

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 70

MONDAY, 15 JUNE 2009

**Contents**

1	Meeting of Senate.....	1989
2	Temporary Chairs of Committees.....	1989
3	Selection of Bills—Standing Committee—Reports Nos 6 and 7 of 2009.....	1989
4	Order of Business—Rearrangement.....	1991
5	Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2009.....	1991
6	Nation-building Funds Amendment Bill 2009 .....	1991
7	Higher Education Support Amendment (VET FEE-HELP and Providers) Bill 2009.....	1991
8	National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008 [No. 2].....	1992
9	Ministry and Ministerial Arrangements.....	1992
10	Questions.....	1992
11	Motion to Take Note of Answers.....	1992
12	Petitions.....	1992
13	Notices.....	1993
14	Community Affairs Legislation Committee—Extension of Time to Report .....	1996
15	Leave of Absence .....	1996
16	Regional and Remote Indigenous Communities—Select Committee— Extension of Time to Report .....	1996
17	Postponement.....	1996
18	Infrastructure Australia Amendment (National Broadband Network and Other Projects) Bill 2009 .....	1996
19	Education—International Education—Ministerial Statement—Document .....	1997
20	Finance—Promoting Australia as a Financial Services Hub—Ministerial Statement—Document .....	1997
21	Foreign Affairs—North Korea—Ministerial Statement—Document.....	1997
22	Foreign Affairs—Australia and India—Ministerial Statement—Document.....	1997
23	Transport—Piracy and Armed Robbery at Sea—Ministerial Statement— Document.....	1997

24	Rural and Regional Affairs and Transport References Committee—Interim Report—Management of the Murray-Darling Basin System .....	1998
25	Rural and Regional Affairs and Transport References Committee—Interim Report—Import risk Analysis for the Importation of Cavendish Bananas from the Philippines .....	1998
26	Public Works—Joint Statutory Committee—2nd Report of 2009 .....	1998
27	Foreign Affairs, Defence and Trade References Committee—Interim Report—Economic and Security Challenges Facing Papua New Guinea and the Island States of the Southwest Pacific .....	1998
28	National Capital and External Territories—Joint Standing Committee—Report—Inquiry into the Immigration Bridge Proposal .....	1999
29	Men’s Health—Select Committee—Report.....	1999
30	Legal and Constitutional Affairs—Standing Committee—Document—Native Title Amendment Bill 2009.....	1999
31	Scrutiny of Bills—Standing Committee—5th Report and Alert Digest No. 6 of 2009 .....	1999
32	Community Affairs Legislation Committee—Interim Report—Compliance Audits on Medicare Benefits.....	2000
33	Government Documents .....	2000
34	Auditor-General—Audit Reports Nos 32 to 36 of 2008-09—Documents.....	2000
35	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document .....	2001
36	Departmental and Agency Contracts—Order for Production of Documents—Document .....	2001
37	Departmental and Agency Appointments and Vacancies—Order for Production of Documents—Documents.....	2001
38	Departmental and Agency Grants—Order for Production of Documents—Documents.....	2002
39	Indexed Lists of Departmental and Agency Files, Departmental and Agency Contracts, Departmental and Agency Appointments and Vacancies and Departmental and Agency Grants—Orders for Production of Documents—Documents—Consideration .....	2003
40	Foreign Affairs—Iran—Death Penalty—Document .....	2003
41	Auditor-General—Audit Reports Nos 37 to 40 of 2008-09—Documents.....	2003
42	Estimates of Proposed Expenditure for 2009-10—Portfolio Budget Statements—Portfolios and Executive Departments—Document.....	2003
43	Public Accounts and Audit—Joint Statutory Committee—Government Response—412th Report .....	2003
44	Intelligence and Security—Joint Statutory Committee—Government Response—Review of the Re-listing of the Kurdistan Workers’ Party.....	2003
45	Intelligence and Security—Joint Statutory Committee—Government Response—Review of the Re-listing of Al-Qa’ida, Jemaah Islamiyah and Al-Qa’ida in the Lands of the Islamic Maghreb .....	2004
46	Intelligence and Security—Joint Statutory Committee—Government Response—Review of the Re-listing of Abu Sayyaf Group, Jamiat ul-Ansar and Al-Qa’ida in Iraq as Terrorist Organisations.....	2004
47	Intelligence and Security—Joint Statutory Committee—Report—Review of the Re-listing of Ansar al-Islam, AAA, IAA, IMU, JeM and LeJ as Terrorist Organisations .....	2004

48	Migration—Joint Standing Committee—Report—Immigration Detention in Australia.....	2004
49	Documents.....	2004
50	Fair Work (State Referral and Consequential and Other Amendments) Bill 2009	
	Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009.....	2021
51	Car Dealership Financing Guarantee Appropriation Bill 2009	
	Evidence Amendment (Journalists' Privilege) Bill 2009	
	Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009	
	Family Assistance Legislation Amendment (Child Care) Bill 2009	
	Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Bill 2009	
	Fuel Quality Standards Amendment Bill 2009	
	Health Workforce Australia Bill 2009	
	Law and Justice (Cross Border and Other Amendments) Bill 2009	
	Nation Building Program (National Land Transport) Amendment Bill 2009	
	Native Title Amendment Bill 2009	
	Social Security Legislation Amendment (Digital Television Switch-over) Bill 2009	
	Social Security Legislation Amendment (Improved Support for Carers) Bill 2009	
	Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009	
	Tax Laws Amendment (2009 Measures No. 2) Bill 2009	
	Tax Laws Amendment (2009 Measures No. 3) Bill 2009	
	Therapeutic Goods Amendment (2009 Measures No. 1) Bill 2009	
	Carbon Pollution Reduction Scheme Bill 2009	
	Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009	
	Australian Climate Change Regulatory Authority Bill 2009	
	Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009	
	Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009	
	Carbon Pollution Reduction Scheme (Charges—General) Bill 2009	
	Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009	
	Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009	
	Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009	
	Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009	
	Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009	
	Fairer Private Health Insurance Incentives Bill 2009	
	Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009	
	Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2009.....	2021
52	Employment and Workplace Relations Amendment Bill 2008 .....	2024

53	Therapeutic Goods Amendment (Medical Devices and Other Measures) Bill 2008 [2009].....	2025
54	Governor-General's Messages—Assent to Laws .....	2025
55	Finance and Public Administration Legislation Committee—Report— Plebiscite for an Australian Republic Bill 2008.....	2025
56	Order of Business—Rearrangement.....	2025
57	Finance and Public Administration Legislation Committee—Report— Plebiscite for an Australian Republic Bill 2008—Statement by Leave .....	2026
58	National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008 [No. 2].....	2026
59	Fair Work (State Referral and Consequential and Other Amendments) Bill 2009 Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009.....	2028
60	Economics Legislation Committee—Report—Carbon Pollution Reduction Scheme Bill 2009 and Related Bills.....	2028
61	Climate Policy—Select Committee—Report.....	2028
62	Rural and Regional Affairs and Transport Legislation Committee— Report—Nation Building Program (National Land Transport) Amendment Bill 2009 .....	2029
63	Fair Work (State Referral and Consequential and Other Amendments) Bill 2009 Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009.....	2029
64	Order of Business—Rearrangement.....	2029
65	Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008.....	2029
66	Adjournment.....	2036
67	Attendance.....	2036

**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 TEMPORARY CHAIRS OF COMMITTEES**

The President tabled warrants, dated 15 June 2009, revoking the warrant nominating Senator Parry as a temporary chair of committees, and nominating Senator Ryan as an additional temporary chair of committees.

**3 SELECTION OF BILLS—STANDING COMMITTEE—REPORTS NOS 6 AND 7 OF 2009**

The President tabled the following reports received on the dates indicated:

## SELECTION OF BILLS COMMITTEE

## REPORT NO. 6 OF 2009

1. The committee met in private session on Monday, 1 June 2009 at 8.01 am to consider proposals relating to the order of 14 May 2009 pertaining to the referral of certain budget-related bills to committees (“the order of 14 May 2009”).
2. The committee resolved to recommend—That, instead, the provisions of the Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009 be referred to the Economics Legislation Committee for inquiry and report by no later than the commencement of business on 22 June 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Higher Education Support Amendment (2009 Budget Measures) Bill 2009
  - Social Security Amendment (Training Incentives) Bill 2009
  - Social Security and Other Legislation Amendment (Australian Apprentices) Bill 2009
  - Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2009
  - Veterans’ Affairs Legislation Amendment (Budget Measures) Bill 2009.

*The committee recommends accordingly and reports to the President.*
4. The committee also considered two proposals relating to the Fairer Private Health Insurance Incentives Bill 2009 and two related bills. The committee could not reach agreement and the bills continue to stand referred to the Economics Legislation Committee for inquiry and report by 16 June 2009.
5. The committee notes that the following bills stand referred to committees to report by 16 June 2009, in accordance with the order of 14 May 2009:
  - Guarantee of State and Territory Borrowing Appropriation Bill 2009, to the Economics Legislation Committee; and
  - Private Health Insurance (National Joint Replacement Register Levy) Bill 2009, to the Community Affairs Legislation Committee.

Kerry O’Brien  
Chair

1 June 2009. [Received 1 June 2009]

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## SELECTION OF BILLS COMMITTEE

## REPORT NO. 7 OF 2009

1. The committee met in private session on Thursday, 4 June 2009 at 7 pm to consider proposals relating to the order of 14 May 2009 pertaining to the referral of certain budget-related bills to committees (“the order of 14 May 2009”).
2. The committee agreed to reconsider the Higher Education Support Amendment (2009 Budget Measures) Bill 2009 and resolved to recommend that the provisions of the bill be *referred immediately* to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 22 July 2009.

