

2008-10

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 112

THURSDAY, 25 FEBRUARY 2010

**Contents**

1	Meeting of Senate.....	3214
2	Petition .....	3214
3	Notices.....	3214
4	Order of Business—Rearrangement.....	3215
5	Postponements .....	3215
6	Scrutiny of Bills—Standing Committee—Reference .....	3215
7	Consideration of Legislation.....	3216
8	Rural and Regional Affairs and Transport References Committee—Leave to Meet During Sitting.....	3216
9	Environment—Commonwealth Radioactive Waste Dump—Proposed Sites—Order for Production of Documents.....	3216
10	Industrial Relations—National Industrial Manslaughter Laws .....	3217
11	Foreign Affairs, Defence and Trade References Committee—Extension of Time to Report.....	3217
12	Publications—Standing Committee—16th Report.....	3217
13	Committees—Additional Information—Budget and Additional Estimates 2009-10 .....	3218
14	Australian Astronomical Observatory Bill 2009 Australian Astronomical Observatory (Transitional Provisions) Bill 2009.....	3219
15	Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009.....	3219
16	Health Insurance Amendment (Compliance) Bill 2009 .....	3219
17	Rural and Regional Affairs and Transport References Committee—Proposed Reference.....	3220
18	Legislation Committees—Reports—Additional Estimates 2009-10.....	3220
19	Environment, Communications and the Arts Legislation Committee—Report—Do Not Call Register Legislation Amendment Bill 2009.....	3221
20	Foreign Affairs, Defence and Trade Legislation Committee—Report—Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2] .....	3221

21	Economics Legislation Committee—Report—Tax Laws Amendment (2009 Measures No. 6) Bill 2009 .....	3221
22	Economics Legislation Committee—Report—Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009 .....	3222
23	Education, Employment and Workplace Relations Legislation Committee—Report—Occupational Health and Safety and Other Legislation Amendment Bill 2009 .....	3222
24	Rural and Regional Affairs and Transport References Committee—Interim Report—Import Restrictions on Beef .....	3222
25	Foreign Affairs, Defence and Trade References Committee—Report—Security Challenges Facing Papua New Guinea and the Island States of the Southwest Pacific .....	3222
26	Economics Legislation Committee—Proposed Reference .....	3223
27	Fairer Private Health Insurance Incentives Bill 2009 [No. 2] .....	3224
28	National Consumer Credit Protection Amendment Bill 2010.....	3224
29	Order of Business—Rearrangement.....	3224
30	National Health Security Amendment (Background Checking) Bill 2009 .....	3225
31	International Tax Agreements Amendment Bill (No. 2) 2009.....	3225
32	Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2009.....	3225
33	Australian Astronomical Observatory Bill 2009 Australian Astronomical Observatory (Transitional Provisions) Bill 2009.....	3225
34	Tax Laws Amendment (Political Contributions and Gifts) Bill 2008.....	3226
35	Order of Business—Proposed Rearrangement .....	3227
36	Questions .....	3227
37	Defence—Ashmore Reef Boat Explosion—SIEV 36—Documents .....	3227
38	Motion to Take Note of Answers.....	3227
39	Routine of Business—Variation .....	3227
40	Marriage Equality Amendment Bill 2009.....	3228
41	Immigration—Asylum Seekers—Answer to Question—Statement by Leave..	3228
42	Selection of Bills—Standing Committee—Report No. 3 of 2010.....	3228
43	Leave of Absence .....	3229
44	Community Affairs—Standing Committee—Government Response—Patient Assisted Travel Schemes .....	3229
45	Environment, Communications and the Arts—Standing Committee—Government Response—Waste Management in Australia and the Drink Container Recycling Bill 2008 .....	3230
46	Finance and Public Administration—Standing Committee—Government Response—Item 16525 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007.....	3230
47	Foreign Affairs, Defence and Trade—Joint Standing Committee—Government Response—Review of the Defence Annual Report 2006-07 .....	3230
48	Treaties—Joint Standing Committee—Government Response—106th Report .....	3230

49	Electoral Matters—Joint Standing Committee—Report—Implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the Conduct of Commonwealth Elections.....	3230
50	Documents.....	3230
51	Committee Membership.....	3231
52	Health Insurance—Anti-Competitive Practices—Order For Production of Documents—Document .....	3231
53	Departmental and Agency Contracts—Order for Production of Documents—Documents.....	3231
54	Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents.....	3231
55	Selection of Bills—Standing Committee—Report No. 3 of 2010—Consideration.....	3232
56	Government Documents—Orders of the Day—Consideration.....	3232
57	Committee Reports and Government Responses—Orders of the Day—Consideration.....	3235
58	Auditor-General’s Reports—Orders of the Day—Consideration .....	3236
59	Adjournment .....	3236
60	Attendance .....	3237

## 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 125 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.

## 3 NOTICES

*Notice of motion:* Senator Milne: To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the Federal Government's aim to implement through the Council of Australian Governments a seamless economy,
- (ii) that the Australian building industry is facing a crisis because of the impending withdrawal of four insurers from the home builders' warranty insurance market and the requirement by all state governments, except Tasmania, that this insurance be mandatory,
- (iii) that the remaining insurers are unlikely to be able to meet the market demand post the end of the 2009-10 financial year with the result that many builders will be forced out of business or forced to work illegally,
- (iv) the failure of the New South Wales, Victorian, South Australian and Western Australian state governments to address the ongoing performance problems with this insurance product in spite of 56 inquiries and failed interventions, and
- (v) the need for nationally consistent laws that protect consumers and builders alike; and

(b) calls on the Government to:

- (i) immediately intervene with the states to remove the mandatory requirement for this insurance product as a short-term measure, and
- (ii) facilitate the development of a national regime that gives genuine protection to consumers and the building industry. (*general business notice of motion no. 718*)

*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 the A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1), made under subsection 162(3) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

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

**4 ORDER OF BUSINESS—REARRANGEMENT**

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

National Consumer Credit Protection Amendment Bill 2010.

No. 7 International Tax Agreements Amendment Bill (No. 2) 2009.

No. 8 National Health Security Amendment (Background Checking) Bill 2009.

No. 9 Aviation Transport Security Amendment (2009 Measures No. 2) Bill 2009.

Australian Astronomical Observatory Bill 2009

Australian Astronomical Observatory (Transitional Provisions) Bill 2009.

No. 10 Tax Laws Amendment (Political Contributions and Gifts) Bill 2008  
(consideration in committee of the whole of message no. 361 from the House of Representatives).

Question put and passed.

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

(a) general business order of the day no. 90 (Marriage Equality Amendment Bill 2009); and

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

Question put and passed.

**5 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 15 March 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 9 March 2010.

**6 SCRUTINY OF BILLS—STANDING COMMITTEE—REFERENCE**

Senator Parry, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—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.

Question put and passed.

**7 CONSIDERATION OF LEGISLATION**

The Special Minister of State (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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.

Question put and passed.

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

Senator Parry, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 715—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.

Question put and passed.

**9 ENVIRONMENT—COMMONWEALTH RADIOACTIVE WASTE DUMP—PROPOSED  
SITES—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 714—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.

The question was divided—

Question—That the motion in respect of paragraphs (a) and (b) be agreed to—put and passed.

Question—That the motion in respect of paragraph (c) be agreed to—put and negatived.

**10 INDUSTRIAL RELATIONS—NATIONAL INDUSTRIAL MANSLAUGHTER LAWS**

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. 717—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.

Question put.

The Senate divided—

**AYES, 7**

Senators—

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

**NOES, 39**

Senators—

Adams	Collins	Hutchins	O'Brien
Back	Cormann	Ludwig	Parry (Teller)
Barnett	Crossin	Lundy	Polley
Bernardi	Farrell	Marshall	Pratt
Bilyk	Feeny	McEwen	Ronaldson
Bishop	Ferguson	McGauran	Ryan
Boyce	Forshaw	McLucas	Sterle
Brown, Carol	Furner	Minchin	Trood
Cameron	Hogg	Moore	Wortley
Colbeck	Hurley	Nash	

Question negatived.

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

Senator Parry, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood), moved—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Australia's administration and management of the Torres Strait be extended to 13 May 2010.

Question put and passed.

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

Senator O'Brien, at the request of the Chair of the Standing Committee on Publications (Senator Carol Brown), tabled the following report:

**PUBLICATIONS COMMITTEE  
16TH REPORT**

The Publications Committee, having considered documents presented to the Parliament since 11 February 2010, recommends that the following be printed:

Australian Law Reform Commission—Report No. 111—Making inquiries: A new statutory framework—Review of the *Royal Commissions Act 1902* and related matters, October 2009.

National Environment Protection Council (NEPC)—Report for 2008-09.

*National Health Act 1953*—Report on the impact of the *National Health Amendment (Pharmaceutical Benefits Scheme) Act 2007*—Pharmaceutical Benefits Scheme (PBS) reform.

Northern Territory Fisheries Joint Authority—Report for 2007-08.

Private Health Insurance Administration Council—Report for 2008-09 on the operations of the registered health benefits organisations.

*Telecommunications (Interception and Access) Act 1979*—Report for 2008-09 on the operation of the Act.

Tiwi Land Council—Report for 2008-09.

Torres Strait Regional Authority—Report for 2008-09.

Senator Carol Brown

Chair

25 February 2010.

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

Question put and passed.

### 13 COMMITTEES—ADDITIONAL INFORMATION—BUDGET AND ADDITIONAL 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—

4 February and 10 February 2010—Families, Housing, Community Services and Indigenous Affairs portfolio.

4 February and 17 February 2010—Health and Ageing portfolio.

Budget estimates (Supplementary) 2009-10—

Economics Legislation Committee—Additional information received between 4 February and 24 February 2010—Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 4 February and 25 February 2010—Education, Employment and Workplace Relations portfolio.

Environment, Communications and the Arts Legislation Committee—Additional information received between—

4 February and 8 February 2010—Broadband, Communications and the Digital Economy portfolio.

4 February and 24 February 2010—Environment, Water, Heritage and the Arts portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 4 February and 25 February 2010—Defence portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 4 February and 24 February 2010—Immigration and Citizenship portfolio.

Additional estimates 2009-10—

Community Affairs Legislation Committee—Additional information received between—

10 February and 24 February 2010—Health and Ageing portfolio.

11 February and 24 February 2010—Families, Housing, Community Services and Indigenous Affairs portfolio.



12 February and 24 February 2010—Indigenous issues across portfolios—  
Education, Employment and Workplace Relations portfolio.

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

8 February and 24 February 2010—Attorney-General's portfolio.

9 February and 24 February 2010—Immigration and Citizenship portfolio.

**14 AUSTRALIAN ASTRONOMICAL OBSERVATORY BILL 2009**  
**AUSTRALIAN ASTRONOMICAL OBSERVATORY (TRANSITIONAL PROVISIONS)**  
**BILL 2009**

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

Message no. 521, dated 24 February 2010—A Bill for an Act to establish the  
Australian Astronomical Observatory, and for other purposes.

Message no. 522, dated 24 February 2010—A Bill for an Act to deal with  
transitional matters in connection with the enactment of the *Australian  
Astronomical Observatory Act 2009*, and for other purposes.

The Special Minister of State (Senator Ludwig) moved—That these bills may proceed  
without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

**15 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE REFORM  
AND REINSTATEMENT OF RACIAL DISCRIMINATION ACT) BILL 2009**

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

Message no. 519, dated 24 February 2010—A Bill for an Act to amend legislation  
relating to the Northern Territory National Emergency Response and to provide for  
matters relating to income management, and for related purposes.

The Special Minister of State (Senator Ludwig) moved—That this bill may proceed  
without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

**16 HEALTH INSURANCE AMENDMENT (COMPLIANCE) BILL 2009**

A message from the House of Representatives was reported as follows:

Message no. 520, dated 24 February 2010—Health Insurance Amendment  
(Compliance) Bill 2009, insisting on disagreeing to the amendments made and  
insisted on by the Senate and making an amendment.

On the motion of the Special Minister of State (Senator Ludwig) consideration of the  
message in committee of the whole was made an order of the day for the next day of  
sitting.

**17 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—  
PROPOSED REFERENCE**

The Leader of the Australian Greens (Senator Bob Brown), also on behalf of Senator Milne, pursuant to notice, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 17 June 2010:

The toxicity of the George River in north-east Tasmania, with particular reference to:

- (a) possible causes, including the potential impact of leachate from *Eucalyptus nitens* plantations;
- (b) the impact of the toxicity on human health, wildlife and regional oyster farms;
- (c) previous investigations into the toxicity of the George River and any consequent actions, including whether the actions of local, state and federal governments and the private sector have been adequate;
- (d) whether past selective breeding or genetic modification of plantation trees has deliberately or inadvertently increased the trees' toxicity and whether any risk assessments or monitoring of impacts have been conducted;
- (e) the current breeding programs for eucalyptus species and any ecological and human health implications of current research into reducing foliage palatability;
- (f) possible short- and long-term mitigation measures; and
- (g) any related matters.

Debate ensued.

Question put.

The Senate divided—

**AYES, 7**

Senators—

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

**NOES, 41**

Senators—

Abetz	Colbeck	Furner	Payne
Adams (Teller)	Collins	Hogg	Polley
Arbib	Conroy	Hurley	Pratt
Bernardi	Cormann	Hutchins	Sherry
Bilyk	Crossin	Ludwig	Sterle
Birmingham	Evans	Lundy	Troeth
Bishop	Farrell	Marshall	Trood
Brown, Carol	Faulkner	Moore	Wortley
Bushby	Feeney	Nash	
Cameron	Ferguson	O'Brien	
Cash	Forshaw	Parry	

Question negatived.

**18 LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2009-10**

Pursuant to order, Senator Farrell, at the request of the chairs of the respective committees, tabled the following reports and documents:

Additional estimates 2009-10—

Community Affairs Legislation Committee—Report, dated February 2010 and Hansard record of proceedings.

Economics Legislation Committee—Report, dated February 2010, Hansard record of proceedings and documents presented to the committee.

Education, Employment and Workplace Relations Legislation Committee—Report, dated February 2010, Hansard record of proceedings and documents presented to the committee.

Environment, Communications and the Arts Legislation Committee—Report, dated February 2010, Hansard record of proceedings and document presented to the committee.

Finance and Public Administration Legislation Committee—Report, dated February 2010, Hansard record of proceedings and documents presented to the committee.

Foreign Affairs, Defence and Trade Legislation Committee—Report, dated February 2010 and Hansard record of proceedings.

Legal and Constitutional Affairs Legislation Committee—Report, dated February 2010 and Hansard record of proceedings.

Rural and Regional Affairs and Transport Legislation Committee—Report, dated February 2010, Hansard record of proceedings and documents presented to the committee.

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

**19 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—REPORT—DO NOT CALL REGISTER LEGISLATION AMENDMENT BILL 2009**

Pursuant to order, Senator Farrell, at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), tabled the following report and documents:

Environment, Communications and the Arts Legislation Committee—Do Not Call Register Legislation Amendment Bill 2009 [Provisions]—Report, dated February 2010, Hansard record of proceedings, document presented to the committee, additional information and submissions.

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

**20 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REPORT—DEFENCE AMENDMENT (PARLIAMENTARY APPROVAL OF OVERSEAS SERVICE) BILL 2008 [No. 2]**

Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Bishop) tabled the following report and documents:

Foreign Affairs, Defence and Trade Legislation Committee—Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]—Report, dated February 2010 and submissions.

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

*Statements by leave:* Senators Bishop, Ludlam and Ferguson, by leave, made statements relating to the report.

**21 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (2009 MEASURES NO. 6) BILL 2009**

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

Economics Legislation Committee—Tax Laws Amendment (2009 Measures No. 6) Bill 2009 [Provisions]—Report, dated February 2010 and submissions.

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

**22 ECONOMICS LEGISLATION COMMITTEE—REPORT—TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) BILL 2009**

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

Economics Legislation Committee—Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009 [Provisions]—Report, dated February 2010 and submissions.

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

**23 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—REPORT—OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATION AMENDMENT BILL 2009**

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

Education, Employment and Workplace Relations Legislation Committee—Occupational Health and Safety and Other Legislation Amendment Bill 2009 [Provisions]—Report, dated February 2010, Hansard record of proceedings, additional information and submissions.

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

**24 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—INTERIM REPORT—IMPORT RESTRICTIONS ON BEEF**

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

Rural and Regional Affairs and Transport References Committee—Import restrictions on beef—Second interim report, dated 25 February 2010.

*Extension of time to report:* Senator Nash, by leave, moved—That the Senate adopt the recommendation of the interim report that the time for the presentation of the final report be extended to 11 March 2010.

Question put and passed.

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

Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood) tabled the following report:

Foreign Affairs, Defence and Trade References Committee—Security challenges facing Papua New Guinea and the island states of the southwest Pacific—Report (Volume 2), dated February 2010. [*Volume 1 tabled 19 November 2009, see entry no. 15*]

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

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

Question put and passed.

**26 ECONOMICS LEGISLATION COMMITTEE—PROPOSED REFERENCE**

Order of the day read for the adjourned debate on the motion of Senator Abetz—  
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.

—*And on the amendment moved by the Leader of the Family First Party (Senator Fielding):*

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 resumed.

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

Main question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 34

Senators—

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

Question negatived.

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

Order of the day read for the adjourned debate on the motion of the Special Minister of State (Senator Ludwig)—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator Cormann was speaking.

**28 NATIONAL CONSUMER CREDIT PROTECTION AMENDMENT BILL 2010**

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change and Water (Senator Wong)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Assistant Treasurer (Senator Sherry) the bill was read a third time.

**29 ORDER OF BUSINESS—REARRANGEMENT**

The Assistant Treasurer (Senator Sherry) moved—That intervening business be postponed till after consideration of government business order of the day no. 8 (National Health Security Amendment (Background Checking) Bill 2009).

Question put and passed.

**30 NATIONAL HEALTH SECURITY AMENDMENT (BACKGROUND CHECKING) BILL 2009**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Assistant Treasurer (Senator Sherry) the bill was read a third time.

**31 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 2009**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Assistant Treasurer (Senator Sherry) the bill was read a third time.

**32 AVIATION TRANSPORT SECURITY AMENDMENT (2009 MEASURES NO. 2) 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 the Assistant Treasurer (Senator Sherry) the bill was read a third time.

**33 AUSTRALIAN ASTRONOMICAL OBSERVATORY BILL 2009  
AUSTRALIAN ASTRONOMICAL OBSERVATORY (TRANSITIONAL PROVISIONS)  
BILL 2009**

Order of the day read for the adjourned debate on the motion of 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.

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

On the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr) the bills were read a third time.

**34 TAX LAWS AMENDMENT (POLITICAL CONTRIBUTIONS AND GIFTS) BILL 2008**

Order of the day read for the consideration of message no. 361 from the House of Representatives in committee of the whole (*see entry no. 21, 22 June 2009*).

---

*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES

(1) Schedule 1, items 1 to 7, page 3 (line 4) to page 7 (line 7), omit the items.

(2) Schedule 1, item 8, page 7 (lines 9 and 10), omit the item, substitute:

**8 Section 12-5 (table item headed “political parties”)**

Repeal the item, substitute:

**political contributions and gifts**

denial of certain deductions ..... 26-22

deductions for individuals..... Subdivision 30-D

A

(3) Schedule 1, item 9, page 7 (line 15), after “under this Act”, insert “(other than Subdivision 30-DA)”.

(4) Schedule 1, items 10 to 16, page 8 (line 26) to page 9 (line 8), omit the items, substitute:

**10 After subsection 30-242(3)**

Insert:

(3A) You can deduct the contribution or gift only if:

(a) you are an individual; and

(b) you do *not* make the gift or contribution in the course of  
\*carrying on a \*business.

(5) Schedule 1, items 19 and 20, page 9 (lines 19 to 22), omit the items.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—  
That the committee does not insist on its amendments to which the House of Representatives has disagreed and agrees to the amendments made by the House in place of those amendments.

Debate ensued.

Question put and passed.

Resolution to be reported.

---



The Acting Deputy President (Senator McGauran) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 361 from the House of Representatives relating to the Tax Laws Amendment (Political Contributions and Gifts) Bill 2008 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed and had agreed to the amendments made in place of those amendments.

On the motion of Senator Carr the report from the committee was adopted.

**35 ORDER OF BUSINESS—PROPOSED REARRANGEMENT**

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) moved—That intervening business be postponed till after consideration of government business order of the day no. 6 (Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009).

Debate ensued.

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

**36 QUESTIONS**

Questions without notice were answered.

**37 DEFENCE—ASHMORE REEF BOAT EXPLOSION—SIEV 36—DOCUMENTS**

The Minister for Defence (Senator Faulkner) tabled the following documents:

Defence—Ashmore Reef boat explosion—SIEV 36—

Letters from the Northern Territory Coroner, Mr Cavanagh, to the Chief of the Defence force, Air Chief Marshal Houston, AC, AFC, dated 9 September and 10 September 2009.

DVDs containing still images and video footage of the SIEV 36 incident [5].

**38 MOTION TO TAKE NOTE OF ANSWERS**

The Leader of The Nationals in the Senate (Senator Joyce) moved—That the Senate take note of the answers given by the Minister for Employment Participation (Senator Arbib) to questions without notice asked by Senators Cormann and Birmingham today relating to the home insulation program.

Debate ensued.

Question put and passed.

**39 ROUTINE OF BUSINESS—VARIATION**

The Assistant Treasurer (Senator Sherry), by leave, moved—That—

(1) The routine of business for the remainder of today be as follows:

- (a) general business order of the day no. 90 (Marriage Equality Amendment Bill 2009);
- (b) tabling of documents;
- (c) committee memberships;
- (d) not later than 6 pm, consideration of government documents under standing order 57(1)(d)(xi), and
- (e) not later than 7 pm, consideration of committee reports, government responses and Auditor-General's reports.

- (2) The item listed in paragraph (a) have precedence over other business and the time limit for this debate be 30 minutes.

Question put and passed.

#### 40 MARRIAGE EQUALITY AMENDMENT BILL 2009

Order of the day read for the adjourned debate on the motion of Senator Hanson-Young—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

#### AYES, 5

Senators—

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

#### NOES, 45

Senators—

Abetz	Collins	Hogg	Parry (Teller)
Back	Cormann	Humphries	Polley
Barnett	Crossin	Hurley	Ronaldson
Bernardi	Eggleston	Hutchins	Sherry
Bilyk	Farrell	Johnston	Stephens
Bishop	Feeney	Lundy	Sterle
Boswell	Ferguson	Marshall	Troeth
Brown, Carol	Fielding	Mason	Wortley
Bushby	Fierravanti-Wells	McLucas	Xenophon
Cameron	Fisher	Minchin	
Cash	Forshaw	Moore	
Colbeck	Furner	O'Brien	

Question negatived.

#### 41 IMMIGRATION—ASYLUM SEEKERS—ANSWER TO QUESTION—STATEMENT BY LEAVE

The Assistant Treasurer (Senator Sherry), by leave and at the request of the Minister for Immigration and Citizenship (Senator Evans), made a statement clarifying the answer Senator Evans gave to a question without notice asked by Senator Humphries today relating to asylum seekers.

#### 42 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2010

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

##### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 3 OF 2010

1. The committee met in private session on Thursday, 25 February 2010 at 11.52 am.
2. The committee resolved to recommend—That—
  - (a) the *provisions* of the Health Practitioner Regulation (Consequential Amendments) Bill 2010 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 9 May 2010;

- (b) the *provisions* of the National Radioactive Waste Management Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 March 2010; and
  - (c) the Wild Rivers (Environmental Management) Bill 2010 [No. 2] be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 9 May 2010.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
- Anti-People Smuggling and Other Measures Bill 2010
  - Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010
  - Family Assistance Legislation Amendment (Child Care) Bill 2010
  - Renewable Energy—Electricity (Water Heaters and Phantom Certificates) Bill 2010
  - Social Security and Other Legislation Amendment (Scholarship Payments) 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  
25 February 2010.

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

Senator Ludlam moved the following amendment:

At the end of the motion, add “but, in respect of the National Radioactive Waste Management Bill 2010, the provisions of the bill also be referred to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 24 June 2010”.

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

On the motion of the Assistant Treasurer (Senator Sherry) the debate was adjourned till a later hour.

**43 LEAVE OF ABSENCE**

Senator Parry, by leave, moved—That leave of absence be granted to Senator Williams for today, for personal reasons.

Question put and passed.

**44 COMMUNITY AFFAIRS—STANDING COMMITTEE—GOVERNMENT RESPONSE—PATIENT ASSISTED TRAVEL SCHEMES**

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

Community Affairs—Standing Committee—Report—Highway to health: better access for rural, regional and remote patients—Government response, dated February 2010.

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

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

**45 ENVIRONMENT, COMMUNICATIONS AND THE ARTS—STANDING COMMITTEE—  
GOVERNMENT RESPONSE—WASTE MANAGEMENT IN AUSTRALIA AND THE DRINK  
CONTAINER RECYCLING BILL 2008**

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

Environment, Communications and the Arts—Standing Committee—Report—  
Management of Australia's waste streams (including consideration of the Drink  
Container Recycling Bill 2008)—Government response, dated February 2010.

**46 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—GOVERNMENT  
RESPONSE—ITEM 16525 IN PART 3 OF SCHEDULE 1 TO THE HEALTH INSURANCE  
(GENERAL MEDICAL SERVICES TABLE) REGULATIONS 2007**

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

Finance and Public Administration—Standing Committee—Report—Item 16525  
in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table)  
Regulations 2007—Government response.

**47 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—  
GOVERNMENT RESPONSE—REVIEW OF THE DEFENCE ANNUAL REPORT 2006-07**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—  
Review of the Defence Annual Report 2006-07—Government response.

**48 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—106TH  
REPORT**

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

Treaties—Joint Standing Committee—Report—106th report—Nuclear  
non-proliferation and disarmament—Government response.

**49 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—IMPLICATIONS  
OF THE PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT  
(AUTOMATIC ENROLMENT) ACT 2009 (NSW) FOR THE CONDUCT OF  
COMMONWEALTH ELECTIONS**

Senator Carol Brown, on behalf of the Joint Standing Committee on Electoral Matters,  
tabled the following report:

Electoral Matters—Joint Standing Committee—Implications of the *Parliamentary  
Electoralates and Elections Amendment (Automatic Enrolment) Act 2009* (NSW) for  
the conduct of Commonwealth elections—Report, dated February 2010.

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

Debate ensued.

Question put and passed.

**50 DOCUMENTS**

The following documents were tabled by the Clerk:

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

46A(2) [29].

197AB [14].

417 [169].

**51 COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Cash) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, moved—That Senator Bushby replace Senator Kroger on the Finance and Public Administration Legislation Committee for the committee's inquiry into the provisions of the Governance of Australian Government Superannuation Schemes Bill 2010 and related bills, and Senator Kroger be appointed as a participating member.

Question put and passed.

**52 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health funds and providers in relation to private health insurance for the period 1 July 2008 to 30 June 2009.

**53 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

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

Departmental and agency contracts for 2009—Letters of advice—  
Agriculture, Fisheries and Forestry portfolio agencies.  
Broadband, Communications and the Digital Economy portfolio agencies.  
Finance and Deregulation portfolio agencies.  
Foreign Affairs and Trade portfolio agencies.  
Human Services portfolio agencies.  
Infrastructure, Transport, Regional Development and Local Government portfolio agencies.  
Innovation, Industry, Science and Research portfolio agencies.  
Prime Minister and Cabinet portfolio agencies.  
Treasury portfolio agencies.

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

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2009—Statements of compliance—  
Innovation, Industry, Science and Research portfolio agencies.  
National Archives of Australia.  
Old Parliament House.

**55 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2010—  
CONSIDERATION**

Order read for the adjourned debate on the motion of the Chair of the Selection of Bills Committee (Senator O'Brien)—That the report be adopted—*and on the amendment moved by Senator Ludlam (see entry no. 42).*

Senator Parry moved the following amendment to Senator Ludlam's proposed amendment:

Omit all words after "2010" (first occurring), insert "the Legal and Constitutional Affairs Legislation Committee report by 30 April 2010".

Question—That Senator Parry's amendment to Senator Ludlam's proposed amendment be agreed to—put and passed.

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

Main question, as amended, put and passed.

*General business was called on.*

**56 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 agreed to.

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

National Transport Commission (NTC Australia)—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

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 Macdonald in continuation.

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

Australian Centre for International Agricultural Research—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

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 Macdonald in continuation.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2008-09. Motion of Senator Boyce to take note of document debated. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

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 Macdonald 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 debated and agreed to.

Commonwealth Grants Commission—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.

Department of Climate Change—Report for 2008-09. Motion of Senator Parry to take note of document debated. On the motion of Senator Bushby the debate was adjourned till Thursday at general business.

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 Macdonald in continuation.

Bureau of Meteorology—Report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.

Australian Electoral Commission (AEC)—Report for 2008-09. Motion of Senator Parry to take note of document debated and agreed to.

Rural Industries Research and Development Corporation (RIRDC)—Report for 2008-09. Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Ronaldson 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 agreed to.

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 agreed to.

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.

Tourism Australia—Report for 2008-09. Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Fisheries Research and Development Corporation (FRDC)—Report for 2008-09. Motion of Senator Macdonald to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

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

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 of Senator Parry to take note of document agreed to.

Mid-year economic and fiscal outlook—2009-10—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Mr Tanner). Motion of Senator Parry to take note of document debated. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.

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.

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.

*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.

*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 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 agreed to.



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 agreed to.

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 of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.

Workplace relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral intergovernmental agreements—Response to part (3). Motion of Senator Parry to take note of document called on. On the motion of Senator Marshall the debate was adjourned till Thursday at general business.

National Environment Protection Council (NEPC)—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.

Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2008 to 31 August 2009. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Northern Territory Fisheries Joint Authority—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*General business concluded.*

#### **57 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:

Rural and Regional Affairs and Transport References Committee—Report—Natural resource management and conservation challenges. Motion of the chair of the committee (Senator Nash) to take note of report agreed to.

Regional and Remote Indigenous Communities—Select Committee—Third report. Motion of Senator Parry to take note of report agreed to.

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

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

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

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

Auditor-General—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. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

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. Motion to take note of document moved by Senator Parry. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Order of the day no. 2 relating to reports of the Auditor-General was called on but no motion was moved.

#### **59 ADJOURNMENT**

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

Debate ensued.

---

*Document:* The Minister for Defence (Senator Faulkner) tabled the following document:

Defence—Ashmore Reef boat explosion—Inquiry officer's report into Suspected Illegal Entry Vessel 36, dated June 2009.

---

Debate continued.

The Senate adjourned at 6.05 pm till Tuesday, 9 March 2010 at 12.30 pm.

60 **ATTENDANCE**

Present, all senators except Senators Kroger\* and Williams\* (\* on leave).

**ROSEMARY LAING**  
Clerk of the Senate