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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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1 MEETING OF SENATE

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

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2007-08.

Australian Meat and Live-stock Industry Act 1997—Funding agreement between the Commonwealth of Australia and Australian Livestock Export Corporation Limited.

Civil Aviation Safety Authority (CASA)—Corporate plan 2008-09 to 2010-11.

Dairy Produce Act 1986—Funding deed between the Commonwealth of Australia and Dairy Australia Limited, 18 April 2007.

Department of the Prime Minister and Cabinet—Expenditure on travel by former Governors-General paid by the department for the period 1 January to 30 June 2008.

3 UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement relating to remarks made by Senator McGauran during debate on the nation building and jobs plan package of bills on 5 February 2009.

4 ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas), by leave, moved—That questions without notice and motions to take note of answers shall not be proceeded with today.

Debate ensued.

Question put and passed.

5 SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 2 OF 2009

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan) tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 2 of 2009, dated 10 February 2009.

**6 APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 1) 2008-2009
APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 2) 2008-2009
HOUSEHOLD STIMULUS PACKAGE BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS)
BILL 2009
COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009**

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

Debate resumed.

Declaration of interest: The Leader of the Opposition in the Senate (Senator Minchin) declared an interest in relation to the bills.

Documents: Senator Macdonald, by leave, tabled the following documents:

Nation building and jobs plan—Road infrastructure—Queensland floods—Pictures of flooded roads and bridges [4].

Debate continued.

At 2 pm: Debate was interrupted while Senator Birmingham was speaking.

7 NOTICES

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

(a) notes that:

- (i) on 25 November 2008, the Senate urged the Australian Government to set a timeline for legal proceedings in an international court to stop illegal Japanese whaling if Japan does not commit to stop whaling by 8 December 2008,
- (ii) Japanese whaling operations continued past this deadline, and
- (iii) no such legal action has been undertaken by the Government;

(b) urges the Government to:

- (i) strongly oppose the proposal in the document, ‘The Future of the IWC’, currently before the International Whaling Commission, which seeks to legitimise Japanese whaling operations, and
- (ii) explain why it has not yet commenced international legal action to stop illegal Japanese whaling; and

(c) condemns the violent actions of the Japanese whaling fleet, who have reportedly thrown metal balls at environmental activists, and used acoustic weapons to send out painful high frequency waves. (*general business notice of motion no. 351*)

The Chair of the Legal and Constitutional Affairs Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of reports of the Legal and Constitutional Affairs Committee be extended as follows:

- (a) exposure draft of the Personal Property Securities Bill 2008—to 5 March 2009;
- (b) provisions of the Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008—to 26 February 2009; and
- (c) provisions of the Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008—to 26 February 2009. (*general business notice of motion no. 352*)

The Chair of the Economics Committee (Senator Hurley): To move on the next day of sitting—That the report of the Economics Committee on bank mergers be presented by 17 September 2009. (*general business notice of motion no. 353*)

The Chair of the Education, Employment and Workplace Relations Committee (Senator Marshall): To move on the next day of sitting—That the time for the presentation of the report of the Education, Employment and Workplace Relations Committee on the oversight of the child care industry be extended to 18 June 2009. (*general business notice of motion no. 354*)

The Chair of the Finance and Public Administration Committee (Senator Polley): To move on the next day of sitting—That the Finance and Public Administration Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 February 2009, from 3.30 pm, to take evidence for the committee's inquiry into the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 [2009]. (*general business notice of motion no. 355*)

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

- (a) notes the extensive and internationally-recognised work of the Bushfire Cooperative Research Centre in Melbourne, Victoria; and
- (b) recommends the Government assess the value of upgrading the centre to be a global wildfire research facility. (*general business notice of motion no. 356*)

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen): To move on the next day of sitting—That the report of the Environment, Communications and the Arts Committee on the effectiveness of the *Environment Protection and Biodiversity Conservation Act 1999* and other programs in protecting threatened species and ecological communities be presented as follows:

- (a) first report—by 11 March 2009; and
- (b) final report—on 24 April 2009. (*general business notice of motion no. 357*)

8 DEATH OF MR HUSSEIN ALI YOUSUFI

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 350 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) acknowledges:
 - (i) the contribution made to Australia by the 5 000 Hazaras now living in Australia, and
 - (ii) recent reports of discrimination and violence against Hazaras living in Afghanistan and Pakistan; and
- (b) sends its condolences to the family and supporters of Mr Hussein Ali Yousufi, the Leader of the Hazara Democratic Party, who was assassinated in Quetta City on Australia Day 2009.