***The committee recommends accordingly and reports to the President.***

3. The committee considered a proposal to not refer the following bills to the Community Affairs Legislation Committee but draws the committee’s attention to paragraph (4) of the order of 14 May 2009:  
     Family Assistance Amendment (Further 2008 Budget Measures) Bill 2009  
     Private Health Insurance Legislation Amendment Bill 2009.  
 The committee makes no further recommendation in respect of the bills.
4. The committee also reconsidered a proposal relating to the Fairer Private Health Insurance Incentives Bill 2009 and two related bills. The committee noted the Opposition members of the committee prefer a reporting date of 5 August 2009 but as no agreement could be reached the bills continue to stand referred to the Economics Legislation Committee for inquiry and report by 16 June 2009.
5. The committee notes that the following bills stand referred to committees to report by 16 June 2009, in accordance with the order of 14 May 2009:  
     Guarantee of State and Territory Borrowing Appropriation Bill 2009, to the Economics Legislation Committee; and  
     Private Health Insurance (National Joint Replacement Register Levy) Bill 2009, to the Community Affairs Legislation Committee.

Kerry O’Brien

Chair

4 June 2009. [*Received 4 June 2009*]

Senator O’Brien moved—That the reports be adopted.

Senator Parry moved the following amendment:

At the end of the motion, add “but, in respect of the Fairer Private Health Insurance Incentives Bill 2009 and two related bills:

- (a) the reference of the provisions of the bills to the Economics Legislation Committee be transferred to the Community Affairs Legislation Committee for inquiry and report by 5 August 2009; and
- (b) in considering this matter, the Community Affairs Legislation Committee may consider the relevant evidence and records of the Economics Legislation Committee”.

Debate ensued.

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

Main question, as amended, put and passed.

**4 ORDER OF BUSINESS—REARRANGEMENT**

The Special Minister of State (Senator Ludwig) moved—That government business notice of motion no. 1 standing in the name of the Minister for Defence (Senator Faulkner) for today, proposing the introduction of the National Security Legislation Monitor Bill 2009, be postponed till 24 June 2009.

Question put and passed.

**5 TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2009**

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

Message no. 338, dated 4 June 2009—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Special Minister of State (Senator Ludwig) 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 Ludwig 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 the Assistant Treasurer (Senator Sherry) the bill was read a third time.

**6 NATION-BUILDING FUNDS AMENDMENT 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 Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

**7 HIGHER EDUCATION SUPPORT AMENDMENT (VET FEE-HELP AND PROVIDERS) BILL 2009**

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

Message no. 317, dated 27 May 2009—A Bill for an Act to amend the *Higher Education Support Act 2003*, and for related purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) 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 Carr 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 Carr the bill was read a third time.

**8 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL AND OTHER BENEFITS—  
COST RECOVERY) BILL 2008 [NO. 2]**

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.

*At 2 pm:* Debate was interrupted while Senator Cormann was speaking.

**9 MINISTRY AND MINISTERIAL ARRANGEMENTS**

The Leader of the Government in the Senate (Senator Evans), by leave, informed the Senate of changes to the Rudd Ministry.

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*Document:* Senator Evans tabled a document showing all members of the Rudd Ministry and ministerial representation, dated 9 June 2009.

**10 QUESTIONS**

Questions without notice were answered.

**11 MOTION TO TAKE NOTE OF ANSWERS**

Senator Coonan moved—That the Senate take note of the answers given by ministers to questions without notice asked today.

Debate ensued.

Question put and passed.

**12 PETITIONS**

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

By Senators Fielding, Kroger and Ryan, from 48, 36 and 2 petitioners, respectively, requesting that the Senate amend the Social Security and Veterans' Entitlements Amendment (Commonwealth Seniors Health Card) Bill 2009 to exclude already taxed superannuation monies from the taxable income threshold used to determine the eligibility for the Commonwealth Seniors Health Card.



## 13 NOTICES

*Notices of motion:*

The Chair of the Environment, Communications and the Arts References Committee (Senator Birmingham): To move on the next day of sitting—That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on forestry and mining operations on the Tiwi Islands be extended to 17 September 2009. (*general business notice of motion no. 437*)

The Chair of the Select Committee on Fuel and Energy (Senator Cormann): To move on the next day of sitting—That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on Fuel and Energy, be amended as follows:

- (a) paragraph (1)(a), omit “petroleum, diesel and gas”, insert “fuel and energy”;
- (b) paragraph (1)(c), after “domestic”, add “energy markets, and”;
- (c) paragraph (1)(e):
  - (i) after “set of”, add “federal and”, and
  - (ii) omit “petroleum, diesel and gas”, insert “fuel and energy”;
- (d) paragraph (1)(f), omit “petroleum, diesel and gas”, insert “fuel and energy”;
- (e) paragraph (1)(g), after “role of”, add “alternative sources of energy to coal and”;
- (f) paragraph (1)(h), before “the domestic oil”, add “domestic energy supply and”;
- (g) paragraph (1)(h)(i), omit “this industry”, insert “these industries”;
- (h) after paragraph (1)(h)(iii), add “(iv) securing Australia’s future domestic energy supply;”; and
- (i) after paragraph (1)(i), add “; and (j) any related matters.”. (*general business notice of motion no. 438*)

Senator Abetz: To move on the next day of sitting—That the Car Dealership Financing Guarantee Appropriation Bill 2009 be referred to the Economics Legislation Committee for inquiry and report by 23 June 2009 and, in undertaking its inquiry, the committee hear evidence from relevant bodies and individuals, including the Department of Treasury, about the operation and management of the proposed OzCar scheme.

Senators Hutchins, Hurley, Furner, Polley, Farrell, Sterle, Feeney, Bilyk, Collins and Bishop: To move on the next day of sitting—That the Senate—

- (a) notes that 4 June 2009 was the 20th anniversary of the free elections in Poland, elections which were the beginning of the end of communist party rule not only in Poland but in all the countries of central and eastern Europe, and eventually also in the republics of the Soviet Union;
- (b) congratulates the people of Poland for their courageous struggle over more than 40 years to reclaim their independence and to restore democracy and freedom, and on the increasing security, prosperity and freedom which Poland has enjoyed since 1989; and
- (c) recalls that it was the Solidarity free trade union which led the successful struggle of the Polish people to achieve independence and democracy in Poland, and declares that strong, free and independent trade unions are an essential part of the fabric of a democratic society. (*general business notice of motion no. 439*)

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

- (a) notes that 4 June 2009 was the 20th anniversary of the first free elections in the Republic of Poland since World War II;
- (b) acknowledges Poland's tremendous contribution to the fall of communism in Europe and notes Poland's democratic achievements, particularly that the citizens of Poland resolutely voted to restore their Senate and reinstate the accountability and transparency of their government; and
- (c) notes the 40 years of struggle and hardship endured by those who fought to assure the independence of judges and the courts, to assure that Poles could freely form associations and clubs, and to bring about an overhaul of the economy. (*general business notice of motion no. 440*)

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

- (a) remembers the thousands of people who were killed 20 years ago on 4 June 1989 in the Tiananmen Square massacre;
- (b) supports the pro-democracy and pro-human rights principles outlined in Charter 08, which has been written by prominent Chinese academics and activists; and
- (c) condemns the detention and interrogation of signatories to the Charter 08 by Chinese authorities, including the continued detention of acclaimed author Liu Xiaobo. (*general business notice of motion no. 441*)

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

- (a) recognises, with the Australian Government, the effective protection of Antarctica that is already in place through global agreements;
- (b) notes that Australia is an active participant in the Antarctic Treaty Consultative Meeting and plays a lead role in its Committee for Environmental Protection; and
- (c) calls on the Australian Government to pursue the lead role towards inscribing Antarctica on the World Cultural and Natural Heritage list. (*general business notice of motion no. 442*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Rudd Government to establish an independent Parliamentary Standards Commissioner to give clear and independent advice on the legitimate expenditure of electorate allowance, and other allowances to members of parliament and to monitor and publicly report on the expenditure of the \$32 000 per annum electorate allowance. (*general business notice of motion no. 443*)

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

- (a) supports the rights of Indigenous peoples living in the Peruvian Amazon to protest against the exploitation of their ancestral lands by oil, logging and mining companies; and
- (b) condemns the violence that occurred when police tried to break up protests that resulted in injuries and deaths of protestors and police officers. (*general business notice of motion no. 444*)

Senators Nash and Hanson-Young: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 August 2009:

An assessment of the adequacy of Government measures to provide equitable access to secondary and post-secondary education opportunities to students from rural and regional communities attending metropolitan institutions, and metropolitan students attending regional universities or technical and further education (TAFE) colleges, with particular reference to:

- (a) the financial impact on rural and regional students who are attending metropolitan secondary schools, universities or TAFE colleges;
- (b) the education alternatives for rural and regional students wanting to study in regional areas;
- (c) the implications of current and proposed government measures on prospective students living in rural and regional areas;
- (d) the short- and long-term impact of current and proposed government policies on regional university and TAFE college enrolments;
- (e) the adequacy of government measures to provide for students who are required to leave home for secondary or post-secondary study;
- (f) the educational needs of rural and regional students;
- (g) the impact of government measures and proposals on rural and regional communities; and
- (h) other related matters.

Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for the Environment, Heritage and the Arts (Senator Wong), by 22 June 2009, the Australian Terrestrial Biodiversity Assessment 2008 and all documents used in its preparation, including drafts. (*general business notice of motion no. 445*)

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That the Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 4 and made under the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*, be disallowed.

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

*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 notices of motion standing in her name as follows:

Business of the Senate notice of motion no. 1 for 7 sitting days after today for the disallowance of Instrument number CASA 627/08, made under regulation 208 of the Civil Aviation Regulations 1988.

Business of the Senate notices of motion nos 2, 4, 5 and 6 for 10 sitting days after today for the disallowance of the following instruments:

Banking Amendment Regulations 2008 (No. 2), as contained in Select Legislative Instrument 2008 No. 280 and made under the *Banking Act 1959*.

