

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 59

THURSDAY, 12 FEBRUARY 2009

AND

FRIDAY, 13 FEBRUARY 2009

Contents

1	Meeting of Senate.....	1601
2	Death of Former Member Neil McNeill	1601
3	Routine of Business—Variation	1601
4	Petitions.....	1601
5	Notices.....	1601
6	Leave of Absence	1602
7	Environment, Communications and the Arts—Standing Committee— Reference	1602
8	Regional and Remote Indigenous Communities—Select Committee— Extensions of Time to Report.....	1603
9	Treaties—Joint Standing Committee—Leave to Meet During Sitting	1603
10	Rural and Regional Affairs and Transport—Standing Committee—Leave to Meet During Sitzings	1603
11	Community Affairs—Standing Committee—Reference.....	1603
12	Carbon Pollution Reduction Scheme—Treasury Modelling—Order for Production of Documents	1605
13	Nation Building and Jobs Plan—Personal Explanation	1605
14	Carbon Pollution Reduction Scheme—Treasury Modelling—Proposed Order for Production of Documents.....	1605
15	Procedure—Standing Committee—First Report of 2009.....	1606
16	Legal and Constitutional Affairs—Standing Committee—Additional Information—Budget Estimates 2008-09.....	1606
17	Intelligence and Security—Joint Statutory Committee—Report—Review of the Re-listing of Abu Sayyaf Group, Jamiat ul-Ansar and Al-Qa’ida in Iraq.....	1607
18	Tax Laws Amendment (Taxation of Financial Arrangements) Bill 2008 Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008.....	1607
19	Economics—Standing Committee—Report—Tax Agent Services Bill 2008...	1607

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	1608
21	President of the Senate—Official Visit to the Republic of Singapore and the Republic of Korea—Document	1610
22	Bushfires in Victoria—Documents	1610
23	Selection of Bills—Standing Committee—Report No. 2 of 2009	1610
24	Documents	1611
25	Departmental and Agency Grants—Order for Production of Documents— Document	1612
26	Committee Membership	1612
27	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	1613
28	Suspension of Sitting	1617
29	Prayers	1617
30	Bushfires in Victoria—Document	1617
31	Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008	
	Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008	
	Employment and Workplace Relations Amendment Bill 2008	
	Tax Agent Services Bill 2008	1617
32	Committee Membership	1618
33	Legal and Constitutional Affairs—Standing Committee—Extension of Time to Report	1618
34	Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 [No. 2]	
	Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009 [No. 2]	
	Household Stimulus Package Bill (No. 2) 2009	
	Tax Bonus for Working Australians Bill (No. 2) 2009	
	Tax Bonus for Working Australians (Consequential Amendments) Bill (No. 2) 2009	
	Commonwealth Inscribed Stock Amendment Bill 2009 [No. 2]	1618
35	Adjournment	1620
36	Attendance	1621

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 DEATH OF FORMER MEMBER NEIL MCNEILL

The President informed the Senate of the death, on 8 February 2009, of Neil McNeill, a member of the House of Representatives for the division of Canning from 1961 to 1963.

3 ROUTINE OF BUSINESS—VARIATION

The Minister for Human Services (Senator Ludwig), by leave, moved—That, on Thursday, 12 February 2009:

- (a) questions without notice and motions to take note of answers shall not be proceeded with;
- (b) 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;
- (c) the routine of business from not later than 3.45 pm shall be government business only; and
- (d) divisions may take place after 4.30 pm.

Debate ensued.

Question put and passed.

4 PETITIONS

The following 3 petitions, lodged with the Clerk by Senator Siewert, were received:

Three petitions, similar in wording, from 6 230, 1 161 and 1 030 petitioners, requesting that the Senate take action to end the export of live animals from Australia to the Middle East.

