

2008-10

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 119

THURSDAY, 18 MARCH 2010

Contents

1	Meeting of Senate.....	3376
2	Petitions.....	3376
3	Notices.....	3376
4	Order of Business—Rearrangement.....	3377
5	Legal and Constitutional Affairs References Committee—Variation of Reference	3378
6	Postponements	3378
7	Community Affairs Legislation Committee—Reference	3378
8	Consideration of Legislation.....	3379
9	Parliamentary Zone—Capital Works Proposal—Approval.....	3379
10	Notice of Motion Withdrawn.....	3379
11	Water (Crisis Powers and Floodwater Diversion) Bill 2010.....	3379
12	National Broadband Network—Select Committee—Variation of Appointment.....	3380
13	Economics References Committee—Extension of Time to Report.....	3380
14	Environment—World Water Day	3380
15	Death of Dr Paul Collier	3381
16	Health—World Tuberculosis Day.....	3381
17	Environment—Murray-Darling Basin.....	3381
18	National Capital and External Territories—Joint Standing Committee— Reference	3382
19	Leave of Absence	3382
20	Indigenous Australians—Deaths in Custody.....	3382
21	Administration—Political Advertising.....	3383
22	Foreign Affairs—Nuclear Non-Proliferation Treaty.....	3383
23	Postponement.....	3385
24	Publications—Standing Committee—17th Report.....	3385
25	Electoral Matters—Joint Standing Committee—Report—2007 Federal Election	3385
26	Committees—Additional Information—Budget and Additional Estimates 2009-10	3386

27	Anti-People Smuggling and Other Measures Bill 2010	
	Australian Research Council Amendment Bill 2010	
	Therapeutic Goods Amendment (2009 Measures No. 3) Bill 2009	
	Therapeutic Goods (Charges) Amendment Bill 2009	3386
28	Trade Practices Amendment (Australian Consumer Law) Bill 2009	3387
29	Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2]	3387
30	Social Security and Family Assistance Legislation Amendment (Weekly Payments) Bill 2010	3387
31	Economics References Committee—Proposed Reference	3387
32	Order of Business—Rearrangement.....	3388
33	Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2008.....	3388
34	Private Health Insurance Legislation Amendment Bill (No. 2) 2009.....	3389
35	Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009..	3389
36	Family Assistance Legislation Amendment (Child Care) Bill 2010.....	3389
37	Fisheries Legislation Amendment Bill 2009.....	3389
38	Order of Business—Rearrangement.....	3390
39	Trans-Tasman Proceedings Bill 2009	
	Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009.....	3390
40	Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009.....	3390
41	Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009	3390
42	Legal and Constitutional Affairs Legislation Committee—Report—Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010.....	3391
43	Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010.....	3392
44	Order of Business—Rearrangement.....	3393
45	Antarctic Treaty (Environment Protection) Amendment Bill 2010.....	3393
46	Appropriation Bill (No. 3) 2009-2010	
	Appropriation Bill (No. 4) 2009-2010.....	3394
47	Issues from the Advances Under the Annual Appropriation Acts—Report for 2008-09.....	3395
48	Questions.....	3395
49	Motions to Take Note of Answers	3395
50	National Capital and External Territories—Joint Standing Committee— Leave to Meet During Sitting.....	3396
51	Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2]	3396
52	Independent National Security Legislation Monitor Bill 2010	3396
53	Foreign Affairs—Sri Lanka—Ministerial Statement—Document.....	3396
54	Electoral Matters—Joint Standing Committee—Report on the Conduct of the 2007 Federal Election and Matters Related Thereto—Ministerial Statement—Documents.....	3396
55	Defence—Afghanistan—Ministerial Statement.....	3396
56	Economics References Committee—Government Response— Government’s Economic Stimulus Initiatives.....	3397

57	Legal and Constitutional Affairs—Standing Committee—Government Response—Stolen Generation Compensation Bill 2008.....	3397
58	Foreign Affairs, Defence and Trade—Joint Standing Committee—Government Response—Inquiry into Australia’s Relationship with ASEAN.....	3397
59	Treaties—Joint Standing Committee—Government Response—94th Report..	3397
60	Selection of Bills—Standing Committee—Reports Nos 5 and 6 of 2010.....	3397
61	Foreign Affairs, Defence and Trade References Committee—Reports—Equity and Diversity Health Check in the Royal Australian Navy—HMAS <i>Success</i>	3399
62	Privileges—Standing Committee—Reference.....	3399
63	Rural and Regional Affairs and Transport References Committee—Report—Import Restrictions on Beef	3400
64	Documents.....	3400
65	Environment—Australian Forest Cover—Maps—Order for Production of Documents—Documents.....	3401
66	Administration—Implementation of Government Programs.....	3402
67	Government Documents—Orders of the Day—Consideration.....	3402
68	Address by President of the United States of America.....	3402
69	Committee Membership.....	3402
70	Committee Reports and Government Responses—Orders of the Day—Consideration.....	3403
71	Next Meeting of Senate.....	3403
72	Adjournment.....	3403
73	Attendance.....	3403

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 PETITIONS

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

By Senator Bilyk, from 193 petitioners, requesting that the Senate seek and obtain a commitment from the Government to provide the infrastructure for a digital transmission service to Sisters Beach, Tasmania, within a reasonable time.

By Senator Stephens, from 10 petitioners, requesting that the Senate take action to reverse the Government's decision to remove restrictions on the importation of certain categorised beef and beef products into Australia.

3 NOTICES

Senator Fierravanti-Wells: To move on the next day of sitting—That the Senate—

(a) notes that:

- (i) the Senate disallowed three therapeutic groups established by determination of the delegate of the Minister for Health and Ageing in January 2010, with the objective of ensuring a full Senate inquiry currently being conducted by the Community Affairs References Committee was complete and had reported to the Senate prior to these measures being implemented,
- (ii) the Minister for Health and Ageing failed to:
 - (A) adequately consult with relevant stakeholders outside the Government and therefore has not taken into account the impact of these measures, particularly on patients and the clinical justification for the creation of new therapeutic groups on the basis of 'interchangeability at the patient level', and
 - (B) provide adequate justification, other than a need to provide budget savings, for these measures,
- (iii) the Government has failed to recognise the need to ensure doctors and patients and other stakeholders require information regarding the implementation of these measures,
- (iv) the attempt by the Government to usurp the role of the Senate in inquiring into measures prior to their implementation by ignoring the referral of these matters to the Community Affairs References Committee for inquiry and report by 30 June 2010, and
- (v) the need for the Senate to fully understand all issues relating to the formation of these therapeutic groups to ensure the inquiry by the Community Affairs References Committee is completely informed of all information; and

- (b) orders that there be laid on the table by noon on Wednesday, 12 May 2010, any documents, records, advice or other information received, compiled, requested or commissioned by the Minister for Health and Ageing, the Department of Health and Ageing and the Pharmaceutical Benefits Advisory Committee and its subcommittees relating to the determination and establishment of new therapeutic groups under the *National Health Act 1953* since 1 July 2007, including issues pertaining to interchangeability of medicines and products with such groups. (*general business notice of motion no. 768*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 11 May 2010—That the Senate notes the resolution put to the United States of America's House of Representatives on 10 March 2010:

REMOVAL OF UNITED STATES ARMED FORCES FROM AFGHANISTAN

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress directs the President to remove the United States Armed Forces from Afghanistan—

- (1) by no later than the end of the period of 30 days beginning on the day on which this concurrent resolution is adopted; or
- (2) if the President determines that it is not safe to remove the United States Armed Forces before the end of that period, by no later than December 31, 2010, or such earlier date as the President determines that the Armed Forces can safely be removed. (*general business notice of motion no. 769*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Government to uphold the *Environment Protection and Biodiversity Conservation Act 1999* in the Millewa Forest by immediately stopping red gum logging. (*general business notice of motion no. 770*)

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 noon till not later than 2 pm today:

- No. 7 Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Measures) Bill 2008.
- No. 8 Private Health Insurance Legislation Amendment Bill (No. 2) 2009.
- No. 9 Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2009.
- No. 10 Family Assistance Legislation Amendment (Child Care) Bill 2010.
- No. 11 Fisheries Legislation Amendment Bill 2009.
Trans-Tasman Proceedings Bill 2009
Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009.
- No. 12 Aviation Transport Security Amendment (2009 Measures No. 1) Bill 2009.
- No. 13 Textile, Clothing and Footwear Strategic Investment Program Amendment (Building Innovative Capability) Bill 2009.
- No. 14 Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010.
- No. 4 Antarctic Treaty (Environment Protection) Amendment Bill 2010.
- No. 15 Appropriation Bill (No. 3) 2009-2010
Appropriation Bill (No. 4) 2009-2010.
- No. 16 Issues from the Advances under the annual Appropriation Acts—Report 2008-09.

Question put and passed.

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

- (a) a motion relating to the implementation of government programs; and
- (b) orders of the day relating to government documents.

Question put and passed.

5 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—VARIATION OF REFERENCE

The Chair of the Legal and Constitutional Affairs References Committee (Senator Barnett), by leave, moved—That the resolution of the Senate of 4 February 2010, relating to the terms of reference of the Legal and Constitutional Affairs References Committee on the review of government compensation payments, be amended by omitting all words after “30 September 2010”, and substituting:

The administration and effectiveness of current mechanisms used by federal and state and territory governments to provide discretionary payments in special circumstances, or to provide financial relief from amounts owing to governments, namely:

- (a) state statutory schemes relating to children in care;
- (b) payments made under ‘defective administration’ schemes, such as the Commonwealth Scheme for Compensation for Detriment caused by Defective Administration;
- (c) act of grace and ex gratia payments; and
- (d) waiver of debt schemes.

Question put and passed.

6 POSTPONEMENTS

The following items of business were postponed:

Government business notice of motion no. 3 standing in the name of the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) for today, relating to a proposal for capital works in the parliamentary zone, postponed till 13 May 2010.

General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 13 May 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 11 May 2010.

General business notice of motion no. 738 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Responsible Takeaway Alcohol Hours Bill 2010, postponed till 11 May 2010.

7 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REFERENCE

The Special Minister of State (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That, on the release by the Government of any exposure draft of legislation relating to the implementation of its announced paid parental leave scheme, the document or documents stand referred to the Community Affairs Legislation Committee for inquiry and report by 3 June 2010.

Question put and passed.

8 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:

Trans-Tasman Proceedings Bill 2009

Trans-Tasman Proceedings (Transitional and Consequential Provisions) Bill 2009.

Question put and passed.

9 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—APPROVAL

The Special Minister of State (Senator Ludwig), at the request of the Minister for Defence (Senator Faulkner) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the proposal by the Department of Parliamentary Services to construct a vehicle storage facility near the Parliament House loading dock.

Question put and passed.

10 NOTICE OF MOTION WITHDRAWN

Senator Xenophon withdrew business of the Senate notice of motion no. 1 standing in his name for today, proposing a reference to the Community Affairs References Committee.

11 WATER (CRISIS POWERS AND FLOODWATER DIVERSION) BILL 2010

Senator Xenophon, also on behalf of Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 752—That the following bill be introduced:

A Bill for an Act to enable the Murray-Darling Basin Authority to manage the water resources of the Basin as a single system during periods of extreme crisis, and for related purposes.

Question put and passed.

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

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

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

12 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—VARIATION OF APPOINTMENT

Senator Parry, at the request of the Chair of the Select Committee on the National Broadband Network (Senator Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 758—That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on the National Broadband Network, be amended to omit “30 April 2010”, and substitute “12 May 2010”.

Question put and passed.

13 ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Economics References Committee (Senator Eggleston), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 760—That the time for the presentation of the report of the Economics References Committee on the Australian dairy industry be extended to 13 May 2010.

Question put and passed.

14 ENVIRONMENT—WORLD WATER DAY

Senator Siewert amended general business notice of motion no. 757 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) recognises that 22 March is World Water Day, an initiative of the United Nations Conference on Environment and Development to draw attention to the plight of the estimated 2.6 billion people lacking access to basic sanitation and the 884 million people who lack access to safe and clean drinking water;
- (b) notes:
 - (i) that the theme for World Water Day 2010 is ‘Clean Water for a Healthy World’, and
 - (ii) the United Nations Children’s Fund/World Health Organization report *Progress on sanitation and drinking-water – 2010 Update*, released in the week beginning 14 March 2010, and expresses concern that the sanitation Millennium Development Goal target is likely to be met 30 years and one billion people too late;
- (c) expresses concern that more than 1.4 million children die each year as a result of unclean water and poor sanitation, which is one child every 20 seconds dying from diarrhoea;
- (d) notes that for every dollar invested in sanitation, the United Nations development program estimates \$8 is returned in increased productivity;
- (e) acknowledges the important role Australia is playing in delivering improved sanitation to communities in Asia and Africa under the Water and Sanitation Initiative;
- (f) encourages the Australian Government to take a proactive role and send a high level delegation to the Sanitation and Water for All meeting in Washington, DC in April 2010; and
- (g) calls on the Australian Government and AusAID to report publicly on its water and sanitation activities, including reporting on the proportion of development aid spent on sanitation.

Question put and passed.

15 DEATH OF DR PAUL COLLIER

Senator Fifield, also on behalf of Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 762—That the Senate—

- (a) notes with great sadness the passing of respected disability advocate Dr Paul Collier;
- (b) offers its sincere condolences to the friends and family of Dr Collier, particularly his mother Wendy, sister Joanne, brother-in-law David and his three nephews for their tragic loss; and
- (c) notes his tireless and passionate work in seeking to improve the lives of people with disabilities and the valuable contribution he made to the community.

Question put and passed.

16 HEALTH—WORLD TUBERCULOSIS DAY

Senator Barnett, also on behalf of Senator Crossin, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 764—That the Senate—

- (a) notes that:
 - (i) World Tuberculosis Day on 24 March 2010 represents an important opportunity to acknowledge the global impacts of tuberculosis (TB), which causes 2 million deaths annually,
 - (ii) the Western Pacific region accounts for more than 20 per cent of the global burden of TB, with an estimated 1.4 million new cases each year,
 - (iii) Australia is not exempt from the impacts of TB, in particular, due to the proximity of the Torres Strait Islands and Papua New Guinea where TB rates are very high, and
 - (iv) 2010 marks the halfway point for the Global Plan to Stop TB; and
- (b) calls on the Government to maintain its efforts to achieve the important targets laid out by the Global Plan to Stop TB.

Question put and passed.

17 ENVIRONMENT—MURRAY-DARLING BASIN

Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 765—That the Senate—

- (a) notes that:
 - (i) the over-allocation of water within the Murray-Darling Basin, combined with the emerging impacts of climate change, has led to significant environmental problems, including those faced in the Lower Lakes and the Coorong,
 - (ii) improving the health of Australia's rivers requires us to take less water from them and that the fastest way to improve river health is by purchasing water entitlements from willing sellers,
 - (iii) in the longer term, the historic over-allocation and emerging climate change must be addressed under the forthcoming Murray-Darling Basin Plan, with a new lower limit on water use that is based on science, and
 - (iv) there have been recent calls by politicians that seek to undermine the need for scientific integrity in determining this limit by demanding that less additional water be provided to the environment; and

- (b) urges:
- (i) the Government to maintain its purchase program, and
 - (ii) the Murray-Darling Basin Authority to set new diversion limits that are based on science to ensure the key environmental assets in the basin are protected as set out in the *Water Act 2007*.

Question put and passed.

18 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—REFERENCE

Senator Parry, by leave, moved—That the provisions of the Territories Law Reform Bill 2010 be referred to the Joint Standing Committee on the National Capital and External Territories for inquiry and report by 11 May 2010.

Question put and passed.

19 LEAVE OF ABSENCE

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

Debate ensued.

Question put and passed.

20 INDIGENOUS AUSTRALIANS—DEATHS IN CUSTODY

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 759—That the Senate—

- (a) notes with concern the recent death of an 18-year-old Murri youth in Brisbane after his repeated requests for medical attention were allegedly denied by staff at the Arthur Gorrie Correctional Centre;
- (b) expresses concern at the growing disproportionate and alarmingly high rates of incarceration of Indigenous Australians, with a national rate of 171 per 100 000 incarcerated and a staggering 646 per 100 000 incarcerated in the Northern Territory;
- (c) notes that new ‘tough on crime’ laws introduced by state and territory governments invariably lead to higher rates of Indigenous incarceration but produce little change in Australia’s comparatively low rates of serious crime; and
- (d) calls on the Federal Government and the Council of Australian Governments to act to implement the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody.

Senator O’Brien, by leave, moved the following amendment:

Omit paragraph (d), substitute:

- (d) notes that the Government has worked with the states and territories to develop the National Indigenous Law and Justice Framework, the first comprehensive national policy document to address Indigenous law and justice matters; and
- (e) notes that the Government will continue to provide leadership at the national level to prevent deaths in custody, reduce over-representation in jails and recidivism, and provide full and equitable justice to Indigenous communities.

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

Main question, as amended, put and passed.

21 ADMINISTRATION—POLITICAL ADVERTISING

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. 766—That the Senate calls on the Government to amend the *Commonwealth Electoral Act 1918* before the next federal election to incorporate a Truth in Political Advertising Unit to monitor and regulate political advertising to ensure it is true and accurate.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 37

Senators—

Adams	Collins	Humphries	Polley
Back	Cormann	Hurley	Pratt
Bernardi	Crossin	Hutchins	Ryan
Bilyk	Farrell	Ludwig	Sterle
Bishop	Feeney	Macdonald	Troeth
Boswell	Ferguson	McEwen	Trood
Boyce	Fifield	McLucas	Wortley
Brown, Carol	Forshaw	Moore	
Cameron	Furner	O'Brien	
Cash	Hogg	Parry (Teller)	

Question negatived.

22 FOREIGN AFFAIRS—NUCLEAR NON-PROLIFERATION TREATY

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 767—That the Senate notes:

- (a) the 'unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI', agreed by consensus at the 2000 Nuclear Non-Proliferation Treaty (NPT) Review Conference;
- (b) the statement made by Australia on 30 April 2008 at the NPT Preparatory Committee meeting that, 'at an appropriate time, the international community will likely need to consider complementary legal frameworks, including a possible nuclear weapons convention, for the eventual abolition of nuclear weapons';
- (c) the statement made by the then Australian Labor Party foreign affairs spokesperson, Mr Robert McClelland, on 17 September 2007, that the proposal to establish a Nuclear Weapons Convention is 'timely and responsible' and that '[u]ltimately the question to be asked is not why there should be a nuclear weapons convention but why the international community has not yet agreed to start negotiating one';
- (d) the recommendation contained in report 106 of the Joint Standing Committee on Treaties that, 'the Australian Government make clear in international fora its support for the adoptions of a Nuclear Weapons Convention' and 'allocate research and consultation resources to the development of a Nuclear Weapons Convention with a clear legal framework and enforceable verification';

- (e) the Australian Government sponsored International Commission on Nuclear Non-Proliferation and Disarmament report statement that, ‘An important project for the medium term will be to develop, refine and build international understanding and acceptance of the need for a Nuclear Weapons Convention – a comprehensive international legal regime to accompany the final move to elimination’;
- (f) the first proposal in the United Nations Secretary-General’s five-point proposal on nuclear disarmament urges, ‘all NPT parties, in particular the nuclear weapon-states, to fulfil their obligation under the treaty to undertake negotiations on effective measures leading to nuclear disarmament. They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear-weapons convention, backed by a strong system of verification, as has long been proposed at the United Nations’; and
- (g) the 10 March 2010 resolution of the European Parliament on Treaty on the Non-Proliferation of Nuclear Weapons which noted:
- ‘a. a distinct lack of progress in achieving concrete objectives in pursuit of the goals of the NPT Treaty ... coupled with greater demand for, and availability of, nuclear technology and the potential for such technology and radioactive material to fall into the hands of criminal organisations and terrorists,
 - b. that nuclear weapons states that are signatories to the NPT are delaying action to reduce or eliminate their nuclear arsenals and decrease their adherence to a military doctrine of nuclear deterrence,
 - c. called on Member States to make a coordinated, positive and visible contribution to the 2010 NPT Review Conference discussions, in particular by proposing an ambitious timetable for a nuclear-free world and concrete initiatives for revitalising the UN Conference on Disarmament and by promoting disarmament initiatives based on the “Statement of Principles and Objectives” agreed at the end of the 1995 NPT Review Conference and on the “13 Practical Steps” unanimously agreed at the 2000 Review Conference’.

Question put.

The Senate divided—

AYES, 7

Senators—

Brown, Bob
Fielding

Hanson-Young
Ludlam

Milne
Siewert (Teller)

Xenophon

NOES, 36

Senators—

Adams
Back
Bernardi
Bilyk
Bishop
Boswell
Boyce
Brown, Carol
Cameron

Cash
Collins
Cormann
Crossin
Farrell
Feeney
Ferguson
Fifield
Forshaw

Furner
Hogg
Humphries
Hurley
Hutchins
Ludwig
McEwen
McLucas
Moore

O’Brien (Teller)
Parry
Polley
Pratt
Ryan
Sterle
Troeth
Trood
Wortley

Question negatived.

23 POSTPONEMENT

Senator Parry, by leave, moved—That general business notice of motion no. 761 standing in the names of Senators Pratt and Birmingham for today, relating to nuclear non-proliferation, be postponed till 11 May 2010.

Question put and passed.

24 PUBLICATIONS—STANDING COMMITTEE—17TH REPORT

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

PUBLICATIONS COMMITTEE

17TH REPORT

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

The Committee, having considered documents presented to the Parliament since 25 February 2010, recommends that the following be printed:

Australian Competition and Consumer Commission—Telstra's compliance with the price control arrangements—Report for 2008-09.

Australian Law Reform Commission—Report No. 112—Secrecy laws and open government in Australia, dated December 2009.

Commonwealth Grants Commission—Report on GST revenue sharing relativities—2010 review—Volume 1.

Dental Benefits Act 2008—Review on the operation of the Act—Report, 18 December 2009.

Department of Immigration and Citizenship—Review of personal identifier provisions introduced in 2004 to *Migration Act 1958*—Final report, 11 September 2009.

Department of Infrastructure, Transport, Regional Development and Local Government—National aviation policy: Flight path to the future—White paper, dated December 2009.

Department of the Prime Minister and Cabinet—Counter-terrorism: Securing Australia, protecting our community—White Paper, 2010.

Senator Carol Brown

Chair

18 March 2010.

Senator Carol Brown moved—That the report be adopted.

Question put and passed.

25 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—2007 FEDERAL ELECTION

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

Electoral Matters—Joint Standing Committee—Report on the 2007 federal election—Events in the division of Lindsay—Review of penalty provisions in the *Commonwealth Electoral Act 1918*—Report, dated March 2010.

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

Debate ensued.

Question put and passed.

26 COMMITTEES—ADDITIONAL INFORMATION—BUDGET AND ADDITIONAL ESTIMATES 2009-10

Senator Furner, at the request of the chairs of the respective committees, tabled the following documents:

- Budget estimates 2009-10 (Supplementary)—
 - Rural and Regional Affairs and Transport Legislation Committee—
 - Hansard record of proceedings.
 - Additional information received between—
 - 20 August 2009 and 17 March 2010—Agriculture, Fisheries and Forestry portfolio agencies.
 - 17 September 2009 and 17 March 2010—Infrastructure, Transport, Regional Development and Local Government portfolio agencies.
 - Additional estimates 2009-10—
 - Community Affairs Legislation Committee—Additional information received between 25 February and 17 March 2010—
 - Health and Ageing portfolio agencies.
 - Indigenous issues across portfolios—Human Services portfolio.
 - Legal and Constitutional Affairs Legislation Committee—Additional information received between 25 February and 16 March 2010—
 - Attorney-General's portfolio agencies.
 - Immigration and Citizenship portfolio agencies.

**27 ANTI-PEOPLE SMUGGLING AND OTHER MEASURES BILL 2010
AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2010
THERAPEUTIC GOODS AMENDMENT (2009 MEASURES NO. 3) BILL 2009
THERAPEUTIC GOODS (CHARGES) AMENDMENT BILL 2009**

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

- Message no. 546, dated 17 March 2010—A Bill for an Act to combat people smuggling, and for other purposes.
- Message no. 550, dated 17 March 2010—A Bill for an Act to amend the *Australian Research Council Act 2001*, and for related purposes.
- Message no. 549, dated 17 March 2010—A Bill for an Act to amend the *Therapeutic Goods Act 1989*, and for related purposes.
- Message no. 548, dated 17 March 2010—A Bill for an Act to amend the *Therapeutic Goods (Charges) Act 1989*, and for related purposes.

The Minister for Immigration and Citizenship (Senator Evans) 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 Evans 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 Evans moved—That the Anti-People Smuggling and Other Measures Bill 2010 and the Australian Research Council Amendment Bill 2010 be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

28 TRADE PRACTICES AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2009

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

Message no. 551, dated 17 March 2010—Trade Practices Amendment (Australian Consumer Law) Bill 2009.

29 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009 [NO. 2]

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 547, dated 17 March 2010—Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2].

On the motion of the Minister for Immigration and Citizenship (Senator Evans) the bill was read a third time.

30 SOCIAL SECURITY AND FAMILY ASSISTANCE LEGISLATION AMENDMENT (WEEKLY PAYMENTS) BILL 2010

A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

Message no. 552, dated 17 March 2010—Social Security and Family Assistance Legislation Amendment (Weekly Payments) Bill 2010.

On the motion of the Minister for Immigration and Citizenship (Senator Evans) the bill was read a third time.

31 ECONOMICS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 2—

- (1) That the following matters be referred to the Economics References Committee for inquiry and report by 24 June 2010:
 - (a) allegations of abuse, recently widely reported in the Australian media, against employees, volunteers and followers (including ex-employees, ex-volunteers and ex-followers) of the Church of Scientology and any associated entities, including:
 - (i) coerced abortions,
 - (ii) unsafe occupational health and safety practices,
 - (iii) unconscionable, misleading and deceptive conduct in the context of goods and services provided and charged for by the Church of Scientology and any associated entities, and
 - (iv) the harassment of followers and ex-followers of the Church of Scientology and any associated entities;
 - (b) the adequacy of the Model Criminal Code and its application in respect of the offence of psychological harm;
 - (c) the adequacy of current consumer protection laws in respect of goods and services provided by the Church of Scientology and any associated entities, and its fundraising practices generally;

- (d) the adequacy of current occupational health and safety laws and workplace relations laws in respect of the allegations of conduct occurring within the Church of Scientology and any associated entities; and
- (e) any related matters.
- (2) That, in undertaking this inquiry, the committee will not inquire into the validity or otherwise of the belief systems of the Church of Scientology and any associated entities.

Debate ensued.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 33

Senators—

Adams (Teller)	Cormann	Forshaw	Parry
Back	Crossin	Furner	Polley
Bernardi	Eggleston	Hurley	Pratt
Bilyk	Farrell	Macdonald	Sterle
Brown, Carol	Feeney	Marshall	Troeth
Bushby	Ferguson	McEwen	Wortley
Cash	Fielding	McLucas	
Colbeck	Fierravanti-Wells	Moore	
Collins	Fisher	O'Brien	

Question negatived.

32 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That business of the Senate orders of the day nos 1, 3 and 4, relating to the presentation of reports of committees, be postponed till a later hour.

Question put and passed.

—————
After noon—

33 FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2008

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

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

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

35 HEALTH INSURANCE AMENDMENT (DIAGNOSTIC IMAGING ACCREDITATION) BILL 2009

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

36 FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2010

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the bill was read a third time.

37 FISHERIES LEGISLATION AMENDMENT BILL 2009

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of Senator Stephens the bill was read a third time.

38 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Trans-Tasman Proceedings Bill 2009 and a related bill.

Question put and passed.

39 TRANS-TASMAN PROCEEDINGS BILL 2009**TRANS-TASMAN PROCEEDINGS (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009**

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

40 AVIATION TRANSPORT SECURITY AMENDMENT (2009 MEASURES NO. 1) BILL 2009

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

Debate resumed.

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

Question put and passed.

Bill read a second time.

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

On the motion of Senator Stephens the bill was read a third time.

41 TEXTILE, CLOTHING AND FOOTWEAR STRATEGIC INVESTMENT PROGRAM AMENDMENT (BUILDING INNOVATIVE CAPABILITY) BILL 2009

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

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

Schedule 1, item 32, page 9 (after line 33), after section 37ZM, insert:

37ZMA Consultation

Before formulating the Clothing and Household Textile (BIC) scheme, the Minister must consult with industry about the products that are to be taken, under the scheme, to be eligible clothing and household textile products.

Schedule 1, item 32, page 10 (after line 20), after section 37ZQ, insert:

37ZQA Commitment to Australian operations

It is a policy objective for the Clothing and Household Textile (BIC) scheme that entities that wish to obtain innovation grants under the scheme must be required to demonstrate a commitment to Australian-based manufacturing or Australian-based design for manufacture in Australia activities.

37ZQB Household textile products—manufacture using in-house fabrics

It is a policy objective for the Clothing and Household Textile (BIC) scheme that, for an activity of an entity that consists of the manufacture of household textile products to be taken to be an eligible clothing and household textile activity, such activity must result directly and predominantly in the manufacture of such products using fabric manufactured by the entity (in addition to complying with any other applicable requirements of scheme).

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens) the report from the committee was adopted and the bill read a third time.

**42 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—
CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN)
BILL 2010**

Pursuant to order, Senator O'Brien, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:

Legal and Constitutional Affairs Legislation Committee—Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010 [Provisions]—Report, dated March 2010, Hansard record of proceedings, additional information and submissions.

Report ordered to be printed on the motion of Senator O'Brien.

43 **CRIMES LEGISLATION AMENDMENT (SEXUAL OFFENCES AGAINST CHILDREN)**
BILL 2010

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.

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

Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010—
 Letter from the Minister for Home Affairs (Mr O'Connor) to Senator Xenophon.

Debate continued.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: Senator Stephens tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, item 4, page 26 (after line 15), after section 273.2, insert:

273.2A Consent to commencement of proceedings where defendant under 18

- (1) Proceedings for an offence against this Division must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time he or she allegedly engaged in the conduct constituting the offence.
- (2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.

Schedule 1, item 28, page 50 (after line 6), after section 474.24B, insert:

474.24C Consent to commencement of proceedings where defendant under 18

- (1) Proceedings for an offence against this Subdivision must not be commenced without the consent of the Attorney-General if the defendant was under 18 at the time he or she allegedly engaged in the conduct constituting the offence.

- (2) However, a person may be arrested for, charged with, or remanded in custody or on bail in connection with, such an offence before the necessary consent has been given.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

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

44 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That intervening business be postponed till after consideration of government business order of the day no. 4 (Antarctic Treaty (Environment Protection) Amendment Bill 2010).

Question put and passed.

45 ANTARCTIC TREATY (ENVIRONMENT PROTECTION) AMENDMENT BILL 2010

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

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

Page 19 (after line 2), at the end of the bill, add:

Schedule 2—World Heritage values

Antarctic Treaty (Environment Protection) Act 1980

1 Preamble

After “AND WHEREAS it is desirable to make other provision relating to the protection of the environment in the Antarctic”, insert “and to recognise the intrinsic World Heritage values of the Antarctic”.

Clause 2, page 2, at the end of the table, add:

3. Schedule 2	The day after this Act receives the Royal Assent.
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Debate ensued.

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

Senator Bob Brown moved the following amendments together by leave:

Page 19 (after line 2), at the end of the bill, add:

Schedule 3—Interaction with laws for the protection of whales

Antarctic Treaty (Environment Protection) Act 1980

1 At the end of Part 1

Add:

7B Interaction with laws for the protection of whales

- (1) Nothing in this Act has the effect of reducing or removing an obligation upon any person to protect whales or other cetaceans under:
 - (a) international law; or
 - (b) Division 3 of Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999*; or
 - (c) any other law.
- (2) In exercising powers and performing duties under this Act, the Minister must act in a manner that gives the greatest effect towards the protection of whales and other cetaceans under:
 - (a) international law; and
 - (b) Division 3 of Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999*; and
 - (c) any other law.

Note: Division 3 of Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* sets out offences relating to killing, injuring, taking etc., treating and possessing cetaceans.

Clause 2, page 2, at the end of the table, add:

4. Schedule 3	The day after this Act receives the Royal Assent.
---------------	---

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

Bill agreed to.

Bill to be reported without amendment.

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

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

46 APPROPRIATION BILL (NO. 3) 2009-2010

APPROPRIATION BILL (NO. 4) 2009-2010

Order of the day read for the adjourned debate on the motion of the Minister for Climate Change, Energy Efficiency and Water (Senator Wong)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments or requests for amendments to the bills were circulated and the bills were not considered in committee.

On the motion of the Special Minister of State (Senator Ludwig) the bills were read a third time.

**47 ISSUES FROM THE ADVANCES UNDER THE ANNUAL APPROPRIATION ACTS—
REPORT FOR 2008-09**

Order of the day read for the consideration of the statement in committee of the whole.

In the committee

The Special Minister of State (Senator Ludwig) moved—That the committee approves the statement of Issues from the advances under the annual Appropriation Acts as a final charge for the year ended 30 June 2009.

Question put and passed.

Resolution to be reported.

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

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

At 2 pm—

48 QUESTIONS

Questions without notice were answered.

49 MOTIONS TO TAKE NOTE OF ANSWERS

The Leader of The Nationals in the Senate (Senator Joyce) moved—That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Joyce today relating to the report from Australia's Future Tax System Review Panel.

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Minister for Employment Participation (Senator Arbib) to a question without notice asked by Senator Milne today relating to the economic stimulus package.

Question put and passed.

50 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, by leave and on behalf of the Joint Standing Committee on the National Capital and External Territories, moved—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today from 4.15 pm.

Question put and passed.

51 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009 [NO. 2]

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

Message no. 554, dated 18 March 2010—Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2].

52 INDEPENDENT NATIONAL SECURITY LEGISLATION MONITOR BILL 2010

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 553, dated 18 March 2010—Independent National Security Legislation Monitor Bill 2010.

53 FOREIGN AFFAIRS—SRI LANKA—MINISTERIAL STATEMENT—DOCUMENT

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

Foreign affairs—Sri Lanka—Ministerial statement by the Minister for Foreign Affairs (Mr Smith), dated 17 March 2010.

54 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT ON THE CONDUCT OF THE 2007 FEDERAL ELECTION AND MATTERS RELATED THERETO—MINISTERIAL STATEMENT—DOCUMENTS

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

Electoral Matters—Joint Standing Committee—Report on the conduct of the 2007 federal election and matters related thereto—

Ministerial statement by the Special Minister of State (Senator Ludwig), dated 18 March 2010.

Government response, dated 18 March 2010.

55 DEFENCE—AFGHANISTAN—MINISTERIAL STATEMENT

The Minister for Defence (Senator Faulkner), by leave, made a statement relating to Afghanistan.

Senator Abetz, by leave, moved—That the Senate take note of the statement.

Debate ensued.

Question put and passed.

**56 ECONOMICS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—
GOVERNMENT’S ECONOMIC STIMULUS INITIATIVES**

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

Economics References Committee—Report—Government’s economic stimulus initiatives—Government response.

**57 LEGAL AND CONSTITUTIONAL AFFAIRS—STANDING COMMITTEE—GOVERNMENT
RESPONSE—STOLEN GENERATION COMPENSATION BILL 2008**

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

Legal and Constitutional Affairs—Standing Committee—Report—Stolen Generation Compensation Bill 2008—Government response, dated December 2009.

**58 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
GOVERNMENT RESPONSE—INQUIRY INTO AUSTRALIA’S RELATIONSHIP WITH
ASEAN**

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

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Inquiry into Australia’s relationship with ASEAN—Government response.

**59 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—94TH
REPORT**

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

Treaties—Joint Standing Committee—94th report—Treaties tabled on 14 May 2008—Government response.

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

60 SELECTION OF BILLS—STANDING COMMITTEE—REPORTS NOS 5 AND 6 OF 2010

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 5 OF 2010

1. The committee met in private session on Wednesday, 17 March 2010 at 7.28 pm.
2. The committee resolved to recommend—That—
 - (a) the order of the Senate of 11 March 2010 adopting the committee’s 4th report of 2010 be varied to provide that the *provisions* of the Personal Property Securities (Corporations and Other Amendments) Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 12 May 2010;
 - (b) the *provisions* of the Tax Laws Amendment (2010 Measures No. 2) Bill 2010 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 11 May 2010; and
 - (c) the *provisions* of the Trade Practices Amendment (Australian Consumer Law) Bill (No. 2) 2010 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 21 May 2010.

3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Agricultural and Veterinary Chemicals Code Amendment Bill 2010
 - Carer Recognition Bill 2010
 - Immigration (Education) Amendment Bill 2010
 - Ministers of State Amendment Bill 2010
 - Social Security Amendment (Flexible Participation Requirements for Principal Carers) Bill 2010
 - Tax Laws Amendment (Transfer of Provisions) Bill 2010
 - Therapeutic Goods Amendment (2010 Measures No. 1) Bill 2010.
 4. The committee considered the Food Importation (Bovine Meat Standards) Bill 2010 and, noting that the bill had passed the Senate on 15 March 2010, resolved to recommend that the bill *not* be referred to a committee.
- The committee recommends accordingly.*
5. The committee deferred consideration of the following bills to its next meeting:
 - Defence Legislation Amendment Bill (No. 1) 2010
 - Insurance Contracts Amendment Bill 2010
 - Territories Law Reform Bill 2010
 - Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009.

Kerry O'Brien
 Chair
 18 March 2010.

SELECTION OF BILLS COMMITTEE
 REPORT NO. 6 OF 2010

1. The committee met in private session on Thursday, 18 March 2010 at 12.02 pm.
2. The committee resolved to recommend—That—
 - (a) the *provisions* of the Broadcasting Legislation Amendment (Digital Television) Bill 2010 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 12 May 2010;
 - (b) the *provisions* of the Building Energy Efficiency Disclosure Bill 2010 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 11 May 2010;
 - (c) the *provisions* of the National Security Legislation Amendment Bill 2010 and the Parliamentary Joint Committee on Law Enforcement Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 June 2010; and
 - (d) the *provisions* of the Telecommunications Legislation Amendment (Fibre Deployment) Bill 2010 be *referred immediately* to the Environment, Communications and the Arts Legislation Committee for inquiry and report by 12 May 2010.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:

Insurance Contracts Amendment Bill 2010
 Social Security and Indigenous Legislation Amendment (Budget and Other Measures) Bill 2010
 Tax Laws Amendment (2010 GST Administration Measures No. 2) Bill 2010.

The committee recommends accordingly.

4. The committee considered the Territories Law Reform Bill 2010 and noted that, on 18 March 2010, the Senate had agreed to refer the provisions of the bill to the Joint Standing Committee on the National Capital and External Territories for inquiry and report.
5. The committee deferred consideration of the following bills to its next meeting:
 - Defence Legislation Amendment Bill (No. 1) 2010
 - Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009
 - Water (Crisis Powers and Floodwater Diversion) Bill 2010.

Kerry O'Brien

Chair

18 March 2010.

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

Question put and passed.

61 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORTS—EQUITY AND DIVERSITY HEALTH CHECK IN THE ROYAL AUSTRALIAN NAVY—HMAS SUCCESS

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

Foreign Affairs, Defence and Trade References Committee—Equity and diversity health check in the Royal Australian Navy—HMAS *Success*—

Interim report, dated March 2010.

Report on parliamentary privilege—Possible interference in the work of the committee, dated March 2010.

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

Reporting date: Senator Trood, by leave, moved—That the final report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into equity and diversity health checks in the Royal Australian Navy be presented by 2 September 2010.

Question put and passed.

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

Question put and passed.

62 PRIVILEGES—STANDING COMMITTEE—REFERENCE

The Chair of the Standing Committee of Privileges (Senator Brandis), by leave, moved—That the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 be referred to the Committee of Privileges for inquiry and report by 12 May 2010, with particular reference to the provisions relating to the disclosure of taxpayer information to parliamentary committees and possible conflict with the *Parliamentary Privileges Act 1987*.

Question put and passed.

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

Pursuant to order, Senator Heffernan, at the request of 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—The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef—First report, dated March 2010.

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

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

At 4.30 pm: The Acting Deputy President (Senator Boyce) reminded the Senate that the standing orders provided for general business to be called on at this time.

Leave was granted to enable debate on the report of the Rural and Regional Affairs and Transport References Committee on the import restrictions on beef to continue and the tabling of certain documents prior to the commencement of general business.

Debate ensued.

Question put and passed.

64 DOCUMENTS

The following documents were tabled by the Clerk:

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

Australian Meat and Live-stock Industry Act—Report for 2008-09 in relation to compliance with the funding between the Commonwealth of Australia and Australian Livestock Export Corporation Ltd (LiveCorp).

Christmas Island Act—List of applied Western Australian Acts for the period 4 September 2009 to 16 March 2010.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 4 September 2009 to 16 March 2010.

Customs Act—Tariff Concession Orders—

- 0920586 [F2010L00306]*.
- 0920745 [F2010L00305]*.
- 0921139 [F2010L00304]*.
- 0922134 [F2010L00287]*.
- 0922177 [F2010L00308]*.
- 0922178 [F2010L00309]*.
- 0922447 [F2010L00288]*.
- 0922448 [F2010L00311]*.
- 0923062 [F2010L00307]*.
- 0924337 [F2010L00371]*.
- 0925428 [F2010L00434]*.

0925435 [F2010L00435]*.
 0925655 [F2010L00430]*.
 0925657 [F2010L00431]*.
 0925753 [F2010L00412]*.
 0926520 [F2010L00422]*.
 0926745 [F2010L00437]*.
 0926748 [F2010L00423]*.
 0927025 [F2010L00429]*.
 0927136 [F2010L00417]*.
 0927348 [F2010L00418]*.
 0927439 [F2010L00495]*.
 0927616 [F2010L00427]*.
 0927669 [F2010L00488]*.
 0927984 [F2010L00492]*.
 0928490 [F2010L00494]*.

Dairy Produce Act—Report for 2008-09 in relation to compliance with the funding between the Commonwealth of Australia and Dairy Australia Limited.

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

EPBC303DC/SFS/2010/05 [F2010L00707]*.

EPBC303DC/SFS/2010/06 [F2010L00708]*.

Financial Management and Accountability Act—Financial Management and Accountability Determinations—

2010/03—Other Trust Moneys Account Abolition 2010 [F2010L00681]*.

2010/04—Services for Other Entities and Trust Moneys – Australian Bureau of Statistics Special Account Establishment 2010 [F2010L00683]*.

2010/05—Section 32 (Transfer of Functions from DHS to DEEWR) [F2010L00679]*.

Fisheries Management Act—Bass Strait Central Zone Scallop Fishery Management Plan 2002—BSCZSF (Closures) Direction No. 1 2010 [F2010L00685]*.

National Health Act—Instruments Nos PB—

14 of 2010—Declaration and determination – drugs and medicinal preparations [F2010L00659]*.

16 of 2010—Determination – responsible persons [F2010L00670]*.

* Explanatory statement tabled with legislative instrument.

65 ENVIRONMENT—AUSTRALIAN FOREST COVER—MAPS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 15 March 2010:

Environment—Australian forest cover—Maps—

Statement responding to the order of the Senate of 15 March 2010.

National carbon accounting system forest cover—Maps [9] and DVDs [3].

General business was called on.

66 ADMINISTRATION—IMPLEMENTATION OF GOVERNMENT PROGRAMS

Senator Barnett, by leave, moved—That the Senate notes:

- (a) the Government's mismanagement of major programs, including the Building the Education Revolution and the Home Insulation Program and other major government initiatives;
- (b) the incredible waste that has resulted from these mismanaged programs; and
- (c) the impact that the waste has had on Australian states.

Debate ensued.

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

67 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

NBN Co Limited—Report for the period 9 April to 30 June 2009. Motion of Senator Birmingham to take note of document debated. Debate adjourned till Thursday at general business, Senator Barnett in continuation.

Australian Broadcasting Corporation (ABC)—Report for 2008-09. Motion of Senator Parry to take note of document debated. Debate adjourned till Thursday at general business, Senator Bernardi in continuation.

General business concluded.

68 ADDRESS BY PRESIDENT OF THE UNITED STATES OF AMERICA

A message from the House of Representatives was reported informing the Senate of a resolution of that House:

Message no. 555, dated 18 March 2010, inviting senators to attend a meeting of the House for an address by the Honourable Barack Obama, President of the United States of America.

69 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, moved—That senators be discharged from and appointed to committees as follows:

Cyber-Safety—Joint Select Committee—

Appointed—Senators Barnett and Bushby

Fuel and Energy—Select Committee—

Discharged—Senator Joyce

Appointed—

Senator Macdonald

Participating member: Senator Joyce

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Ludlam for the committee's inquiry into the provisions of the Anti-People Smuggling and Other Measures Bill 2010

Participating member: Senator Ludlam.

Question put and passed.

**70 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—
CONSIDERATION**

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

Economics Legislation Committee—Report—Safe Climate (Energy Efficient Non-Residential Buildings Scheme) Bill 2009. Motion of Senator Milne to take note of report called on. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.

Community Affairs—Standing Committee—Report—Highway to health: better access for rural, regional and remote patients—Government response. Motion of Senator Parry to take note of document debated. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.

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

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

71 NEXT MEETING OF SENATE

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That the Senate, at its rising, adjourn till Tuesday, 11 May 2010, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

72 ADJOURNMENT

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

Debate ensued.

Time expired: The debate reached the limit of 40 minutes.

The Senate adjourned at 7.52 pm till Tuesday, 11 May 2010 at 12.30 pm.

73 ATTENDANCE

Present, all senators except Senators Birmingham*, Johnston*, Kroger*, Lundy* and Sherry* (* on leave).

ROSEMARY LAING
Clerk of the Senate