

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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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 CLERK OF THE SENATE—DR ROSEMARY LAING—APPOINTMENT—STATEMENT BY PRESIDENT

The President informed the Senate that Dr Rosemary Laing had been appointed Clerk of the Senate from 5 December 2009.

*Statements by leave:* The Leader of the Government in the Senate (Senator Evans), the Leader of the Opposition in the Senate (Senator Minchin), the Leader of The Nationals in the Senate (Senator Joyce), the Leader of the Australian Greens (Senator Bob Brown), the Leader of the Family First Party (Senator Fielding) and Senators Xenophon and Ferguson, by leave, made statements relating to the matter.

# 3 NOTICE

Senators Ludlam and Xenophon and the Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—

- (1) That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by the first day of sitting in 2010:  
A process for determining public interest immunity claims made by the government in response to orders of the Senate or of Senate committees for the production of information and documents.
- (2) That the committee consider whether the following proposed order of the Senate would provide a suitable process:

## INDEPENDENT ARBITRATION OF PUBLIC INTEREST IMMUNITY CLAIMS

### PROPOSED RESOLUTION OF THE SENATE

- (1) If:
  - (a) the Senate orders that a minister produce documents; and
  - (b) the minister responsible for producing the documents considers that there may be reasons why the documents should not be produced,  
a minister shall make a statement to the Senate, on or before the date specified by the Senate for the production of the documents, setting out why it may not be in the public interest for the documents to be produced.
- (2) If:
  - (a) a minister makes a statement under paragraph (1); or
  - (b) a committee makes a report to the Senate under paragraph (5) of the order of the Senate of 13 May 2009,  
and the Senate does not, within two sitting days after the statement or the report is made, by resolution accept the reasons given by the minister in the statement or as set out in the report of the committee, the statement or the report shall be referred to the independent arbitrator in accordance with this order.
- (3) Where the reasons set out in the statement or the report consist of, or include, a claim that documents or information are commercially confidential, the independent arbitrator in respect of that claim is the Auditor-General.

- (4) Where other reasons are given the statement or report shall be referred to an independent arbitrator appointed by resolution of the Senate.
- (5) The independent arbitrator shall, as soon as practicable, report to the Senate on whether the reasons given for withholding the documents or information are justified.
- (6) Where the independent arbitrator reports that reasons given for the withholding of information or documents are not justified, the documents or information shall be produced in accordance with the order of the Senate or the requirement of the committee, subject to any further order of the Senate.

#### 4 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Ludwig) moved—That the following government business orders of the day be considered from 12.45 pm till not later than 2 pm today:

- No. 9 Personal Property Securities Bill 2009.
- No. 10 Long Service Leave Legislation Amendment (Telstra) Bill 2009.
- No. 11 Statute Stocktake (Regulatory and Other Laws) Bill 2009.
- Australian Sports Anti-Doping Authority Amendment Bill 2009.
- Tax Agent Services (Transitional Provisions and Consequential Amendments) Bill 2009.

Question put and passed.

Senator Ludwig moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 605 standing in the name of Senator Parry relating to border protection; and
- (b) orders of the day relating to government documents.

Question put and passed.

#### 5 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the names of Senators Boswell and Macdonald for today, proposing the disallowance of the Proclamation dated 14 May 2009 [Coral Sea Conservation Zone], postponed till 16 November 2009.

#### 6 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Special Minister of State (Senator Ludwig), at the request of the Minister for Climate Change and Water (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services to install additional CCTV cameras in the parliamentary precinct.

Question put and passed.

**7 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Deputy Chair of the Legal and Constitutional Affairs References Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 601—That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on access to justice be extended to 19 November 2009.

Question put and passed.

**8 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator O'Brien, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 602—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Crimes Amendment (Working With Children—Criminal History) Bill 2009 be extended to 17 November 2009.

Question put and passed.

**9 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT**

Senator Parry, at the request of the Chair of the Education, Employment and Workplace Relations References Committee (Senator Humphries) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 600—That the time for the presentation of reports of the Education, Employment and Workplace Relations References Committee be extended as follows:

- (a) the oversight of the child care industry—to 23 November 2009; and
- (b) the welfare of international students—to 25 November 2009.

Question put and passed.

**10 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Parry, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 603—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific be extended to 19 November 2009.

Question put and passed.

**11 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (RESTORATION OF RACIAL DISCRIMINATION ACT) BILL 2009**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 607—That the following bill be introduced:

A Bill for an Act to amend laws to restore the operation of the *Racial Discrimination Act 1975* in the Northern Territory, and for related purposes.

Question put and passed.

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

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

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

## 12 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE— REFERENCES

The Leader of the Family First Party (Senator Fielding), 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 Environment, Communications and the Arts References Committee for inquiry and report by 24 November 2009:

The practices and procedures of Australia Post over the past 3 years in relation to the treatment of injured and ill workers, including but not limited to:

- (a) allegations that injured staff have been forced back to work inappropriate duties before they have recovered from workplace injuries;
- (b) the desirability of salary bonus policies that reward managers based on lost time injury management and the actions of managers to achieve bonus targets;
- (c) the commercial arrangements that exist between Australia Post and InjuryNet and the quality of the service provided by the organisation;
- (d) allegations of compensation delegates using fitness for duty assessments from facility nominated doctors to justify refusal of compensation claims and whether the practice is in breach of the *Privacy Act 1988* and Comcare policies;
- (e) allegations that Australia Post has no legal authority to demand medical assessments of injured workers when they are clearly workers' compensation matters;
- (f) the frequency of referrals to InjuryNet doctors and the policies and circumstances behind the practices; and
- (g) any related matters.