5 NOTICES

Notice of motion: Senator Williams, pursuant to standing order 76(6), gave a notice of motion in general terms, as follows: To move on 11 March 2009—That a joint select committee, to be known as the Joint Select Committee on Banking and Financial Practices, be established to inquire into and report on banking and financial practices in Australia. (*general business notice of motion no. 362*)

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in her name for 14 sitting days after today for the disallowance of Accounting Standard AASB 2008-10, made under section 334 of the *Corporations Act 2001*.

Senator Wortley, by leave, made a statement relating to the notice of intention.

6 LEAVE OF ABSENCE

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator McLucas for 12 February and 13 February 2009, for personal reasons.

Question put and passed.

7 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—REFERENCE

The Chair of the Environment, Communications and the Arts Committee (Senator McEwen), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 14 May 2009:

The reporting of sports news and the emergence of digital media, with particular reference to:

- (a) the balance of commercial and public interests in the reporting and broadcasting of sports news;
- (b) the nature of sports news reporting in the digital age, and the effect of new technologies (including video streaming on the Internet, archived photo galleries and mobile devices) on the nature of sports news reporting;
- (c) whether and why sporting organisations want digital reporting of sports regulated, and what should be protected by such regulation;
- (d) the appropriate balance between sporting and media organisations' respective commercial interests in the issue;
- (e) the appropriate balance between regulation and commercial negotiation in ensuring that competing organisations get fair access to sporting events for reporting purposes;
- (f) the appropriate balance between the public's right to access alternative sources of information using new types of digital media, and the rights of sporting organisations to control or limit access to ensure a fair commercial return or for other reasons;
- (g) should sporting organisations be able to apply frequency limitations to news reports in the digital media;
- (h) the current accreditation processes for journalists and media representatives at sporting events, and the use of accreditation for controlling reporting on events; and
- (i) options other than regulation or commercial negotiation (such as industry guidelines for sports and news agencies in sports reporting, dispute resolution mechanisms and codes of practice) to manage sports news to balance commercial interests and public interests.

Question put and passed.

**8 REGIONAL AND REMOTE INDIGENOUS COMMUNITIES—SELECT COMMITTEE—
EXTENSIONS OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Select Committee on Regional and Remote Indigenous Communities (Senator Scullion) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 359—That the time for the presentation of the 2009 reports of the Select Committee on Regional and Remote Indigenous Communities be extended to 15 June 2009 and 26 November 2009.

Question put and passed.

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

Senator O'Brien, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator McGauran) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 360—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 10 March 2009, from 7 pm.

Question put and passed.

**10 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—LEAVE
TO MEET DURING SITTINGS**

Senator O'Brien, at the request of the Chair of the Rural and Regional Affairs and Transport Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 361—That the Rural and Regional Affairs and Transport Committee be authorised to hold public meetings during the sittings of the Senate, from 3.30 pm to 6.30 pm, as follows:

- (a) on Tuesday, 10 March 2009 to take evidence for the committee's inquiry into the management of the Murray-Darling Basin system;
- (b) on Wednesday, 11 March and Thursday, 12 March 2009 to take evidence for the committee's inquiry into the import risk analysis for the importation of Cavendish bananas from the Philippines;
- (c) on Tuesday, 17 March 2009 to take evidence for the committee's inquiry into meat marketing; and
- (d) on Thursday, 19 March 2009 to take evidence for the committee's inquiry into public passenger transport in Australia.

Question put and passed.

11 COMMUNITY AFFAIRS—STANDING COMMITTEE—REFERENCE

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That—

- (1) The provisions of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 be referred to the Community Affairs Committee for inquiry and report by 13 March 2009, together with the following matter:

The impact of the tax on ready-to-drink alcoholic beverages, the so-called 'alcopops' tax, since its introduction on 27 April 2008, with particular reference to:

- (a) the revenues raised under the alcopops tax measure;
- (b) substitution effects flowing from the alcopops tax measure;