Question put and passed.

9 FOREIGN AFFAIRS—SRI LANKA

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 349—That the Senate—

- (a) expresses its concern about the high number of civilian deaths and injuries that have occurred as a result of people being caught in the crossfire of Sri Lanka's civil war;

- (b) supports calls on the Sri Lankan Government from the United Nations, the Red Cross and Amnesty International to ensure the safety of civilians in war-torn areas and their safe passage out of those areas; and
- (c) supports calls on the Sri Lankan Government to lift bans on journalists and aid workers entering war zones.

Question put and passed.

10 ENVIRONMENT—TASMANIA—GREENHOUSE GAS EMISSIONS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 347—That there be laid on the table, by 1 March 2009, an analysis of greenhouse gas emissions from the logging of native forests in Tasmania in public and private forests, including an assessment for:

- (a) the total amount for each year from 2000 to 2008;
- (b) the component due to regeneration burning for each year from 2000 to 2008;
- (c) the component due to export woodchips for each year from 2000 to 2008;
- (d) the component due to waste from other losses accrued in transport and manufacturing for each year from 2000 to 2008;
- (e) the component caused by bushfires for each year from 2000 to 2008; and
- (f) the component of (e) for each year arising from logging operations.

Statement by leave: The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 53

Senators—

Arbib	Coonan	Humphries	Payne
Bernardi	Cormann	Hurley	Polley
Bilyk	Crossin	Hutchins	Pratt
Birmingham	Eggleston	Johnston	Sherry
Bishop	Farrell	Kroger	Stephens
Boyce	Faulkner	Lundy	Sterle
Brandis	Feeny	Marshall	Troeth
Brown, Carol	Ferguson	Mason	Trood
Cameron	Fierravanti-Wells	McEwen	Williams
Carr	Fisher	McLucas	Wong
Cash	Forshaw	Moore	Wortley
Colbeck	Furner	Nash	
Collins	Heffernan	O'Brien	
Conroy	Hogg	Parry (Teller)	

Question negatived.

11 GOVERNMENT DOCUMENTS

The President tabled the following documents received on 6 February 2009:

Estimates of proposed supplementary additional expenditure for 2008-09—
Portfolio supplementary additional estimates statements—Portfolios and executive
departments—Education, Employment and Workplace Relations.

Surveillance Devices Act 2004—Report for 2007-08 on the operation of the Act.

12 AUDITOR-GENERAL—AUDIT REPORT NO. 21 OF 2008-09—DOCUMENT

The President tabled the following document:

Auditor-General—Audit report no. 21 of 2008-09—Performance audit—The
approval of small and medium sized business system projects—Department of
Education, Employment and Workplace Relations; Department of Health and
Ageing; Department of Veterans' Affairs.

13 BUSHFIRES IN VICTORIA—DOCUMENT

The President tabled the following document:

Bushfires in Victoria—Letter of condolence from the Secretary-General of the
Commonwealth Parliamentary Association (Dr Shija), dated 9 February 2009.

14 PRIVILEGES—STANDING COMMITTEE—137TH REPORT

The Chair of the Standing Committee of Privileges (Senator Brandis) tabled the
following report:

Privileges—Standing Committee—137th report—Persons referred to in the
Senate—Mr Anthony and Mrs Brenda Bird, members of the Exclusive Brethren,
dated February 2009.

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

Senator Brandis, by leave, moved—That the report be adopted.

Debate ensued.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

15 PRIVILEGES—STANDING COMMITTEE—136TH REPORT

The Chair of the Standing Committee of Privileges (Senator Brandis) tabled the
following report:

Privileges—Standing Committee—136th report—Persons referred to in the
Senate—Mr Barry Williams, President of the Lone Fathers Association of
Australia Inc, dated February 2009.

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

Senator Brandis, by leave, moved—That the report be adopted.

Debate ensued.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

16 DOCUMENTS

The following documents were tabled by the Clerk:

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

Agricultural and Veterinary Chemicals Code Act—Select Legislative Instrument 2009 No. 1—Agricultural and Veterinary Chemicals Code Amendment Regulations 2009 (No. 1) [F2009L00269]*.

Airports Act—Select Legislative Instrument 2009 No. 8—Airports Amendment Regulations 2009 (No. 1) [F2009L00254]*.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 2 of 2009—Information provided by general insurers under certain reporting standards [F2009L00251]*.

Charter of the United Nations Act—

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 1) [F2009L00289]*.

Select Legislative Instrument 2009 No. 6—Charter of the United Nations (Sanctions) Amendment Regulations 2009 (No. 1) [F2009L00282]*.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 50/09—Instructions – for approved use of P-RNAV procedures [F2009L00160]*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/B737/352—Air Conditioning Outlet Extrusion Support Brackets [F2009L00272]*.

AD/BAe 146/136—Fixed Wing Leading Edge and Front Spar Structure [F2009L00274]*.

AD/BELL 47/31—Lateral Cyclic Torque Tube Safety Washers [F2009L00151]*.

AD/BELL 47/34—Stewart Warner 439212 Fuel Quantity Gauge Unit – Modification and Replacement [F2009L00153]*.

AD/BELL 47/87 Amdt 1—Stabiliser Bar Damper Frame Clamp [F2009L00159]*.

AD/DA40/6 Amdt 1—Nose Landing Gear Leg [F2009L00276]*.

AD/PA-23/62—Engine Lower Air Scoops and Fairings – Fluid Drainage Provision [F2009L00197]*.

AD/PA-23/80—Fuel Line and Electrical Harness – Inspection [F2009L00205]*.

AD/PA-23/83—Heater Fuel Regulator Valve Shroud – Drain Modification [F2009L00206]*.

AD/PA-23/86—Ammeter Cable Clamp – Inspection and Replacement [F2009L00217]*.

AD/PITTS S-2/13—Fuselage Mounted Main Fuel Tank Filler Cap – Modification [F2009L00218]*.

AD/S-PUMA/78 Amdt 2—Main Rotor Blade De-Icing System Clamps [F2009L00283]*.

AD/SWSA226/93—Rudder Gust Lock [F2009L00219]*.

AD/TBM 700/50 Amdt 1—Alternator and Vapour Cycle Cooling System Pulley Drive Assembly [F2009L00220]*.

107—

AD/ELECT/12—Briggs and Stratton AAF Type B5 Ignition Switches – Modification [F2009L00171]*.

AD/FSM/31 Amdt 2—Fuel Injection Servo Plugs [F2009L00247]*.

Instruments Nos CASA—

82/09—Directions – Qantas Airways Limited [F2009L00302]*.

EX06/09—Exemption – use of radio-navigation aids by Airservices Australia [F2009L00133]*.

Commissioner of Taxation—Public Rulings—Taxation Rulings—

Old series—Notice of Withdrawal—IT 2138.

TR 2009/1.

Commonwealth Authorities and Companies Act—Select Legislative Instrument 2009 No. 5—Commonwealth Authorities and Companies Amendment Regulations 2009 (No. 1) [F2009L00250]*.

Corporations Act—Select Legislative Instrument 2009 No. 12—Corporations Amendment Regulations 2009 (No. 1) [F2009L00288]*.

Crimes Act—Select Legislative Instrument 2009 No. 3—Crimes Amendment Regulations 2009 (No. 1) [F2009L00231]*.

Defence Act—Determinations under section 58B—Defence Determinations—

2009/6—Deployment allowance and additional risk insurance – amendment.

2009/7—Disturbance allowance and vehicle allowance – amendment.

2009/8—Choice accommodation – amendment.

2009/9—Post indexes – amendment.

Family Law Act—Select Legislative Instruments 2009 Nos—

17—Family Law Amendment Regulations 2009 (No. 1) [F2009L00262]*.

18—Family Law (Family Dispute Resolution Practitioners) Amendment Regulations 2009 (No. 1) [F2009L00291]*.

19—Family Law (Superannuation) Amendment Regulations 2009 (No. 1) [F2009L00263]*.

Financial Management and Accountability Act—Determination 2009/3—Section 32 (Transfer of functions from ACCC to Treasury) [F2009L00266]*.

Fisheries Levy Act—Select Legislative Instrument 2009 No. 2—Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2009 (No. 1) [F2009L00237]*.

Income Tax Assessment Act 1997—Select Legislative Instrument 2009 No. 13—Income Tax Assessment Amendment Regulations 2009 (No. 1) [F2009L00235]*.

Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 125.

Marine Navigation Collection Act—Select Legislative Instrument 2009 No. 9—Marine Navigation Levy Collection Amendment Regulations 2009 (No. 1) [F2009L00286]*.

Marine Navigation (Regulatory Functions) Levy Collection Act—Select Legislative Instrument 2009 No. 10—Marine Navigation (Regulatory Functions) Levy Collection Amendment Regulations 2009 (No. 1) [F2009L00287]*.

Maritime Transport and Offshore Facilities Security Act—Select Legislative Instrument 2009 No. 11—Maritime Transport and Offshore Facilities Security Amendment Regulations 2009 (No. 1) [F2009L00256]*.

Migration Act—Migration (United Nations Security Council Resolutions) Regulations—Instrument IMMI 08/125—Specification of United Nations Security Council Resolutions [F2009L00299]*.

Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2009 No. 4—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2009 (No. 1) [F2009L00224]*.

Private Health Insurance Act—Private Health Insurance (Prostheses) Rules 2009 (No. 1) [F2009L00265]*.

Radiocommunications Act—Radiocommunications (Trading Rules for Spectrum Licences) Amendment Determination 2009 (No. 1) [F2009L00280]*.

Retirement Savings Accounts Act—Select Legislative Instrument 2009 No. 14—Retirement Savings Accounts Amendment Regulations 2009 (No. 1) [F2009L00257]*.

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2009 No. 15—Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 1) [F2009L00258]*.

Superannuation (Unclaimed Money and Lost Members) Act—Select Legislative Instrument 2009 No. 16—Superannuation (Unclaimed Money and Lost Members) Amendment Regulations 2009 (No. 1) [F2009L00255]*.

Sydney Airport Curfew Act—Dispensation Report 02/09.

Governor-General's Proclamation—Commencement of provisions of Acts

Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008—Items 1 to 4 of Schedule 1 and item 1 of Schedule 4—1 March 2009 [F2009L00264].*

Interstate Road Transport Charge Amendment Act (No. 2) 2008—Schedule 1—12 February 2009 [F2009L00278].*

Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008—Parts 1 and 4 of Schedule 10—15 March 2009 [F2009L00259].*

* Explanatory statement tabled with legislative instrument.

17 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency appointments and vacancies—Additional estimates—Letter of advice—Resources, Energy and Tourism portfolio agencies.

18 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Additional estimates—Letter of advice—Resources, Energy and Tourism portfolio agencies.

19 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received a letter nominating a senator to be a member of a committee.

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That Senator Ludlam be appointed to the Select Committee on the National Broadband Network.

Question put and passed.

**20 APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 1) 2008-2009
APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 2) 2008-2009
HOUSEHOLD STIMULUS PACKAGE BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS)
BILL 2009
COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009**

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

Debate resumed.

Debate adjourned till a later hour, Senator Xenophon in continuation.

At 7.30 pm—

**21 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—REPORT—
NATION BUILDING AND JOBS PLAN BILLS**

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

Finance and Public Administration—Standing Committee—Nation building and jobs plan: Inquiry into the Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 and 5 related bills—Report, dated February 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**22 COMMUNITY AFFAIRS—STANDING COMMITTEE—REPORT—APPROPRIATION
(NATION BUILDING AND JOBS) BILL (NO. 2) 2008-2009**

The Chair of the Community Affairs Committee (Senator Moore) tabled the following report and documents:

Community Affairs—Standing Committee—Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009: Provisions relating to the social housing program—Report, dated February 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

- 23 **APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 1) 2008-2009**
APPROPRIATION (NATION BUILDING AND JOBS) BILL (NO. 2) 2008-2009
HOUSEHOLD STIMULUS PACKAGE BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS BILL 2009
TAX BONUS FOR WORKING AUSTRALIANS (CONSEQUENTIAL AMENDMENTS)
BILL 2009
COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2009

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

Debate resumed.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the debate was adjourned till the next day of sitting.

24 **ADJOURNMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 8.26 pm till Wednesday, 11 February 2009 at 9.30 am.

25 **ATTENDANCE**

Present, all senators except Senators Adams*, McGauran and Ronaldson (* on leave).

HARRY EVANS
Clerk of the Senate