversity health checks in the Royal Australian Navy – HMAS *Success* [[second interim report](#)]
- Fuel and Energy Select Committee–The mining tax: Still bad for the economy – still bad for jobs [[second interim report](#)] [[report](#)]
- Legal and Constitutional Affairs Legislation Committee–
  - Access to Justice (Family Court Restructure and Other Measures) Bill 2010 [[report](#)]
  - Aviation Crimes and Policing Legislation Amendment Bill 2010 [[report](#)]
  - Civil Dispute Resolution Bill 2010 [[report](#)]
  - Corporations Amendment (Sons of Gwalia) Bill 2010 [[report](#)]
  - Crimes Legislation Amendment Bill 2010 [[report](#)]
  - Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010 [[report](#)]
  - Human Rights (Parliamentary Scrutiny) Bill 2010 and a related bill [[report](#)]
  - Migration Amendment (Visa Capping) Bill 2010 [[report](#)]
  - Military Court of Australia Bill 2010 [[report](#)]
  - Telecommunications Interception and Intelligence Services Legislation Amendment Bill 2010 [[report](#)]

- ❑ Legal and Constitutional Affairs References Committee—Review of government discretionary payments in special circumstances [[interim report](#)]
- ❑ Privileges Committee—Inquiry into the adequacy of advice contained in the *Government Guidelines for Official Witnesses before Parliamentary Committees* and related matters [[report](#)]
- ❑ Public Works Joint Committee—3rd report of 2010—Extension of scope to the Australian SKA Pathfinder Telescope and the Pawsey High Performance Computing Centre for SKA Science [[report](#)]
- ❑ Regional and Remote Indigenous Communities Select Committee—Final report [[report](#)]
- ❑ Rural and Regional Affairs and Transport Legislation Committee—Airports Amendment Bill 2010 [[report](#)]
- ❑ Rural and Regional Affairs and Transport References Committee—
  - Inquiry into the Australian horse industry and an emergency animal disease response agreement [[report](#)]
  - Biosecurity for Chinese apples and the Australia–US cherry trade [[interim report](#)]
  - The effectiveness of Airservices Australia’s management of aircraft noise [[report](#)]

#### Other report

- ❑ Treaties Joint Committee—113th report—Treaty tabled on 12 May 2010 [[report](#)]

#### **[Government responses](#) presented out of sitting**

- ❑ Foreign Affairs, Defence and Trade Joint Committee—Review of the Defence annual report 2007-08
- ❑ Legal and Constitutional Affairs Legislation Committee—Personal Property Securities (Corporations and Other Amendments) Bill 2010
- ❑ Legal and Constitutional Affairs References Committee—Access to justice

#### **Documents tabled**

- ❑ Community Affairs Legislation Committee—Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009; Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009, and Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009—Additional information
- ❑ Community Affairs References Committee—
  - Hear us: Inquiry into hearing health in Australia—Additional information
  - Suicide in Australia—Additional information
- ❑ Legal and Constitutional Affairs Legislation Committee—National Radioactive Waste Management Bill 2010—Additional information
- ❑ Work of Committees—Financial year statistics 2009-10; and half-year statistics: 1 January to 30 June 2010



### **Notices of motion given**

- ❑ To establish estimates hearings—notice given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)
- ❑ To amend standing order 25(1) and allocate departments and agencies to legislative and general purpose standing committees—notice given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)

#### To establish a select committee

- ❑ Reform of the Australian Federation Select Committee—to report by 17 November 2010—notice given by Senator Trood

#### To refer matters to committees

- ❑ Amendments to the standing orders—Procedure Committee—to report by 25 October 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)
- ❑ Standing order 104, relating to the correction of divisions—Procedure Committee—to report by 25 October 2010—notice given by the Leader of the Australian Greens (Senator Bob Brown)

## **Documents**

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### **Delegated legislation**

See [Disallowance Alert](#) for a complete list of notices of motion to disallow (and outcomes)

- ❑ [Clerk's documents](#) were tabled [legislative instruments and other documents required by statute to be tabled, including Governor-General's Proclamations]

#### Notice of motion to disallow given

Senator Kroger gave a [notice of motion](#) to disallow the Extradition (United Arab Emirates) Regulations 2010, as contained in Select Legislative Instrument 2010 No. 36.