Family Law Amendment Regulations 2008 (No. 3), as contained in Select Legislative Instrument 2008 No. 258 and made under the *Family Law Act 1975*.

Instrument number CASA 51/09, made under regulation 208 of the Civil Aviation Regulations 1988.

Insurance Amendment Regulations 2008 (No. 2), as contained in Select Legislative Instrument 2008 No. 281 and made under the *Insurance Act 1973*.

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

**14 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Farrell, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), moved—That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Health Workforce Australia Bill 2009 be extended to 16 June 2009.

Question put and passed.

**15 LEAVE OF ABSENCE**

Senator Farrell, by leave, moved—That leave of absence be granted to Senator Polley from 15 June to 19 June 2009, for personal reasons.

Question put and passed.

Senator Cash, by leave, moved—That leave of absence be granted to Senator Payne for 15 June and 16 June 2009, for personal reasons.

Question put and passed.

**16 REGIONAL AND REMOTE INDIGENOUS COMMUNITIES—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Abetz, by leave and at the request of the Chair of the Select Committee on Regional and Remote Indigenous Communities (Senator Scullion), moved—That the time for the presentation of the second report of the Select Committee on Regional and Remote Indigenous Communities be extended to 25 June 2009.

Question put and passed.

**17 POSTPONEMENT**

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Standing Committee of Senators' Interests, postponed till 18 June 2009.

**18 INFRASTRUCTURE AUSTRALIA AMENDMENT (NATIONAL BROADBAND NETWORK AND OTHER PROJECTS) BILL 2009**

Senator Parry, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 436—That the following bill be introduced:

A Bill for an Act to amend the *Infrastructure Australia Act 2008* to ensure proper assessment of the proposed National Broadband Network and other projects, and for related purposes.

Question put and passed.

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

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*Explanatory memorandum:* Senator Parry, by leave, tabled an explanatory memorandum relating to the bill.

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

**19 EDUCATION—INTERNATIONAL EDUCATION—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Education—International education – its contribution to Australia—Ministerial statement by the Minister for Education, Employment and Workplace Relations (Ms Gillard), dated 26 May 2009.

**20 FINANCE—PROMOTING AUSTRALIA AS A FINANCIAL SERVICES HUB—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Finance—Promoting Australia as a financial services hub – Progress of the Australian Financial Centre Forum—Ministerial statement by the Assistant Treasurer (Mr Bowen), dated 27 May 2009.

**21 FOREIGN AFFAIRS—NORTH KOREA—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Foreign affairs—North Korea—Ministerial statement by the Minister for Foreign Affairs (Mr Smith), dated 28 May 2009.

**22 FOREIGN AFFAIRS—AUSTRALIA AND INDIA—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Foreign affairs—Australia and India—Ministerial statement by the Prime Minister (Mr Rudd), dated 1 June 2009.

Senator Ludlam, by leave, moved—That the Senate take note of the document.

Question put and passed.

**23 TRANSPORT—PIRACY AND ARMED ROBBERY AT SEA—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Transport—Australia's response to combat piracy and armed robbery at sea—Ministerial statement by the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese), dated 15 June 2009.

**24 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
INTERIM REPORT—MANAGEMENT OF THE MURRAY-DARLING BASIN SYSTEM**

The Deputy President (Senator Ferguson) tabled the following report received on 22 May 2009:

Rural and Regional Affairs and Transport References Committee—Matters specified in part (2) of the inquiry into the management of the Murray-Darling Basin system—Interim report, dated 22 May 2009.

*Reporting date:* Senator Farrell, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), moved—That the final report of the Rural and Regional Affairs and Transport References Committee on matters specified in part (2) of the inquiry into the management of the Murray-Darling Basin system be presented by 25 June 2009.

Question put and passed.

**25 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
INTERIM REPORT—IMPORT RISK ANALYSIS FOR THE IMPORTATION OF CAVENDISH  
BANANAS FROM THE PHILIPPINES**

The Deputy President (Senator Ferguson) tabled the following report received on 22 May 2009:

Rural and Regional Affairs and Transport References Committee—Import risk analysis for the importation of Cavendish bananas from the Philippines—Interim report, dated 22 May 2009.

*Reporting date:* Senator Farrell, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), moved—That the final report of the Rural and Regional Affairs and Transport References Committee on the import risk analysis for the importation of Cavendish bananas from the Philippines be presented by 25 June 2009.

Question put and passed.

**26 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—2ND REPORT OF 2009**

The Deputy President (Senator Ferguson) tabled the following report received on 26 May 2009:

Public Works—Joint Statutory Committee—2nd report of 2009—Referral made February 2009: Redevelopment of RAAF Base Edinburgh, Adelaide, South Australia, dated May 2009.

**27 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—INTERIM  
REPORT—ECONOMIC AND SECURITY CHALLENGES FACING PAPUA NEW GUINEA  
AND THE ISLAND STATES OF THE SOUTHWEST PACIFIC**

The Deputy President (Senator Ferguson) tabled the following report received on 27 May 2009:

Foreign Affairs, Defence and Trade References Committee—Economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific—Interim report, dated 27 May 2009.

*Reporting date:* Senator Farrell, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood), moved—That the final report of the Foreign Affairs, Defence and Trade References Committee on the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific be presented by 21 August 2009.

Question put and passed.

**28 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REPORT—INQUIRY INTO THE IMMIGRATION BRIDGE PROPOSAL**

The Deputy President (Senator Ferguson) tabled the following report received on 29 May 2009:

National Capital and External Territories—Joint Standing Committee—Inquiry into the Immigration Bridge proposal—Report, dated May 2009.

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

Debate ensued.

Question put and passed.

**29 MEN'S HEALTH—SELECT COMMITTEE—REPORT**

The Deputy President (Senator Ferguson) tabled the following report and documents received on 29 May 2009:

Men's Health—Select Committee—Report, dated May 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Question put and passed.

**30 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—DOCUMENT—NATIVE TITLE AMENDMENT BILL 2009**

The Deputy President (Senator Ferguson) tabled the following document received on 1 June 2009:

Legal and Constitutional Affairs—Standing Committee—Report—Native Title Amendment Bill 2009 [Provisions]—Corrigendum.

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

**31 SCRUTINY OF BILLS—STANDING COMMITTEE—5TH REPORT AND ALERT DIGEST NO. 6 OF 2009**

The Deputy President (Senator Ferguson) tabled the following report and document received on 2 June 2009:

Scrutiny of Bills—Standing Committee—

5th report of 2009, dated 2 June 2009.

Alert Digest No. 6 of 2009, dated 2 June 2009.

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

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

Question put and passed.

**32 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—INTERIM REPORT—  
COMPLIANCE AUDITS ON MEDICARE BENEFITS**

The Deputy President (Senator Ferguson) tabled the following report received on 10 June 2009:

Community Affairs Legislation Committee—Compliance audits on Medicare benefits—Interim report, dated 10 June 2009.

*Reporting date:* Senator Farrell, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), moved—That the final report of the Community Affairs Legislation Committee on compliance audits on Medicare benefits be presented by 17 June 2009.

Question put and passed.

**33 GOVERNMENT DOCUMENTS**

The Deputy President (Senator Ferguson) tabled the following documents received on the dates indicated:

Department of Families, Housing, Community Services and Indigenous Affairs—The road home: A national approach to reducing homelessness—White paper. [*Received 15 May 2009*]

Department of the Environment, Water, Heritage and the Arts—Report for 2007-08—Corrigendum. [*Received 15 May 2009*]

Estimates of proposed expenditure for 2009-10—Portfolio Budget Statements—Portfolio and Executive Departments—Defence portfolio—Corrigendum. [*Received 22 May 2009*]

Public Sector Superannuation Scheme (PSS) and Commonwealth Superannuation Scheme (CSS)—Report on the long term cost of the Public Sector Superannuation Scheme and the Commonwealth Superannuation Scheme prepared by Mercer (Australia) Pty Ltd using data as at 30 June 2008. [*Received 22 May 2009*]

**34 AUDITOR-GENERAL—AUDIT REPORTS NOS 32 TO 36 OF 2008-09—DOCUMENTS**

The Deputy President (Senator Ferguson) tabled the following documents received on the dates indicated:

Auditor-General—Audit reports for 2008-09—

No. 32—Performance audit—Management of the tendering process for the construction of the Joint Operation Headquarters—Department of Defence. [*Received 19 May 2009*]

No. 33—Performance audit—Administration of the petroleum resource rent tax—Australian Taxation Office. [*Received 20 May 2009*]

No. 34—Performance audit—The Australian Taxation Office's management of serious non-compliance. [*Received 20 May 2009*]

No. 35—Performance audit—Management of the movement alert list—Department of Immigration and Citizenship. [*Received 21 May 2009*]

No. 36—Performance audit—Settlement grants program—Department of Immigration and Citizenship. [*Received 21 May 2009*]

Senator Barnett, by leave, moved—That the Senate take note of report no. 34.

Question put and passed.



**35 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 30 May 1996, as amended, the Deputy President (Senator Ferguson) tabled the following document received on 15 May 2009:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2008—Statement of compliance—Climate Change and Water portfolio agencies.

**36 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 20 June 2001, as amended, the Deputy President (Senator Ferguson) tabled the following document received on 22 May 2009:

Departmental and agency contracts for 2008—Letter of advice—Immigration and Citizenship portfolio agencies.