- (c) changes in consumption patterns of ready-to-drink alcoholic beverages by sex and age group following the introduction of the alcopops tax;
 - (d) changes in consumption patterns of all alcoholic beverages by sex and age group following the introduction of the alcopops tax;
 - (e) any unintended consequences flowing from the introduction of the alcopops tax, such as the development of so-called ‘malternatives’ (beer-based ready-to-drink beverages);
 - (f) evidence of the effectiveness of the Government’s changes to the alcohol excise regime in reducing the claims of excessive consumption of ready-to-drink alcohol beverages;
 - (g) any evidence of changes to at risk behaviour or health impacts (either positive or negative) as a result of the introduction of the alcopops tax;
 - (h) comparison of the predicted effects of the introduction of the alcopops tax, with the data of actual effects, with a particular focus on evidence (or lack thereof) collected by the relevant department; and
 - (i) the value of evidence-based decision-making in the taxation of alcoholic products.
- (2) In conducting its inquiry, the committee must take evidence from the:
- (a) Alcohol and other Drugs Council of Australia;
 - (b) National Drug Research Institute;
 - (c) Winemakers’ Federation of Australia;
 - (d) Independent Distillers Australia;
 - (e) Australian Institute of Health and Welfare;
 - (f) Public Health Association of Australia;
 - (g) Australian Hotels Association;
 - (h) Distilled Spirits Industry Council of Australia;
 - (i) Australian Drug Foundation;
 - (j) National Drug and Alcohol Research Centre;
 - (k) Australian Medical Association;
 - (l) Australasian Associated Brewers;
 - (m) Department of Health and Ageing;
 - (n) Preventative Health Taskforce; and
 - (o) Department of the Treasury.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 30

Senators—

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

Question agreed to.

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

The Chair of the Select Committee on Fuel and Energy (Senator Cormann), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 358—

- (1) That the Senate orders that the following information be produced to the Select Committee on Fuel and Energy by noon on Friday 13 February 2009:
 - (a) the information referred to in paragraph (b) of the Senate's order for documents of 4 February 2009 relating to the Department of the Treasury modelling, *Australia's Low Pollution Future: The economics of climate change mitigation*; and
 - (b) any information and documents generated by the government for the purpose of the composition of that information.
- (2) That the committee may make the information described in paragraph (1) available to the person contracted by the committee and referred to in paragraph (a) of the Senate's order of 4 February 2009, and any person appointed by the leader of a party in the Senate or an independent senator, duly notified to the committee, to examine that information and report to that senator.
- (3) That the committee, any senator and any other person referred to in paragraph (2) treat the information produced in accordance with paragraph (1)(a) of this order as confidential, and not publish the information to any other person except as authorised by this order.
- (4) That the committee may refer to the information produced to it in accordance with this order and any conclusions reached from it in a report to the Senate, but shall not disclose the information in such a report.

Question put and passed (*but see entry no. 14*).

13 NATION BUILDING AND JOBS PLAN—PERSONAL EXPLANATION

Senator Humphries, by leave, made a personal explanation relating to an article in the *Canberra Times* of 9 February 2009 concerning the nation building and jobs plan and comments made by Senator Polley on 11 February 2009.

14 CARBON POLLUTION REDUCTION SCHEME—TREASURY MODELLING—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Milne asked that the question on general business notice of motion no. 358 be put again (*see entry no. 12*).

Leave was granted for the question to be put again.

Question—That the motion be agreed to—put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 33

Senators—

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

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

15 PROCEDURE—STANDING COMMITTEE—FIRST REPORT OF 2009

The Chair of the Procedure Committee (Senator Ferguson) tabled the following report:

Procedure—Standing Committee—First report of 2009—Restructuring question time; Legislative and general purpose standing committees; Temporary orders, dated February 2009.

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

Senator Ferguson, by leave, moved—That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

Question put and passed.

16 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2008-09

Senator O'Brien, at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), tabled the following additional information received by the committee:

Legal and Constitutional Affairs—Standing Committee—Budget estimates 2008-09 (Supplementary)—Additional information received between 3 December 2008 and 10 February 2009—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

**17 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—
REVIEW OF THE RE-LISTING OF ABU SAYYAF GROUP, JAMIAT UL-ANSAR AND
AL-QA'IDA IN IRAQ**

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 Abu Sayyaf Group, Jamiat ul-Ansar and Al-Qa'ida in Iraq—Report, dated February 2009.

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

Question put and passed.

**18 TAX LAWS AMENDMENT (TAXATION OF FINANCIAL ARRANGEMENTS) BILL 2008
TRADE PRACTICES AMENDMENT (CARTEL CONDUCT AND OTHER MEASURES)
BILL 2008**

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

Message no. 251, dated 11 February 2009—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 250, dated 11 February 2009—A Bill for an Act to amend the *Trade Practices Act 1974*, and for other purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) 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 Sherry moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

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

Question put and passed.

**19 ECONOMICS—STANDING COMMITTEE—REPORT—TAX AGENT SERVICES
BILL 2008**

Pursuant to order, Senator O'Brien, at the request of the Chair of the Economics Committee (Senator Hurley), tabled the following report and documents:

Economics—Standing Committee—Tax Agent Services Bill 2008 [Provisions]—Report, dated February 2009, Hansard record of proceedings and submissions.

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

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 further consideration of the bills in committee of the whole.

In the committee

Consideration resumed of the bills.

Bills further debated.

Explanatory memoranda: The Minister for Superannuation and Corporate Law (Senator Sherry) tabled supplementary explanatory memoranda [2] relating to the government amendments to be moved to the Household Stimulus Package Bill 2009 and the Tax Bonus for Working Australians Bill 2009.

Senator Sherry moved the following amendments in respect of the Household Stimulus Package Bill 2009 together by leave:

Schedule 3, item 3, page 20 (line 24), omit “\$950”, substitute “\$900”.

Schedule 3, item 3, page 20 (line 26), omit “\$950”, substitute “\$900”.

Schedule 3, item 3, page 20 (line 32), omit “\$950”, substitute “\$900”.

Schedule 3, item 3, page 21 (line 2), omit “\$950”, substitute “\$900”.

Schedule 3, item 3, page 21 (line 9), omit “\$950”, substitute “\$900”.

Schedule 3, item 3, page 21 (line 18), omit “\$950”, substitute “\$900”.

Debate ensued.

Closure: Senator Bushby moved—That the question be now put.

Question—That the question be now put—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 35

Senators—

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

Question negatived.

Debate continued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 35

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

Explanatory memorandum: Senator Sherry tabled a replacement supplementary explanatory memorandum relating to the government amendments to be moved to the Household Stimulus Package Bill 2009.

Senator Sherry moved the following amendments in respect of the Tax Bonus for Working Australians Bill 2009 together by leave:

Clause 6, page 4 (line 16), omit “\$950”, substitute “\$900”.

Clause 6, page 4 (line 18), omit “\$650”, substitute “\$600”.

Clause 6, page 4 (line 20), omit “\$300”, substitute “\$250”.

Closure: Senator Abetz moved—That the question be now put.

Question—That the question be now put—put and negatived.

Debate ensued.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Marshall) reported progress.

21 PRESIDENT OF THE SENATE—OFFICIAL VISIT TO THE REPUBLIC OF SINGAPORE AND THE REPUBLIC OF KOREA—DOCUMENT

The President tabled the following document:

Official visit to the Republic of Singapore and the Republic of Korea—Report on the visit by the President of the Senate to Singapore and Korea, 13 to 20 December 2008, dated December 2008.

22 BUSHFIRES IN VICTORIA—DOCUMENTS

The President tabled the following documents:

Bushfires in Victoria—Letters of condolence to the President of the Senate from—
Speaker of the Parliament of Singapore (Mr Abdullah Tarmugi), dated 10 February 2009.

Chairman of the Shura Council, Kingdom of Bahrain (Mr Ali Bin Saleh Al Saleh), dated 11 February 2009.