Senator Wortley, by leave, moved the following amendment:

Omit paragraph (g), substitute:

- (g) the comparison of outcomes arising from circumstances when an injured worker attends a facility nominated doctor, their own doctor and when an employee attends both, the practices in place to manage conflicting medical recommendations in the workplace; and
- (h) any related matters.

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

*Statements by leave:* Senators Wortley and Parry, by leave, made statements relating to the motion.

Main question, as amended, put and passed.

Senator Birmingham, also on behalf of Senator Barnett, 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 matters be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 30 March 2010:

- (a) the Federal Government's Energy Efficient Homes Package (ceiling insulation), with particular reference to:
  - (i) the administration of the program from a pricing, probity and efficiency perspective, including:
    - (A) the basis on which the Government determined the size of the rebate for ceiling insulation,
    - (B) regulation of quoting and installation practices,
    - (C) protection against rorting and abuse of the rebate,
    - (D) the impact of the program in pushing up insulation prices,
    - (E) ensuring value for money for taxpayers,
    - (F) waste, inefficiency and mismanagement within the program, and
    - (G) ensuring the program achieves its stated aims as part of the Government's stimulus package,
  - (ii) an examination of what advice was provided to the Government on safety matters, particularly in relation to fire and electrocution risks and to what degree the Government acted on this advice,
  - (iii) an examination of what advice was provided to the Government on occupational health and safety matters, particularly in relation to training for installers, including:
    - (A) to what degree the Government acted on this advice, and
    - (B) identification and examination of fires and electrical incidents resulting from the Government's Home Insulation Program, and
  - (iv) an analysis of the effectiveness of the package as a means to improve the efficiency of homes and reduce emissions of greenhouse gases, including comparison with alternative policy measures;
- (b) consideration of measures to reduce or eliminate waste and mismanagement, and to ensure value for money for the remainder of the program, noting the planned \$2.7 billion to be distributed under the program in total; and
- (c) other related matters.

Senator Milne, by leave, moved the following amendment:

Omit all words after "with particular reference to:", substitute:

- (i) the level of ceiling and wall insulation in Australian residences, state by state, prior to the announcement of the Energy Efficient Homes Package and the adequacy of the Building Code to ensure comprehensive roll out in future,
- (ii) the administration of the program from a pricing, probity and efficiency perspective, including:
  - (A) the basis on which the Government determined the size of the rebate for ceiling insulation,
  - (B) regulation of quoting and installation practices,
  - (C) protection against rorting and abuse of the rebate,

- (D) the impact of the program in pushing up insulation prices,
  - (E) the level of imported insulation to meet demand,
  - (F) ensuring value for money for taxpayers,
  - (G) waste, inefficiency and mismanagement within the program,
  - (H) ensuring the program achieves its stated aims as part of the Government's stimulus package, and
  - (I) the consultation and advice received from current manufacturers regarding their ability to meet the projected demand,
- (iii) an examination of:
- (A) the employment and investment in insulation production and manufacturing resulting from the program,
  - (B) what advice was provided to the Government on safety matters, particularly in relation to fire and electrocution risks, and to what degree the Government acted on this advice,
  - (C) the costs and benefits of extending the scheme to include other energy efficiency products, including wall and floor insulation, draft stoppers and window treatments,
  - (D) the costs and benefits of changing or extending the scheme to make small and medium sized businesses eligible for installations,
  - (E) the extent to which imported insulation products met Australian standards and the method used to make that determination, and
  - (F) what advice was provided to the Government on occupational health and safety matters, particularly in relation to training for installers, including:
    - (1) to what degree the Government acted on this advice, and
    - (2) identification and examination of fires and electrical incidents resulting from the Government's Home Insulation Program, and
- (iv) an analysis of the effectiveness of the package as a means to improve the efficiency of homes and reduce emissions of greenhouse gases, including comparison with alternative policy measures;
- (b) consideration of measures to reduce or eliminate waste and mismanagement, and to ensure value for money for the remainder of the program, noting the planned \$2.7 billion to be distributed under the program in total; and
- (c) other related matters.

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

Main question, as amended, put and passed.

*Statements by leave:* Senators O'Brien, Milne and Birmingham, by leave, made statements relating to the motion.

### 13 HOURS OF MEETING—VARIATION

The Special Minister of State (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, on Monday, 16 November 2009, the hours of meeting shall be noon to 6.30 pm and 7.30 pm to 10.30 pm.

*Statements by leave:* Senators Parry, Ludwig and the Leader of the Family First Party (Senator Fielding), by leave, made statements relating to the motion.

Question put and passed.



**14 FOREIGN AFFAIRS—UGANDA—HUMAN RIGHTS**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 604—That the Senate—

- (a) recognises the universal human right of same-sex attracted people to live their lives free from persecution on the basis of their sexuality;
- (b) notes the Ugandan Government introduced, on 14 October 2009, the Anti-Homosexuality Bill, a law re-criminalising homosexuality and criminalising the promotion of homosexuality in Uganda;
- (c) condemns the criminalisation of homosexuality anywhere in the world; and
- (d) calls on the Australian Government to actively encourage the Ugandan Government to withdraw its Anti-Homosexuality Bill and respect the human rights of same-sex attracted people.

*Statements by leave:* The Special Minister of State (Senator Ludwig) and Senator Hanson-Young, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob  
Hanson-Young

Ludlam  
Milne

Siewert (Teller)

Xenophon

NOES, 33

Senators—

Abetz  
Adams  
Back  
Bernardi  
Bishop  
Brown, Carol  
Bushby  
Colbeck  
Collins

Crossin  
Farrell  
Feeney  
Ferguson  
Fielding  
Forshaw  
Hogg  
Humphries  
Hurley

Ludwig  
Lundy  
Marshall  
Mason  
McEwen  
Nash  
O'Brien  
Parry (Teller)  
Payne

Polley  
Pratt  
Ryan  
Sterle  
Trood  
Williams

Question negatived.