**37 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 24 June 2008, as amended, the Deputy President (Senator Ferguson) tabled the following documents received on the dates indicated:

Departmental and agency appointments and vacancies—Budget estimates—Letters of advice—

Agriculture, Fisheries and Forestry portfolio agencies. [*Received 18 May 2009*]

Attorney-General's portfolio agencies. [*Received 18 May 2009*]

Australian Institute of Family Studies. [*Received 25 May 2009*]

Australian National Audit Office. [*Received 18 May 2009*]

Australian Public Service Commission. [*Received 18 May 2009*]

Broadband, Communications and the Digital Economy portfolio agencies. [*Received 21 May 2009*]

Climate Change and Water portfolio agencies. [*Received 22 May 2009*]

Commonwealth Ombudsman [2]. [*Received 18 May and 25 May 2009*]

Department of Defence. [*Received 22 May 2009*]

Department of Families, Housing, Community Services and Indigenous Affairs. [*Received 25 May 2009*]

Department of Immigration and Citizenship. [*Received 15 May 2009*]

Department of the Prime Minister and Cabinet [2]. [*Received 18 May and 25 May 2009*]

Environment, Water, Heritage and the Arts portfolio agencies [3]. [*Received 25 May, 1 June and 11 June 2009*]

Finance and Deregulation portfolio agencies [2]. [*Received 18 May and 27 May 2009*]

Foreign Affairs and Trade portfolio agencies [4]. [*Received 25 May and 28 May 2009*]

Health and Ageing portfolio agencies [2]. [*Received 18 May and 26 May 2009*]

Human Services portfolio agencies [2]. [*Received 15 May 2009*]

Infrastructure, Transport, Regional Development and Local Government portfolio agencies [2]. [*Received 19 May and 26 May 2009*]

Innovation, Industry, Science and Research portfolio agencies. [*Received 18 May 2009*]

Inspector-General of Intelligence and Security. [*Received 18 May 2009*]  
 National Archives of Australia. [*Received 18 May 2009*]  
 Office of National Assessments. [*Received 18 May 2009*]  
 Office of the Privacy Commissioner. [*Received 18 May 2009*]  
 Old Parliament House. [*Received 18 May 2009*]  
 Resources, Energy and Tourism portfolio agencies. [*Received 22 May 2009*]  
 Treasury portfolio agencies. [*Received 22 May 2009*]  
 Veterans' Affairs portfolio agencies. [*Received 15 May 2009*]

**38 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 24 June 2008, the Deputy President (Senator Ferguson) tabled the following documents received on the dates indicated:

Departmental and agency grants—Budget estimates—Letters of advice—  
 Agriculture, Fisheries and Forestry portfolio agencies. [*Received 18 May 2009*]  
 Attorney-General's portfolio agencies. [*Received 18 May 2009*]  
 Australian National Audit Office. [*Received 18 May 2009*]  
 Australian Public Service Commission. [*Received 18 May 2009*]  
 Climate Change and Water portfolio agencies. [*Received 22 May 2009*]  
 Commonwealth Ombudsman [2]. [*Received 18 May and 25 May 2009*]  
 Department of Defence. [*Received 22 May 2009*]  
 Department of Education, Employment and Workplace Relations. [*Received 27 May 2009*]  
 Department of Families, Housing, Community Services and Indigenous Affairs. [*Received 25 May 2009*]  
 Department of Immigration and Citizenship. [*Received 15 May 2009*]  
 Department of the Prime Minister and Cabinet. [*Received 18 May 2009*]  
 Environment, Water, Heritage and the Arts portfolio agencies [2]. [*Received 25 May and 1 June 2009*]  
 Finance and Deregulation portfolio agencies. [*Received 18 May 2009*]  
 Foreign Affairs and Trade portfolio agencies [2]. [*Received 25 May 2009*]  
 Health and Ageing portfolio agencies. [*Received 20 May 2009*]  
 Human Services portfolio agencies. [*Received 15 May 2009*]  
 Infrastructure, Transport, Regional Development and Local Government portfolio agencies. [*Received 19 May 2009*]  
 Innovation, Industry, Science and Research portfolio agencies [2]. [*Received 18 May and 1 June 2009*]  
 Inspector-General of Intelligence and Security. [*Received 18 May 2009*]  
 National Archives of Australia. [*Received 18 May 2009*]  
 Office of National Assessments. [*Received 18 May 2009*]  
 Office of the Privacy Commissioner. [*Received 18 May 2009*]  
 Old Parliament House. [*Received 18 May 2009*]  
 Resources, Energy and Tourism portfolio agencies. [*Received 22 May 2009*]  
 Treasury portfolio agencies. [*Received 22 May 2009*]  
 Veterans' Affairs portfolio agencies. [*Received 15 May 2009*]

**39 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES, DEPARTMENTAL AND AGENCY CONTRACTS, DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES AND DEPARTMENTAL AND AGENCY GRANTS—ORDERS FOR PRODUCTION OF DOCUMENTS—DOCUMENTS—CONSIDERATION**

Senator Williams, by leave, moved that the Senate take note of the documents tabled earlier today (*see entries nos 35 to 38*).

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

**40 FOREIGN AFFAIRS—IRAN—DEATH PENALTY—DOCUMENT**

The Acting Deputy President (Senator Bishop) tabled the following document:

Foreign affairs—Iran—Death penalty—Letter to the President of the Senate from the Minister for Foreign Affairs (Mr Smith) responding to the resolution of the Senate of 17 March 2009, dated 15 May 2009.

**41 AUDITOR-GENERAL—AUDIT REPORTS NOS 37 TO 40 OF 2008-09—DOCUMENTS**

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

Auditor-General—Audit reports for 2008-09—

No. 37—Performance audit—Online availability of government entities' documents tabled in the Australian Parliament.

No. 38—Performance audit—Administration of the buyback component of the Securing our Fishing Future Structural Adjustment Package—Department of Agriculture, Fisheries and Forestry.

No. 39—Performance audit—Administration of the Securing our Fishing Future Structural Adjustment Package assistance programs—Department of Agriculture, Fisheries and Forestry.

No. 40—Performance audit—Planning and allocating aged care places and capital grants—Department of Health and Ageing.

**42 ESTIMATES OF PROPOSED EXPENDITURE FOR 2009-10—PORTFOLIO BUDGET STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENT**

The Assistant Treasurer (Senator Sherry) tabled the following document:

Estimates of proposed expenditure for 2009-10—Portfolio budget statements—Portfolios and executive departments—Environment, Water, Heritage and the Arts portfolio—Correction.

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

The Assistant Treasurer (Senator Sherry) tabled the following document:

Public Accounts and Audit—Joint Statutory Committee—412th report—Audit reports reviewed during the 41st Parliament—Government response to recommendations 11 and 12.

**44 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—REVIEW OF THE RE-LISTING OF THE KURDISTAN WORKERS' PARTY**

The Assistant Treasurer (Senator Sherry) tabled the following document:

Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of the Kurdistan Workers' Party (PKK)—Government response.

**45 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—REVIEW OF THE RE-LISTING OF AL-QA’IDA, JEMAAH ISLAMIYAH AND AL-QA’IDA IN THE LANDS OF THE ISLAMIC MAGHREB**

The Assistant Treasurer (Senator Sherry) tabled the following document:

Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of Al-Qa’ida, Jemaah Islamiyah and Al-Qa’ida in the Lands of the Islamic Maghreb—Government response.

**46 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—REVIEW OF THE RE-LISTING OF ABU SAYYAF GROUP, JAMIAT UL-ANSAR AND AL-QA’IDA IN IRAQ AS TERRORIST ORGANISATIONS**

The Assistant Treasurer (Senator Sherry) tabled the following document:

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 as terrorist organisations—Government response.

**47 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF THE RE-LISTING OF ANSAR AL-ISLAM, AAA, IAA, IMU, JEM AND LEJ AS TERRORIST ORGANISATIONS**

Senator McEwen, 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 Ansar al-Islam, AAA, IAA, IMU, JeM and LeJ as terrorist organisations—Report, dated June 2009.

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

Question put and passed.

**48 MIGRATION—JOINT STANDING COMMITTEE—REPORT—IMMIGRATION DETENTION IN AUSTRALIA**

Senator McEwen, on behalf of the Joint Standing Committee on Migration, tabled the following report and documents:

Migration—Joint Standing Committee—Immigration detention in Australia: Community-based alternatives to detention—Report, dated May 2009, minutes of proceedings and submissions.

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

Debate ensued.

Question put and passed.

**49 DOCUMENTS**

The following documents were tabled by the Clerk:

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

A New Tax System (Goods and Services Tax) Act—Recipient Created Tax Invoice – Embedded Agreement Amending Legislative Instrument 2009 [F2009L01772]\*.

Aged Care Act—

Allocation Amendment Principles 2009 (No. 1) [F2009L02065]\*.