23 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 2 OF 2009

Senator Farrell, 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. 2 OF 2009

1. The committee met in private session on Thursday, 12 February 2009 at 12.46 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Federal Financial Relations Bill 2009 **and a related bill** be *referred immediately* to the Economics Committee for inquiry and report by 3 March 2009;
 - (b) the order of the Senate of 4 December 2008 adopting the committee's 17th report of 2008 be varied to provide that the Foreign Evidence Amendment Bill 2008 be *referred immediately* to the Legal and Constitutional Affairs Committee for inquiry and report by 3 March 2009;
 - (c) the *provisions* of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 be *referred immediately* to the Education, Employment and Workplace Relations Committee for inquiry and report by 10 March 2009; and
 - (d) the *provisions* of the Tax Laws Amendment (2009 Measures No. 1) Bill 2009 be *referred immediately* to the Economics Committee for inquiry and report by 10 March 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:

Australian Energy Market Amendment (AEMO and Other Measures)
 Bill 2009
 Civil Aviation Amendment Bill 2009
 Social Security and Veterans' Entitlements Amendment (Commonwealth
 Seniors Health Card) Bill 2009
 Transport Safety Investigation Amendment Bill 2009.

The committee recommends accordingly.

4. The committee considered the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 noting the Senate had agreed to refer the provisions of the bills to the Community Affairs Committee for inquiry and report.
5. The committee deferred consideration of the following bill to its next meeting:
 Resale Royalty Right for Visual Artists Bill 2008.

Kerry O'Brien
 Chair
 12 February 2009.

Senator Farrell moved—That the report be adopted.

Question put and passed.

24 DOCUMENTS

The following documents were tabled by the Clerk:

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

AusLink (National Land Transport) Act—National Land Transport Network Determination (No. 1) 2005 Variation 3 [F2009L00298]*.

Financial Management and Accountability Act—Financial Management and Accountability Determinations Nos—

2009/01—Young Endeavour Youth Program Operating Fund Account Variation and Abolition 2009 [F2009L00431]*.

2009/02—Young Endeavour Youth Program Special Account Establishment 2009 [F2009L00430]*.

Migration Act—Select Legislative Instrument 2009 No. 7—Migration Amendment Regulations 2009 (No. 1) [F2009L00267]*.

National Health Act—Instruments Nos PB—

16 of 2009—Special Arrangements for the Multiple Hospitals Paperless Claiming Trail [F2009L00305]*.

17 of 2009—Special Arrangements: Epworth Eastern Private Hospital Paperless Prescribing and Claiming Trial [F2009L00303]*.

Radiocommunications Act—

Radiocommunications Advisory Guidelines (Managing Interference from Transmitters — 2.3 GHz Band) 2009 [F2009L00275]*.

Radiocommunications Advisory Guidelines (Managing Interference to Receivers — 2.3 GHz Band) 2009 [F2009L00277]*.

Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1) [F2009L00270]*.

Radiocommunications Spectrum Marketing Plan (2.3 GHz Band) 2009 [F2009L00271]*.

Radiocommunications (Unacceptable Levels of Interference — 2.3 GHz Band) Determination 2009 [F2009L00273]*.

Social Security Act—

Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2009 (No. 1) [F2009L00416]*.

Social Security (Australian Government Disaster Recovery Payment) Determination 2009 (No. 1) [F2009L00415]*.

Social Security (Australian Government Disaster Recovery Payment) Determination 2009 (No. 2) [F2009L00417]*.

Taxation Administration Act—PAYG withholding—Special tax table – Joint Petroleum Development Area Withholding Schedule [F2009L00304]*.

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

Migration Legislation Amendment Act (No. 1) 2008—Items 1 to 3, 12 to 15 and 18 to 20 of Schedule 2—15 February 2009 [F2009L00268].*

* Explanatory statement tabled with legislative instrument.

25 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—Supplementary budget estimates—Letter of advice—Education, Employment and Workplace Relations portfolio agencies.

26 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That senators be discharged from and appointed to committees as follows:

Environment, Communications and the Arts—Standing Committee—

Appointed—

Substitute member: Senator Arbib to replace Senator Pratt on 24 February 2009

Participating member: Senator Pratt

Finance and Public Administration—Standing Committee—

Appointed—

Substitute member: Senator Furner to replace Senator Collins on 27 February 2009

Participating member: Senator Collins

Rural and Regional Affairs and Transport—Standing Committee—

Appointed—

Substitute member: Senator Barnett to replace Senator Heffernan for the committee's inquiry into the establishment of an Australian Football League team for Tasmania

Participating member: Senator Heffernan.

Question put and passed.

27 **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 further consideration of the bills in committee of the whole.

In the committee

Consideration resumed of the Household Stimulus Package Bill 2009, as amended, and the remaining bills—and of the amendments moved by the Minister for Superannuation and Corporate Law (Senator Sherry) in respect of the Tax Bonus for Working Australians Bill 2009 (see entry no. 20).

Debate resumed.

Declaration of interest: Senator Abetz declared an interest in relation to the amendments.

Debate continued.

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

Senator Xenophon moved the following amendment in respect of the Appropriation (Nation Building and Jobs) Bill (No. 2) 2008-2009:

Page 12 (after line 12), after Part 4, insert:

Part 5—Murray-Darling Basin stimulus measures

18 Establishment of Murray-Darling Basin Stimulus Fund

Establishment of the Fund

- (1) The Murray-Darling Basin Stimulus Fund is established by this section.
- (2) The purpose of the Fund is to provide targeted assistance measures to improve the economic and environmental viability of the Murray-Darling Basin, including by:
 - (a) bringing forward \$3.1 billion in funding allocated to buy back water entitlements and accelerate implementation of the Restoring the Balance in the Murray-Darling Basin program; and
 - (b) bringing forward \$2 billion of the \$5.8 billion allocated to water infrastructure programs in the Murray-Darling Basin under the Commonwealth's Water Plan; and
 - (c) bringing forward \$250 million in funding for pilot stormwater harvesting projects through the National Water Security Plan for Towns and Cities; and

- (d) providing for the payment of grants of up to a total of \$2 billion under the structural adjustment scheme required to be determined under section 19.
- (3) Payments from the Fund are to be met from funds appropriated by the Parliament for the purposes of this section.
- Payments out of the Fund*
- (4) Payments out of the Fund must be applied to the purposes of the programs specified in subsection (2).
- Administration of the Fund*
- (5) The Fund is to be administered by the Minister.
- (6) The administration of the Fund may include use of a reverse tender or similar initiative designed to quickly discover the price at which water users are willing to voluntarily sell water entitlements to the Commonwealth Environmental Water Holder.
- (7) The Minister may establish and fund appropriate administrative and advisory bodies to help manage the Fund.

19 Structural adjustment package

- (1) The Minister must, by legislative instrument, determine a scheme in the nature of a structural adjustment package to allocate transitional funding to water users, water suppliers and rural communities in the Basin affected by the purchase by the Commonwealth of any water entitlements.
- (2) A scheme determined under subsection (1) must provide for structural adjustment assistance to be allocated to communities, business and individuals to assist them to adjust to:
 - (a) reduced water availability; and
 - (b) reduced economic activity associated with the restructuring of irrigated agriculture or other enterprises; and
 - (c) changes in land use; and
 - (d) changes in the configuration of water supply and distribution systems.
- (3) In determining the amount of funding to be allocated to any community under the scheme, regard must be had to the following factors:
 - (a) the minimum scale of economic activity required to enable the economic and social viability of communities; and
 - (b) the efficiency of the remaining water usage and distribution; and
 - (c) the ability of the remaining farming activities to adjust to climate change.

20 Interpretation

- (1) In this Part, unless any contrary intention appears:
Minister means the Minister administering the *Water Act 2007*.

National Water Security Plan for Towns and Cities means the program within the Government's *Water for the Future* plan that upgrades older pipes and water systems, installs new infrastructure and provides for practical projects to save water and reduce water losses plan.

Restoring the Balance in the Murray-Darling Basin program means the program within the Government's *Water for the Future* plan that establishes the Murray-Darling Basin Authority, develops a Basin Plan and purchases water to restore ecological systems in the Murray-Darling Basin.

Water for the Future is the strategy to secure the long term water supply of all Australians announced by the Minister for Water and Climate Change on 29 April 2008.

Water Plan means the Commonwealth Plan for the Murray-Darling Basin which comprises the amendments to the *Water Act 2007* that gave effect to the Intergovernmental Agreement on Murray-Darling Basin Reform signed at the 3 July 2008 Council of Australian Governments meeting.

- (2) A word or expression used in this Part that is also used in the *Water Act 2007* has the same meaning as it has in that Act.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 7

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne
Siewert (Teller)

Xenophon

NOES, 46

Senators—

Abetz
Arbib
Bilyk
Boswell
Brandis
Bushby
Cameron
Cash
Colbeck
Collins
Conroy
Coonan

Cormann
Crossin
Evans
Farrell
Faulkner
Feeney
Fierravanti-Wells
Fifield
Forshaw
Furner
Hogg
Humphries

Hutchins
Kroger
Ludwig
Lundy
Marshall
Mason
McGauran
Moore
Nash
O'Brien
Parry (Teller)
Payne

Pratt
Ronaldson
Ryan
Sherry
Stephens
Troeth
Trood
Williams
Wong
Wortley

Question negatived.

The Household Stimulus Package Bill 2009 and the Tax Bonus for Working Australians Bill 2009, as amended, agreed to and the remaining bills agreed to.

The Household Stimulus Package Bill 2009 and the Tax Bonus for Working Australians Bill 2009 to be reported with amendments, the Appropriation (Nation Building and Jobs) Bill (No. 1) 2008-2009 to be reported without requests and the remaining bills to be reported without amendments.

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

On the motion of Senator Sherry the report from the committee was adopted.

Senator Sherry moved—That the bills be now read a third time.

Debate ensued.

Document: The Leader of the Australian Greens (Senator Bob Brown), by leave, tabled the following document:

Nation building and jobs plan—Letter from the Treasurer (Mr Swan) to the Leader of the Australian Greens (Senator Bob Brown), dated 12 February 2009.

Debate continued.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 35

Senators—

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

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

28 SUSPENSION OF SITTING

Leave refused: The Leader of the Australian Greens (Senator Bob Brown) sought leave to move a motion to suspend the sitting of the Senate.

An objection was raised and leave was not granted.

The Minister for Immigration and Citizenship (Senator Evans) moved—That the sitting of the Senate be suspended till 9 am, Friday, 13 February 2009.

Debate ensued.

Question put and passed.

FRIDAY, 13 FEBRUARY 2009

At 9 am—

The sitting of the Senate resumed.

29 PRAYERS

The President read prayers.

30 BUSHFIRES IN VICTORIA—DOCUMENT

The President tabled the following document:

Bushfires in Victoria—Letter of condolence to the President of the Senate from the Lord Speaker of the House of Lords, United Kingdom (the Right Honourable Baroness Hayman), dated 11 February 2009.

**31 AVIATION LEGISLATION AMENDMENT (2008 MEASURES NO. 2) BILL 2008
DISABILITY DISCRIMINATION AND OTHER HUMAN RIGHTS LEGISLATION
AMENDMENT BILL 2008
EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008
TAX AGENT SERVICES BILL 2008**

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

Message no. 252, dated 12 February 2009—A Bill for an Act to amend legislation relating to aviation, and for related purposes.

Message no. 253, dated 12 February 2009—A Bill for an Act to amend the *Disability Discrimination Act 1992* and other laws relating to human rights, and for related purposes.

Message no. 255, dated 12 February 2009—A Bill for an Act to amend the law relating to compensation and social security, and for other purposes.

Message no. 254, dated 12 February 2009—A Bill for an Act to establish the Tax Practitioners Board and to provide for the registration of tax agents and BAS agents, and for related purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) 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 Sherry moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

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

Question put and passed.

32 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Minister for Superannuation and Corporate Law (Senator Sherry), by leave, moved—That senators be discharged from and appointed to committees as follows:

Education, Employment and Workplace Relations—Standing Committee—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Siewert for the committee's inquiry into the provisions of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009

Participating member: Senator Siewert

Finance and Public Administration—Standing Committee—

Appointed—

Substitute member: Senator Humphries to replace Senator Ryan for the committee's inquiry into residential and community aged care in Australia

Participating member: Senator Ryan.

Question put and passed.

33 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, by leave and at the request of the Chair of the Legal and Constitutional Affairs Committee (Senator Crossin), moved—That the time for the presentation of the report of the Legal and Constitutional Affairs Committee on the Foreign Evidence Amendment Bill 2008 be extended to 6 March 2009.

Question put and passed.

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

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

Message no. 260, dated 13 February 2009—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government in relation to nation building and jobs, and for related purposes.

Message no. 261, dated 13 February 2009—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure in relation to nation building and jobs, and for related purposes.

Message no. 262, dated 13 February 2009—A Bill for an Act to amend laws in order to provide payments relating to the household stimulus package, and for other purposes.

Message no. 263, dated 13 February 2009—A Bill for an Act to provide for a tax bonus, and for related purposes.

Message no. 264, dated 13 February 2009—A Bill for an Act to make amendments consequential on the enactment of the *Tax Bonus for Working Australians Act (No. 2) 2009*, and for related purposes.

Message no. 265, dated 13 February 2009—A Bill for an Act to amend the *Commonwealth Inscribed Stock Act 1911*, and for related purposes.

The Minister for Superannuation and Corporate Law (Senator Sherry) 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.

Consideration of legislation: Senator Sherry, by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to these bills, allowing them to be considered during this period of sittings.

Document: Senator Sherry tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the bills in the 2009 autumn sittings.

Debate ensued.

Question put and passed.

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

Debate ensued.

Question put and passed.

Bills read a second time.

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

In the committee

Bills, taken together and as a whole by leave, debated.

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

Nation building and jobs plan—Letter from the Treasurer (Mr Swan) to Senator Xenophon, dated 13 February 2009.

Document: The Leader of the Family First Party (Senator Fielding), by leave, tabled the following document:

Nation building and jobs plan—Letter from the Treasurer (Mr Swan) to the Leader of the Family First Party (Senator Fielding), dated 13 February 2009.

Bills further debated and agreed to.

Bills to be reported without amendments or requests for amendments.

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

On the motion of Senator Sherry the report from the committee was adopted.

Senator Sherry moved—That these bills be now read a third time.

Question put.

The Senate divided—

AYES, 30

Senators—

Arbib	Faulkner	Hutchins	Pratt
Bilyk	Feeney	Ludlam	Sherry
Brown, Bob	Fielding	Lundy	Siewert
Brown, Carol	Forshaw	Marshall	Wong
Cameron	Furner	McEwen	Wortley
Crossin	Hanson-Young	Milne	Xenophon
Evans	Hogg	Moore	
Farrell	Hurley	O'Brien (Teller)	

NOES, 28

Senators—

Abetz	Cash	Fisher	Nash
Barnett	Colbeck	Heffernan	Parry (Teller)
Birmingham	Coonan	Humphries	Payne
Boswell	Eggleston	Joyce	Ryan
Boyce	Ferguson	Macdonald	Scullion
Brandis	Fierravanti-Wells	Mason	Trood
Bushby	Fifield	Minchin	Williams

Question agreed to.

Bills read a third time.

35 ADJOURNMENT

The Minister for Superannuation and Corporate Law (Senator Sherry) moved—That the Senate do now adjourn.

The Senate adjourned at 12.22 pm till Tuesday, 10 March 2009 at 12.30 pm.

36 ATTENDANCE

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

HARRY EVANS
Clerk of the Senate