### **Orders for the production of documents**

#### Notices of motion given

The following [notices of motion](#) were given by Senator Cormann requiring documents to be tabled by no later than noon on 30 September 2010:

- ❑ Documents relating to the new mining tax proposal
- ❑ Documents relating to estimates of revenue from the Resource Super Profits Tax
- ❑ Documents relating estimates of Revenue from the Resource Super Profits Tax by commodity and by state and territory
- ❑ Documents relating to superannuation and the Henry Tax review

#### Orders with continuing effect

##### *Departmental and agency appointments and vacancies*

A letter of advice for the Resources, Energy and Tourism portfolio was tabled [Lists of appointments made and existing vacancies are [required to be tabled](#) 7 days before the commencement of budget, supplementary budget and additional estimates hearings]

*Departmental and agency contracts published on the Internet*

Letters of advice for various portfolios [see Journals entries [76](#) and [101](#)] were tabled [Letters of advice about certain contracts valued at \$100 000 or more entered into by departments and agencies are [required to be tabled](#) twice a year]

*Departmental and agency grants*

A letter of advice for the Resources, Energy and Tourism portfolio was tabled [Lists of all grants approved are [required to be tabled](#) 7 days before the commencement of budget, supplementary budget and additional estimates hearings]

*Indexed lists of departmental and agency files published on the Internet*

Statements of compliance for [various agencies](#) were tabled [Letters of advice about certain files created by departments and agencies are [required to be tabled](#) twice a year]

**Documents tabled**

Presented since the last sitting of the Senate

- Auditor-General–[Audit reports](#) nos 1 to 8 of 2010-11
- [Government documents](#)

Other documents

- 41st Conference of Australian and Pacific Presiding Officers and Clerks–Darwin, Australia–3 to 8 July 2010–Report
- Australian Parliamentary Delegation Reports–
  - 18th annual meeting of the Asia Pacific Parliamentary Forum–Singapore–17 to 23 January 2010
  - 55th Commonwealth Parliamentary Association Conference–Tanzania and Rwanda–26 September to 6 October 2009
  - European parliaments and institutions–23 to 30 April 2010 [a [motion](#) to take note of the report was agreed to]
  - Republic of Korea–28 February to 4 March 2010
- [Business of the Senate](#)–1 January to 30 June 2010 [a digest of all business considered by the Senate in the first half of 2010]
- Odgers' Australian Senate Practice*–Supplement to the 12th edition–[Updates](#) to 30 June 2010
- Ordinary annual services of Government–Letter from the then Minister for Finance and Deregulation (Mr Tanner)
- Petition to the Court of Disputed Returns–Matter of Hawkins v Abetz
- [Questions on Notice Summary](#)–12 February 2008 to 19 July 2010
- Regional Forest Agreement between the Commonwealth and Victoria–Inquiry on the progress with implementation of the Victorian Regional Forest Agreements–Final report
- Responses to Senate resolutions about:
  - Bisphenol A–from the First Assistant Secretary, Regulatory Policy and Governance Division, Department of Health and Ageing (Ms Mary McDonald) [resolution agreed to [12 May 2010](#)] [a [motion](#) to take note of the document was agreed to]



- China and Taiwan—from the Chinese Ambassador (His Excellency Mr Junsai Zhang) and the Minister of Foreign Affairs, Republic of China (Taiwan) (Mr Timothy Chin-tien Yang) [resolution agreed to [24 June 2010](#)]
- Strategic Indigenous Housing and Infrastructure Program—from the Auditor-General (Mr Ian McPhee) [resolution agreed to [13 May 2010](#)]

### Ministerial statement tabled

The President tabled a ministerial statement and related documents by the then Minister for Climate Change, Energy Efficiency and Water (Senator Wong) about the Green Loans Program which was presented out of sitting.

### Other business

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[Adjournment debate—first speaker](#)

### Death of Australian Defence Force Personnel

The Leader of the Government in the Senate (Senator Evans) [moved](#) that the Senate records its deep sorrow at the death of Private Nathan Bewes, Trooper Jason Brown, Private Tomas Dale, Private Grant Kirby and Lance Corporal Jared MacKinney while on combat operations in Afghanistan. The motion was supported. [[first speaker](#)]

### Death of Senate officer

Statements by leave were made relating to the death of Senate Officer, Mr Neil Bessell [[first speaker](#)].

### Temporary chairs of committees

A warrant was tabled nominating [various senators](#) as temporary chairs of committees.

### Notices of motion

[Notices of motion](#) given today are available in the Senate Journals.

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#### Online

The *Senate Daily Summary* is available on the Internet at [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

It is issued by the Senate Table Office as a convenient summary of each day's proceedings in the Senate. For a complete account see the official record, the *Journals of the Senate*, on the Internet at <http://www.aph.gov.au/senate/pubs/index.htm>

#### Related resources

The *Order of Business* (or 'Senate Red') and the *Dynamic Red* (which updates the *Order of Business* throughout the sitting day) are also available on the Internet at [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

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