- Extra Service Amendment Principles 2009 (No. 1) [F2009L02092]\*.
- Air Services Act—Statement of expectations for the Board of Airservices Australia for the period 1 November 2008 to 30 June 2010 [F2009L02175]\*.
- Airspace Act—Airspace Regulations—Instruments Nos CASA OAR—  
097/09—Determination of airspace and controlled aerodromes etc [F2009L02152]\*.  
098/09—Determination of conditions for use of air routes [F2009L02153]\*.
- Appropriation Act (No. 1) 2007-2008*—Determination to Reduce Appropriations Upon Request (No. 26 of 2008-2009) [F2009L02002]\*.
- Appropriation Act (No. 1) 2008-2009*—Determination to Reduce Appropriations Upon Request (No. 24 of 2008-2009) [F2009L01996]\*.
- Appropriation Act (No. 2) 2008-2009*—Determination to Reduce Appropriations Upon Request (No. 25 of 2008-2009) [F2009L02000]\*.
- Appropriation (Northern Territory National Emergency Response) Act (No. 2) 2007-2008*—Determination to Reduce Appropriations Upon Request (No. 27 of 2008-2009) [F2009L02122]\*.
- Australian Citizenship Act—Instrument IMMI 09/026—Instrument of Authorisation [F2009L02055]\*.
- Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2009/1 [F2009L02143]\*.
- Australian National University Act—  
Academic and Ceremonial Dress Statute 2005—Academic and Ceremonial Dress Order 2009 [F2009L02166]\*.  
Programs and Awards Statute 2006—  
Academic Progress Rules 2009 [F2009L02163]\*.  
Honorary Degrees Rules 2009 [F2009L02164]\*.
- Australian Postal Corporation Act—Select Legislative Instrument 2009 No. 79—  
Australian Postal Corporation Amendment Regulations 2009 (No. 1) [F2009L01620]\*.
- Australian Prudential Regulation Authority Act—  
Australian Prudential Regulation Authority (Confidentiality) Determination No. 6 of 2009—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2009L02030]\*.  
Australian Prudential Regulation Authority Instrument Fixing Charges No. 3 of 2009—Provision of statistical information about financial sector entities to the Reserve Bank of Australia and the Australian Bureau of Statistics during the 2008-09 financial year [F2009L02311]\*.
- Aviation Transport Security Act—Select Legislative Instrument 2009 No. 85—  
Aviation Transport Security Amendment Regulations 2009 (No. 2) [F2009L01814]\*.
- Banking Act—Banking (Foreign Exchange) Regulations—Direction relating to foreign currency transactions and to the former Federal Republic of Yugoslavia; and variation of exemptions—Amendment to annexes, dated 5 June 2009 [F2009L02269]\*.
- Building and Construction Industry Improvement Act—Select Legislative Instrument 2009 No. 86—Building and Construction Industry Improvement (Accreditation Scheme) Amendment Regulations 2009 (No. 1) [F2009L01816]\*.

## Charter of the United Nations Act—

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 2) [F2009L01811]\*.

Select Legislative Instrument 2009 No. 88—Charter of the United Nations (Sanctions — Somalia) Amendment Regulations 2009 (No. 1) [F2009L01810]\*.

## Civil Aviation Act—

## Civil Aviation Regulations—

Civil Aviation Order 40.1.0 Amendment Order (No. 1) 2009 [F2009L01475]\*.

Civil Aviation Order 40.3.0 Amendment Order (No. 1) 2009 [F2009L01471]\*.

Civil Aviation Order 100.23 Amendment Order (No. 1) 2009 [F2009L02062]\*.

## Instruments Nos CASA—

198/09—Instructions – for approved use of P-RNAV procedures [F2009L01749]\*.

201/09—Instructions – for approved use of P-RNAV procedures [F2009L01769]\*.

206/09—Direction – number of cabin attendants [F2009L01823]\*.

207/09—Instructions – for approved use of P-RNAV procedures [F2009L01825]\*.

209/09—Instructions – for approved use of P-RNAV procedures [F2009L01901]\*.

EX37/09—Exemption – refuelling with passengers on board [F2009L01400]\*.

EX41/09—Exemption – refuelling with passengers on board [F2009L01787]\*.

EX42/09—Exemption – from take-off minima inside and outside Australian territory [F2009L02060]\*.

EX44/09—Exemption – display of lights at night and in poor visibility [F2009L02076]\*.

EX45/09—Exemption – Surveillance Australia Pty Ltd operations into Lord Howe Island [F2009L02083]\*.

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

AD/A330/17 Amdt 3—Type A Passenger/Crew Door Slide Rafts and Type 1 Emergency Door Slides [F2009L01863]\*.

AD/A330/67 Amdt 1—Keel Beam Fastener Holes at Frame 40 – Inspection [F2009L01862]\*.

AD/A330/69 Amdt 1—Fuel Tanks Modifications [F2009L01982]\*.

AD/A330/88 Amdt 1—Intermediate Pressure Turbine Overspeed Protection [F2009L01981]\*.

AD/A330/101—Cable Loom 9R Routing [F2009L01980]\*.

AD/A330/102—Door 2 Hat Rack Electrical Connectors [F2009L01978]\*.

AD/AA-1/2—Alternator Field Protection – Modification [F2009L01949]\*.

AD/AA-1/3—Placards and Fuel Tank Cap Chains – Installation [F2009L01948]\*.

AD/AA-1/4—Fuel Tank Contents Manometer Vent Lines – Modification [F2009L01947]\*.  
AD/AA-1/5—Carburettor – Inspection [F2009L01946]\*.  
AD/AA-1/6—Control Surface Bearing Support – Inspection [F2009L01945]\*.  
AD/AA-1/8—Fuel Quantity Indicator – Modification [F2009L01944]\*.  
AD/AA-1/11—Fuel Pressure Lines – Inspection [F2009L01943]\*.  
AD/AA-1/12—Fuel Tank Vent Lines and Fuel Contents Gauge Lines – Modification [F2009L01942]\*.  
AD/AA-1/15—Centre Spar Console – Inspection and Modification [F2009L01940]\*.  
AD/AA-1/18—Glove Box – Modification [F2009L01861]\*.  
AD/AA-5/2—Front Seat – Modification [F2009L01860]\*.  
AD/AA-5/3—Fuel Tank Vent Lines – Modification [F2009L01939]\*.  
AD/AA-5/4—Aileron – Additional Drain Holes [F2009L01938]\*.  
AD/AA-5/5—Elevator Trim Tab Hinge – Inspection [F2009L01936]\*.  
AD/AA-5/6—Fuel Tank Vent Lines – Modification [F2009L01935]\*.  
AD/AA-5/11—Centre Spar Console – Inspection and Modification [F2009L01933]\*.  
AD/AA-5/12—Flap Surfaces – Inspection [F2009L01859]\*.  
AD/AA-5/14—Spar/Skin Spacer – Inspection and Removal [F2009L01858]\*.  
AD/AA-5/15—Fuel Line – Inspection [F2009L01930]\*.  
AD/AA-5/18—Circuit Protection Separation – Modification [F2009L01929]\*.  
AD/AA-5/21—Glove Box – Modification [F2009L01857]\*.  
AD/AA-5/22—Aileron Torque Tube – Inspection and Modification [F2009L01856]\*.  
AD/AA-5/25—Elevator Drain Holes – Inspection and Modification [F2009L01855]\*.  
AD/AKRO/1 Amdt 1—Airspeed Restriction [F2009L01854]\*.  
AD/AS 355/60 Amdt 5—Tail Rotor Blade Trailing Edge [F2009L01853]\*.  
AD/AT-6/2 Amdt 1—Horizontal Stabiliser Rear Spar Connector Fittings [F2009L02172]\*.  
AD/AT/27 Amdt 2—Wing Lower Spar Cap [F2009L01852]\*.  
AD/B-2/5—Tail Cone Reinforcement [F2009L01851]\*.  
AD/B-2/7—Main Rotor Blade Dampers – Installation [F2009L01913]\*.  
AD/B-2/8—Tail Cone Reinforcement [F2009L01850]\*.  
AD/B-2/9—Main Transmission Mount – Reinforcement [F2009L01849]\*.  
AD/B-2/10—Rotor Blade Hinge – Modification [F2009L01848]\*.  
AD/B-2/11—Tail Rotor Blade Retaining Nut – Safetying [F2009L01847]\*.  
AD/B-2/24—Rudder Control Post Upper Attachment – Modification [F2009L01846]\*.  
AD/B-2/27—Tail Rotor Blades Strike Indicators – Installation [F2009L01845]\*.  
AD/B717/32—Auxiliary Hydraulic Pump Electrical Wiring [F2009L01976]\*.

AD/B727/218—Upper and Lower Fuselage Skin Lap Joints [F2009L01844]\*.  
AD/B737/235 Amdt 1—Fuselage Skin Area at the Dorsal Fin Assembly [F2009L01843]\*.  
AD/B767/250—Lower Wing Skin [F2009L01842]\*.  
AD/B767/251—Aft Pressure Bulkhead [F2009L01841]\*.  
AD/BEA 206/5—Nose Landing Gear Spring Box [F2009L02186]\*.  
AD/BEA 206/7—Cabin Door Operating Placards [F2009L02187]\*.  
AD/BEECH 400/14 Amdt 1—Flightcrew Seats [F2009L01840]\*.  
AD/BN-2/85—Elevator Tip Assemblies [F2009L02073]\*.  
AD/BO 105/27—Cyclic-Stick Locking Device [F2009L01973]\*.  
AD/CESSNA 150/50—Rudder Limit Stops [F2009L02188]\*.  
AD/CL-600/109—Nose Landing Gear Selector Valve [F2009L02258]\*.  
AD/CL-600/110—Flap Actuator Pinion Gear [F2009L02259]\*.  
AD/DH 60/5 Amdt 1—Flight Limitations and Structural Inspection [F2009L02189]\*.  
AD/DH 82/11 Amdt 1—Flight Limitations and Structural Inspection [F2009L02190]\*.  
AD/DH 83/1—Flight Limitations and Structural Inspection [F2009L02191]\*.  
AD/DH 87/2 Amdt 1—Flight Limitations and Structural Inspection [F2009L02193]\*.  
AD/DHC-8/147—Main Landing Gear Airworthiness Limitation Items [F2009L02195]\*.  
AD/DO 228/10 Amdt 1—Fuselage Frame 19 [F2009L01839]\*.  
AD/DO 328/73—Flight Compartment Door Locking Device [F2009L01838]\*.  
AD/FN-333/2—Fuel Solenoid Valve Relocation – Flexible Hose Installation [F2009L01896]\*.  
AD/FN-333/3—Inlet Manifold Rear Drain – Modification [F2009L01894]\*.  
AD/GA-7/5—Propeller Control Ball Joint – Replacement [F2009L01984]\*.  
AD/GBK 117/24—External Mounted Hoist System [F2009L02011]\*.  
AD/GBK 117/25—Tail Rotor Gearbox Bevel Gear [F2009L02307]\*.  
AD/HS 125/183—Cockpit Ventilation and Avionics Cooling System Blower Motor [F2009L01966]\*.  
AD/HU 269/72—Idle Pulley Support Bracket – Inspection [F2009L01963]\*.  
AD/HU 369/4—Main Rotor Locknut and Retaining Ring – Modification [F2009L01893]\*.  
AD/HU 369/6—NAS 1291 – 4 Nuts Used in Specific Applications Inspection [F2009L01892]\*.  
AD/HU 369/7 Amdt 1—Oil Cooler Blow System – Modification [F2009L01891]\*.  
AD/HU 369/24—Tail Rotor Drive Shaft Damper – Inspection [F2009L01890]\*.  
AD/HU 369/25—Longitudinal Cyclic Friction Guide Link – Modification [F2009L01889]\*.  
AD/HU 369/26—Main Rotor Pitch Link Bolts and Nuts – Inspection [F2009L01888]\*.



AD/HU 369/30—Main Rotor Pitch Control Rod – Replacement [F2009L01887]\*.

AD/HU 369/32—Seat Belt Assemblies – Inspection and Replacement [F2009L01837]\*.

AD/HU 369/33 Amdt 1—Fuselage Structure, Forward Section – Modification [F2009L01836]\*.

AD/HU 369/36—Flexible Hose Assembly – Replacement [F2009L01886]\*.

AD/HU 369/39—Tail Rotor Control Bellcrank Supports – Inspection and Modification [F2009L01835]\*.

AD/HU 369/40—Tail Rotor Fork Hinge Nut – Replacement [F2009L01885]\*.

AD/HU 369/42—Collective Torque Tube and Bungee Support Bracket – Inspection [F2009L01884]\*.

AD/HU 369/44 Amdt 1—Collective Torque Tube and Bungee Support Brackets – Inspection [F2009L01834]\*.

AD/HU 369/45—Tail Rotor Swashplate Bearing Locknut – Increase in Torque [F2009L01883]\*.

AD/HU 369/50—Main Rotor Hub Strap Pack Retention Bolts and Bushings – Inspection and Replacement [F2009L01882]\*.

AD/HU 369/52—Attachment Hardware for Sta-Strap Securing Electric Wiring to Boom Fairing at Sta 138.50 – Inspection [F2009L01790]\*.

AD/HU 369/57 Amdt 2—Collective Stick Support Bracket Reinforcement Strap – Installation [F2009L01789]\*.

AD/HU 369/59 Amdt 1—Main Transmission Oil Lines [F2009L01881]\*.

AD/HU 369/63—Landing Gear Struts and Feet – Inspection [F2009L01788]\*.

AD/HU 369/64—Tail Rotor Bellcrank [F2009L01880]\*.

AD/HU 369/65—Fargo Auxiliary Fuel Tanks [F2009L01879]\*.

AD/HU 369/66—Eon Corp. Seat Belt Assemblies [F2009L01786]\*.

AD/HU 369/73—Tail Rotor Fork Bolt [F2009L01878]\*.

AD/HU 369/74—Particle Separator Filter Bypass Door Latch [F2009L01785]\*.

AD/HU 369/79—Tail Rotor Transmission Output Shaft Duplex Bearings [F2009L01877]\*.

AD/JETSTREAM/106—Main Landing Gear Radius Rod [F2009L02294]\*.

AD/LC40/3—Rudder Hinges and Hinge Brackets [F2009L01828]\*.

AD/PA-32/42 Amdt 2—Wing Structural Fatigue Life Limitation [F2009L02088]\*.

AD/PA-42/5—Major Structural Fatigue Limitations [F2009L01784]\*.

AD/PA-44/15—Wing and Carry-Through Structure [F2009L01783]\*.

AD/PC-12/32 Amdt 2—Nose Landing Gear Drag Link [F2009L02072]\*.

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106—

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Telecommunications (Carrier Licence Charges) Act—

Determination under paragraph 15(1)(d) No. 1 of 2009 [F2009L02078]\*.

Telecommunications (Annual Carrier Licence Charge) Determination 2009 [F2009L02068]\*.

Telecommunications (Costs Attributable to Telecommunications Functions and Powers) Determination 2009 [F2009L02012]\*.

Telecommunications (Recovery of amounts paid under section 136C of the *Telecommunications Act 1997*) Determination 2009 [F2009L02014]\*.

Telecommunications (Recovery of ITU Budget Contribution) Determination 2009 [F2009L02013]\*.

Telecommunications (Consumer Protection and Service Standards) Act—Telstra Carrier Charges—Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005 (Amendment No. 1 of 2009) [F2009L02173]\*.

Telecommunications (Interception and Access) Act—Telecommunications (Interception and Access) (Staff Members of Queensland Police Service) Declaration 2009 [F2009L02151]\*.

Therapeutic Goods Act—Therapeutic Goods (Emergency) Exemptions 2009—

(No. 2) [F2009L02296]\*.

(No. 3) [F2009L02297]\*.

(No. 4) [F2009L02298]\*.

Trade Practices Act—Select Legislative Instrument 2009 Nos—

87—Trade Practices Amendment Regulations 2009 (No. 1) [F2009L01832]\*.

107—Trade Practices (Consumer Product Safety Standard) (Treadmills) Regulations 2009 [F2009L02165]\*.

*Governor-General's Proclamations—Commencement of provisions of Acts*

*Commonwealth Authorities and Companies Amendment Act 2008*—Item 42 of Schedule 1—1 July 2009 [F2009L01781]\*.

*Fair Work Act 2009*—Sections 3 to 40—26 May 2009 [F2009L01818]\*.

\* Explanatory statement tabled with legislative instrument.

**50 FAIR WORK (STATE REFERRAL AND CONSEQUENTIAL AND OTHER AMENDMENTS) BILL 2009**

**FAIR WORK (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2009**

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

Message no. 325, dated 3 June 2009—A Bill for an Act to amend the *Fair Work Act 2009*, to make amendments consequential on the enactment of that Act, and for other purposes.

Message no. 340, dated 15 June 2009—A Bill for an Act to amend laws, and deal with transitional matters, in connection with the *Fair Work Act 2009*, and for other purposes.

The Assistant Treasurer (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.

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*Explanatory memorandum:* Senator Sherry tabled a revised explanatory memorandum relating to the Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009.

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

- 51 CAR DEALERSHIP FINANCING GUARANTEE APPROPRIATION BILL 2009**  
**EVIDENCE AMENDMENT (JOURNALISTS' PRIVILEGE) BILL 2009**  
**FAMILY ASSISTANCE AND OTHER LEGISLATION AMENDMENT (2008 BUDGET AND OTHER MEASURES) BILL 2009**  
**FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2009**  
**FINANCIAL SECTOR LEGISLATION AMENDMENT (ENHANCING SUPERVISION AND ENFORCEMENT) BILL 2009**  
**FUEL QUALITY STANDARDS AMENDMENT BILL 2009**  
**HEALTH WORKFORCE AUSTRALIA BILL 2009**  
**LAW AND JUSTICE (CROSS BORDER AND OTHER AMENDMENTS) BILL 2009**  
**NATION BUILDING PROGRAM (NATIONAL LAND TRANSPORT) AMENDMENT BILL 2009**  
**NATIVE TITLE AMENDMENT BILL 2009**

**SOCIAL SECURITY LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2009**  
**SOCIAL SECURITY LEGISLATION AMENDMENT (IMPROVED SUPPORT FOR CARERS) BILL 2009**  
**TAX LAWS AMENDMENT (2009 BUDGET MEASURES NO. 1) BILL 2009**  
**TAX LAWS AMENDMENT (2009 MEASURES NO. 2) BILL 2009**  
**TAX LAWS AMENDMENT (2009 MEASURES NO. 3) BILL 2009**  
**THERAPEUTIC GOODS AMENDMENT (2009 MEASURES NO. 1) BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2009**  
**AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS) BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE) BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL) BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) (CONSEQUENTIAL AMENDMENTS) BILL 2009**  
**EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009**  
**CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009**  
**CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD ASSISTANCE) BILL 2009**  
**FAIRER PRIVATE HEALTH INSURANCE INCENTIVES BILL 2009**  
**FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE) BILL 2009**  
**FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) BILL 2009**

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

Message no. 321, dated 28 May 2009—A Bill for an Act to provide for an appropriation for the Australian Government Guarantee to Support Interim Funding to Car Dealerships, and for related purposes.

Message no. 308, dated 14 May 2009—A Bill for an Act to amend the *Evidence Act 1995*, and for related purposes.

Message no. 311, dated 14 May 2009—A Bill for an Act to amend the law relating to family assistance and social security, and for related purposes.

Message no. 322, dated 28 May 2009—A Bill for an Act to amend the law relating to family assistance, and for other purposes.

Message no. 315, dated 27 May 2009—A Bill for an Act to amend the law relating to banking, insurance and superannuation, and for related purposes.

Message no. 309, dated 14 May 2009—A Bill for an Act to amend the *Fuel Quality Standards Act 2000*, and for related purposes.

Message no. 320, dated 27 May 2009—A Bill for an Act to establish Health Workforce Australia, and for related purposes.

Message no. 314, dated 26 May 2009—A Bill for an Act to amend various Acts relating to law and justice, and for related purposes.

Message no. 324, dated 1 June 2009—A Bill for an Act to amend the *AusLink (National Land Transport) Act 2005*, and for related purposes.

Message no. 305, dated 14 May 2009—A Bill for an Act to amend the *Native Title Act 1993*, and for other purposes.

Message no. 313, dated 26 May 2009—A Bill for an Act to amend the *Social Security (Administration) Act 1999*, and for related purposes.