**15 ENVIRONMENT—MONTARA OIL SPILL—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 606—That there be laid on the table by the Minister representing the Minister for the Environment, Heritage and the Arts (Senator Wong), no later than Monday, 16 November 2009, the report of the marine survey of the environmental impacts of the Montara oil spill and all documents used in its preparation, including drafts.

Question put and passed.

*Statement by leave:* Senator O'Brien, by leave, made a statement relating to the motion.

**16 PUBLICATIONS—STANDING COMMITTEE—14TH REPORT**

The Chair of the Standing Committee on Publications (Senator Carol Brown) tabled the following report:

**PUBLICATIONS COMMITTEE****14TH REPORT**

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 17 September 2009, recommends that the following be printed:

- Aboriginal Land Commissioner—Report for 2008-09.
- Administrative Appeals Tribunal—Report for 2008-09.
- Administrative Review Council—Report for 2008-09.
- Airservices Australia—Report for 2008-09.
- Albury-Wodonga Development Corporation—Report for 2008-09.
- Attorney-General's Department—Report for 2008-09.
- Australia Council for the Arts (Australia Council)—Report for 2008-09.
- Australian Broadcasting Corporation (ABC)—Report for 2008-09.
- Australian Bureau of Statistics—Report for 2008-09.
- Australian Centre for International Agricultural Research—Report for 2008-09.
- Australian Communications and Media Authority (ACMA)—Report for 2008-09.
- Australian Competition and Consumer Commission (ACCC)—Report for 2008-09, including Australian Energy Regulator (AER) report for 2008-09.
- Australian Electoral Commission (AEC)—Report for 2008-09.
- Australian Federal Police (AFP)—Report for 2008-09.
- Australian Film Television and Radio School (AFTRS)—Report for 2008-09.
- Australian Government Solicitor (AGS)—Report for 2008-09.
- Australian Hearing Services (Australian Hearing)—Report for 2008-09.
- Australian Human Rights Commission—Report No. 41—*El Masri v Commonwealth* (Department of Immigration and Citizenship).
- Australian Industrial Relations Commission and Australian Industrial Registry—Reports for 2008-09.
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2008-09.
- Australian Institute of Criminology and Criminology Research Council—Reports for 2008-09.
- Australian Institute of Family Studies—Report for 2008-09.
- Australian Institute of Health and Welfare—Report for 2008-09.
- Australian Institute of Marine Science (AIMS)—Report for 2008-09.
- Australian Law Reform Commission—Report No. 110—Report for 2008-09.
- Australian National Audit Office—Report for 2008-09.
- Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2008-09.
- Australian Pesticides and Veterinary Medicines Authority—Report for 2008-09.
- Australian Postal Corporation (Australia Post)—Report for 2008-09.

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)—Report for 2008-09.

Australian Research Council—Report for 2008-09.

Australian Reward Investment Alliance (ARIA)—Report for 2008-09, including financial statements for Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan.

Australian Security Intelligence Organisation (ASIO)—Report for 2008-09.

Australian Trade Commission (Austrade)—Report for 2008-09.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2008-09.

Australian War Memorial—Report for 2008-09.

Australian Wine and Brandy Corporation—Report for 2008-09.

*Bankruptcy Act 1966*—Report for 2008-09 on the operation of the Act.

Bureau of Meteorology—Report for 2008-09.

Cancer Australia—Report for 2008-09.

Civil Aviation Safety Authority (CASA)—Report for 2008-09.

Classification Board and Classification Review Board—Reports for 2008-09.

Comcare—Report for 2008-09.

Commissioner for Superannuation (ComSuper)—Report for 2008-09.

Commissioner of Taxation—Report for 2008-09, including financial statements for the Australian Taxation Office and Australian Valuation Office.

Commonwealth Grants Commission—Report for 2008-09.

Commonwealth Ombudsman—Report for 2008-09.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2008-09, including financial statements for the Science and Industry Endowment Fund.

Commonwealth Services Delivery Agency (Centrelink)—Report for 2008-09.

*Crimes Act 1914*—Controlled operations—Report for 2008-09.

CrimTrac Agency—Report for 2008-09.

Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2008-09.

Defence Housing Australia—Report for 2008-09.

Department of Agriculture, Fisheries and Forestry—Report for 2008-09, including Dairy Adjustment Authority report for the period 1 July to 31 December 2008 and financial statements for Australian Quarantine and Inspection Service, National Residue Survey and Biosecurity Australia.

Department of Broadband, Communications and the Digital Economy—Report for 2008-09.

Department of Climate Change—Report for 2008-09.

Department of Education, Employment and Workplace Relations—Report for 2008-09.

Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2008-09, including Aboriginals Benefit Account report for 2008-09 and financial statements for Aboriginal and Torres Strait Islander Land Account.

Department of Finance and Deregulation—Report for 2008-09, including Office of Evaluation and Audit (Indigenous Programs) report for 2008-09.

Department of Foreign Affairs and Trade—Reports—2008-09—  
Volume 1—Department of Foreign Affairs and Trade.  
Volume 2—Australian Agency for International Development (AusAID).  
Department of Human Services—Report for 2008-09, including financial statements for CRS Australia.  
Department of Innovation, Industry, Science and Research—Report for 2008-09, including IP Australia report for 2008-09.  
Department of Parliamentary Services—Report for 2008-09.  
Department of Resources, Energy and Tourism—Report for 2008-09, including Geoscience Australia report for 2008-09.  
Department of the Prime Minister and Cabinet—Report for 2008-09.  
Director of National Parks—Report for 2008-09.  
Export Finance and Insurance Corporation (EFIC)—Report for 2008-09.  
Federal Court of Australia—Report for 2008-09.  
Federal Magistrates Court of Australia—Report for 2008-09.  
Gene Technology Regulator—Report for 2008-09.  
Great Barrier Reef Marine Park Authority—Report for 2008-09.  
Indigenous Land Corporation (ILC)—Report for 2008-09.  
Inspector-General of Intelligence and Security (IGIS)—Report for 2008-09.  
Inspector-General of Taxation—Report for 2008-09.  
International Air Services Commission—Report for 2008-09.  
Medibank Private Limited—Report for 2008-09.  
Medicare Australia—Report for 2008-09.  
Migration Agents Registration Authority (MARA)—Report for 2008-09.  
Migration Review Tribunal and Refugee Review Tribunal—Report for 2008-09.  
Military Superannuation and Benefits Board of Trustees—Report for 2008-09, including financial statements for the Military Superannuation and Benefits Fund.  
National Archives of Australia—Report for 2008-09, including National Archives of Australia Advisory Council report for 2008-09.  
National Blood Authority—Report for 2008-09.  
National Capital Authority—Report for 2008-09.  
National Competition Council—Report for 2008-09.  
National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2008-09.  
National Museum of Australia—Report for 2008-09.  
National Native Title Tribunal—Report for 2008-09.  
National Transport Commission (NTC Australia)—Report for 2008-09.  
National Water Commission—Report for 2008-09.  
NBN Co Limited—Report for the period 9 April to 30 June 2009.  
Office of Parliamentary Counsel—Report for 2008-09.  
Office of the Official Secretary to the Governor-General—Report for 2008-09.  
Office of the Renewable Energy Regulator—Financial report for 2008-09.  
Private Health Insurance Ombudsman—Report for 2008-09.

Repatriation Commission, Military Rehabilitation and Compensation Commission, National Treatment Monitoring Committee and Department of Veterans' Affairs—Report for 2008-09, including financial statements for the Defence Service Homes Insurance Scheme.

Repatriation Medical Authority—Report for 2008-09.

Reserve Bank of Australia—Report for 2008-09.

Safety, Rehabilitation and Compensation Commission (SRCC)—Report for 2008-09.

Screen Australia—Report for 2008-09.

Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)—Report for 2008-09.

Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2008-09.

Special Broadcasting Service Corporation (SBS)—Report for 2008-09.

Veterans' Review Board—Report for 2008-09.

*War Crimes Act 1945*—Report for 2008-09 on the operation of the Act.

Wet Tropics Management Authority—Report for 2008-09, including State of the Wet Tropics report for 2008-09.

Wheat Exports Australia—Report for 2008-09.

*Witness Protection Act 1994*—Report for 2008-09 on the operation of the National Witness Protection Program.

#### REPORT ON COMMITTEE ACTIVITIES

The committee undertook a review of the requirement placed on agencies to provide untrimmed copies of documents that form part of the Parliamentary Paper Series (PPS). As a result of that review the committee recommended to the Presiding Officers that the PPS distribution guidelines be amended to remove the requirement for author agencies to provide untrimmed parliamentary papers copies for the 2010 PPS and subsequent series. The Presiding Officers approved that recommendation. The PPS distribution guidelines will be amended effective from 1 January 2010.

Senator Carol Brown

Chair

29 October 2009.

Senator Carol Brown moved—That the report be adopted.

Question put and passed.

#### 17 COMMITTEES—ADDITIONAL INFORMATION—BUDGET ESTIMATES 2009-10

Senator O'Brien, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2009-10—

Community Affairs Legislation Committee—Additional information received between 17 September and 28 October 2009—

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

Indigenous issues across portfolios—Attorney-General; Education, Employment and Workplace Relations; Families, Housing, Community Services and Indigenous Affairs.

Economics Legislation Committee—Additional information received between 20 August and 28 October 2009—Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 17 September and 29 October 2009—Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts Legislation Committee—Additional information received between 16 September and 28 October 2009—Broadband, Communications and the Digital Economy portfolio.  
Environment, Water, Heritage and the Arts portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 16 September and 27 October 2009—Attorney-General's portfolio.  
Immigration and Citizenship portfolio.

Budget estimates 2009-10 (Supplementary)—

Community Affairs Legislation Committee—Hansard record of proceedings.

Economics Legislation Committee—Additional information received between 19 October and 28 October 2009—Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received on 21 October and 22 October 2009—Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts Legislation Committee—Hansard record of proceedings.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 19 October and 27 October 2009—Attorney-General's portfolio.  
Immigration and Citizenship portfolio.

#### 18 AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT BILL 2009

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

Message no. 428, dated 28 October 2009—A Bill for an Act to amend the *Australian Sports Anti-Doping Authority Act 2006*, 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.

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

#### 19 PRIVATE HEALTH INSURANCE LEGISLATION AMENDMENT BILL (NO. 2) 2009

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

Message no. 429, dated 28 October 2009—A Bill for an Act to amend the law in relation to private health insurance, 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.

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

## 20 ECONOMICS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Milne, pursuant to notice, moved business of the Senate notice of motion no. 3—That the following matters be referred to the Economics References Committee for inquiry and report by 31 March 2010:

- (a) a reconsideration of the committee's findings in relation to Australia's Mandatory Last Resort Home Warranty Insurance Scheme, in light of:
  - (i) the 2008 Federal Ombudsman's report that demonstrated that last resort home warranty insurance is the worst performing insurance in the nation,
  - (ii) the Essential Services Commission's review of the Victorian Domestic Insurance Scheme which demonstrates that there is virtually no benefit to anyone other than the insurers and their brokers of this insurance product,
  - (iii) evidence to these inquiries which demonstrate that the Senate's conclusions were based on information now shown to be wrong, including the fact that the Senate estimated that less than 10 per cent of builders provided securities whereas 44 per cent of those in Victoria have done so since 2002,
  - (iv) the lack of competition in the market which is now down to three insurers, and
  - (v) the questionable legality of the deeds of indemnity, bank guarantees and securities demanded by insurers as a condition of eligibility for warranty insurance;
- (b) any reforms which may lead to appropriate consumer and builder protection and improved housing affordability; and
- (c) any related matters.

Debate ensued.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob  
Hanson-Young

Ludlam  
Milne

Siewert (Teller)

Xenophon

NOES, 32

Senators—

Adams (Teller)  
Bernardi  
Bilyk  
Birmingham  
Cameron  
Cash  
Conroy  
Crossin

Eggleston  
Feeney  
Ferguson  
Forshaw  
Furner  
Hurley  
Hutchins  
Joyce

Kroger  
Lundy  
Marshall  
McEwen  
Nash  
Parry  
Payne  
Polley

Pratt  
Ryan  
Stephens  
Sterle  
Troeth  
Trood  
Williams  
Wortley

Question negatived.

**21 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—  
REPORT—FORESTRY AND MINING OPERATIONS ON THE TIWI ISLANDS**

Pursuant to order, the Chair of the Environment, Communications and the Arts References Committee (Senator Birmingham) tabled the following report and documents:

Environment, Communications and the Arts References Committee—Forestry and mining operations on the Tiwi Islands—Report, dated October 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

**22 CONSIDERATION OF LEGISLATION**

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 the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009 is exempt from the order of the Senate of 13 May 2009 relating to the consideration of legislation, enabling consideration of this bill to proceed in accordance with the standing orders.

Debate resumed.

*Statement by leave:* The Leader of the Opposition in the Senate (Senator Minchin), by leave, made a statement relating to the matter.

Debate continued.

Question put.

The Senate divided—

**AYES, 30**

Senators—

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

**NOES, 29**

Senators—

Abetz	Cash	Johnston	Ronaldson
Back	Colbeck	Kroger	Ryan
Bernardi	Cormann	Macdonald	Scullion
Birmingham	Eggleston	McGauran	Troeth
Boswell	Fifield	Minchin	Williams (Teller)
Boyce	Fisher	Nash	
Brandis	Heffernan	Parry	
Bushby	Humphries	Payne	

Question agreed to.



**23 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—  
VARIATION OF REFERENCE**

The Leader of the Family First Party (Senator Fielding), by leave, moved—That the order of the Senate agreed to earlier today (*see entry no. 12*) be varied to read as follows:

That the following matter be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 2 February 2010:

The practices and procedures of Australia Post over the past 3 years in relation to the treatment of injured and ill workers, including but not limited to:

- (a) allegations that injured staff have been forced back to work in appropriate duties before they have recovered from workplace injuries;
- (b) the desirability of salary bonus policies that reward managers based on lost time injury management and the extent to which this policy may impact on return to work recommendations of managers to achieve bonus targets;
- (c) the commercial arrangements that exist between Australia Post and InjuryNet and the quality of the service provided by the organisation;
- (d) allegations of compensation delegates using fitness for duty assessments from facility nominated doctors to justify refusal of compensation claims and whether the practice is in breach of the *Privacy Act 1988* and Comcare policies;
- (e) allegations that Australia Post has no legal authority to demand medical assessments of injured workers when they are clearly workers' compensation matters;
- (f) the frequency of referrals to InjuryNet doctors and the policies and circumstances behind the practices;
- (g) the comparison of outcomes arising from circumstances when an injured worker attends a facility nominated doctor, their own doctor and when an employee attends both and the practices in place to manage conflicting medical recommendations in the workplace; and
- (h) any related matters.

Question put and passed.

**24 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Defence (Senator Faulkner) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (AusCheck Amendment Bill 2009).

Question put and passed.

**25 AUSCHECK AMENDMENT BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Immigration and Citizenship (Senator Evans)—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:* The Minister for Defence (Senator Faulkner) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, item 1, page 3 (line 8), omit “AusCheck scheme”.

Schedule 1, item 2, page 3 (lines 14 to 16), omit “performed in relation to the individual for a purpose referred to in subparagraph 8(c)(i), (ii), (iii), (iv), (v) or (vi)”, substitute “conducted in relation to the individual under an Act or legislative instrument referred to in subparagraph 8(1)(b)(i) or (ii) for a purpose referred to in paragraph 8(2)(a), (b), (c), or (d)”.

Schedule 1, items 6 and 7, page 3 (line 27) to page 4 (line 10), omit the items, substitute:

## **6 Section 8**

Repeal the section, substitute:

## **8 Establishment of AusCheck scheme**

- (1) The regulations may provide for the establishment of a scheme (the *AusCheck scheme*) relating to the conduct and coordination of background checks of individuals if:
  - (a) any of the following laws requires or permits a background check to be conducted of an individual for specified purposes:
    - (i) the *Aviation Transport Security Act 2004* or regulations under that Act;
    - (ii) the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act; or
  - (b) any other Act (other than this Act) expressly:
    - (i) requires or permits a background check of an individual to be conducted under the AusCheck scheme for purposes specified in the Act; or
    - (ii) provides for the making of a legislative instrument requiring or permitting a background check of an individual to be conducted under the AusCheck scheme for purposes specified in the Act.
- (2) If paragraph (1)(b) applies, the background check must be conducted for purposes related to:
  - (a) Australia’s national security; or
  - (b) the defence of Australia; or
  - (c) a national emergency; or
  - (d) the prevention of conduct to which Part 5.3 of Chapter 5 of the *Criminal Code* (which deals with terrorism) applies.

## 7 Saving of regulations

Despite the amendment made by item 6, regulations in force for the purposes of section 8 of the *AusCheck Act 2007* immediately before the commencement of this item continue in effect, after that commencement, as if they had been made for the purposes of that section, as in force after that commencement.

Schedule 1, page 5 (after line 2), after item 10, insert:

### **10A Division 1 of Part 3 (heading)**

Repeal the heading, substitute:

#### **Division 1—Collection, retention, use and disclosure of information**

Schedule 1, item 12, page 5 (line 9), after “conducted”, insert “under the AusCheck scheme”.

Schedule 1, item 12, page 5 (line 13), after “conducted”, insert “under the AusCheck scheme”.

Schedule 1, item 14, page 5 (line 28) to page 6 (line 16), omit the item, substitute:

### **14 Subsection 14(1)**

Omit “, including AusCheck scheme personal information,”, substitute “(other than identity verification information)”.

Note 1: The heading to section 14 is altered by inserting “**and disclosure**” after “**use**”.

Note 2: The following heading to subsection 14(1) is inserted “*Establishment of AusCheck database*”.

### **14A Subsection 14(2)**

After “individual” (first occurring), insert “(other than identity verification information)”.

Note: The following heading to subsection 14(2) is inserted “*Use and disclosure of AusCheck personal information other than identity verification information*”.

Schedule 1, item 17, page 6 (line 33), omit “Identity verification information about an individual”, substitute “AusCheck scheme personal information about an individual that is identity verification information”.

Schedule 1, item 19, page 7 (lines 5 and 6), omit the item, substitute:

### **19 After section 14**

Insert:

#### **14A Special rule relating to collection, retention, use and disclosure of identity verification information by AusCheck staff members**

Despite sections 13 and 14, those sections only authorise the collection, retention, use and disclosure by the Secretary or an AusCheck staff member of identity verification information about an individual in relation to whom a background check is being or has been conducted, if the collection, retention, use or disclosure is directly necessary for the purpose of:

- (a) passing the information to a Commonwealth, State or Territory body, agency or organisation that is responsible for, or deals with, law enforcement, criminal intelligence, criminal investigation, fraud or security intelligence in, or in a part of, Australia for the purpose of that body, agency or organisation

- verifying the identity of the individual for the purposes of the background check; or
- (b) providing the information to the individual.

**20 After subsection 15(1)**

Insert:

(1A) A person commits an offence if:

- (a) the person obtains information; and
- (b) the information is AusCheck scheme personal information; and
- (c) the person discloses the information to someone else.

Penalty: Imprisonment for 2 years.

**21 Subsection 15(2)**

After “(1)”, insert “or (1A)”.

**22 After paragraph 15(2)(c)**

Insert:

- (ca) if the information is AusCheck scheme personal information—a disclosure that is:
  - (i) taken to be authorised under section 13; or
  - (ii) authorised under section 14; or
  - (iii) required or authorised by or under another law;

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 Faulkner the report from the committee was adopted and the bill read a third time.

**26 ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Defence (Senator Faulkner) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Asian Development Bank (Additional Subscription) Bill 2009).

Question put and passed.

**27 ASIAN DEVELOPMENT BANK (ADDITIONAL SUBSCRIPTION) BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Faulkner)—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 Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

**28 ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That government business order of the day no. 9 (Personal Property Securities Bill 2009) be postponed till the next day of sitting.

Question put and passed.

**29 LONG SERVICE LEAVE LEGISLATION AMENDMENT (TELSTRA) BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change and Water (Senator Wong)—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 Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

**30 STATUTE STOCKTAKE (REGULATORY AND OTHER LAWS) BILL 2009**

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change and Water (Senator Wong)—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 Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

**31 AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY 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 Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

**32 TAX AGENT SERVICES (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2009**

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

Message no. 431, dated 29 October 2009—A Bill for an Act to amend the *Tax Agent Services Act 2009* and to deal with consequential and transitional matters arising from the enactment of that Act, and for related purposes.

The Parliamentary Secretary for Social Inclusion (Senator Stephens) 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 Stephens moved—That this bill be now read a second time.

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*Explanatory memorandum:* Senator Stephens tabled a revised explanatory memorandum relating to the bill.

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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 Stephens the bill was read a third time.

*Suspension of sitting:* On the motion of Senator Stephens the sitting of the Senate was suspended at 1.21 pm till 2 pm.

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*At 2 pm—*

**33 QUESTIONS**

Questions without notice were answered.

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*Declaration of interest:* Senator Xenophon declared an interest in relation to his question without notice concerning asbestos victims' compensation.

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Further questions without notice were answered.

34 **MOTION TO TAKE NOTE OF ANSWERS**

Senator Fifield moved—That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senator Fifield and the Leader of The Nationals in the Senate (Senator Joyce) today relating to the economy.

Debate ensued.

Question put and passed.

35 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—COMPLIANCE AUDITS ON MEDICARE BENEFITS**

The Minister for Immigration and Citizenship (Senator Evans) tabled the following document:

Community Affairs Legislation Committee—Report—Compliance audits on Medicare benefits—Government response.

36 **TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—95TH REPORT**

The Minister for Immigration and Citizenship (Senator Evans) tabled the following document:

Treaties—Joint Standing Committee—95th report—Treaties tabled on 4 June, 17 June, 25 June and 26 August 2008—Government response.

37 **AUDITOR-GENERAL—AUDIT REPORT NO. 8 OF 2009-10—DOCUMENT**

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

Auditor-General—Audit report no. 8 of 2009-10—Performance audit—The Australian Taxation Office's implementation of the Change Program: a strategic overview.

38 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 16 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. 16 OF 2009

1. The committee met in private session on Wednesday, 28 October 2009 at 7.16 pm.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Bankruptcy Legislation Amendment Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 February 2010;
  - (b) the *provisions* of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009 be *referred immediately* to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 16 November 2009;
  - (c) the *provisions* of the Native Title Amendment Bill (No. 2) 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 February 2010;

- (d) the *provisions* of the Personal Property Securities (Consequential Amendments) Bill 2009 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 16 November 2009; and
  - (e) the *provisions* of the Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009 and the Income Tax (TFN Withholding Tax (ESS)) Bill 2009 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 16 November 2009.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- Australian Climate Change Regulatory Authority Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme (Charges—General) Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009 [No. 2]
  - Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009 [No. 2]
  - Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [No. 2]
  - Customs Tariff Amendment (Incorporation of Proposals) Bill 2009
  - Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [No. 2]
  - Health Insurance Amendment (New Zealand Overseas Trained Doctors) Bill 2009
  - Health Insurance Amendment (Revival of Table Items) Bill 2009
  - Safety, Rehabilitation and Compensation Amendment Bill 2009
  - Statute Law Revision Bill 2009.

*The committee recommends accordingly.*

4. The committee deferred consideration of the following bills to its next meeting:
- Britt Lapthorne Bill 2009
  - Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009
  - Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009
  - Protecting Problem Gamblers Bill 2009.

Kerry O'Brien  
Chair  
29 October 2009.

Senator McEwen moved—That the report be adopted.

Question put and passed.



**39 PRIVILEGES—STANDING COMMITTEE—140TH REPORT**

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

Privileges—Standing Committee—140th report—Persons referred to in the Senate—Mr Richard Stanton, dated October 2009.

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

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

Question put and passed.

*Response as recommended by the committee incorporated in Hansard accordingly.*

**40 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—REVIEW OF THE DEFENCE ANNUAL REPORT 2007-08**

Senator McEwen, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Review of the Defence annual report 2007-08—Report, dated October 2009.

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

Question put and passed

**41 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 17 of 2009—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2009L04021]\*.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

450/09—Instructions – RNAV (RNP-AR) approaches and departures [F2009L03705]\*.

473/09—Permission and direction – helicopter charter operations [F2009L03888]\*.

Civil Aviation Safety Regulations—

Airworthiness Directives—Part—

105—

AD/BEECH 55/57—Fuselage Bulkheads FS 257.6 & FS 271.92 [F2009L03942]\*.

AD/BEECH 56/19—Fuselage Bulkheads FS 257.6 and FS 271.92 [F2009L03941]\*.

AD/BEECH 95/21—Fuselage Bulkheads FS 257.6 & FS 271.92 [F2009L03940]\*.

AD/BELL 205/2—Tail Rotor Yoke – Inspection [F2009L03855]\*.

AD/BELL 205/17—Hydraulic Fluid Temperature Indicators – Installation [F2009L03854]\*.

AD/BELL 205/32—Main Beam Cap – Inspection and Repair [F2009L03852]\*.

AD/BELL 412/11—Main Rotor Yoke, P/N 412-010-101-123 – Inspection [F2009L03920]\*.

AD/BELL 412/19—Emergency DC Bus Number One Feeder Circuit [F2009L03928]\*.

AD/BELL 412/20—Bolts P/N AN4-5A – Pylon Support [F2009L03927]\*.

AD/BELL 412/21—Fuel Cell Interconnect Tube [F2009L03926]\*.

AD/BELL 412/24—Main Rotor Pitch Link to Pitch Horn Bolt [F2009L03925]\*.

AD/BELL 412/25—Main Rotor Flight Control System Bolts [F2009L03924]\*.

AD/BELL 412/26—Bogus Pressure Gauge Emergency Floats P/N 212-073-905-1 [F2009L03923]\*.

AD/BELL 412/31—Fin to Tail Boom Junction [F2009L03922]\*.

AD/BELL 412/35—Tail Boom Doubler and Fin Spar Caps [F2009L03921]\*.

AD/F27/56 Amdt 1—Rudder Trim Tab – Inspection [F2009L03937]\*.

107—

AD/PR/13—Pitch Lock Assembly – Modification [F2009L03935]\*.

AD/PR/17—Hub Driving Centre Flange – Inspection [F2009L03934]\*.

Instrument No. CASA EX91/09—Exemption – use of ADS-C separation minima [F2009L03962]\*.

Corporations Act—AASB 2009-9—Amendment to Australian Accounting Standards – Additional Exemption for First-time Adopters [F2009L03966]\*.

Customs Act—Tariff Concession Orders—

0906218 [F2009L03807]\*.

0906219 [F2009L03803]\*.

0909028 [F2009L03800]\*.

0909454 [F2009L03799]\*.

0909455 [F2009L03797]\*.

0909458 [F2009L03795]\*.

0909765 [F2009L03796]\*.

0909928 [F2009L03793]\*.

0909985 [F2009L03794]\*.

0910048 [F2009L03801]\*.

Defence Force Discipline Act—Select Legislative Instrument 2009 No. 296—Court Martial and Defence Force Magistrate Rules [F2009L04030]\*.

Education Services for Overseas Students Act—ESOS Assurance Fund 2010 Contributions Criteria [F2009L03999]\*.

Environment Protection and Biodiversity Conservation Act—Amendment of list of exempt native specimens—EPBC303DC/SFS/2009/36 [F2009L04028]\*.

Financial Management and Accountability Act—Financial Management and Accountability Determination 2009/30—Safe Work Australia Special Account Variation and Abolition 2009 [F2009L04005]\*.

Higher Education Support Act—

List of Grants under Division 41, dated 21 October 2009 [F2009L03996]\*.

Other Grants Guidelines (Education) 2008 (DEEWR)—Amendment No. 3 [F2009L03997]\*.

VET Provider Approval No. 39 of 2009—Benchmark Resources Pty Ltd [F2009L04003]\*.

Migration Act—Migration Regulations—Instrument IMMI 09/125—Specification of occupations [F2009L03970]\*.

Military Superannuation and Benefits Act—Military Superannuation and Benefits (Eligible Member) Declaration 2009 [F2009L03980]\*.

National Health Act—Instrument No. PB 104 of 2009—Amendment Special Arrangements—Highly Specialised Drugs Program [F2009L04011]\*.

\* Explanatory statement tabled with legislative instrument.

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

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

Departmental and agency appointments and vacancies—Supplementary budget estimates—Letter of advice—Climate Change portfolio agencies.

**43 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

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

Departmental and agency grants—Supplementary budget estimates—Letter of advice—Climate Change portfolio agencies.

**44 COMMITTEE MEMBERSHIP**

The Deputy President (Senator Ferguson) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Immigration and Citizenship (Senator Evans), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Education, Employment and Workplace Relations Legislation Committee—**

Appointed—

Substitute member: Senator Siewert to replace Senator Hanson-Young for the committee's inquiry into the provisions of the Fair Work Amendment (State Referrals and Other Measures) Bill 2009

Participating member: Senator Hanson-Young

**Environment, Communications and the Arts References Committee—**

Appointed—

Substitute member: Senator Siewert to replace Senator Ludlam for the committee's inquiry into Australia Post's treatment of injured and ill workers

Participating member: Senator Ludlam

**Legal and Constitutional Affairs Legislation Committee—**

Appointed—

Substitute member: Senator Siewert to replace Senator Ludlam for the committee's inquiry into the provisions of the Native Title Amendment Bill (No. 2) 2009

Participating member: Senator Ludlam.

Question put and passed.

**45 CORPORATIONS AMENDMENT (IMPROVING ACCOUNTABILITY ON TERMINATION PAYMENTS) BILL 2009**

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

Message no. 430, dated 29 October 2009—Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009.

On the motion of the Minister for Immigration and Citizenship (Senator Evans) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

*General business was called on.*

**46 IMMIGRATION—BORDER PROTECTION**

Senator Scullion, at the request of Senator Parry and pursuant to notice, moved general business notice of motion no. 605—That the Senate notes that the Rudd Government's policies have seriously compromised the integrity of Australia's borders with far reaching consequences, including:

- (a) the increased activity of illegal people smuggling in Australia's region;
- (b) an increased number of unlawful arrivals taking perilous journeys;
- (c) the diversion of border protection agencies and resources; and
- (d) heightened security and biosecurity risks.

Debate ensued.

*At 6 pm:* Debate was interrupted while Senator Bilyk was speaking.

**47 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. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

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 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 agreed to.

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 Macdonald the debate was adjourned till Thursday at general business.

Electoral reform—Strengthening Australia’s democracy—Green paper by the Special Minister of State, September 2009. Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2008-09. Motion of Senator Boyce to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2008-09, including Aboriginals Benefit Account report for 2008-09 and financial statements for Aboriginal and Torres Strait Islander Land Account. Motion of Senator Boyce to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

*General business concluded.*

#### **48 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:

Economics References Committee—Interim report—Government’s economic stimulus initiatives. Motion of Senator Parry to take note of report debated and agreed to.

Legal and Constitutional Affairs Legislation Committee—Interim report—Migration Amendment (Complementary Protection) Bill 2009 [Provisions]. Motion of Senator Parry to take note of report agreed to.

Education, Employment and Workplace Relations Legislation Committee—Report—Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 [Provisions]. Motion of Senator Parry to take note of report agreed to.

Legal and Constitutional Affairs Legislation Committee—Report—Migration Amendment (Complementary Protection) Bill 2009 [Provisions]. Motion of Senator Parry to take note of report agreed to.

Economics References Committee—Interim report—GROCERYchoice website. Motion of Senator Parry to take note of report called on. On the motion of Senator Pratt the debate was adjourned till the next day of sitting.

Housing Affordability in Australia—Select Committee—Report—A good house is hard to find: Housing affordability in Australia—Government response. Motion of Senator Parry to take note of document agreed to.

Legal and Constitutional Affairs Legislation Committee—Report—Personal Property Securities Bill 2009 [Provisions]—Government response. Motion of Senator Parry to take note of document agreed to.

Economics References Committee—Report—Government’s economic stimulus initiatives. Motion of the chair of the committee (Senator Eggleston) to take note of report called on. On the motion of Senator Pratt the debate was adjourned till the next day of sitting.

Economics References Committee—Report—Government measures to address confidence concerns in the financial sector – The Financial Claims Scheme and the Guarantee Scheme for Large Deposits and Wholesale Funding. Motion of Senator Bushby to take note of report agreed to.

Economics References Committee—Report—Bank mergers. Motion of Senator Bushby to take note of report agreed to.

Economics References Committee—Report—Foreign investment by state-owned entities. Motion of the chair of the committee (Senator Eggleston) to take note of report agreed to.

Treaties—Joint Standing Committee—Report 106—Nuclear non-proliferation and disarmament. Motion of Senator McGauran to take note of report called on. On the motion of Senator Pratt the debate was adjourned till the next day of sitting.

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

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Australian National Audit Office—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Auditor-General—Audit report no. 6 of 2009-10—Performance audit—Confidentiality in Government contracts: Senate order for departmental and agency contracts (calendar year 2008 compliance). Motion of Senator Parry to take note of document agreed to.

Orders of the day nos 1 and 4 relating to reports of the Auditor-General were called on but no motion was moved.

#### 50 ADJOURNMENT

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

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*Document:* Senator Fierravanti-Wells, by leave, tabled the following document:

Industry—From the farm to the wardrobe ... A snapshot of the Australian wool industry—Study leave report by Senator Fierravanti-Wells, dated August 2009.

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Debate ensued.

The Senate adjourned at 6.39 pm till Monday, 16 November 2009 at noon.

#### 51 ATTENDANCE

Present, all senators except Senators Barnett\*, Coonan, Moore\*, Sherry\* and Wong\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate