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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 PETITION

The following petition, lodged with the Clerk by Senator Colbeck, was received:

From 5 935 petitioners, requesting that the Senate urge the Minister for the Environment, Heritage and the Arts to postpone any decision to implement any no-take policy on shortfin mako, longfin mako and porbeagle sharks and begin a genuine consultation process involving recreational and commercial fishing sectors.

Statement by leave: Senator Colbeck, by leave, made a statement relating to the matter.

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

Environment—New laws banning the fishing of certain sharks in Australia—Petitioning documents [2] expressing concerns about the new fishing laws.

3 NOTICES

Notice of motion:

The Leader of the Australian Greens (Senator Bob Brown): To move on 23 February 2010—That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 13 May 2010:

- (a) the effectiveness of the Australian Government's response to Australian citizens who are kidnapped and held for ransom overseas, including but not confined to the responses of the Australian Federal Police, the Department of Foreign Affairs and Trade and the consular assistance in the relevant country;
- (b) how the Australian Government's response in these situations compares to the approach taken by other countries; and
- (c) measures that could be taken by the Australian Government to improve the handling of its assistance to Australian citizens and their families.

Intention to withdraw: The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley), pursuant to standing order 78, gave notice of her intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in her name for 12 sitting days after today for the disallowance of Marine Orders Part 28 – Operations standards and procedures – Issue 3, as contained in Marine Order No. 4 of 2009, made under subsection 425(1AA) of the *Navigation Act 1912*.

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

4 TAXATION—AUSTRALIA'S FUTURE TAX SYSTEM REVIEW PANEL—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE

The Assistant Treasurer (Senator Sherry), by leave, made a statement relating to the order of the Senate of 3 February 2010 for the production of documents concerning the final report from Australia's Future Tax System Review Panel (*see entry no. 16, 3 February 2010*).

The Leader of The Nationals in the Senate (Senator Joyce), by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

5 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. 8 Health Insurance Amendment (New Zealand Overseas Trained Doctors) Bill 2009.

No. 9 Higher Education Support Amendment Bill 2009.

No. 10 Safety, Rehabilitation and Compensation Amendment Bill 2009.

No. 11 Statute Law Revision 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. 696 standing in the name of Senator Parry relating to the cost of living pressures; and

(b) orders of the day relating to government documents.

Question put and passed.

6 CONSIDERATION OF LEGISLATION

The Special Minister of State (Senator Ludwig), by leave, moved—That the government business orders of the day relating to the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009 may be taken together for their remaining stages.

Question put and passed.

7 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), moved—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and related bills.

Question put and passed.

8 COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Community Affairs References Committee (Senator Siewert), by leave, moved—That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question put and passed.

9 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Community Affairs References Committee, postponed till 25 February 2010.

General business notice of motion no. 685 standing in the name of Senator Scullion for today, proposing the introduction of the Wild Rivers (Environmental Management) Bill 2010, postponed till 23 February 2010.

General business notice of motion no. 694 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Protection of Personal Information Bill 2010, postponed till 22 February 2010.

10 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE

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 matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 September 2010:

- (a) what compensation payments are made by Commonwealth, state and territory governments to people adversely affected by government policies, legislation or unlawful actions;
- (b) what is the legal basis for payments, what defines their size and are there variations between the legal basis and amounts paid between state and federal governments;
- (c) what are the principles on which compensation payments should be based in order that they are proportionate, appropriate and easily understood; and
- (d) what opportunities are there for national coordination to ensure equity and consistency where people have been adversely affected by similar government policies, legislation or unlawful actions.

Question put and passed.

11 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (PROHIBITION OF SUPPORT FOR WHALING) BILL 2010

Senator Siewert, also on behalf of Senator Abetz, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 688—That the following bill be introduced:

A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999* to prohibit the provision of services, support and resources to whaling ventures.

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.

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

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

12 ENVIRONMENT—WHALE SHARK RESEARCH—DR BRAD NORMAN

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 697—That the Senate notes that:

- (a) on 3 February 2010 West Australian whale shark researcher Dr Brad Norman was named as one of *National Geographic's* 2008 Class of Emerging Explorers;
- (b) Dr Norman is the first Australian to be so honoured; and
- (c) Dr Norman's success has contributed to a national worldwide focus on the protection of the whale shark.

Question put and passed.

13 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 693—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity:

- (a) be authorised to hold a public meeting during the sitting of the Senate on Thursday, 4 February 2010, from 12.30 pm, to take evidence for the committee's inquiry into the operation of the *Law Enforcement Integrity Commissioner Act 2006*; and
- (b) be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 4 February 2010.

Question put and passed.

14 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—PROPOSED REFERENCE

The Leader of The Nationals in the Senate (Senator Joyce), 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 Finance and Public Administration References Committee for inquiry and report by 30 April 2010:

The impact of native vegetation laws and legislated greenhouse gas abatement measures on landholders, including:

- (a) any diminution of land asset value and productivity as a result of such laws;
- (b) compensation arrangements to landholders resulting from the imposition of such laws;
- (c) the appropriateness of the method of calculation of asset value in the determination of compensation arrangements; and
- (d) any other related matter.

Senator O'Brien, by leave, moved the following amendments together:

Omit "30 April 2010", substitute "30 June 2010".

After paragraph (c), insert:

- (d) the history and timing of the laws, including the involvement of the Federal Government in supporting or facilitating the states' introduction of these laws;

Statement by leave: Senator Joyce, by leave, made a statement relating to the matter.

The Leader of the Family First Party (Senator Fielding), by leave, moved the following amendment to Senator O'Brien's proposed amendments:

At the end of the amendment, add:

- (2) In conducting this inquiry, the committee must also examine the impact of the Government's proposed Carbon Pollution Reduction Scheme and the range of measures related to climate change announced by the Leader of the Opposition (Mr Abbott) on 2 February 2010.

Statements by leave: Senators Fielding and Parry, by leave, made statements relating to the matter.

Senator Fielding, by leave, withdrew the amendment.

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

Senator Joyce, by leave, moved—That consideration of the motion be postponed till a later hour.

Question put and passed.

15 FOREIGN AFFAIRS—WEST PAPUA—DEATH OF MR VIKTOR KAISIEPO

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 691—That the Senate—

- (a) notes, with sadness, the recent passing of West Papuan activist Mr Viktor Kaisiepo in his hometown of Amersfoort, in the Netherlands, at the age of 61;
- (b) acknowledges Mr Kaisiepo's life-long commitment to raising awareness of the plight of West Papua; and
- (c) extends its sympathy to the family and friends of Mr Kaisiepo and to the broader West Papuan community.

Statements by leave: The Special Minister of State (Senator Ludwig) and Senators Hanson-Young and Xenophon, 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, 37

Senators—

Arbib	Collins	Hurley	Parry (Teller)
Back	Crossin	Hutchins	Polley
Bernardi	Farrell	Ludwig	Pratt
Bilyk	Feeney	Lundy	Ryan
Birmingham	Ferguson	Marshall	Sterle
Bishop	Fielding	McEwen	Williams
Boyce	Fisher	McLucas	Wortley
Bushby	Forshaw	Moore	
Cameron	Furner	Nash	
Cash	Hogg	O'Brien	

Question negatived.

16 LAW AND JUSTICE—INTERNATIONAL STUDENTS—SAFETY AND WELFARE

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 692—That the Senate—

- (a) notes the string of recent attacks against international students studying in Australia;
- (b) recognises:
 - (i) the important contribution international students make to Australia's culture and economy, and
 - (ii) the growing concern over the safety of international students studying in Australia; and
- (c) calls on the Government to:
 - (i) implement the recommendation of the Education, Employment and Workplace Relations References Committee report, *Welfare of international students*, to expand the jurisdiction of the Commonwealth Ombudsman to include the international student sector, and
 - (ii) invest in support programs and anti-racism campaigns to raise community awareness of the positive contribution international students make to Australia.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 34

Senators—

Back	Crossin	Hutchins	Parry
Bernardi	Farrell	Ludwig	Polley
Bilyk	Feeney	Lundy	Pratt
Birmingham	Ferguson	Marshall	Ryan
Bishop	Fisher	McEwen	Sterle
Boyce	Forshaw	McLucas	Williams
Cameron	Furner	Moore	Wortley
Cash	Hogg	Nash	
Collins	Hurley	O'Brien (Teller)	

Question negatived.

17 FOREIGN AFFAIRS—PRESIDENT OF THE UNITED STATES OF AMERICA—DALAI LAMA

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. 695—That the Senate welcomes the news that the President of the United States of America, Barack Obama, will meet His Holiness the Dalai Lama.

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, 6

Senators—

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

NOES, 35

Senators—

Adams	Crossin	Hutchins	O'Brien
Back	Farrell	Kroger	Parry (Teller)
Bernardi	Feeney	Ludwig	Polley
Bilyk	Ferguson	Lundy	Pratt
Bishop	Fielding	Marshall	Ryan
Boyce	Forshaw	McEwen	Sterle
Cameron	Furner	McLucas	Williams
Cash	Hogg	Moore	Wortley
Collins	Hurley	Nash	

Question negatived.

18 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENTS

The Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley) tabled the following documents:

Regulations and Ordinances—Standing Committee—

Delegated legislation monitor—Disallowable legislative instruments tabled in the Senate in 2009, dated February 2010.

Ministerial correspondence relating to the scrutiny of delegated legislation, May 2008 to November 2009.

19 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—

29 October 2009 and 3 February 2010—Families, Housing, Community Services and Indigenous Affairs portfolio.

25 November 2009 and 3 February 2010—Health and Ageing portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 28 October 2009 and 3 February 2010—Attorney-General's portfolio.

Budget estimates 2009-10 (Supplementary)—

Economics Legislation Committee—Additional information received between—

21 October 2009 and 3 February 2010—Resources, Energy and Tourism portfolio.

26 November 2009 and 3 February 2010—

Innovation, Industry, Science and Research portfolio.
Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 11 December 2009 and 4 February 2010—Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts Legislation Committee—Additional information received between 28 October 2009 and 3 February 2010—

Broadband, Communications and the Digital Economy portfolio.

Environment, Water, Heritage and the Arts portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 11 December 2009 and 4 February 2010—

Defence portfolio.

Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between—

28 October 2009 and 3 February 2010—Attorney-General's portfolio.

26 November 2009 and 3 February 2010—Immigration and Citizenship portfolio.

20 FAIRER PRIVATE HEALTH INSURANCE INCENTIVES BILL 2009 [NO. 2]

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE) BILL 2009 [NO. 2]

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) BILL 2009 [NO. 2]

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

Message no. 484, dated 3 February 2010—A Bill for an Act to provide for fairer private health insurance incentives, and for related purposes.

Message no. 486, dated 3 February 2010—A Bill for an Act to amend the *Medicare Levy Act 1986*, and for related purposes.

Message no. 485, dated 3 February 2010—A Bill for an Act to amend the *A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Act 1999*, and for related 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.

Senator Siewert requested that the motion be divided—

Question—That these bills may proceed without formalities—put and passed.

Question—That these bills may be taken together—debated and negatived.

Question—That these bills be now read a first time—put and passed.

Bills read a first time.

Senator Ludwig moved—That the Fairer Private Health Insurance Incentives Bill 2009 [No. 2] be now read a second time.

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

Senator Ludwig moved—That the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2] be now read a second time.

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

Senator Ludwig moved—That the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2009 [No. 2] be now read a second time.

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

21 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE

Order read for the further consideration of the motion of the Leader of The Nationals in the Senate (Senator Joyce)—*and on the amendments moved by Senator O'Brien (see entry no. 14).*

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

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

The Leader of the Family First Party (Senator Fielding) moved the following amendment:

At the end of the motion, add:

- (2) In conducting this inquiry, the committee must also examine the impact of the Government's proposed Carbon Pollution Reduction Scheme and the range of measures related to climate change announced by the Leader of the Opposition (Mr Abbott) on 2 February 2010.

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

Senator Siewert moved the following amendments together by leave:

Paragraph (a), after "diminution", insert "or improvement".

Paragraph (b), after "laws", insert "and Commonwealth and state investment in land management programs".

Omit paragraph (d), substitute:

- (d) the benefits of such laws and abatement measures, including on long-term productivity;
- (e) costs of land degradation and vegetation loss; and
- (f) any other related matter.

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

Motion, as amended, further debated.

Main question, as amended, put and passed.

**22 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
REPORT—NATURAL RESOURCE MANAGEMENT AND CONSERVATION CHALLENGES**

Pursuant to order, the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Natural resource management and conservation challenges—Report, dated February 2010, Hansard record of proceedings, documents presented to the committee and submissions.

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

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

Debate ensued.

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

23 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Employment Participation (Senator Arbib) moved—That government business order of the day no. 1 (Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009) be postponed till after consideration of the government business order of the day relating to the Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009 and a related bill, and government business order of the day no. 4 (Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009).

Question put and passed.

**24 CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL 2009
CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL
(NO. 2) 2009**

Order of the day read for the adjourned debate on the motions of the Assistant Treasurer (Senator Sherry) and the Special Minister of State (Senator Ludwig)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Explanatory memoranda: The Minister for Climate Change and Water (Senator Wong) tabled the following documents:

Replacement explanatory memorandum relating to the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009.

Supplementary explanatory memoranda [2] relating to the government amendments to be moved to the bills.

Statement by Chair of Committees: The Chair of Committees (Senator Ferguson) made a statement indicating that as a Government amendment to the Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009, circulated as a request, did not have a direct effect on an appropriation, it could not be regarded as an increase in a charge or burden on the people within the meaning of section 53 of the Constitution. It should therefore not be moved as a request and would be treated as an amendment.

**CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME)
BILL 2009—**

Bill taken as a whole by leave.

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

Clause 2, page 2 (table item 5), omit “Part 6”, substitute “Parts 6 and 7”.

Schedule 1, item 13, page 9 (line 32), omit “so.”, substitute “so; or”.

Schedule 1, item 13, page 9 (after line 32), at the end of subsection 179C(5), add:
(c) it is otherwise in the interests of justice to do so.

Schedule 2, item 3, page 31 (lines 7 to 17), omit section 15J, substitute:

15J Service of freezing order etc. on financial institution and account-holder

- (1) If a magistrate makes a *freezing order relating to an *account with a *financial institution, the applicant for the order must cause the things described in subsection (2) to be given to:
 - (a) the financial institution; and
 - (b) each person in whose name the account is held.
- (2) The things are as follows:
 - (a) a copy of the order (or of a form of the order under section 15E);
 - (b) a written statement of the name and contact details of the *enforcement agency mentioned in the paragraph of the definition of *authorised officer* in section 338 that describes the applicant.

Note: If the copy of the order is given to the financial institution after the end of the first working day after the order is made, the order does not come into force: see subsection 15N(1).

Schedule 2, item 3, page 34 (after line 27), at the end of Part 2-1A, add:

Division 6—Revoking freezing orders

15R Application to revoke a freezing order

- (1) A person may apply to a magistrate to revoke a *freezing order.
- (2) The applicant for the revocation must give written notice of the application and the grounds on which the revocation is sought to the *enforcement agency mentioned in the paragraph of the definition of *authorised officer* in section 338 that describes the *authorised officer who applied for the *freezing order.
- (3) One or more of the following may adduce additional material to the magistrate relating to the application to revoke the *freezing order:
 - (a) the *authorised officer who applied for the freezing order;

- (b) the authorised officer whose affidavit supported the application for the freezing order;
 - (c) another authorised officer described in the paragraph of the definition of *authorised officer* in section 338 that describes the authorised officer mentioned in paragraph (a) or (b) of this subsection.
- (4) The magistrate may revoke the *freezing order if satisfied that it is in the interests of justice to do so.

15S Notice of revocation of a freezing order

- (1) If a *freezing order relating to an *account with a *financial institution is revoked under section 15R, an *authorised officer (the *notifying officer*) described in the paragraph of the definition of *authorised officer* in section 338 that describes the authorised officer who applied for the freezing order must cause written notice of the revocation to be given to:
- (a) the financial institution; and
 - (b) each person in whose name the account is held.
- (2) However, the notifying officer need not give notice to the applicant for the revocation.
- (3) Subsection (1) does not require more than one *authorised officer to cause notice of the revocation to be given.

Schedule 2, page 51 (after line 19), at the end of the Schedule, add:

Part 7—Other amendments

Proceeds of Crime Act 2002

106 Subsection 42(5)

Repeal the subsection, substitute:

- (5) The court may revoke the *restraining order if satisfied that:
- (a) there are no grounds on which to make the order at the time of considering the application to revoke the order; or
 - (b) it is otherwise in the interests of justice to do so.

107 Application and transitional

- (1) The amendment of section 42 of the *Proceeds of Crime Act 2002* made by this Part applies in relation to the revocation of a restraining order on or after commencement, whether the application for that revocation was made before, on or after commencement.
- (2) If an application under section 42 of the *Proceeds of Crime Act 2002* for the revocation of a restraining order has been made but not determined as at commencement:
- (a) the applicant may vary the application to take account of paragraph 42(5)(b) of the *Proceeds of Crime Act 2002* as in force at commencement; and
 - (b) if the application is varied under paragraph (a) of this subitem—the applicant must give a copy of the application as varied, and written notice of any additional grounds that he or she proposes to rely on in seeking that revocation, to the DPP and the Official Trustee; and

(c) the DPP may adduce additional material to the court relating to those additional grounds.

(3) In this item:

commencement means the commencement of this item.

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

Schedule 1, item 5, page 3 (line 23), omit “must”, substitute “may”.

Schedule 1, item 5, page 5 (after line 19), after subsection 20A(3), insert:

Legal expenses

- (3A) Without limiting the manner and circumstances that may be specified in an order under paragraph (1)(b), the court may order that specified property may be disposed of or otherwise dealt with for the purposes of meeting a person’s reasonable legal expenses arising from an application under this Act.
- (3B) The court may make an order under subsection (3A) despite anything in section 24.
- (3C) The court may require that a costs assessor certify that legal expenses have been properly incurred before permitting the payment of expenses from the disposal of any property covered by an order under subsection (3A) and may make any further or ancillary orders it considers appropriate.

Schedule 1, item 5, page 5 (after line 25), after subsection 20A(4), insert:

- (4A) If the court refuses to make a *restraining order under subsection (1), it may make any order as to costs it considers appropriate, including costs on an indemnity basis.

Schedule 1, item 5, page 5 (line 27), omit “must”, substitute “may”.

Schedule 1, item 12, page 7 (after line 33), at the end of section 45A, add:

- (4) If a *restraining order ceases under subsection (1) or (2), the court may, on application by a person with an *interest in the property covered by the restraining order, make any order as to costs it considers appropriate, including costs on an indemnity basis.

Schedule 1, item 13, page 8 (line 14), omit “must”, substitute “may”.

Schedule 1, item 13, page 10 (line 23), omit “must”, substitute “may”.

Schedule 1, item 13, page 11 (after line 24), after section 179E, insert:

179EA Refusal to make an order for failure to give undertaking

- (1) The court may refuse to make a *preliminary unexplained wealth order or an *unexplained wealth order if the Commonwealth refuses or fails to give the court an appropriate undertaking with respect to the payment of damages or costs, or both, for the making and operation of the order.
- (2) The *DPP may give such an undertaking on behalf of the Commonwealth.

179EB Costs

If the court refuses to make a *preliminary unexplained wealth order or an *unexplained wealth order, it may make any order as to costs it considers appropriate, including costs on an indemnity basis.

Schedule 1, item 13, page 17 (after line 18), after section 179S, insert:

179SA Legal expenses

- (1) If the court considers that it is appropriate to do so, it may order that the whole, or a specified part, of specified property covered by an order under subsection 179S(1) is not available to satisfy the *unexplained wealth order and may instead be disposed of or otherwise dealt with for the purposes of meeting a person's reasonable legal expenses arising from an application under this Act.
- (2) The court may require that a costs assessor certify that legal expenses have been properly incurred before permitting the payment of expenses from the disposal of any property covered by an order under subsection (1) and may make any further or ancillary orders it considers appropriate.

Schedule 1, item 13, page 17 (after line 33), at the end of the Part, add:

Division 5—Oversight**179U Parliamentary supervision**

- (1) The operation of this Part and section 20A is subject to the oversight of the Parliamentary Joint Committee on the Australian Crime Commission (the *Committee*).
- (2) The Committee may require the Australian Crime Commission, the Australian Federal Police, the *DPP or any other federal agency or authority that is the recipient of any material disclosed as the result of the operation of this Part to appear before it from time to time to give evidence.

Bill, as amended, agreed to.

**CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL
(No. 2) 2009—**

Bill taken as a whole by leave.

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

Schedule 1, Part 5, page 40 (after line 30), at the end of the Part, add:

158A Subparagraph 266A(1)(a)(i)

Omit “39(1)(d)”, substitute “39(1)(ca), (d) or (da)”.

Schedule 1, page 51 (after line 11), after item 200, insert:

200A Subsection 298(1)

Omit “in a particular financial year”.

Schedule 1, item 207, page 52 (line 22), omit “or subparagraph 102(d)(ii)”, substitute “, subparagraph 102(d)(ii) or section 179L”.

Schedule 2, item 16, page 65 (line 23), at the end of subsection 3L(1), add “if he or she suspects on reasonable grounds that the data constitutes evidential material”.

Schedule 4, item 1, page 100 (after line 19), after subsection 390.3(3), insert:

Intention fault element for paragraphs (1)(c) and (2)(d)

(3A) The fault element for paragraphs (1)(c) and (2)(d) is intention (by the first person).

Schedule 4, item 1, page 101 (lines 6 to 28), omit paragraphs 390.3(6)(d) to (f), substitute:

- (d) the association is only for the purpose of providing legal advice or legal representation in connection with judicial or administrative proceedings under a law of the Commonwealth, a State, a Territory or a foreign country; or
- (e) the association is reasonable in the circumstances.

Schedule 4, item 1, page 101 (after line 30), after subsection 390.3(6), insert:

(6A) Paragraphs (6)(a), (b), (c), (d) and (e) do not limit one another.

Schedule 4, item 1, page 101 (line 32), omit “under subsection (1)”, substitute “against subsection (1) or (2)”.

Schedule 4, item 1, page 101 (line 34), omit “under subsection (1)”, substitute “against subsection (1) or (2)”.

Schedule 7, item 18, page 127 (line 2), omit “ACC”, substitute “examiner”.

Bill, as amended, agreed to.

Bills to be reported with amendments.

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

On the motion of Senator Wong the report from the committee was adopted and the bills read a third time.

25 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (RE-REGISTRATION OF PROVIDERS AND OTHER MEASURES) BILL 2009

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill—and of the amendment moved by Senator Cormann:

Schedule 1, item 11, page 5 (after line 7), after subsection 9A(1), insert:

(1A) A designated authority for a State must use a risk-management approach when considering whether to recommend that an approved provider should be re-registered.

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

Senator Cormann moved the following amendment:

Schedule 2, item 4, page 15 (after line 23), after paragraph 21A(1)(a), insert:

(aa) employ or engage only an agent who is:

- (i) a Qualified Education Agent Counsellor who has completed the Education Agents Training Course or a recognised equivalent as specified in the regulations; and
- (ii) a member of a professional body for education agents if such a body has been specified in the regulations in relation to the area in which the agent operates; and

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

Bill further debated and agreed to.

Bill to be reported without amendment (*but see entry no. 46*).

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

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the report from the committee was adopted and the bill read a third time.

26 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT AMENDMENT (TRANSITION TO FAIR WORK) BILL 2009

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

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Abetz was speaking.

27 HEALTH INSURANCE AMENDMENT (NEW ZEALAND OVERSEAS TRAINED DOCTORS) 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.

28 HIGHER EDUCATION SUPPORT 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.

29 SAFETY, REHABILITATION AND COMPENSATION AMENDMENT BILL 2009

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

30 STATUTE LAW REVISION 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.

31 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT AMENDMENT (TRANSITION TO FAIR WORK) BILL 2009

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

Debate resumed.

At 2 pm: Debate was interrupted.

32 QUESTIONS

Questions without notice were answered.

33 MOTION TO TAKE NOTE OF ANSWERS

Senator Barnett moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) and the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senator Birmingham and the Leader of the Opposition in the Senate (Senator Minchin) today relating to the emissions trading scheme and to the proposed national broadband network.

Debate ensued.

Question put and passed.

34 TRANSPORT—NATIONAL ROAD SAFETY COUNCIL—MINISTERIAL STATEMENT—DOCUMENT

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

Transport—National Road Safety Council—Ministerial statement by the Minister for Infrastructure, Transport, Regional Development and Local Government (Mr Albanese), dated 3 February 2010.

35 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—PERSONAL PROPERTY SECURITIES (CONSEQUENTIAL AMENDMENTS) BILL 2009

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

Legal and Constitutional Affairs Legislation Committee—Report—Personal Property Securities (Consequential Amendments) Bill 2009 [Provisions]—Government response.

36 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—INQUIRY INTO THE IMMIGRATION BRIDGE PROPOSAL

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

National Capital and External Territories—Joint Standing Committee—Report—Inquiry into the Immigration Bridge proposal—Government response, dated January 2010.

37 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—413TH REPORT

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

Public Accounts and Audit—Joint Statutory Committee—413th report—The efficiency dividend and small agencies: Size does matter—Government response.

38 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—95TH REPORT

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

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

39 AUDITOR-GENERAL—AUDIT REPORT NO. 21 OF 2009-10—DOCUMENT

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

Auditor-General—Audit report no. 21 of 2009-10—Performance audit—Administration of the Water Smart Australia Program—Department of the Environment, Water, Heritage and the Arts; National Water Commission.

40 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2010

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. 1 OF 2010

1. The committee met in private session on Thursday, 4 February 2010 at 11.51 am.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 11 March 2010; and
 - (b) the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 30 June 2010.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Australian Climate Change Regulatory Authority Bill 2010
 - Britt Laphorne Bill 2009
 - Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2010
 - Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2010
 - Carbon Pollution Reduction Scheme (Charges—General) Bill 2010
 - Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2010
 - Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2010
 - Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2010
 - Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2010
 - Carbon Pollution Reduction Scheme Bill 2010
 - Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2010
 - Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010
 - Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2010
 - Fisheries Legislation Amendment Bill 2009
 - Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009
 - Higher Education Support Amendment (University College London) Bill 2010
 - Indigenous Education (Targeted Assistance) Amendment Bill 2010
 - Protection of the Sea Legislation Amendment Bill 2010
 - Therapeutic Goods (Charges) Amendment Bill 2009
 - Therapeutic Goods Amendment (2009 Measures No. 3) Bill 2009.

The committee recommends accordingly.
4. The committee deferred consideration of the following bills to its next meeting:
 - Australian Research Council Amendment Bill 2010
 - ComSuper Bill 2010

Governance of Australian Government Superannuation Schemes Bill 2010
 Keeping Jobs from Going Offshore (Protection of Personal Information)
 Bill 2009
 Superannuation Legislation (Consequential Amendments and Transitional
 Provisions) Bill 2010.

Kerry O'Brien
 Chair
 4 February 2010.

Senator McEwen moved—That the report be adopted.

Senator Parry moved the following amendment:

At the end of the motion, add “but, in respect of the Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010, the Legal and Constitutional Affairs Legislation Committee report by 15 March 2010”.

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

Main question, as amended, put and passed.

41 **TREATIES—JOINT STANDING COMMITTEE—108TH REPORT**

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

Treaties—Joint Standing Committee—108th report—Treaty tabled on 25 November 2009, dated February 2010.

42 **DOCUMENTS**

The following documents were tabled by the Clerk:

Financial Management and Accountability Act—Direction on investment in residential mortgage-backed securities 2009, dated 30 November 2009.

Sydney Airport Curfew Act—Dispensation Report 01/10.

43 **WORKPLACE RELATIONS—FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) BILL 2009—BILATERAL INTERGOVERNMENTAL AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 18 November 2009, the following document was tabled:

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Bilateral intergovernmental agreement for a national workplace relations system for the private sector—Agreement between the Commonwealth and South Australian governments—Response to part (3).

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 Climate Change and Water (Senator Wong), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed—Substitute member: Senator McEwen to replace Senator Carol Brown for the consideration of the 2009-10 additional estimates from 10 February to 12 February 2010

Legal and Constitutional Affairs Legislation Committee—

Appointed—Substitute member: Senator McLucas to replace Senator Marshall for the consideration of the 2009-10 additional estimates on 8 February and 9 February 2010

Legal and Constitutional Affairs References Committee—

Appointed—

Substitute member: Senator Siewert to replace Senator Ludlam for the committee's inquiry into the review of government compensation payments
Participating member: Senator Ludlam.

Question put and passed.

45 NATIONAL BROADCASTING LEGISLATION AMENDMENT BILL 2009

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

Message no. 487, dated 4 February 2010—A Bill for an Act to amend the law relating to the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation, 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.

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

46 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (RE-REGISTRATION OF PROVIDERS AND OTHER MEASURES) BILL 2009

Senator Parry, by leave, moved—That the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 be recommitted immediately and that the committee reconsider amendments and consider further amendments (*see entry no. 25*).

Debate ensued.

Question put and passed.

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

In the committee

Bill reconsidered.

Senator Cormann moved the following amendment:

Schedule 1, item 11, page 5 (after line 7), after subsection 9A(1), insert:

(1A) A designated authority for a State must use a risk-management approach when considering whether to recommend that an approved provider should be re-registered.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 34

Senators—

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

NOES, 33

Senators—

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

Question agreed to.

Senator Xenophon, also on behalf of Senator Hanson-Young, moved the following amendments together by leave:

Schedule 2, page 16 (after line 11), after item 5, insert:

5A Paragraph 29(1)(a)

Omit “less”, substitute “plus

(aa) the total of the prescribed amounts relating to expenses incurred by the student in connection with the course; less”.

5B Subsection 29(2)

Omit “paragraph (1)(b)”, substitute “paragraphs (1)(aa) and (b)”.

Schedule 2, page 16 (after line 16), after item 6, insert:

6A Section 46

After “course money”, insert “and certain consequential costs”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 37

Senators—

Abetz	Cormann	Kroger	Ryan
Adams	Ferguson	Ludlam	Scullion
Back	Fielding	Mason	Siewert
Boswell	Fierravanti-Wells	McGauran	Troeth
Boyce	Fifield	Milne	Trood
Brown, Bob	Fisher	Minchin	Williams (Teller)
Bushby	Hanson-Young	Nash	Xenophon
Cash	Humphries	Parry	
Colbeck	Johnston	Payne	
Coonan	Joyce	Ronaldson	

NOES, 25

Senators—

Arbib	Feeney	Marshall	Sherry
Bilyk	Forshaw	McEwen	Stephens
Bishop	Furner	McLucas	Sterle
Cameron	Hogg	Moore	Wortley
Collins	Hurley	O'Brien (Teller)	
Crossin	Hutchins	Polley	
Farrell	Lundy	Pratt	

Question agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the report from the committee was adopted and the bill read a third time.

General business was called on.

47 ECONOMICS—COST OF LIVING PRESSURES

Senator Kroger, at the request of Senator Parry and pursuant to notice, moved general business notice of motion no. 696—That the Senate notes the substantial increases in cost of living pressures on ordinary Australian families under the Rudd Labor Government.

Debate ensued.

At 6 pm: Debate was interrupted while Senator Williams was speaking.

48 PRIVILEGES—STANDING COMMITTEE—143RD REPORT

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

Privileges—Standing Committee—143rd report—Persons referred to in the Senate—Vicki Dunstan on behalf of the Church of Scientology, dated February 2010.

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.

49 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 Parry the debate was adjourned till Thursday at general business.

NBN Co Limited—Report for the period 9 April to 30 June 2009. Motion of Senator Birmingham to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2008-09. Motion of Senator Boyce to take note of document agreed to.

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 agreed to.

National Water Commission—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 March to 30 June 2009. Motion of Senator Parry to take note of document agreed to.

National Transport Commission (NTC Australia)—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.

Australian Broadcasting Corporation (ABC)—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.

Director of National Parks—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.

Australian Centre for International Agricultural Research—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.

Department of Resources, Energy and Tourism—Report for 2008-09, including Geoscience Australia 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.

Australian Nuclear Science and Technology Organisation (ANSTO)—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.

Australian Institute of Marine Science (AIMS)—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.

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

Commonwealth Grants Commission—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.

Department of Climate Change—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.

Great Barrier Reef Marine Park Authority—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.

Bureau of Meteorology—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.

Australian Electoral Commission (AEC)—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.

Rural Industries Research and Development Corporation (RIRDC)—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.

Land and Water Resources Research and Development Corporation (Land & Water Australia)—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.

Sugar Research and Development Corporation—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.

Supervising Scientist—Report for 2008-09 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Indigenous Business Australia—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.

Australian Fisheries Management Authority—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.

Australian Customs and Border Protection Service (formerly the Australian Customs Service)—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.

Torres Strait Protected Zone Joint Authority—Report for 2007-08. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Building and Construction Commissioner—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Tourism Australia—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.

Skills Australia—Report for 2008-09. Motion of Senator Barnett to take note of document agreed to.

Australian Bureau of Statistics—Information paper—Census of population and housing 2011—Nature and content. Motion of Senator Macdonald to take note of document agreed to.

Australian Sports Commission—Report for 2008-09. Motion of Senator Barnett to take note of document agreed to.

Australian Rail Track Corporation Ltd (ARTC)—Report for 2008-09. Motion of Senator Macdonald to take note of document agreed to.

Fisheries Research and Development Corporation (FRDC)—Report for 2008-09. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

Grains Research and Development Corporation (GRDC)—Report for 2008-09. Motion of Senator Macdonald to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Crime Commission (ACC)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Treaty—*Multilateral*—Amendments, done at Rome, Italy on 5 December 2008, to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals of 23 June 1979—Text, together with national interest analysis. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Mid-year economic and fiscal outlook—2009-10—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner). Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Telecommunications Act 1997—Funding of research and consumer representation in relation to telecommunications—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Aged Care Act 1997—Report for 2008-09 on the operation of the Act. Motion of Senator Parry to take note of document agreed to.

Australian Electoral Commission—Election 2007—Funding and disclosure report. Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Broadcasting Services Act 1992—Digital television transmission and reception—Report, February 2010. Motion of Senator Parry to take note of document agreed to.

Australian Landcare Council—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.

High Court of Australia—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Great Barrier Reef Marine Park Act 1975—Great Barrier Reef outlook report 2009—Correction. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2009. Motion of Senator Parry to take note of document agreed to.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the *Research Involving Human Embryos Act 2002* for the period 1 April to 31 August 2009. Motion of Senator Parry to take note of document agreed to.

Environment Protection and Biodiversity Conservation Act 1999—Report of the independent review by Allan Hawke, dated October 2009. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Customs and Border Protection Service—Report for 2008-09—Correction. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

International Commission on Nuclear Non-proliferation and Disarmament—Eliminating nuclear threats: A practical agenda for global policymakers—Report, November 2009 and Synopsis. Motion of Senator Ludlam to take note of document called on. On the motion of Senator Parry the debate was adjourned till Thursday at general business.

Freedom of Information Act 1982—Report for 2008-09 on the operation of the Act. Motion of Senator Parry to take note of document agreed to.

Commonwealth Electoral Act 1918—2009 redistributions into electoral divisions—Queensland—Report, together with composite maps [3] and compact disc of supporting information. Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Communications and Media Authority (ACMA)—Communications 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.

Communications—Digital dividend—Green paper by the Minister for Broadband, Communications and the Digital Economy, dated January 2010. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Regional Forest Agreement between the Commonwealth and Tasmania—Report—Inquiry on the progress with implementation of the Tasmanian Regional Forest Agreement (1997)—Second five yearly review—Joint Australian and Tasmanian government response, January 2010. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Charter of Budget Honesty Act 1998—Intergenerational report 2010. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Health—National preventative health taskforce report—Statement. Motion to take note of document moved, by leave, by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Response to part (2). Motion to take note of document moved, by leave, by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Response to part (3). Motion to take note of document moved, by leave, by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

General business orders of the day nos 37, 38, 40 to 42 and 44 to 50 relating to government documents were called on but no motion was moved.

General business concluded.

50 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:

Legal and Constitutional Affairs References Committee—Report—Australia's judicial system and the role of judges. Motion of the chair of the committee (Senator Barnett) to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Report—Access to justice. Motion of the chair of the committee (Senator Barnett) to take note of report agreed to.

Finance and Public Administration References Committee—Report—Independent arbitration of public interest immunity claims. Motion of Senator Bernardi to take note of report agreed to.

Agricultural and Related Industries—Select Committee—Second and third interim reports—Food production in Australia. Motion of Senator O'Brien to take note of reports agreed to.

Finance and Public Administration References Committee—Report—Relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd. Motion of Senator Parry to take note of report agreed to.

Education, Employment and Workplace Relations References Committee—Report—DEEWR tender process to award employment services contracts—Government response. Motion to take note of document moved, by leave, by Senator Collins and agreed to.

Regional and Remote Indigenous Communities—Select Committee—Third report. Motion of Senator Parry to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

National Broadband Network—Select Committee—Third report. Motion of the chair of the committee (Senator Fisher) to take note of report called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

Education, Employment and Workplace Relations References Committee—Report—Welfare of international students. Motion of the chair of the committee (Senator Humphries) to take note of report agreed to.

Privileges—Standing Committee—142nd report—Matters arising from the Economics Legislation Committee hearing on 19 June 2009 (referred 24 June and 12 August 2009). Motion of the chair of the committee (Senator Brandis)—That:

- (a) in respect of the matters referred on 24 June 2009:
 - (i) the Senate endorse the committee's findings in paragraph 6.5 and the conclusion in paragraph 6.6 of the report,
 - (ii) the President of the Senate resume consideration of an appropriate response to flagrant breaches of the Presiding Officers' guidelines on filming and photography in Parliament House by members of the media on 19 June 2009, noting the committee's suggestion in paragraph 3.23 of the report, and
 - (iii) the Chairs' Committee established under standing order 25(10) consider model practices for handling the media at committee hearings, and the inclusion of additional information about witnesses' rights under the broadcasting resolutions in the standard information provided to all witnesses, as discussed in paragraphs 3.14 and 3.15 of the report; and
- (b) in respect of the matters referred on 12 August 2009, the Senate endorse the committee's findings in paragraph 6.8 and the conclusion in paragraph 6.9 of the report—called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

Corporations and Financial Services—Joint Statutory Committee—Report—Inquiry into financial products and services in Australia. Motion of Senator Parry to take note of report agreed to.

Education, Employment and Workplace Relations References Committee—Report—Provision of childcare. Motion of the chair of the committee (Senator Humphries) to take note of report agreed to.

Privileges—Standing Committee—141st report—Possible interference with, or imposition of a penalty on, a witness before the Legal and Constitutional Affairs References Committee. Motion of the chair of the committee (Senator Brandis)—That:

- (a) the Senate endorse the finding in paragraph 1.25 of the report, that no contempt should be found in respect of the Chief Executive Officer, or another staff member, of the Aboriginal Legal Service of Western Australia; and

- (b) that the Chairs' Committee, established under standing order 25(10), consider the adequacy of information provided to witnesses on the subject of possible intimidation or imposition of a penalty in consequence of a witness's evidence to a Senate committee—agreed to.

Economics—Standing Committee—Report—Lost in Space? Setting a new direction for Australia's space science and industry sector—Government response. Motion of Senator Williams to take note of document agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Economic challenges facing Papua New Guinea and the island states of the southwest Pacific. Motion of the chair of the committee (Senator Trood) to take note of report agreed to.

Environment, Communications and the Arts References Committee—Report—Forestry and mining operations on the Tiwi Islands. Motion of the chair of the committee (Senator Birmingham) to take note of report called on. On the motion of Senator Parry the debate was adjourned till the next day of sitting.

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

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

Orders of the day nos 1 to 8 relating to reports of the Auditor-General were called on but no motion was moved.

52 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.23 pm till Monday, 22 February 2010 at 12.30 pm.

53 ATTENDANCE

Present, all senators except Senators Carol Brown*, Faulkner* and Heffernan* (* on leave).

ROSEMARY LAING
Clerk of the Senate