Message no. 339, dated 15 June 2009—A Bill for an Act to amend the *Social Security Act 1991*, and for related purposes.

Message no. 323, dated 1 June 2009—A Bill for an Act to amend the law relating to taxation and superannuation, and for related purposes.

Message no. 316, dated 27 May 2009—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 318, dated 27 May 2009—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 310, dated 14 May 2009—A Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.

Message no. 342, dated 15 June 2009—A Bill for an Act to reduce pollution caused by emissions of carbon dioxide and other greenhouse gases, and for other purposes.

Message no. 341, dated 15 June 2009—A Bill for an Act to deal with consequential matters arising from the enactment of the *Carbon Pollution Reduction Scheme Act 2009*, and for other purposes.

Message no. 329, dated 4 June 2009—A Bill for an Act to establish the Australian Climate Change Regulatory Authority, and for other purposes.

Message no. 330, dated 4 June 2009—A Bill for an Act to impose charges for the issue of Australian emissions units under the *Carbon Pollution Reduction Scheme Act 2009*, so far as those charges are duties of customs.

Message no. 331, dated 4 June 2009—A Bill for an Act to impose charges for the issue of Australian emissions units under the *Carbon Pollution Reduction Scheme Act 2009*, so far as those charges are duties of excise.

Message no. 332, dated 4 June 2009—A Bill for an Act to impose charges for the issue of Australian emissions units under the *Carbon Pollution Reduction Scheme Act 2009*, so far as those charges are neither duties of customs nor duties of excise.

Message no. 333, dated 4 June 2009—A Bill for an Act about CPRS fuel credits, and for related purposes.

Message no. 334, dated 4 June 2009—A Bill for an Act to deal with consequential matters arising from the enactment of the *Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Act 2009*, and for other purposes.

Message no. 335, dated 4 June 2009—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Message no. 336, dated 4 June 2009—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

Message no. 337, dated 4 June 2009—A Bill for an Act to amend the law relating to social security, family assistance, veterans' affairs, military rehabilitation and compensation and taxation, and for related purposes.

Message no. 326, dated 3 June 2009—A Bill for an Act to provide for fairer private health insurance incentives, and for related purposes.

Message no. 328, dated 3 June 2009—A Bill for an Act to amend the *Medicare Levy Act 1986*, and for related purposes.

Message no. 327, dated 3 June 2009—A Bill for an Act to amend the *A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999*, and for related purposes.

The Minister for Defence (Senator Faulkner) 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 Faulkner moved—That these bills be now read a second time.

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*Explanatory memoranda:* Senator Faulkner tabled revised explanatory memoranda [2] relating to the Carbon Pollution Reduction Scheme Bill 2009 and the Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009.

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

*Consideration of legislation:* Senator Faulkner moved—That—

- (a) the Carbon Pollution Reduction Scheme Bill 2009, the Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009, the Australian Climate Change Regulatory Authority Bill 2009, the Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009, the Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009, the Carbon Pollution Reduction Scheme (Charges—General) Bill 2009, the Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009, the Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009, the Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009, the Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 and the Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009; and
- (b) the Fairer Private Health Insurance Incentives Bill 2009, the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 and the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2009,

be listed on the *Notice Paper* as 2 orders of the day and the remaining bills be listed as separate orders of the day.

Question put and passed.

## 52 EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008

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

Message no. 312, dated 26 May 2009—Employment and Workplace Relations Amendment Bill 2008.



**53 THERAPEUTIC GOODS AMENDMENT (MEDICAL DEVICES AND OTHER MEASURES) BILL 2008 [2009]**

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 319, dated 27 May 2009—Therapeutic Goods Amendment (Medical Devices and Other Measures) Bill 2008 [2009].

**54 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:

22 May 2009—Message—

No. 11—*Tax Laws Amendment (Small Business and General Business Tax Break) Act 2009* (Act No. 31, 2009).

No. 12—

*Telecommunications Interception Legislation Amendment Act (No. 1) 2009* (Act No. 32, 2009)

*Customs Legislation Amendment (Name Change) Act 2009* (Act No. 33, 2009)

*Customs Amendment (Enhanced Border Controls and Other Measures) Act 2009* (Act No. 34, 2009).

27 May 2009—Message No. 13—

*Social Security and Family Assistance Legislation Amendment (2009 Budget Measures) Act 2009* (Act No. 35, 2009)

*Financial Assistance Legislation Amendment Act 2009* (Act No. 36, 2009).

3 June 2009—Message No. 14—*Employment and Workplace Relations Amendment Act 2009* (Act No. 37, 2009).

**55 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—PLEBISCITE FOR AN AUSTRALIAN REPUBLIC BILL 2008**

Pursuant to order, Senator O'Brien, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following report and documents:

Finance and Public Administration Legislation Committee—Plebiscite for an Australian Republic Bill 2008—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 O'Brien.

Senator O'Brien, by leave, moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator O'Brien in continuation.

**56 ORDER OF BUSINESS—REARRANGEMENT**

Senator O'Brien, by leave and at the request of the chairs of the respective committees, moved—That the following business of the Senate orders of the day be postponed till a later hour:

- (a) no. 3, relating to the presentation of the report of the Select Committee on Climate Policy;

- (b) no. 4, relating to the presentation of the report of the Economics Legislation Committee on the provisions of the Carbon Pollution Reduction Scheme Bill 2009 and related bills; and
- (c) no. 6, relating to the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Nation Building Program (National Land Transport) Amendment Bill 2009.

Question put and passed.

**57 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—PLEBISCITE FOR AN AUSTRALIAN REPUBLIC BILL 2008—STATEMENT BY LEAVE**

The Leader of the Australian Greens (Senator Bob Brown), by leave, made a statement relating to the report tabled earlier today (*see entry no. 55*).

**58 NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL AND OTHER BENEFITS—COST RECOVERY) BILL 2008 [NO. 2]**

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.

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.

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

Schedule 1, item 1, page 3 (after line 19), at the end of section 99YB, add:

Subdivision D provides that the Minister must cause a review to be undertaken of the impact of cost-recovery measures provided for under this Division and any regulations made under this Division, and must table an annual report on related processes.

Schedule 1, item 1, page 5 (after line 5), at the end of Division 4C, add:

**Subdivision D—Review of cost-recovery measures**

**99YBC Review of impact of cost-recovery measures**

*Review*

- (1) The Minister must cause an independent review of the impact of cost-recovery measures provided for under this Division and any regulations made under this Division to be undertaken as soon as possible after the second anniversary of the commencement of this Division and completed within 4 months of that anniversary.
- (2) The review must report on:
  - (a) the average number of times a submission is presented before gaining approval and the reasons provided for requiring applicants to resubmit;

- (b) the average fee for submissions by type of submission (major/minor/generic according to Department of Health and Ageing classifications);
  - (c) the number of applications where the population is likely to be small and utilisation of the drug, medicinal preparation or vaccine is likely to be highly targeted;
  - (d) the number of reviews requested by applicants;
  - (e) the number of fee waivers given to applicants and the reasons why waivers were given;
  - (f) the length of time taken for submissions to be approved;
  - (g) the number of applications that fail to gain a listing, the reasons why and the types of drugs concerned;
  - (h) any increase in operating costs of the Pharmaceutical Benefits Advisory Committee;
  - (i) any increase in the cost of pharmaceutical benefits scheme medications to patients;
  - (j) any other matters considered relevant.
- (3) The review must be conducted by a panel which must comprise not less than five persons, including:
- (a) a medical professional nominated by the Minister;
  - (b) a nominee of the Consumers Health Forum of Australia;
  - (c) three other persons nominated by the Minister, each of whom must have relevant professional qualifications and must not be employed within the pharmaceuticals industry.
- (4) The panel must give the Minister a written report of the review, and the Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of receiving the report.

*Annual report on processes*

- (5) The Secretary must, as soon as practicable after 30 June in each year, prepare and give to the Minister a report on processes leading up to the Pharmaceutical Benefits Advisory Committee consideration, including:
- (a) the extent and timeliness with which responsible persons are provided copies of documents relevant to their submission to the Pharmaceutical Benefits Advisory Committee;
  - (b) the extent to which responsible persons exercise their right to comment on these documents, including appearing at hearings before the Pharmaceutical Benefits Advisory Committee;
  - (c) the number of responsible persons seeking a review of a Pharmaceutical Benefits Advisory Committee recommendation.
- (6) The Minister must cause a copy of each report prepared under subsection (5) to be tabled in each House of the Parliament within 15 sitting days of receiving the report.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The Acting Deputy President (Senator Humphries) 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.

**59 FAIR WORK (STATE REFERRAL AND CONSEQUENTIAL AND OTHER AMENDMENTS)  
BILL 2009  
FAIR WORK (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS)  
BILL 2009**

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

Debate resumed.

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the debate was adjourned till a later hour.

**60 ECONOMICS LEGISLATION COMMITTEE—REPORT—CARBON POLLUTION  
REDUCTION SCHEME BILL 2009 AND RELATED BILLS**

Pursuant to order, the Chair of the Economics Legislation Committee (Senator Hurley) tabled the following report and documents:

Economics Legislation Committee—Australian Climate Change Regulatory Authority Bill 2009 [Provisions], Carbon Pollution Reduction Scheme Bill 2009 [Provisions], Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009 [Provisions], Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009 [Provisions], Carbon Pollution Reduction Scheme (Charges—General) Bill 2009 [Provisions], Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009 [Provisions], Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009 [Provisions], Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009 [Provisions], Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [Provisions], Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [Provisions] and Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009 [Provisions]—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 Hurley.

**61 CLIMATE POLICY—SELECT COMMITTEE—REPORT**

Pursuant to order, the Chair of the Select Committee on Climate Policy (Senator Colbeck) tabled the following report and documents:

Climate Policy—Select Committee—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 Colbeck.

Senator O'Brien, by leave, moved—That the total time for debate on the reports of the Economics Legislation Committee (*see entry no. 60*) and the Select Committee on Climate Policy today shall not exceed 60 minutes.

Question put and passed.

Senator O'Brien, by leave, moved—That the Senate take note of the reports together.

Debate ensued.

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

**62 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—  
REPORT—NATION BUILDING PROGRAM (NATIONAL LAND TRANSPORT)  
AMENDMENT BILL 2009**

Pursuant to order, Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), tabled the following report and documents:

Rural and Regional Affairs and Transport Legislation Committee—Nation Building Program (National Land Transport) Amendment Bill 2009 [Provisions]—Report, dated June 2009, Hansard record of proceedings, additional information and submissions.

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

**63 FAIR WORK (STATE REFERRAL AND CONSEQUENTIAL AND OTHER AMENDMENTS)  
BILL 2009  
FAIR WORK (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS)  
BILL 2009**

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

Debate resumed.

Question put and passed.

Bills read a second time.

On the motion of the Minister for Employment Participation (Senator Arbib) consideration of the bills in committee of the whole was made an order of the day for the next day of sitting.

**64 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Employment Participation (Senator Arbib) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008).

Question put and passed.

**65 TRADE PRACTICES AMENDMENT (CARTEL CONDUCT AND OTHER MEASURES)  
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 and a correction to the explanatory memorandum.

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

Schedule 1, item 19, page 21 (line 21), after “Note”, insert “1”.

Schedule 1, item 19, page 21 (after line 22), at the end of subsection 44ZZRO(1), add:

Note 2: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 19, page 21 (before line 23), before subsection 44ZZRO(2), insert:

- (1A) Section 44ZZRF does not apply in relation to an arrangement or understanding containing a cartel provision if:
- (a) the arrangement or understanding is not a contract; and
  - (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
    - (i) intended the arrangement or understanding to be a contract; and
    - (ii) reasonably believed that the arrangement or understanding was a contract; and
  - (c) the cartel provision is for the purposes of a joint venture; and
  - (d) the joint venture is for the production and/or supply of goods or services; and
  - (e) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
  - (f) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (d) jointly by means of:
    - (i) their joint control; or
    - (ii) their ownership of shares in the capital; of that body corporate.

Note 1: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

Note 2: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

- (1B) Section 44ZZRG does not apply in relation to giving effect to a cartel provision contained in an arrangement or understanding if:
- (a) the arrangement or understanding is not a contract; and

- (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
  - (i) intended the arrangement or understanding to be a contract; and
  - (ii) reasonably believed that the arrangement or understanding was a contract; and
- (c) when the cartel provision was given effect to, each party to the arrangement or understanding reasonably believed that the arrangement or understanding was a contract; and
- (d) the cartel provision is for the purposes of a joint venture; and
- (e) the joint venture is for the production and/or supply of goods or services; and
- (f) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
- (g) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (e) jointly by means of:
  - (i) their joint control; or
  - (ii) their ownership of shares in the capital; of that body corporate.

Note 1: A defendant bears an evidential burden in relation to the matter in subsection (1B) (see subsection 13.3(3) of the *Criminal Code*).

Note 2: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 19, page 21 (line 24), after “subsection (1)”, insert “, (1A) or (1B)”.

Schedule 1, item 19, page 21 (line 30), after “subsection (1)”, insert “, (1A) or (1B), as the case may be”.

Schedule 1, item 19, page 21 (line 34), after “subsection (1)”, insert “, (1A) or (1B), as the case may be”.

Schedule 1, item 19, page 22 (line 2), after “subsection (1)”, insert “, (1A) or (1B), as the case may be”.

Schedule 1, item 19, page 22 (after line 28), at the end of subsection 44ZZRP(1), add:

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 19, page 22 (before line 29), before subsection 44ZZRP(2), insert:

- (1A) Section 44ZZRJ does not apply in relation to an arrangement or understanding containing a cartel provision if:
  - (a) the arrangement or understanding is not a contract; and

- (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
  - (i) intended the arrangement or understanding to be a contract; and
  - (ii) reasonably believed that the arrangement or understanding was a contract; and
- (c) the cartel provision is for the purposes of a joint venture; and
- (d) the joint venture is for the production and/or supply of goods or services; and
- (e) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
- (f) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (d) jointly by means of:
  - (i) their joint control; or
  - (ii) their ownership of shares in the capital; of that body corporate.

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

- (1B) Section 44ZZRK does not apply in relation to giving effect to a cartel provision contained in an arrangement or understanding if:
  - (a) the arrangement or understanding is not a contract; and
  - (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
    - (i) intended the arrangement or understanding to be a contract; and
    - (ii) reasonably believed that the arrangement or understanding was a contract; and
  - (c) when the cartel provision was given effect to, each party to the arrangement or understanding reasonably believed that the arrangement or understanding was a contract; and
  - (d) the cartel provision is for the purposes of a joint venture; and
  - (e) the joint venture is for the production and/or supply of goods or services; and
  - (f) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
  - (g) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (e) jointly by means of:
    - (i) their joint control; or
    - (ii) their ownership of shares in the capital; of that body corporate.



Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 19, page 22 (line 29), after “subsection (1)”, insert “, (1A) or (1B)”.

Schedule 1, item 126, page 67 (after line 29), at the end of subsection 44ZZRO(1), add:

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 126, page 67 (before line 30), before subsection 44ZZRO(2), insert:

- (1A) Section 44ZZRF does not apply in relation to an arrangement or understanding containing a cartel provision if:
- (a) the arrangement or understanding is not a contract; and
  - (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
    - (i) intended the arrangement or understanding to be a contract; and
    - (ii) reasonably believed that the arrangement or understanding was a contract; and
  - (c) the cartel provision is for the purposes of a joint venture; and
  - (d) the joint venture is for the production and/or supply of goods or services; and
  - (e) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
  - (f) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (d) jointly by means of:
    - (i) their joint control; or
    - (ii) their ownership of shares in the capital;
 of that body corporate.

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

- (1B) Section 44ZZRG does not apply in relation to giving effect to a cartel provision contained in an arrangement or understanding if:
- (a) the arrangement or understanding is not a contract; and
  - (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
    - (i) intended the arrangement or understanding to be a contract; and

- (ii) reasonably believed that the arrangement or understanding was a contract; and
- (c) when the cartel provision was given effect to, each party to the arrangement or understanding reasonably believed that the arrangement or understanding was a contract; and
- (d) the cartel provision is for the purposes of a joint venture; and
- (e) the joint venture is for the production and/or supply of goods or services; and
- (f) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
- (g) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (e) jointly by means of:
  - (i) their joint control; or
  - (ii) their ownership of shares in the capital; of that body corporate.

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 126, page 67 (line 30), after “subsection (1)”, insert “, (1A) or (1B)”.

Schedule 1, item 126, page 68 (line 2), after “subsection (1)”, insert “, (1A) or (1B)”.

Schedule 1, item 126, page 68 (line 8), after “subsection (1)”, insert “, (1A) or (1B), as the case may be”.

Schedule 1, item 126, page 68 (line 12), after “subsection (1)”, insert “, (1A) or (1B), as the case may be”.

Schedule 1, item 126, page 68 (line 16), after “subsection (1)”, insert “, (1A) or (1B), as the case may be”.

Schedule 1, item 126, page 69 (after line 6), at the end of subsection 44ZZRP(1), add:

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 126, page 69 (before line 7), before subsection 44ZZRP(2), insert:

- (1A) Section 44ZZRJ does not apply in relation to an arrangement or understanding containing a cartel provision if:
  - (a) the arrangement or understanding is not a contract; and
  - (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
    - (i) intended the arrangement or understanding to be a contract; and

- (ii) reasonably believed that the arrangement or understanding was a contract; and
- (c) the cartel provision is for the purposes of a joint venture; and
- (d) the joint venture is for the production and/or supply of goods or services; and
- (e) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
- (f) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (d) jointly by means of:
  - (i) their joint control; or
  - (ii) their ownership of shares in the capital;
 of that body corporate.

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

- (1B) Section 44ZZRK does not apply in relation to giving effect to a cartel provision contained in an arrangement or understanding if:
- (a) the arrangement or understanding is not a contract; and
  - (b) when the arrangement was made, or the understanding was arrived at, each party to the arrangement or understanding:
    - (i) intended the arrangement or understanding to be a contract; and
    - (ii) reasonably believed that the arrangement or understanding was a contract; and
  - (c) when the cartel provision was given effect to, each party to the arrangement or understanding reasonably believed that the arrangement or understanding was a contract; and
  - (d) the cartel provision is for the purposes of a joint venture; and
  - (e) the joint venture is for the production and/or supply of goods or services; and
  - (f) in a case where subparagraph 4J(a)(i) applies to the joint venture—the joint venture is carried on jointly by the parties to the arrangement or understanding; and
  - (g) in a case where subparagraph 4J(a)(ii) applies to the joint venture—the joint venture is carried on by a body corporate formed by the parties to the arrangement or understanding for the purpose of enabling those parties to carry on the activity mentioned in paragraph (e) jointly by means of:
    - (i) their joint control; or
    - (ii) their ownership of shares in the capital;
 of that body corporate.

Note: For example, if a joint venture formed for the purpose of research and development provides the results of its research and development to participants in the joint venture, it may be a joint venture for the supply of services.

Schedule 1, item 126, page 69 (line 7), after “subsection (1)”, insert “, (1A) or (1B)”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The Acting Deputy President (Senator Bernardi) 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.

**66 ADJOURNMENT**

The Acting Deputy President (Senator Bernardi) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.30 pm till Tuesday, 16 June 2009 at 12.30 pm.

**67 ATTENDANCE**

Present, all senators except Senators Fielding, Payne\* and Polley\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate