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1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair and read prayers.

2 NOTICES

The Chair of the Economics References Committee (Senator Eggleston): To move on the next day of sitting—That the time for the presentation of the report of the Economics References Committee on the unlimited deposit and wholesale funding guarantees be extended to 17 September 2009. (*general business notice of motion no. 548*)

Senator Milne: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on Wednesday, 16 September 2009, a map of Australian forest cover using the Kyoto definition of ‘forest’ for each year since 1990 in MapInfo format. (*general business notice of motion no. 549*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That the government business orders of the day relating to the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2009 and the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009 may be taken together for their remaining stages.

The Leader of the Australian Greens (Senator Bob Brown): To move on 16 September 2009—That the Senate—

(a) notes:

- (i) the recent 6 per cent pay rise given to the Commonwealth Bank chief executive, Mr Ralph Norris, providing him a salary package of \$9.2 million at the same time as the bank’s annual profit is dropping,
- (ii) that in 2008, in response to the financial crisis, Australian taxpayers guaranteed deposits in the four major banks to the value of \$700 billion, and
- (iii) that tougher rules on banker remuneration was a key topic at the G-20 Finance Ministers’ meeting held in September 2009; and

(b) calls on the Government to regulate the banks and link bank executive salaries to the performance of banks. (*general business notice of motion no. 550*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate, following allegations in the Fairfax press about contractors used by subsidiaries of the Reserve Bank of Australia (RBA), Securrency International Pty Ltd and Note Printing Australia, calls on the Government to explain by Tuesday, 15 September 2009:

- (a) what the RBA, Austrade and the Government knew about the employment of arms trader Mr Abdul Kayum Syed Ahmad by Securrency International Pty Ltd and Note Printing Australia to secure contracts in Malaysia;
- (b) when the RBA, Austrade and the Government were made aware of any issues with Mr Ahmad; and
- (c) what action each took in response to such information. (*general business notice of motion no. 551*)

3 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Ludwig) moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 544 standing in the name of Senator Cormann relating to aged care challenges; and
- (b) orders of the day relating to government documents.

Question put and passed.

4 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), by leave, moved—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5 pm to 7.30 pm, to take evidence for the committee's inquiry into the fee rebate for the Australian Quarantine and Inspection Service export certification functions.

Question put and passed.

5 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 531 standing in the name of Senator Ludlam for today, proposing a reference to the Joint Standing Committee on Foreign Affairs, Defence and Trade, postponed till 17 September 2009.

6 PRIVILEGES—STANDING COMMITTEE—REFERENCE

The Chair of the Legal and Constitutional Affairs References Committee (Senator Barnett), pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Committee of Privileges:

Having regard to the report of the Legal and Constitutional Affairs References Committee on a possible contempt in relation to a witness to the committee's inquiry into access to justice, whether there was any interference with, or imposition of a penalty on, a witness before that committee, or any threat or attempt to carry out those acts, and whether any contempt was committed in that regard.

Question put and passed.

7 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator O'Brien, also on behalf of Senators Colbeck and Milne, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Economics References Committee for inquiry and report by 28 February 2010:

The current circumstances of the varying prices being paid to dairy farmers in different Australian states, including:

- (a) the economic effect on the dairy industry of announced reductions in prices to be paid to producers by milk processors;

- (b) the impact of the concentration of ownership of milk processing facilities on milk market conditions in the dairy industry;
- (c) the impact of the consolidation of the ownership of the market or drinking milk sector with the manufacturing milk sector on milk market conditions in the dairy industry;
- (d) the impact of the concentration of supermarket supply contracts on milk market conditions;
- (e) whether aspects of the *Trade Practices Act 1974* are in need of review having regard to market conditions and industry sector concentration in this industry; and
- (f) any other related matters.

Question put and passed.

8 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCES

The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Community Affairs References Committee for inquiry and report by the last sitting day in February 2010:

Hearing health in Australia, with particular reference to:

- (a) the extent, causes and costs of hearing impairment in Australia;
- (b) the implications of hearing impairment for individuals and the community;
- (c) the adequacy of access to hearing services, including assessment and support services, and hearing technologies;
- (d) the adequacy of current hearing health and research programs, including education and awareness programs; and
- (e) specific issues affecting Indigenous communities.

Question put and passed.

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matter be referred to the Community Affairs References Committee for inquiry and report by the last sitting day in April 2010:

The impact of suicide on the Australian community including high risk groups such as Indigenous youth and rural communities, with particular reference to:

- (a) the personal, social and financial costs of suicide in Australia;
- (b) the accuracy of suicide reporting in Australia, factors that may impede accurate identification and recording of possible suicides (and the consequences of any under-reporting on understanding risk factors and providing services to those at risk);
- (c) the appropriate role and effectiveness of agencies, such as police, emergency departments, law enforcement and general health services, in assisting people at risk of suicide;
- (d) the effectiveness, to date, of public awareness programs and their relative success in providing information, encouraging help-seeking and enhancing public discussion of suicide;
- (e) the efficacy of suicide prevention training and support for front-line health and community workers providing services to people at risk;

- (f) the role of targeted programs and services that address the particular circumstances of high-risk groups;
- (g) the adequacy of the current program of research into suicide and suicide prevention, and the manner in which findings are disseminated to practitioners and incorporated into government policy; and
- (h) the effectiveness of the National Suicide Prevention Strategy in achieving its aims and objectives, and any barriers to its progress.

Question put and passed.

9 ENVIRONMENT—COAL EXPLORATION AND MINING

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 543—That the Senate—

- (a) supports the protection of farming and conservation areas from coal exploration and mining and its effects in the Galilee Basin in Queensland;
- (b) declares that it does not support the massive increase in coal exports flowing from the Galilee Basin through Abbot Point and Hay Point because of the climate change ramifications of burning more coal; and
- (c) expresses concern about the potential impact of the industrialisation of Abbot Point on the Caley Valley wetlands and the endangered and vulnerable bird species that depend on that area.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 40

Senators—

Adams
Back
Barnett
Bilyk
Bishop
Boswell
Brown, Carol
Bushby
Cameron
Colbeck

Cormann
Crossin
Farrell
Feeney
Fielding
Fisher
Forshaw
Furner
Heffernan
Hogg

Humphries
Hurley
Hutchins
Ludwig
Lundy
Marshall
McEwen
McLucas
Moore
Nash

O'Brien
Parry (Teller)
Polley
Pratt
Ronaldson
Ryan
Stephens
Trood
Williams
Wortley

Question negatived.

10 POSTPONEMENT

Senator Hanson-Young, by leave, moved—That general business notice of motion no. 546 standing in her name for today, relating to current protocols for the interception of Suspected Illegal Entry Vessels in Australian waters, be postponed till 16 September 2009.

Question put and passed.

11 ENVIRONMENT—SOLAR POWER

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 545—That the Senate—

(a) notes:

- (i) that United States of America company, First Solar, has signed a memorandum of understanding to build a 2GW solar power station in China and that this single plant will be eight times larger than projects called for by the Solar Flagship Program (the program),
- (ii) that the program depends for success on significant levels of private sector capital,
- (iii) that the global financial crisis is exacerbating difficulties Australian companies are experiencing in accessing private sector capital for innovative renewable technologies,
- (iv) that, in Australia, Solar Systems has gone into voluntary administration because of a lack of investment capital, and
- (v) the lack of a comprehensive or coherent policy framework to encourage private sector investment in renewable energy; and

(b) calls on the Government to underpin the success of the program by:

- (i) providing loan guarantees for commercial scale demonstration projects,
- (ii) implementing a gross national feed-in-tariff for small to utility scale renewable energy projects, and
- (iii) planning and funding electricity grid extensions to connect remote utility scale projects.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 37

Senators—

Adams
Back
Barnett
Bilyk
Bishop
Boswell
Brown, Carol
Cameron
Colbeck
Cormann

Crossin
Farrell
Feeney
Fielding
Fisher
Forshaw
Furner
Heffernan
Hogg
Humphries

Hurley
Hutchins
Ludwig
Lundy
McEwen
McLucas
Moore
Nash
O'Brien (Teller)
Parry

Polley
Pratt
Ryan
Stephens
Trood
Williams
Wortley

Question negatived.

12 LAW AND JUSTICE—MR GUY CAMPOS

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 547—That the Senate calls on the Government to ensure alleged war criminal Mr Guy Campos remains in Australia until investigations into the allegations about his actions in occupied Timor Leste are completely finalised.

Statements by leave: The Leader of the Family First Party (Senator Fielding), the Special Minister of State (Senator Ludwig) and Senator Bob Brown, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne
Siewert (Teller)

Xenophon

NOES, 35

Senators—

Adams
Back
Bilyk
Birmingham
Bishop
Boswell
Brown, Carol
Cameron
Colbeck

Cormann
Crossin
Farrell
Feeney
Forshaw
Furner
Heffernan
Hogg
Hurley

Hutchins
Ludwig
Lundy
Marshall
McEwen
McLucas
Moore
Nash
O'Brien

Parry (Teller)
Polley
Pratt
Ryan
Stephens
Sterle
Williams
Wortley

Question negatived.

13 TREATIES—JOINT STANDING COMMITTEE—104TH REPORT

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

Treaties—Joint Standing Committee—104th report—Treaties tabled on 20 August 2009, dated September 2009.

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

Debate ensued.

Question put and passed.

14 THERAPEUTIC GOODS AMENDMENT (2009 MEASURES NO. 2) BILL 2009

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

Message no. 400, dated 9 September 2009—Therapeutic Goods Amendment (2009 Measures No. 2) Bill 2009.

**15 ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009
NATIONAL HEALTH SECURITY AMENDMENT BILL 2009
OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (SAFETY LEVIES)
AMENDMENT BILL 2009**

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

Message no. 397, dated 9 September 2009—A Bill for an Act to amend legislation relating to federal courts, and for related purposes.

Message no. 399, dated 9 September 2009—A Bill for an Act to amend the *National Health Security Act 2007*, and for related purposes.

Message no. 398, dated 9 September 2009—A Bill for an Act to amend the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003*, and for other purposes.

The Special Minister of State (Senator Ludwig) 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 Ludwig moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Ludwig moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**16 AVIATION TRANSPORT SECURITY AMENDMENT REGULATIONS 2009—
DISALLOWANCE**

Senator Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Aviation Transport Security Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 24 and made under the *Aviation Transport Security Act 2004*, be disallowed.

Debate ensued.

Declaration of interest: Senator Heffernan declared an interest in relation to the matter under discussion.

Debate continued.

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

Aviation Transport Security Amendment Regulations 2009—Opinion by Mr Bret Walker SC, Barrister-at-Law, dated 20 August 2009 and attachments.

Debate continued.

Question put and passed.

**17 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION
COMMITTEE—REPORT—BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT
AMENDMENT (TRANSITION TO FAIR WORK) BILL 2009**

Pursuant to order, Senator Farrell, at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), tabled the following report and documents:

Education, Employment and Workplace Relations Legislation Committee—Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009 [Provisions]—Report, dated September 2009, Hansard record of proceedings and submissions.

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

**18 MILITARY JUSTICE (INTERIM MEASURES) BILL (NO. 1) 2009
MILITARY JUSTICE (INTERIM MEASURES) BILL (NO. 2) 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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

19 TAX LAWS AMENDMENT (2009 MEASURES NO. 4) BILL 2009

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

Debate resumed.

Explanatory memorandum: The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled a correction to the explanatory memorandum relating to the bill.

Debate continued.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendments together by leave:

Schedule 2, item 22, page 9 (after line 22), insert:

426-117 Commissioner must prepare annual report on private ancillary funds

Schedule 2, item 22, page 11 (after line 12), insert:

426-117 Commissioner must prepare annual report on private ancillary funds

- (1) As soon as practicable after 30 June in each year, the Commissioner must prepare and give to the Minister a report on the activities of private ancillary funds during the year ending on that 30 June.
- (2) The report must include but is not limited to:
 - (a) the number of, and value of, grants dispersed by these funds; and
 - (b) the range of activities supported from these funds and the amount of money going to each class of activity.
- (3) The information required by subsection (2):
 - (a) must be prepared using the information provided by each private ancillary fund in submitting a return of income to the Commissioner each year; and
 - (b) may be aggregated in the report to a level that protects the privacy of individual private ancillary funds and donors to those funds.
- (4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report, together with a statement containing the data from item A70 in the relevant Tax Expenditures Statement (Deductions for donations to prescribed private funds).

Debate ensued.

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

Senator Milne, also on behalf of the Leader of The Nationals in the Senate (Senator Joyce), moved the following amendment:

Page 96 (after line 11), at the end of the bill, add:

Schedule 6—Carbon sink forests

Income Tax Assessment Act 1997

1 Subdivision 40-J

Repeal the Subdivision.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 11

Senators—

Boswell
Brown, Bob
Fielding

Hanson-Young
Joyce
Ludlam

Milne
Nash
Siewert (Teller)

Williams
Xenophon

NOES, 48

Senators—

Abetz	Conroy	Humphries	Parry (Teller)
Adams	Coonan	Hutchins	Payne
Arbib	Cormann	Johnston	Polley
Back	Crossin	Ludwig	Pratt
Bernardi	Evans	Lundy	Ronaldson
Bilyk	Farrell	Marshall	Ryan
Bishop	Faulkner	Mason	Stephens
Brown, Carol	Feeney	McEwen	Sterle
Cameron	Ferguson	McGauran	Troeth
Carr	Fifield	McLucas	Trood
Colbeck	Forshaw	Moore	Wong
Collins	Furner	O'Brien	Wortley

Question negatived.

Senator Milne moved the following amendment:

Page 96 (after line 11), at the end of the bill, add:

Schedule 6—Safeguards on the establishment of carbon sink forests

Income Tax Assessment Act 1997

1 After paragraph 40-1010(2)(c)

Insert:

- (ca) the trees are a mixture of species that approximate the local native vegetation or, if not available, from an ecologically similar location;

2 After subsection 40-1010(3)

Insert:

- (3A) The guidelines provided for in subsection (3) must ensure that:
 - (a) any property claiming a carbon sink forest expenditure has an environmental management system audited to conform to ISO14001 in place; and
 - (b) forests over 100 hectares require an ecosystem evaluation to develop recommendations for appropriate planting; and
 - (c) the owner is required to enter into an easement agreement with the Department of Climate Change preventing any development or modification of the property which would result in the property no longer meeting the conditions specified for a carbon sink forest; and
 - (d) an easement agreement entered into in accordance with paragraph (c) remains in force for a period of not less than 100 years, or until the Commonwealth determines that the forest no longer requires protection, whichever is the earlier.

3 After section 40-1015

Insert:

40-1016 Ecosystem evaluation

Ecosystem evaluation means an ecological assessment and report prepared by a suitably qualified person which includes, but is not limited to:

- (a) an assessment of impact of the carbon sink forest on the hydrology of the catchments within which it is situated;
- (b) an assessment of the local and regional linkage and connectivity values of the site, including potential links in relation to any other remnant vegetation areas;
- (c) identification of constrained areas such as steep land and land adjacent to waterways which are likely to have particular management requirements;
- (d) an assessment of fire risk within the site and in relation to adjacent premises including areas of native forest;
- (e) identification of any other environmentally sensitive areas on which the proposed use may potentially impact;
- (f) identification of any likely conflicts between the proposed carbon sink forest use and any adjacent or nearby premises or places;
- (g) identification of a selection of suitably benign species for planting.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 6

Senators—

Brown, Bob
Hanson-YoungLudlam
Milne

Siewert (Teller)

Xenophon

NOES, 61

Senators—

Abetz
Adams
Arbib
Back
Barnett
Bernardi
Bilyk
Birmingham
Bishop
Boswell
Brandis
Brown, Carol
Bushby
Cameron
Carr
ColbeckCollins
Conroy
Cormann
Crossin
Eggleston
Evans
Farrell
Faulkner
Feeney
Ferguson
Fielding
Fierravanti-Wells
Fifield
Fisher
Forshaw
FurnerHogg
Humphries
Hurley
Hutchins
Johnston
Ludwig
Lundy
Macdonald
Marshall
Mason
McEwen
McGauran
McLucas
Minchin
Moore
O'BrienParry (Teller)
Payne
Polley
Pratt
Ronaldson
Ryan
Scullion
Stephens
Sterle
Troeth
Trood
Wong
Wortley

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

20 NOTICE

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 26 February 2010:

The administration and management of matters relating to Australia's northern air, sea and land approaches in the region of the Torres Strait, including:

- (a) the provisions of the Torres Strait Treaty and the Torres Strait Regional Authority (the authority);
- (b) the role of the authority in respect of treaty and border issues, including how the authority interacts with the governments and people of Papua New Guinea (PNG);
- (c) the extent of cooperation with, and between, Australia's northern neighbours, PNG and Indonesia, in relation to the health, welfare and security of the Torres Strait region and communities in and around this region; and
- (d) the challenges facing this region in relation to:
 - (i) the management of fisheries,
 - (ii) the contribution of international trade and commerce to regional economic sustainability,
 - (iii) the maintenance of strong border security across the Torres Strait region, including but not limited to, issues related to Australia's defence, biosecurity, public health, immigration and customs,
 - (iv) cooperation between federal, state and local levels of government, and
 - (v) air, sea and land transport linkages.

After 2 pm—

21 QUESTIONS

Questions without notice were answered.

22 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Barnett, pursuant to standing order 74, asked the Minister for Immigration and Citizenship (Senator Evans) for an explanation of answers not being provided to questions placed on notice during the consideration by the Economics Legislation Committee of the 2009-10 Budget estimates.

Senator Evans provided an explanation and indicated that the answers would be provided.

Senator Barnett moved—That the Senate take note of the explanation.

Question put and passed.

23 MOTION TO TAKE NOTE OF ANSWERS

Senator Colbeck moved—That the Senate take note of the answers given by the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

24 PARLIAMENT—INQUIRY INTO THE FRAMEWORK FOR REFERENDA IN AUSTRALIA—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Parliament—Referring a matter to the House of Representatives Standing Committee on Legal and Constitutional Affairs—Ministerial statement by the Special Minister of State (Senator Ludwig), dated 10 September 2009.

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

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

25 RURAL AND REGIONAL AFFAIRS AND TRANSPORT—STANDING COMMITTEE—GOVERNMENT RESPONSE—ADMINISTRATION OF THE CIVIL AVIATION SAFETY AUTHORITY (CASA) AND RELATED MATTERS

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Rural and Regional Affairs and Transport—Standing Committee—Report—Administration of the Civil Aviation Safety Authority (CASA) and related matters—Government response.

26 MIGRATION—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—ELIGIBILITY REQUIREMENTS AND MONITORING, ENFORCEMENT AND REPORTING ARRANGEMENTS FOR TEMPORARY BUSINESS VISAS

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Migration—Joint Standing Committee—Report—Temporary visas ... permanent benefits: Ensuring the effectiveness, fairness and integrity of the temporary business visa program—Government response.

27 PUBLICATIONS—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—PRINTING STANDARDS FOR DOCUMENTS PRESENTED TO PARLIAMENT

The Minister for Climate Change and Water (Senator Wong) tabled the following document:

Publications—Joint Standing Committee—Report—Printing standards for documents presented to Parliament—Government response.

28 PRESIDENT OF THE SENATE—OFFICIAL VISIT TO CHILE—DOCUMENT

The Deputy President (Senator Ferguson) tabled the following document:

Official visit to Chile—Report on the visit by the President of the Senate to Chile, 14 to 17 April 2009.

29 AUSTRALIAN PARLIAMENTARY DELEGATION TO CANADA AND MEXICO—DOCUMENT

The Deputy President (Senator Ferguson) tabled the following document:

Canada and Mexico—Report of the Australian parliamentary delegation, 18 April to 1 May 2009, dated September 2009.

30 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 13 OF 2009

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 13 OF 2009

1. The committee met in private session on Wednesday, 9 September 2009 at 7.20 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Crimes Amendment (Working With Children—Criminal History) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 29 October 2009;
 - (b) the Food Standards Amendment (Truth in Labelling Laws) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 26 November 2009; and
 - (c) the *provisions* of the Migration Amendment (Complementary Protection) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 October 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Foreign Acquisitions and Takeovers Amendment Bill 2009
 - Higher Education Legislation Amendment (Student Services and Amenities) Bill 2009
 - Higher Education Support Amendment (VET FEE-HELP and Tertiary Admission Centres) Bill 2009
 - Military Justice (Interim Measures) Bill (No. 1) 2009
 - Military Justice (Interim Measures) Bill (No. 2) 2009.

The committee recommends accordingly.
4. The committee deferred consideration of the following bills to its next meeting:
 - Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009
 - Special Broadcasting Service Amendment (Prohibition of Disruptive Advertising) Bill 2009.

Kerry O'Brien
Chair
10 September 2009.

Senator McEwen moved—That the report be adopted.

Question put and passed.

31 DOCUMENTS

The following documents were tabled by the Clerk:

Australian Bureau of Statistics Act—Proposals Nos—

8 of 2009—Electricity Generators Survey of Water Use.

9 of 2009—New Topics in the Monthly Population Survey.

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

32 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2009—Statements of compliance—

Environment, Water, Heritage and the Arts portfolio agencies [2].

Resources, Energy and Tourism portfolio agencies.

33 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2008-09—Letters of advice—

Immigration and Citizenship portfolio agencies.

Treasury portfolio agencies.

34 CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON TERMINATION PAYMENTS) BILL 2009

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

Message no. 401, dated 10 September 2009—A Bill for an Act to amend the law relating to corporations, and for related purposes.

The Minister for Climate Change and Water (Senator Wong) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

General business was called on.

35 FAMILY AND COMMUNITY SERVICES—AGED CARE CHALLENGES

Senator Cormann, pursuant to notice, moved general business notice of motion no. 544—That the Senate—

(a) notes that:

- (i) Australia has an ageing population, which will cause a significant increase in demand for aged care services over the coming decades, including aged care facilities,
- (ii) the Federal Government has direct responsibility for the provision of aged care, while the states have responsibility for a range of matters, including the provision of education,
- (iii) the Rudd Government has failed to do anything to tackle the capital funding crisis in the aged care sector,
- (iv) the Rudd Government's reckless and irresponsible inaction, if left unaddressed, means that the current crisis in aged care will only get worse in the future, and
- (v) the Rudd Government has wasted significant sums of money on the poorly-designed and poorly-implemented Building the Education Revolution program, while failing to tackle the significant challenges faced by the aged care sector;

(b) is very concerned that the failure of the Rudd Government to act and address the significant challenges ahead in aged care means that elderly Australians will not be able to get access to affordable, high-quality aged care places in the future; and

(c) calls on the Government to take decisive action forthwith to address the significant challenges facing aged care.

Debate ensued.

At 6 pm: Debate was interrupted while Senator Carol Brown was speaking.

36 PARLIAMENT—INQUIRY INTO THE FRAMEWORK FOR REFERENDA IN AUSTRALIA—MINISTERIAL STATEMENT—STATEMENT BY LEAVE

Senator Parry, by leave, made a statement relating to the ministerial statement tabled earlier today (*see entry no. 24*).

37 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Great Barrier Reef Marine Park Act 1975—Great Barrier Reef outlook report 2009. Motion of Senator Adams to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.

Indexed lists of departmental and agency files and departmental and agency contracts—Documents tabled 7 September 2009. Motion of Senator Barnett to take note of documents agreed to.

Health—National Preventative Health Taskforce—Australia: The healthiest country by 2020—National preventative health strategy – the roadmap for action. Motion of Senator Adams to take note of document debated. On the motion of Senator Ryan debate was adjourned till Thursday at general business.

Defence Housing Australia—Statement of corporate intent 2009-10. Motion of Senator Parry to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2009. Motion of Senator Parry to take note of document debated and agreed to.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 April to 30 June 2009. Motion of Senator Parry to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.

Airservices Australia—Corporate plan 1 July 2009 to 30 June 2014. Motion of Senator Parry to take note of document called on. On the motion of Senator Barnett debate was adjourned till Thursday at general business.

General business concluded.

38 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

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

Finance and Public Administration Legislation Committee—Report—National Security Legislation Monitor Bill 2009. Motion of Senator Bernardi to take note of report agreed to.

Foreign Affairs, Defence and Trade—Standing Committee—Fourth progress report: Reforms to Australia's military justice system—Government response. Motion of Senator Parry to take note of document agreed to.

Rural and Regional Affairs and Transport References Committee—Report—Investment of Commonwealth and state funds in public passenger transport infrastructure and services. Motion of Senator Parry to take note of report agreed to.

Agricultural and Related Industries—Select Committee—Final report—Pricing and supply arrangements in the Australian and global fertiliser market. Motion of the chair of the committee (Senator Heffernan) to take note of report agreed to.

Procedure—Standing Committee—Third report of 2009—Committee proceedings and public interest immunity claims: order of the Senate of 13 May 2009; Senators caring for an infant: standing order 175. Motion of Senator O'Brien to take note of report agreed to.

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

The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 2 of 2009-10—Assurance report—Campaign advertising review 2008-09. Motion of Senator Ronaldson to take note of document debated and agreed to.

40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 6.36 pm till Monday, 14 September 2009 at 12.30 pm.

41 ATTENDANCE

Present, all senators except Senators Boyce*, Cash, Kroger and Sherry (* on leave).

HARRY EVANS
Clerk of the Senate