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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 GOVERNMENT DOCUMENTS

The following documents were tabled:

Innovation Australia—Report for 2008-09.

Treaties—*Bilateral*—

Explanatory statement 1 of 2010—Amendment to the Agreement between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment of 5 April 1991 [1992] ATS 3.

Text, together with national interest analysis—

Agreement concerning the provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia, done at Canberra, 11 March 2009.

Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands, done at Paris 8 January 2007.

3 CONSIDERATION OF LEGISLATION

The Special Minister of State (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Carbon Pollution Reduction Scheme Bill 2010 and 10 related bills, allowing them to be considered during this period of sittings.

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 34

Senators—

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

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

Statement by leave: The Leader of the Family First Party (Senator Fielding), by leave, made a statement relating to the motion.

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

Leave refused: The Leader of the Australian Greens (Senator Bob Brown) sought leave to move a motion to provide that the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010 have precedence over all government business till determined.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Bob Brown pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to provide that the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010 have precedence over all government business till determined.

Debate ensued.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 39

Senators—

Abetz	Carr	Ferguson	McEwen
Adams	Cash	Fielding	Moore
Back	Colbeck	Forshaw	O'Brien (Teller)
Barnett	Collins	Furner	Parry
Birmingham	Coonan	Humphries	Pratt
Bishop	Cormann	Hurley	Ryan
Boyce	Crossin	Hutchins	Troeth
Brown, Carol	Eggleston	Johnston	Williams
Bushby	Farrell	Ludwig	Wortley
Cameron	Feeney	Marshall	

Question negatived.

- 5 **CARBON POLLUTION REDUCTION SCHEME BILL 2010**
CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS)
BILL 2010
AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2010
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 (CPRS FUEL CREDITS) BILL 2010
CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS)
(CONSEQUENTIAL AMENDMENTS) BILL 2010
EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME)
BILL 2010
CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME)
BILL 2010
CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD
ASSISTANCE) BILL 2010

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

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

- 6 **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]

Order of the day read for the adjourned debate on the motions of the Special Minister of State (Senator Ludwig)—That these bills be now read a second time—*and on the amendment moved by Senator Siewert in respect of the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2]:*

At the end of the motion, add “and the Senate calls on the Government to invest the full amount raised by the Medicare Levy Surcharge (approximately \$145 million over 4 years) into mental health programs:

- (a) Communities of Youth, Mental Health (\$30 million per annum) proposed by National Health and Hospitals Reform Commission;
- (b) Headspace (30 new services at \$1 million per annum or \$30 million);
- (c) early psychosis prevention and intervention services (\$26 million per annum); and
- (d) Lifeline suicide hospital discharge and treatment plan (\$15.39 million as a total package over 3 years) and a new Lifeline freecall number (\$17.5 million per annum)”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 5

Senators—

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

NOES, 56

Senators—

Adams	Cash	Hogg	O'Brien
Arbib	Colbeck	Humphries	Parry
Back	Collins	Hurley	Payne
Barnett	Coonan	Johnston	Polley
Bernardi	Cormann	Ludwig	Pratt
Bilyk	Crossin	Lundy	Ryan
Birmingham	Farrell	Marshall	Shery
Bishop	Faulkner	Mason	Sterle
Boswell	Feeney	McEwen	Troeth
Boyce	Ferguson	McGauran	Trood
Brown, Carol	Fielding	McLucas	Williams (Teller)
Bushby	Fierravanti-Wells	Minchin	Wong
Cameron	Fisher	Moore	Wortley
Carr	Furner	Nash	Xenophon

Question negatived.

Main question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 34

Senators—

Adams	Colbeck	Heffernan	Payne
Back	Coonan	Humphries	Ryan
Barnett	Cormann	Johnston	Scullion
Bernardi	Eggleston	Joyce	Troeth
Birmingham	Ferguson	Macdonald	Trood
Boswell	Fielding	Mason	Williams (Teller)
Boyce	Fierravanti-Wells	Minchin	Xenophon
Bushby	Fifield	Nash	
Cash	Fisher	Parry	

Question negatived.

7 MATTERS OF PUBLIC INTEREST

Leave was granted for matters of public interest to be called on before 12.45 pm.

Matters of public interest were discussed.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

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

Administration—The Australian economy, government programs and ministerial responsibility—Transcript of interview with the Prime Minister (Mr Rudd) on 2UE radio, 9 June 2009.

9 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Cormann moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) and the Minister for Employment Participation (Senator Arbib) to questions without notice asked by Senators Abetz, Ryan and Cormann today relating to the home insulation program.

Debate ensued.

Question put and passed.

The Leader of the Family First Party (Senator Fielding) moved—That the Senate take note of the answer given by the Assistant Treasurer (Senator Sherry) to a question without notice asked by Senator Fielding today relating to a review of military superannuation and a possible conflict of interest.

Question put and passed.

10 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

By Senator Crossin, from 544 petitioners, requesting that the Senate initiate an investigation into donor conception practices in Australia.

By Senator Parry, from 439 petitioners, requesting that the Senate call on the Government to ensure that the Australian War Memorial receives sufficient funding to enable the daily sounding of the Last Post.

11 NOTICES

Notices of motion:

Senator Ludlam: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Resources and Energy, no later than 4 pm on 11 March 2010:

- (a) all reports submitted to the Federal Government by Parsons Brinkerhoff assessing and characterising proposed sites for a Commonwealth radioactive waste dump in the Northern Territory, including the final report submitted to the department on 18 March 2009, the CH2M HILL's peer review and the Parsons Brinkerhoff's response to that peer review;
- (b) the anthropological report prepared by consultants, Mr Kim Barber, Mr Robert Graham and Dr Brendan Corrigan, for the Northern Land Council (NLC) and provided to the then Minister for Education, Science and Training (Ms Bishop) in 2007; and

- (c) the June 2007 site nomination deed signed between the Commonwealth, the NLC and the Muckaty Land Trust, agreeing to a process for the site nomination and a schedule of payments totalling \$11 million in a charitable trust plus \$1 million in education scholarships. (*general business notice of motion no. 714*)

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan): To move on the next day of sitting—That—

- (1) The following matter be referred to the Standing Committee for the Scrutiny of Bills for inquiry and report by 12 May 2010:

The future direction and role of the Scrutiny of Bills Committee, with particular reference to:

- (a) whether its powers, processes and terms of reference remain appropriate;
 - (b) whether parliamentary mechanisms for the scrutiny and control of delegated legislation are optimal; and
 - (c) what, if any, additional role the committee should undertake in relation to human rights obligations applying to the Commonwealth.
- (2) In undertaking this inquiry, the committee should have regard to the role, powers and practices of similar committees in other jurisdictions.
- (3) The committee be authorised to hold public hearings in relation to this inquiry.

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 25 February 2010, from 5 pm, to take evidence for the committee's inquiry into import restrictions on beef. (*general business notice of motion no. 715*)

The Leader of The Nationals in the Senate (Senator Joyce) and Senator Colbeck: To move on 9 March 2010—That the following bill be introduced: A Bill for an Act to ensure equivalence to Australian production standards in the importation of bovine meat and meat products, and for related purposes. ***Food Importation (Bovine Meat Standards) Bill 2010***. (*general business notice of motion no. 716*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Corporations Amendment (Financial Market Supervision) Bill 2010
 Corporations (Fees) Amendment Bill 2010
 National Consumer Credit Protection Amendment Bill 2010.

Documents: Senator Ludwig tabled the following documents:

Consideration of legislation—Statements of reasons [2] for introduction and passage of the bills in the 2010 autumn sittings.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That, with regard to the comments made by the Leader of the Opposition (Mr Abbott) on industrial manslaughter, the Senate accepts the need for strong national industrial manslaughter laws. (*general business notice of motion no. 717*)

Contingent notice of motion: Senator Mason and the Leader of the Family First Party (Senator Fielding): To move (contingent on the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] being read a second time)—That it be an instruction to the committee of the whole:

- (a) to divide the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] to incorporate the following provisions in a separate bill:
 - (i) Schedule 1, Part 2 (Income tests),
 - (ii) Schedule 2 (Scholarship payments for students), and
 - (iii) Schedule 3 (Training supplement for parenting payment); and
- (b) to add to that bill enacting words, provisions for titles and commencement, and a provision giving effect to amending schedules.

12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 2 OF 2010

The Chair of the Selection of Bills Committee (Senator O'Brien) tabled the following report:

SELECTION OF BILLS COMMITTEE

REPORT NO. 2 OF 2010

1. The committee met in private session on Tuesday, 23 February 2010 at 4.30 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Governance of Australian Government Superannuation Schemes Bill 2010, the ComSuper Bill 2010 and the Superannuation Legislation (Consequential Amendments and Transitional Provisions) Bill 2010 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 15 March 2010;
 - (b) the *provisions* of the Health Insurance Amendment (Pathology Requests) Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 12 May 2010;
 - (c) the *provisions* of the Healthcare Identifiers Bill 2010 and the Healthcare Identifiers (Consequential Amendments) Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 15 March 2010;
 - (d) the *provisions* of the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Miscellaneous Measures) Bill 2010 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 23 April 2010; and
 - (e) the *provisions* of the Tax Laws Amendment (2010 Measures No. 1) Bill 2010 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 15 March 2010.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Antarctic Treaty (Environment Protection) Amendment Bill 2010
 - Australian Research Council Amendment Bill 2010
 - Corporations (Fees) Amendment Bill 2010
 - Corporations Amendment (Financial Market Supervision) Bill 2010

Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010
Higher Education Support Amendment (FEE-HELP Loan Fee) Bill 2010
National Consumer Credit Protection Amendment Bill 2010
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2010
Social Security and Family Assistance Legislation Amendment (Weekly Payments) Bill 2010
Tax Laws Amendment (2010 GST Administration Measures No. 1) Bill 2010.

The committee recommends accordingly.

4. The committee deferred consideration of the Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009 to its next meeting.

Kerry O'Brien
Chair
24 February 2010.

Senator O'Brien moved—That the report be adopted.

Question put and passed.

13 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the names of Senator Milne and the Leader of the Australian Greens (Senator Bob Brown) for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 25 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 25 February 2010.

14 RENEWABLE ENERGY—ELECTRICITY (WATER HEATERS AND PHANTOM CERTIFICATES) BILL 2010

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 713—That the following bill be introduced:

A Bill for an Act relating to water heaters and phantom renewable energy certificates, and for related purposes.

Question put and passed.

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

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

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

15 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 707—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 25 February 2010, 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 the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009, together with the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009.

Question put and passed.

16 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Chair of the Economics Legislation Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 708—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 25 February 2010, from 7.15 pm, to take evidence for the committee's inquiries into the Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009 and the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009.

Question put and passed.

17 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 709—That the time for the presentation of the report of the Community Affairs Legislation Committee on the Plain Tobacco Packaging (Removing Branding from Cigarette Packs) Bill 2009 be extended to 26 August 2010.

Question put and passed.

18 ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Economics Legislation Committee (Senator Hurley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 710—That the time for the presentation of the report of the Economics Legislation Committee on the Trade Practices Amendment (Material Lessening of Competition—Richmond Amendment) Bill 2009 be extended to 13 May 2010.

Question put and passed.

19 ECONOMICS—RENEWABLE ENERGY TARGET LEGISLATION

Senator Barnett amended general business notice of motion no. 706 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes that:

- (i) major flaws in the design of the Federal Government’s renewable energy target legislation have led to a dramatic drop in the price of renewable energy certificates and stalled investment in the renewable energy sector,
 - (ii) the Federal Government was warned of these flaws by industry and the Opposition parties but chose to ignore these warnings, and
 - (iii) the Federal Government’s failure to act is now threatening the financial viability of major renewable energy projects such as the Musselroe Bay Wind Farm project in north-east Tasmania; and
- (b) condemns the Government accordingly.

Question put and passed.

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

20 FUEL AND ENERGY—SELECT COMMITTEE—VARIATION OF APPOINTMENT

The Chair of the Select Committee on Fuel and Energy (Senator Cormann), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 705—That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on Fuel and Energy, be amended to omit “30 March 2010”, and substitute “30 June 2010”.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

21 FOREIGN AFFAIRS—CHINA—MR LIU XIAOBO

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. 704—That the Senate—

- (a) expresses its disappointment at the Chinese Government's decision to uphold Liu Xiaobo's sentence of 11 years in prison on the charge of 'inciting subversion of state power';
- (b) notes that Mr Liu has peacefully worked for the establishment of political openness and accountability in China; and
- (c) joins calls by the European Parliament and the Governments of the United States of America and Canada that Liu Xiaobo should not have been sentenced in the first place and should be released immediately.

Statements by leave: 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, 38

Senators—

Back	Crossin	Ludwig	Polley
Bernardi	Farrell	Lundy	Pratt
Bilyk	Feeney	Macdonald	Ryan
Birmingham	Ferguson	Marshall	Scullion
Bishop	Fielding	McEwen	Troeth
Brown, Carol	Fisher	McLucas	Williams
Cameron	Forshaw	Moore	Wong
Colbeck	Furner	Nash	Wortley
Collins	Hurley	O'Brien	
Cormann	Hutchins	Parry (Teller)	

Question negatived.

22 FOREIGN AFFAIRS—DALAI LAMA

Senator Hanson-Young, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 712—That the Senate—

- (a) congratulates the Leader of the Opposition, Tony Abbott, and the President of the United States of America, Barack Obama, for meeting His Holiness, the Dalai Lama in December 2009 and February 2010 respectively; and
- (b) calls on the Prime Minister, Kevin Rudd, to meet His Holiness, the Dalai Lama at the earliest possible opportunity.

Statements by leave: The Special Minister of State (Senator Ludwig), the Leader of the Australian Greens (Senator Bob Brown) and Senators Parry and Xenophon, 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—

Back	Coonan	Furner	Parry
Bernardi	Cormann	Hurley	Polley
Bilyk	Eggleston	Hutchins	Pratt
Bishop	Farrell	Lundy	Ryan
Brown, Carol	Feeney	McEwen	Scullion
Cameron	Ferguson	McLucas	Troeth
Colbeck	Fielding	Moore	Williams
Collins	Fisher	Nash	Wortley
Conroy	Forshaw	O'Brien (Teller)	

Question negatived.

23 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (SCHOLARSHIP PAYMENTS) BILL 2010

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 702—That the following bill be introduced:

A Bill for an Act to amend the law relating to social security, veterans' affairs and higher education in relation to scholarship payments, and for related purposes.

Question put and passed.

Senator Hanson-Young 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 Hanson-Young moved—That this bill be now read a second time.

Explanatory memorandum: Senator Hanson-Young, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.

24 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Economics References Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 711—That the time for the presentation of the report of the Economics References Committee on the Australian dairy industry be extended to 18 March 2010.

Question put and passed.

25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REGIONAL AUSTRALIA—NORTHERN AUSTRALIA—DEVELOPMENT NEEDS

The Deputy President (Senator Ferguson) informed the Senate that Senator Parry had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Rudd Labor Government's continued failure to meet the development needs of Northern Australia preventing the region from advancing.

The proposal was supported by four senators and the matter was discussed.

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

Regional Australia—Northern Australia Land and Water Taskforce—Extract from *The Weekend Post* of 13 February 2010, page 29.

26 SCRUTINY OF BILLS—STANDING COMMITTEE—2ND REPORT AND ALERT DIGEST NO. 2 OF 2010

Senator Parry, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

2nd report of 2010, dated 24 February 2010.

Alert Digest No. 2 of 2010, dated 24 February 2010.

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

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

Question put and passed.

27 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—INTERIM REPORT—OPERATION OF THE LAW ENFORCEMENT INTEGRITY COMMISSIONER ACT 2006

Senator Johnston, on behalf of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, tabled the following report:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Inquiry into the operation of the *Law Enforcement Integrity Commissioner Act 2006*—Interim report, dated February 2010.

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

28 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORTS—2008-09 ANNUAL REPORTS OF BODIES ESTABLISHED UNDER THE ASIC ACT AND STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Senator Parry, on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, tabled the following reports and document:

Corporations and Financial Services—Joint Statutory Committee—

Examination of the 2008-09 annual reports of bodies established under the ASIC Act—Report, dated February 2010.

Statutory oversight of the Australian Securities and Investments Commission—Report, dated February 2010 and Hansard record of proceedings.

Reports ordered to be printed on the motion of Senator Parry.

**29 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORTS—
BANKRUPTCY LEGISLATION AMENDMENT BILL 2009 AND NATIVE TITLE
AMENDMENT BILL (NO. 2) 2009**

Pursuant to order, Senator Farrell, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following reports and documents:

Legal and Constitutional Affairs Legislation Committee—

Bankruptcy Legislation Amendment Bill 2009 [Provisions]—Report, dated February 2010, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Native Title Amendment Bill (No. 2) 2009 [Provisions]—Report, dated February 2010, Hansard record of proceedings, additional information and submissions.

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

**30 PRESIDENT OF THE SENATE—OFFICIAL VISIT TO ARGENTINA AND COLOMBIA—
DOCUMENT**

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

Official visit to Argentina and Colombia—Report on the visit by the President of the Senate to Argentina and Colombia, 21 to 25 September 2009.

31 AUDITOR-GENERAL—AUDIT REPORT NO. 23 OF 2009-10—DOCUMENT

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

Auditor-General—Audit report no. 23 of 2009-10—Performance audit—Illegal foreign fishing in Australia's northern waters—Australian Customs and Border Protection Service.

**32 EDUCATION—EDUCATION SERVICES FOR OVERSEAS STUDENTS ASSURANCE
FUND—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 23 February 2010, the Minister for Climate Change and Water (Senator Wong) tabled the following document:

Education—Education Services for Overseas Students Assurance Fund—Statement responding to the order of the Senate of 23 February 2010.

**33 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE 55TH ANNUAL SESSION OF
THE NATO PARLIAMENTARY ASSEMBLY—DOCUMENT**

Senator Johnston, by leave, tabled the following document:

55th Annual Session of the NATO Parliamentary Assembly, Edinburgh—Report of the Australian parliamentary delegation, 14 to 17 November 2009, dated February 2010.

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

Question put and passed.

34 DOCUMENTS

The following documents were tabled by the Clerk:

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

Appropriation Act (No. 1) 2009-2010—Determination to Reduce Appropriations Upon Request (No. 5 of 2009-2010) [F2010L00493].*

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 3 of 2010—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2010L00512]*.

Commissioner of Taxation—Public Rulings—

Product Ruling PR 2010/2.

Taxation Ruling—Addendum—TR 93/9.

Taxation Rulings (old series)—Notices of Withdrawal—IT 147, IT 342 and IT 2458.

Commonwealth Authorities and Companies Act—Notice under section 45—Cultural Initiatives Australia Pty Ltd.

Corporations Act—ASIC Class Order [CO 10/111] [F2010L00484]*.

Customs Act—Tariff Concession Orders—

0831327 [F2010L00458]*.

0900721 [F2010L00455]*.

0912182 [F2010L00465]*.

0914306 [F2010L00459]*.

0916497 [F2010L00462]*.

0919374 [F2010L00467]*.

0920466 [F2010L00460]*.

0922179 [F2010L00313]*.

0922187 [F2010L00322]*.

0922189 [F2010L00324]*.

0922202 [F2010L00320]*.

0922295 [F2010L00314]*.

0922437 [F2010L00325]*.

0922441 [F2010L00316]*.

0922442 [F2010L00315]*.

0922449 [F2010L00317]*.

0922726 [F2010L00319]*.

0923927 [F2010L00326]*.

Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens—

EPBC303DC/SFS/2010/02 [F2010L00502]*.

EPBC303DC/SFS/2010/03 [F2010L00519]*.

EPBC303DC/SFS/2010/04 [F2010L00517]*.

Food Standards Australia New Zealand Act—Australia New Zealand Food Standards Code – Amendment No. 114 – 2010 [F2010L00357]*.

Migration Act—Statements for period 1 July to 31 December 2009 under sections—

48B [22].
91Q.
195A [25].
197AD [10].
351 [79].

Ozone Protection and Synthetic Greenhouse Gas Management Act—Exemptions Nos—

OZO0100099—Jetstar Airways Pty Limited, dated 13 January 2010.
OZO0100101—Jet Systems Pty Ltd, dated 13 January 2010.
OZO0100112—Skywest Airlines Pty Ltd, dated 3 December 2009.
OZO0100123—Qantas Airways Limited, dated 13 January 2010.
OZO0100134—Virgin Blue Airlines Pty Limited, dated 3 December 2009.
OZO0100213—Regional Express Holdings Limited, dated 18 December 2009.
OZO0109199—John Holland Aviation Services Pty Ltd, dated 18 December 2009.
OZO0112205—Virgin Blue International Airlines Pty Limited, dated 3 December 2009.

Private Health Insurance (National Joint Replacement Register Levy) Act—Private Health Insurance (National Joint Replacement Register Levy) Rules 2010 [F2010L00531]*.

Veterans' Entitlements Act—Veterans' Entitlements Income (Exempt Lump Sum – Pastoral Care and Assistance Scheme Payment) Determination No. R11 of 2010 [F2010L00496]*.

* Explanatory statement tabled with legislative instrument.

35 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

19 February 2010—Message—

No. 2—

Crimes Legislation Amendment (Serious and Organised Crime) Act 2010 (Act No. 3, 2010)

Crimes Legislation Amendment (Serious and Organised Crime) Act (No. 2) 2010 (Act No. 4, 2010).

No. 3—

Safety, Rehabilitation and Compensation Amendment Act 2010 (Act No. 5, 2010)

Higher Education Support Amendment Act 2010 (Act No. 6, 2010)

Health Insurance Amendment (New Zealand Overseas Trained Doctors) Act 2010 (Act No. 7, 2010).

36 COMMITTEE MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Foreign Affairs, Defence and Trade, as follows:

Message no. 507, dated 22 February 2010—Mr Coulton in place of Mr Truss.

37 **APPROPRIATION BILL (NO. 3) 2009-2010**
APPROPRIATION BILL (NO. 4) 2009-2010
CRIMES LEGISLATION AMENDMENT (TORTURE PROHIBITION AND DEATH PENALTY ABOLITION) BILL 2009
FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (2009 MEASURES) BILL 2009
HEALTH INSURANCE AMENDMENT (DIAGNOSTIC IMAGING ACCREDITATION) BILL 2009
TAX LAWS AMENDMENT (2009 GST ADMINISTRATION MEASURES) BILL 2009
TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) BILL 2009

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

Message no. 517, dated 24 February 2010—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 518, dated 24 February 2010—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

Message no. 508, dated 22 February 2010—A Bill for an Act to amend the *Criminal Code Act 1995* and the *Death Penalty Abolition Act 1973*, and for related purposes.

Message no. 510, dated 23 February 2010—A Bill for an Act to amend the law relating to Aboriginal land rights, social security, veterans' affairs, family assistance and child support, and for other purposes.

Message no. 516, dated 23 February 2010—A Bill for an Act to amend the law relating to health, and for related purposes.

Message no. 514, dated 23 February 2010—A Bill for an Act to amend legislation relating to indirect tax, and for related purposes.

Message no. 509, dated 22 February 2010—A Bill for an Act to amend the *Textile, Clothing and Footwear Strategic Investment Program Act 1999*, and for related purposes.

The Minister for Climate Change and Water (Senator Wong) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

Consideration of legislation: Senator Wong moved—That Appropriation Bill (No. 3) 2009-2010 and Appropriation Bill (No. 4) 2009-2010 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

**38 CORPORATIONS AMENDMENT (FINANCIAL MARKET SUPERVISION) BILL 2010
CORPORATIONS (FEES) AMENDMENT BILL 2010
HIGHER EDUCATION SUPPORT AMENDMENT (UNIVERSITY COLLEGE LONDON)
BILL 2010
NATIONAL CONSUMER CREDIT PROTECTION AMENDMENT BILL 2010**

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

Message no. 512, dated 23 February 2010—A Bill for an Act to amend the law in relation to corporations, and for related purposes.

Message no. 513, dated 23 February 2010—A Bill for an Act to amend the *Corporations (Fees) Act 2001*, and for related purposes.

Message no. 515, dated 23 February 2010—A Bill for an Act to amend the *Higher Education Support Act 2003*, and for related purposes.

Message no. 511, dated 23 February 2010—A Bill for an Act to amend the *National Consumer Credit Protection Act 2009*, and for related purposes.

The Minister for Climate Change and Water (Senator Wong) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

Senator Wong moved—That the Higher Education Support Amendment (University College London) Bill 2010 and the National Consumer Credit Protection Amendment Bill 2010 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

39 ECONOMICS LEGISLATION COMMITTEE—PROPOSED REFERENCE

Senator Abetz, pursuant to notice, moved business of the Senate notice of motion no. 1—That—

- (1) The Carbon Pollution Reduction Scheme Bill 2010 and 10 related bills be referred to the Economics Legislation Committee for inquiry and report by 11 May 2010.
- (2) In undertaking the inquiry, the committee should consider:
 - (a) the package of amendments announced by the Government on 24 November 2009 and incorporated in current proposed legislation, including the impact of the bills on the Australian resources sector, Australian exports, the competitiveness of Australian industry, employment levels and electricity prices;
 - (b) the modelling underpinning the Carbon Pollution Reduction Scheme (CPRS) including the lower projected carbon price and the cost of the CPRS package over the current budget period to 2014-15;
 - (c) the outcome of the United Nations Framework Convention on Climate Change held in Copenhagen in December 2009;

- (d) the current state of progress of other countries in implementing emissions and abatement measures to meet non-binding emissions reduction targets; and
 - (e) the status of, and likely prospects for, the United States of America's emissions trading legislation.
- (3) The committee should seek evidence from, but not limited to, the Productivity Commission, Frontier Economics, the Minerals Council of Australia, the Australian Coal Association and the Energy Supply Association of Australia.

Debate ensued.

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

At the end of the motion, add:

- “(4) In undertaking the inquiry, the committee must invite the Productivity Commission to make:
- (a) a detailed submission to the committee setting out viable alternative schemes to the CPRS and the cost and benefits under those schemes of achieving the targets that are contained in the bills; and
 - (b) a detailed submission to the committee setting out the potential costs to the Australian economy of Australia committing to the targets contained in these bills before all other major world economies (including China, the United States of America, India and Russia) commit to at least the emission reduction targets, and before we know what those targets are, this detailed submission should also include the potential costs to the Australian economy if other major world economies do commit to lower emissions reduction targets and any impacts resulting from the reliance of other major economies on nuclear power sources”.

Debate ensued.

At 6.50 pm: Debate was interrupted while Senator Bernardi was speaking.

40 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (*see entry no. 2*) were called on but no motion was moved.

41 ADJOURNMENT

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

The Senate adjourned at 6.50 pm till Thursday, 25 February 2010 at 9.30 am.

42 ATTENDANCE

Present, all senators except Senator Kroger (on leave).

ROSEMARY LAING
Clerk of the Senate