

2008-10

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

No. 127

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## 1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair and read prayers.

## 2 GOVERNMENT DOCUMENTS

The following documents were tabled:

Australian National University—Report for 2009.

Director of Military Prosecutions—Report for 2009.

Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2010.

Medical Training Review Panel—Report for 2008-09.

Office of the Renewable Energy Regulator—Report for 2009.

*Surveillance Devices Act 2004*—Commonwealth Ombudsman's report on inspections of surveillance device records for 2008—Australian Crime Commission and Australian Federal Police; and New South Wales Police for the period 1 July 2007 to 31 December 2008.

*Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Act (No. 2) 2008*—Report on the operation of the Act—Review of the impact of the new Medicare Levy Surcharge thresholds on public hospitals—First year review, dated June 2010.

Treaties—*Bilateral*—Text, together with national interest analysis—

Agreement between the Government of Australia and the Government of Anguilla on the Exchange of Information with Respect to Taxes, done at London on 19 March 2010.

Agreement between the Government of Australia and the Government of Belize for the Exchange of Information with Respect to Taxes, done at Belize on 31 March 2010.

Agreement between the Government of Australia and the Government of Grenada for the Exchange of Information Relating to Tax Matters, done at New York on 30 March 2010.

Agreement between the Government of Australia and the Government of Saint Christopher (Saint Kitts) and Nevis for the Exchange of Information Relating to Tax Matters, done at Saint Kitts and Nevis on 5 March 2010.

Agreement between the Government of Australia and the Government of Saint Lucia for the Exchange of Information with Respect to Taxes, done at New York on 30 March 2010.

Agreement between the Government of Australia and the Government of Saint Vincent and the Grenadines on the Exchange of Information with Respect to Taxes, done at Kingstown on 18 March 2010.

Agreement between the Government of Australia and the Government of Samoa on the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments, done at Canberra on 16 December 2009.

Agreement between the Government of Australia and the Government of Samoa on the Exchange of Information with Respect to Taxes, done at Canberra on 16 December 2009.

Agreement between the Government of Australia and the Government of the Cayman Islands on the Exchange of Information with Respect to Taxes, done at Washington on 30 March 2010.

Agreement between the Government of Australia and the Government of the Commonwealth of Dominica on the Exchange of Information with Respect to Taxes and Tax Matters, done at Roseau on 30 March 2010.

Agreement between the Government of Australia and the Government of the Commonwealth of the Bahamas on the Exchange of Information with Respect to Taxes, done at Washington on 30 March 2010.

Agreement between the Government of Australia and the Government of the Principality of Monaco for the Exchange of Information Relating to Tax Matters, done at Paris on 1 April 2010.

Agreement between the Government of Australia and the Government of the Republic of San Marino for the Exchange of Information Relating to Taxes, done at San Marino on 4 March 2010.

Agreement between the Government of Australia and the Government of the Republic of Vanuatu on the Exchange of Information with Respect to Taxes, done at Devonport on 21 April 2010.

Agreement between the Government of Australia and the Government of the Turks and Caicos Islands on the Exchange of Information with Respect to Taxes, done at Washington DC on 30 March 2010.

Agreement between the Government of Australia and the Kingdom of the Netherlands, in respect of Aruba, for the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments, done at Canberra on 16 December 2009.

Agreement between the Government of Australia and the Kingdom of the Netherlands, in respect of Aruba, on the Exchange of Information with Respect to Taxes, done at Canberra on 16 December 2009.

Exchange of Letters Constituting an Agreement between the Government of Australia and the Government of New Zealand to amend Annex G of the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA), done at Canberra on 28 March 1983.

Exchange of Letters Constituting an Agreement between the Government of Australia and the Government of New Zealand to amend Article 3 of the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA), done at Canberra on 28 March 1983.

### 3 DEFENCE—AFGHANISTAN—MINISTERIAL STATEMENT

The Minister for Defence (Senator Faulkner), by leave, made a statement relating to the medical condition of the 7 Australian soldiers wounded in Afghanistan on 21 June 2010.

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

**4 PREVENTING THE MISUSE OF GOVERNMENT ADVERTISING BILL 2010—PROPOSED SUSPENSION OF STANDING ORDERS**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent the Preventing the Misuse of Government Advertising Bill 2010 having precedence over all government business until determined.

Debate ensued.

Question put.

The Senate divided—

**AYES, 7**

Senators—

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

**NOES, 33**

Senators—

Bilyk	Crossin	Lundy	Sherry
Birmingham	Farrell	Marshall	Sterle
Bishop	Feeney	McEwen	Troeth
Brown, Carol	Fifield	McLucas	Williams (Teller)
Cameron	Forshaw	Moore	Wong
Cash	Furner	Parry	Wortley
Colbeck	Hurley	Pratt	
Collins	Hutchins	Ronaldson	
Cormann	Ludwig	Ryan	

Question negated.

**5 NOTICES OF MOTION WITHDRAWN**

The Special Minister of State (Senator Ludwig) withdrew government business notice of motion no. 1 standing in his name for today, proposing a variation to the hours of meeting and routine of business for today.

The Leader of the Australian Greens (Senator Bob Brown) withdrew general business notice of motion no. 819 standing in his name for today, relating to Australian combat troops in Afghanistan.

**6 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—ORDINARY ANNUAL SERVICES OF THE GOVERNMENT**

The Special Minister of State (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 2—That, in accordance with the recommendation made in the 50th Report of the Appropriations and Staffing Committee, the Senate resolves:

- (1) To reaffirm its constitutional right to amend proposed laws appropriating revenue or moneys for expenditure on all matters not involving the ordinary annual services of the Government.
- (2) That appropriations for expenditure on:
  - (a) the construction of public works and buildings;
  - (b) the acquisition of sites and buildings;

- (c) items of plant and equipment which are clearly definable as capital expenditure (but not including the acquisition of computers or the fitting out of buildings);
- (d) grants to the states under section 96 of the Constitution;
- (e) new policies not previously authorised by special legislation;
- (f) items regarded as equity injections and loans; and
- (g) existing asset replacement (which is to be regarded as depreciation),

are not appropriations for the ordinary annual services of the Government and that proposed laws for the appropriation of revenue or moneys for expenditure on the said matters shall be presented to the Senate in a separate appropriation bill subject to amendment by the Senate.

- (3) That, in respect of payments to international organisations:
  - (a) the initial payment in effect represents a new policy decision and therefore should be in Appropriation Bill (No. 2); and
  - (b) subsequent payments represent a continuing government activity of supporting the international organisation and therefore represent an ordinary annual service and should be in Appropriation Bill (No. 1).
- (4) That all appropriation items for continuing activities for which appropriations have been made in the past be regarded as part of ordinary annual services.

Debate ensued.

Question put and passed.

#### 7 CONSIDERATION OF LEGISLATION

The Special Minister of State (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 3—That the government business orders of the day relating to the Veterans' Affairs Legislation Amendment (2010 Budget Measures) Bill 2010 and the Veterans' Entitlements Amendment (Income Support Measures) Bill 2010 may be taken together for their remaining stages.

Question put and passed.

#### 8 RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010 RENEWABLE ENERGY (ELECTRICITY) (CHARGE) AMENDMENT BILL 2010 RENEWABLE ENERGY (ELECTRICITY) (SMALL-SCALE TECHNOLOGY SHORTFALL CHARGE) BILL 2010

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

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*In the committee*

**RENEWABLE ENERGY (ELECTRICITY) AMENDMENT BILL 2010—**

Bill taken as a whole by leave.

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*Explanatory memoranda:* The Minister for Climate Change, Energy Efficiency and Water (Senator Wong) tabled supplementary explanatory memoranda [3] relating to the government amendments to be moved to the bill.

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

Schedule 1, page 3 (after line 15), after item 4, insert:

**4A Subsection 5(1)**

Insert:

*clearing house price* has the meaning given by section 30LA.

Schedule 1, page 4 (after line 7), after item 8, insert:

**8A Subsection 5(1)**

Insert:

*GST inclusive clearing house price* has the meaning given by section 30LA.

Schedule 1, item 58, page 15 (before line 12), before section 30M, insert:

**30LA Clearing house price etc.**

- (1) The *clearing house price* is:
  - (a) subject to paragraph (b)—\$40; or
  - (b) if the Minister, by legislative instrument, specifies a lesser amount as being the clearing house price for the purpose of this subsection—the amount so specified.
- (2) The *GST inclusive clearing house price* is the amount equal to 110% of the clearing house price.
- (3) Before making an instrument under paragraph (1)(b), the Minister:
  - (a) must take into consideration:
    - (i) whether the total value, in MWh, of small-scale technology certificates created in 2015 exceeded or is expected to exceed 6,000,000; and
    - (ii) any changes to the costs of small generation units and solar water heaters; and
    - (iii) the extent to which owners of small generation units and solar water heaters contribute to the costs of small generation units and solar water heaters; and
    - (iv) the impact of the clearing house price, and the number of small generation units and solar water heaters installed, on the electricity market, including on electricity prices; and
  - (b) may take into consideration any other matters that the Minister considers relevant.
- (4) If the Minister is considering a matter mentioned in paragraph (3)(a), the Minister must obtain, and take into consideration, independent advice about that matter.
- (5) An instrument made under paragraph (1)(b) must not be expressed to commence earlier than the first 1 April following the making of the instrument.
- (6) If:
  - (a) an instrument is made under paragraph (1)(b); and



(b) on a particular day (the *tabling day*), a copy of the instrument is tabled before a House of the Parliament under section 38 of the *Legislative Instruments Act 2003*;

then, on or as soon as practicable after the tabling day, the Minister must cause to be tabled before that House a written statement setting out the Minister's reasons for making the instrument.

Schedule 1, item 58, page 15 (line 22), omit "\$44", substitute "the GST inclusive clearing house price".

Schedule 1, item 58, page 16 (line 15), omit "\$44", substitute "the GST inclusive clearing house price".

Schedule 1, item 58, page 16 (line 17), omit "\$40", substitute "the clearing house price".

Schedule 1, item 58, page 17 (line 28), omit "\$44", substitute "the GST inclusive clearing house price".

Schedule 1, item 58, page 17 (line 31), omit "\$40", substitute "the clearing house price".

Senator Milne moved the following amendment:

Schedule 1, page 35 (after line 9), after item 65, insert:

**65A After section 40**

Insert:

**40AA Required GWh of renewable source electricity for 2011 and 2012**

- (1) The required GWh of renewable source electricity in section 40 for the years 2011 and 2012 must be increased as specified in declarations made under subsection (3) for the relevant year.
- (2) The Regulator must, by 10 May 2011, make the following calculations in respect of the large-scale generation certificates on the register of large-scale generation certificates as at 30 April 2011:
  - (a) the total of the number of registered large-scale generation certificates and the number of large-scale generation certificates that are pending registration in the register (*total A*);
  - (b) the number of registered large-scale generation certificates that are pending surrender (*total B*);
  - (c) the number of registered large-scale generation certificates that are pending voluntary surrender (*total C*);
  - (d) the number of registered large-scale generation certificates that have been created on or after 1 January 2011 under Subdivision A of Division 4 of Part 2 (*total D*);
  - (e) the number of registered large-scale generation certificates that are subject to eligible pre-existing contracts for transfer from one party to another party (*total E*);
  - (f) the figure (*total F*) that is the result of:  
total A – (total B + total C + total D) + total E;
  - (g) the figure (*total G*) that is the result of:  
total F – 16,200,000;
  - (h) the figure expressed in megawatt hours (*total H*) that is the result of:  
total G ÷ 2;

and publish the results of those calculations on the Internet.

- (3) If total G is greater than zero, the Regulator must, within 5 days of complying with subsection (2), make a declaration increasing the required GWh of renewable source electricity in section 40 for 2011 and 2012 by total H (converted in gigawatt hours).
- (4) A declaration made under subsection (3) is not a legislative instrument.

Debate ensued.

Senator Milne, by leave, withdrew the amendment.

Senator Milne moved the following amendments together by leave:

Clause 3, page 2 (lines 7 to 11), omit the clause, substitute:

**3 Schedule(s)**

- (1) Each Act, and each set of regulations, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

Schedule 1, page 61 (after line 22), after item 110, insert:

**110A At the end of subsection 17(2)**

Add:

; (c) biomass from native vegetation of any kind.

Schedule 1, Part 2, page 80 (after line 4), at the end of the Part, add:

***Renewable Energy (Electricity) Regulations 2001***

**137 Paragraph 8(1)(d)**

Omit “; and”, substitute “.”.

**138 Paragraph 8(1)(e)**

Repeal the paragraph.

**139 Subregulations 8(2), (3) and (4)**

Repeal the subregulations.

**140 Subregulation 9(2)**

Repeal the subregulation, substitute:

- (2) For section 17 of the Act, biomass from native vegetation is not an energy crop.

**141 Subregulation 20AA(1)**

Omit “subsections 23B (2) and”, substitute “subsection”.

Debate ensued.

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*At 2 pm:* The President resumed the chair and the Temporary Chair of Committees (Senator Boyce) reported progress.

**9 QUESTIONS**

Questions without notice were answered.

**10 MOTION TO TAKE NOTE OF ANSWER**

Senator Brandis moved—That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Williams today relating to border security.

Debate ensued.

Question put and passed.

**11 NOTICES**

*Notices of motion:*

The Leader of the Government in the Senate (Senator Evans): To move on the next day of sitting—That the Senate is of the view that the declaration of the opening of Parliament should be preceded by an Indigenous ‘Welcome to Country’ ceremony.

The Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall) To move—That the Senate—

- (a) notes the opening statement made by the President of Fair Work Australia on 1 June 2010 during his appearance at an estimates hearing of the Education, Employment and Workplace Relations Legislation Committee;
- (b) notes, in particular, the request made in that statement that the Senate reconsider its order of 28 October 2009 which requires that, on each occasion on which the Education, Employment and Workplace Relations Legislation Committee meets to consider estimates in relation to Fair Work Australia, the President of Fair Work Australia appear before the committee to answer questions; and
- (c) modifies the order of 28 October 2009 by declaring that, while relaxing the requirement that the President of Fair Work Australia attend to answer questions on all occasions when the Education, Employment and Workplace Relations Legislation Committee meets to consider estimates in relation to Fair Work Australia, the Senate expects that the President will appear should his or her presence be requested by the Education, Employment and Workplace Relations Legislation Committee in the future. (*general business notice of motion no. 841*)

The Chair of the Select Committee on Fuel and Energy (Senator Cormann): To move on the next day of sitting—That the resolution of the Senate of 25 June 2008, as amended, appointing the Select Committee on Fuel and Energy, be amended to omit “30 June 2010”, substitute “30 August 2010”. (*general business notice of motion no. 842*)

Senator Ryan: To move on the next day of sitting—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 26 August 2010:

*The Ahead of the Game: Blueprint for the Reform of Australian Government Administration* issued by the Advisory Group on Reform of Australian Government Administration in March 2010 and, in particular:

- (a) the implementation of recommendations contained in the review, including means and costs of implementation;
- (b) possible amendments to the *Public Service Act 1999*;

- (c) identification and consideration of related matters not covered by the review; and
- (d) any other related matter.

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood): To move on the next day of sitting—That, having regard to the report of the Foreign Affairs, Defence and Trade References Committee on parliamentary privilege and a possible interference in the work of the committee, the following matter be referred to the Committee of Privileges for inquiry and report by 2 September 2010:

The adequacy of advice contained in the *Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters* for officials considering participating in a parliamentary committee whether in a personal capacity or otherwise.)

Senators Nash and Colbeck: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 22 November 2010:

- (a) the adequacy of current biosecurity and quarantine arrangements, including resourcing;
- (b) projected demand and resourcing requirements;
- (c) progress toward achievement of reform of Australian Quarantine and Inspection Service export fees and charges;
- (d) progress in implementation of the ‘Beale Review’ recommendations and their place in meeting projected biosecurity demand and resourcing; and
- (e) any related matters.

Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Resources and Energy, by Thursday, 24 June 2010, the report of the Commission of Inquiry into the Montara oil spill. (*general business notice of motion no. 843*)

Senator Siewert: To move on the next day of sitting—That the Senate—

- (a) acknowledges that Sunday, 4 August 2010 is National Aboriginal and Islander Children’s Day;
- (b) recognises that the theme for 2010 is ‘Value My Culture, Value Me’ which emphasises that Aboriginal and Torres Strait Islander children need to know they are loved and valued, and to have every opportunity to nurture and explore a healthy and strong sense of self and community; and
- (c) embraces the message of ‘Value My Culture, Value Me’ by undertaking to promote new attitudes and forging a new pathway of understanding for the benefit of all Australians, build and improve relationships based on mutual respect, end disadvantage for Aboriginal and Torres Strait Islander children and families and create equality for all in the broader Australian community. (*general business notice of motion no. 844*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—

- (a) notes that the incompatibility of chargers for mobile phones is a major environmental problem that unnecessarily generates significant amounts of electronic waste;
- (b) acknowledges that it is an inconvenience for Australian consumers to acquire a new charger and dispose of the current one each time they want to acquire a new phone;

- (c) recognises that this problem can be fixed by the mobile phone industry working together to harmonise mobile phone chargers; and
- (d) calls on the Government to legislate for the harmonisation of mobile phone chargers in agreement with the mobile phone industry, similar to the agreement that has been reached in Europe. (*general business notice of motion no. 845*)

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

- (a) notes that:
  - (i) a crisis is looming in the building industry with Vero exiting the last resort builders' home warranty insurance market in New South Wales by 30 September 2010 and in all other states by 30 June 2010 leaving only two providers in the market, QBE Insurance and Calliden,
  - (ii) this insurance product is mandatory by law in all states except Tasmania and Queensland,
  - (iii) thousands of Australian builders will be left without this insurance product on 30 June and 30 September 2010, respectively, requiring them to build illegally or to stop building immediately unless QBE Insurance provides insurance or there is government intervention within the next 8 days, and
  - (iv) small building firms will be disproportionately affected as they will not be as attractive to a virtual monopoly provider as large building firms; and
- (b) calls on the Federal Government to act immediately with their state government counterparts to remove the mandatory requirement for this product before this impending crisis in the building industry occurs. (*general business notice of motion no. 846*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—

- (a) notes the decline in koala populations around Australia;
- (b) calls on the Government to have a public and transparent inquiry into the status, health and sustainability of Australia's koala population; and
- (c) in undertaking the inquiry, calls on the Government to consider the following matters:
  - (i) the iconic status of the koala and the history of its management,
  - (ii) knowledge of koala habitat,
  - (iii) threats to koala habitat such as logging, land clearing, poor management, attacks from feral and domestic animals, disease, roads and urban development,
  - (iv) the listing of the koala under the *Environment Protection and Biodiversity Conservation Act 1999*,
  - (v) the adequacy of the National Koala Conservation and Management Strategy,
  - (vi) appropriate future regulation for the protection of koala habitat,
  - (vii) interaction of state and federal laws and regulations, and
  - (viii) any related matters. (*general business notice of motion no. 847*)

*Intention to withdraw:* Senator Xenophon, pursuant to standing order 78, gave notice of his 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 his name for today for the disallowance of

new regulations 4.67C and 4.67E in item [2] of Schedule 1 to the Aviation Transport Security Amendment Regulations 2010 (No. 1), as contained in Select Legislative Instrument 2010 No. 80 and made under the *Aviation Transport Security Act 2004*.

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

#### 12 ORDER OF BUSINESS—REARRANGEMENT

Senator Parry, by leave, moved—That—

- (1) Consideration of government documents not be proceeded with today.
- (2) The Wild Rivers (Environmental Management) Bill 2010 [No. 2] be considered under a limitation of time.
- (3) On Tuesday, 22 June 2010, the bill have precedence over all other business from 6.50 pm.
- (4) The time allotted for the remaining stages of the bill be until 7.15 pm on Tuesday, 22 June 2010.
- (5) This order operate as an allocation of time under standing order 142.

Debate ensued.

Question put and passed.

#### 13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE— EXTENSION OF TIME TO REPORT

Senator Parry, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on import restrictions on beef be extended to 23 June 2010.

Question put and passed.

#### 14 NATIONAL INTEGRITY COMMISSIONER BILL 2010

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. 763—That the following bill be introduced:

A Bill for an Act to establish the office of the National Integrity Commissioner, and for related purposes.

Question put and passed.

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

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

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

**15 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES  
COMMITTEE—REFERENCE**

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

- (1) That the Senate notes that:
  - (a) the Industry Skills Councils (ISCs) are independent, not for profit companies funded by the Federal Government to fulfil various skills and training-related policy and program responsibilities;
  - (b) the Rudd Government has boosted public funding and scope for those ISCs significantly, including a:
    - (i) \$83.2 million funding boost in 2008-09 increasing operational funding for ISCs under the 2008-2011 funding agreement to \$118.9 million,
    - (ii) allocation of several hundred thousands of dollars in 2009 to the Construction and Property Services Industry Skills Council to develop the home insulation training package,
    - (iii) \$40 million funding allocation in 2010-11 for the Enterprise Based Productivity Places Program,
    - (iv) \$19.9 million funding allocation in 2010-11 for the Smarter Apprenticeships Program, and
    - (v) \$2.3 million funding allocation in 2010-11 to revise and rewrite training packages as part of the National Green Skills Agreement;
  - (c) none of the funding is allocated by open competitive tender, with any competition limited to ISCs between each other for some of the government funding;
  - (d) it is unclear whether those ISCs are sufficiently representative of respective sectors of Australian industry; and
  - (e) nearly all the funding for ISCs is provided by the Federal Government, yet as 'private companies' they are not subject to the scrutiny of Senate estimates committees.
- (2) That the following matters be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 30 September 2010:
  - (a) the role and effectiveness of Industry Skills Councils (ISCs) in the operation of the national training system particularly as it relates to states and territories and rural and regional Australia;
  - (b) accountability mechanisms in relation to Commonwealth funding for the general operation and specific projects and programs of each ISC;
  - (c) corporate governance arrangements of ISCs;
  - (d) Commonwealth Government processes to prioritise funding allocations across all ISCs;
  - (e) ISC network arrangements and co-operative mechanisms implemented between relevant boards;
  - (f) the accrual of accumulated surpluses from public funding over the life of each ISC's operation and its use and purpose;
  - (g) the effectiveness of each ISC in implementing specific training initiatives, for example the Skills for Sustainability initiative under the National Green Skills Agreement; and
  - (h) any related matters.

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

Question put and passed.

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

#### 16 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator O'Brien, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 836—That the time for the presentation of the report of the Community Affairs Legislation Committee on the Poker Machine (Reduced Losses—Interim Measures) Bill 2009 and the Protecting Problem Gamblers Bill 2009 be extended to 28 October 2010.

Question put and passed.

#### 17 SENATE—ROTATION OF SENATORS

Senator Ronaldson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 824—That the Senate is of the view that, in the event of a simultaneous dissolution of both Houses under section 57 of the Constitution, the division of senators into two classes for the purposes of rotation should be in accordance with the results of a recount of the Senate vote under section 282 of the *Commonwealth Electoral Act 1918* to determine the order of election of senators in each state.

Question put and passed.

#### 18 SOCIAL ISSUES—MILLENNIUM DEVELOPMENT GOALS

Senator Barnett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 825—That the Senate—

- (a) welcomes the presence in Parliament House of more than 300 participants in the Micah Challenge Voices for Justice event, representing churches, schools and community groups in more than 80 electorates and from every state and territory;
- (b) notes:
  - (i) the vital progress being made towards the Millennium Development Goals (MDGs), which aim to halve world poverty by 2015, seen through the reduction in child deaths from 12.5 million annually in 1990 to 8.8 million in 2008,
  - (ii) that while progress is being made, a number of the MDGs are still off track, particularly Goals 4 and 5, which relate to child and maternal health, and
  - (iii) the growing public support in the Australian community for the MDGs, demonstrated by more than 111 000 people who have signed the Micah call in support of the MDGs as part of the Micah Challenge campaign and an additional 40 000 people who recently signed the 'Act to End Poverty' with the Make Poverty History campaign;
- (c) reaffirms:
  - (i) the commitment to the MDGs as important benchmarks for the global community to fight poverty, and



- (ii) that all eight MDGs are achievable with the political will of the global community;
- (d) recognises the United Nations Secretary-General Ban Ki-moon's call to world leaders to attend the MDGs Review Summit in New York in September 2010, and the importance of this global meeting to measure progress and develop a clear action plan to achieve these MDGs within the remaining 5 years; and
- (e) calls on the Government to make clear at the UN Summit, Australia's ongoing commitment to the achievement of the MDGs by 2015.

Question put and passed.

#### 19 ENVIRONMENT—RENEWABLE ENERGY

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 838—That the Senate—

- (a) notes that the Zero Carbon Australia Stationary Energy Plan released by Beyond Zero Emissions and the University of Melbourne shows:
  - (i) that it is technically possible for Australia to achieve 100 per cent renewable energy within a decade, and
  - (ii) that the technologies to achieve this goal, including baseload solar thermal energy with storage, are commercially available today;
- (b) applauds the organisations involved for their vision and efforts; and
- (c) calls on the Australian Government to direct the Department of Resources, Energy and Tourism and the Department of Climate Change and Energy Efficiency to undertake a similar study to examine the potential for a swift transition to 100 per cent renewable energy in Australia.

Question put.

The Senate divided—

#### AYES, 6

Senators—

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

#### NOES, 43

Senators—

Adams	Colbeck	Humphries	O'Brien
Back	Collins	Hurley	Parry
Barnett	Cormann	Hutchins	Polley
Bernardi	Crossin	Kroger	Pratt
Bilyk	Farrell	Ludwig	Ronaldson
Bishop	Feeny	Lundy	Ryan
Boswell	Ferguson	Macdonald	Sterle
Boyce	Fielding	Marshall	Troeth
Brown, Carol	Fifield	McEwen	Williams (Teller)
Bushby	Forshaw	McLucas	Wortley
Cameron	Furner	Moore	

Question negatived.

**20 ENVIRONMENT—ROAD TRANSPORT—VEHICLE FUEL EFFICIENCY**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 839—That the Senate—

(a) notes that:

- (i) road transport amounts to 12 per cent of Australia's total carbon dioxide emissions, and the largest source of these emissions was passenger cars,
- (ii) more efficient cars would improve Australia's energy security,
- (iii) internationally, a number of states have adopted mandatory standards for vehicle fuel efficiency, for example Europe is in the process of legislating for a target of 130g CO<sub>2</sub> per km by 2015,
- (iv) the automotive industry accepted a voluntary target of 222g CO<sub>2</sub> per kilometre by 2010 and that this target was met ahead of schedule, arguably with 'business as usual' improvements,
- (v) the 2010-11 Budget cut \$200 million from the Green Car Innovation Fund, which provides grants to automobile industries to encourage investment in efficient technology, a cut that was justified on the basis that demand for grants was lower than anticipated, and
- (iv) in July 2009, the Council of Australian Governments requested that the Department of Infrastructure, Transport, Regional Development and Local Government produce a regulatory impact statement into a mandatory scheme for vehicle fuel efficiency and that this report was originally to be made public for consultation before the end of March 2010, but has still not been released; and

(b) calls on the Government to release the regulatory impact statement into a mandatory scheme for vehicle fuel efficiency and move to introduce mandatory fuel efficiency standards without further delay.

*Statement by leave:* The Special Minister of State (Senator Ludwig), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 42

Senators—

Adams	Colbeck	Hurley	Parry
Back	Collins	Hutchins	Polley
Barnett	Cormann	Kroger	Pratt
Bernardi	Crossin	Ludwig	Ronaldson
Bilyk	Farrell	Lundy	Ryan
Bishop	Feeney	Macdonald	Sterle
Boswell	Ferguson	Marshall	Troeth
Boyce	Fielding	McEwen	Williams
Brown, Carol	Fifield	McLucas	Wortley
Bushby	Forshaw	Moore	
Cameron	Furner	O'Brien (Teller)	

Question negatived.

**21 ENVIRONMENT—PACKAGING AND BEVERAGE CONTAINER WASTE MANAGEMENT—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. 828—That there be laid on the table by the Minister representing the Minister for Environment Protection, Heritage and the Arts, no later than 9.30 pm on Thursday, 24 June 2010:

- (a) the study by PricewaterhouseCoopers into estimating consumers' willingness to pay for improvements in packaging and beverage container waste management; and
- (b) the Australian Bureau of Agricultural and Resource Economics peer review of the study.

Question put and passed.

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

**22 FOREIGN AFFAIRS—PEOPLES' REPUBLIC OF CHINA—VICE PRESIDENT**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 832—That the Senate—

- (a) welcomes Xi Jinping, Vice President of the Peoples' Republic of China;
- (b) acknowledges the continuing concerns of the Australian people over human rights in China and Tibet; and
- (c) expresses its hopes for a productive visit, including a frank and wide-ranging dialogue on matters of concern to both China and Australia.

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

*Leave refused:* The Leader of the Australian Greens (Senator Bob Brown) sought leave to make a statement relating to the motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 5

Senators—

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

NOES, 42

Senators—

Adams	Cameron	Hurley	Parry
Back	Collins	Hutchins	Polley
Barnett	Cormann	Kroger	Pratt
Bernardi	Crossin	Ludwig	Ronaldson
Bilyk	Farrell	Lundy	Ryan
Bishop	Feeney	Macdonald	Sterle
Boswell	Ferguson	Marshall	Troeth
Boyce	Fielding	McEwen	Williams (Teller)
Brandis	Fifield	McLucas	Wortley
Brown, Carol	Forshaw	Moore	
Bushby	Furner	O'Brien	

Question negatived.

**23 FOREIGN AFFAIRS—DALAI LAMA**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 833—That the Senate—

- (a) congratulates His Holiness the Dalai Lama on celebrating his 75th birthday on 6 July 2010;
- (b) notes the Dalai Lama's unstinting commitment to non-violence, his pragmatism in seeking a 'Middle Way' approach in order to reach a peaceful and practical solution for the future of Tibet and its people and his work in promoting inter-religious understanding;
- (c) acknowledges the Dalai Lama's Nobel Peace Prize awarded in 1989, his US Congressional Gold Medal in 2007 and the many other awards and honours presented for his wide-ranging work in advocating peace, non-violence, inter-religious understanding, universal responsibility and compassion; and
- (d) expresses its hopes for a peacefully negotiated settlement between the Tibetan people and the People's Republic of China.

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

Question put.

The Senate divided—

AYES, 5

Senators—

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

NOES, 38

Senators—

Adams	Cormann	Kroger	Polley
Back	Crossin	Ludwig	Pratt
Barnett	Farrell	Lundy	Ronaldson
Bernardi	Feeney	Macdonald	Ryan
Bilyk	Ferguson	Marshall	Sterle
Bishop	Fielding	McEwen	Troeth
Boyce	Fifield	McLucas	Williams
Brown, Carol	Furner	Moore	Wortley
Cameron	Hurley	O'Brien (Teller)	
Collins	Hutchins	Parry	

Question negatived.

**24 IMMIGRATION—ASYLUM SEEKERS AND REFUGEES**

Senator Hanson-Young amended general business notice of motion no. 830 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) notes:
  - (i) the recent survey conducted by the Australian Red Cross on community attitudes towards asylum seekers and refugees, and
  - (ii) that this survey found that 67 per cent agreed that refugees have made a positive contribution to Australian society, while 83 per cent agreed that people fleeing persecution should be able to seek protection in another country;

- (b) recognises that an overwhelming majority of asylum seekers that arrive by boat have historically been found to be genuine refugees; and
- (c) calls on all sides of politics to recognise the positive contribution that refugees have made and continue to make to the diversity of our nation.

Question put and passed.

## 25 ENVIRONMENT—SOUTH AUSTRALIA—WATER SUPPLY

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 831—That the Senate—

- (a) notes that:
  - (i) there is significant opportunity for investment in stormwater harvesting and water efficiency, yet Adelaide remains reliant on the Murray River for its water supply, and
  - (ii) the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) has demanded an environmental dividend to reduce Adelaide's reliance on the Murray River, in exchange for Federal Government funding for a range of urban water projects; and
- (b) calls on the Federal Government to work with the South Australian Government to wean Adelaide off the Murray River for the long-term sustainability of the river system.

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

Question put.

The Senate divided—

### AYES, 5

Senators—

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

### NOES, 35

Senators—

Abetz	Crossin	Kroger	Parry
Adams	Farrell	Ludwig	Pratt
Barnett	Feeney	Lundy	Ronaldson
Bilyk	Ferguson	Macdonald	Ryan
Birmingham	Fielding	Marshall	Sterle
Bishop	Fifield	McEwen	Troeth
Cameron	Furner	McLucas	Williams (Teller)
Collins	Hurley	Moore	Wortley
Cormann	Hutchins	O'Brien	

Question negatived.

## 26 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 835—That the time for the presentation of the report of the Community Affairs References Committee on new therapeutic groups under the Pharmaceutical Benefits Scheme be extended to 26 August 2010.

Question put and passed.

**27 ADMINISTRATION—ADVERTISING CAMPAIGN—EXEMPTION FROM GUIDELINES—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Ronaldson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 827—That there be laid on the table by the Special Minister of State and Cabinet Secretary, no later than 2 pm on 23 June 2010, a copy of the draft: (a) letter to the Treasurer; and (b) statement to Parliament, both of which were prepared by the Department of Finance and Deregulation, and provided to the Minister on 14 May 2010, and which relate to the request from the Treasurer, of 10 May 2010, for an exemption from the *Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies* for the proposed advertising campaign relating to the Government's tax reforms.

Question put and passed.

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

**28 HEALTH—MOTOR NEURONE DISEASE GLOBAL DAY**

Senator Barnett, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 829—That the Senate—

(a) notes that:

- (i) motor neurone disease (MND) Global Day on 21 June 2010 represents an important opportunity to acknowledge those around the world affected by MND,
- (ii) in Australia alone, more than 1 400 people have MND and the disease takes the life of more than 10 Australians every week,
- (iii) there is no known cause in 90 per cent of cases, no cure and no effective treatment for MND, and
- (iv) the most pressing need for those affected by MND and their families includes easy and timely access to appropriate care and support, including access to aids, equipment and assistance with basic daily living such as mobility, communication, feeding and breathing to maintain independence and quality of life; and

(b) calls on the Government to continue its funding for MND research and improving health and disability services for all those affected.

Question put and passed.

**29 AGRICULTURAL AND RELATED INDUSTRIES—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Parry, at the request of the Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 826—That the time for the presentation of the report of the Select Committee on Agricultural and Related Industries on the incidence and severity of bushfires across Australia be extended to 13 August 2010.

Question put and passed.

**30 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—  
EXTENSION OF TIME TO REPORT**

Senator Parry, at the request of the Chair of the Environment, Communications and the Arts References Committee (Senator Fisher) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 834—That the time for the presentation of the final report of the Environment, Communications and the Arts References Committee on the Energy Efficient Homes Package be extended to 24 June 2010.

Question put and passed.

**31 REFORM OF THE AUSTRALIAN FEDERATION—SELECT COMMITTEE—EXTENSION OF  
TIME TO REPORT**

Senator Parry, at the request of the Chair of the Select Committee on the Reform of the Australian Federation (Senator Trood) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 837—That the time for the presentation of the report of the Select Committee on the Reform of the Australian Federation be extended to 17 November 2010.

Question put and passed.

**32 ENVIRONMENT—ENERGY EFFICIENCY TASK FORCE—REPORT—ORDER FOR  
PRODUCTION OF DOCUMENT**

Senator Parry, at the request of Senator Birmingham and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 823—That there be laid on the table by the Minister representing the Prime Minister, no later than noon on 23 June 2010, a copy of the report prepared by the Energy Efficiency task force and provided to the Prime Minister in September 2008, as confirmed by the Department of the Prime Minister and Cabinet in response to a question taken on notice on 25 March 2010 and received on 19 April 2010 by the Environment, Communications and the Arts References Committee's as the answer to Question 3 in its inquiry into the Energy Efficient Homes Package.

Question put and passed.

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

**33 NOTICE OF MOTION WITHDRAWN**

Senator Parry withdrew general business notice of motion no. 840 standing in his name for today, relating to hours of meeting and routine of business for 23 June and 24 June 2010.

**34 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—CAMPAIGN  
ADVERTISING**

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

The Labor Government's decision to spend \$38 million advertising their proposed new super tax.

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

**35 DEFENCE—LOSS OF THE MONTEVIDEO MARU—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Defence—Loss of the *Montevideo Maru*—Ministerial statement by the Minister for Veterans' Affairs and Minister for Defence Personnel (Mr Griffin), dated 21 June 2010.

**36 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2010-2011  
 APPROPRIATION BILL (NO. 1) 2010-2011  
 APPROPRIATION BILL (NO. 2) 2010-2011  
 CORPORATIONS AMENDMENT (CORPORATE REPORTING REFORM) BILL 2010  
 FINANCIAL SECTOR LEGISLATION AMENDMENT (PRUDENTIAL REFINEMENTS AND OTHER MEASURES) BILL 2010  
 NATIONAL HEALTH AMENDMENT (CONTINENCE AIDS PAYMENT SCHEME) BILL 2010  
 TAX LAWS AMENDMENT (2010 GST ADMINISTRATION MEASURES NO. 3) BILL 2010  
 TERRITORIES LAW REFORM BILL 2010**

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

Message no. 624, dated 22 June 2010—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 622, dated 22 June 2010—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 623, dated 22 June 2010—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

Message no. 625, dated 22 June 2010—A Bill for an Act to amend the law in relation to corporations, and for related purposes.

Message no. 620, dated 21 June 2010—A Bill for an Act to amend the law relating to banking, insurance and superannuation, and for other purposes.

Message no. 618, dated 21 June 2010—A Bill for an Act to amend the law relating to health, and for related purposes.

Message no. 619, dated 21 June 2010—A Bill for an Act to amend legislation relating to indirect tax, and for related purposes.

Message no. 621, dated 21 June 2010—A Bill for an Act to amend the law relating to Norfolk Island, Christmas Island and the Cocos (Keeling) Islands, and for other purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) 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 Carr moved—That these bills be now read a second time.



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*Explanatory memorandum:* Senator Carr tabled a revised explanatory memorandum relating to the Corporations Amendment (Corporate Reporting Reform) Bill 2010.

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

*Consideration of legislation:* Senator Carr moved—That Appropriation (Parliamentary Departments) Bill (No. 1) 2010-2011, Appropriation Bill (No. 1) 2010-2011 and Appropriation Bill (No. 2) 2010-2011 be listed on the *Notice Paper* as one order of the day, and the remaining bills be listed as separate orders of the day.

Question put and passed.

**37 AUDITOR-GENERAL—AUDIT REPORT NO. 46 OF 2009-10—DOCUMENT**

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

Auditor-General—Audit report no. 46 of 2009-10—Performance audit—Child support reform: Building a better Child Support Agency: Department of Human Services.

**38 COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—PETROL SNIFFING IN ABORIGINAL COMMUNITIES**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Community Affairs References Committee—Reports—Beyond petrol sniffing: Renewing hope for Indigenous communities; and Grasping the opportunity of Opal: Assessing the impact of the petrol sniffing strategy—Government response.

**39 AUSTRALIAN CRIME COMMISSION—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIAN CRIME COMMISSION—REPORT FOR 2007-08**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Australian Crime Commission—Joint Statutory Committee—Report—Examination of the annual report for 2007-08 of the Australian Crime Commission—Government response, dated June 2010.

**40 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—INQUIRY INTO LAW ENFORCEMENT INTEGRITY MODELS**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Report—Inquiry into law enforcement integrity models—Government response, dated June 2010.

**41 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—INTEGRITY COMMISSIONER—REPORT FOR 2007-08**

The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following document:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Report—Examination of the annual report for 2007-08 of the Integrity Commissioner—Government response, dated June 2010.

**42 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—AUSTRALIAN INTELLIGENCE AGENCIES**

Senator Marshall, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Intelligence and Security—Joint Statutory Committee—Review of administration and expenditure: No. 8 – Australian intelligence agencies—Report, dated June 2010.

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

Question put and passed.

**43 PROCEDURE—STANDING COMMITTEE—2ND REPORT OF 2010**

Senator Bushby, at the request of the Chair of the Procedure Committee (Senator Ferguson), tabled the following report:

Procedure—Standing Committee—2nd report of 2010—Arrangements for the opening of Parliament; Rules for questions under standing order 73, dated June 2010.

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

**44 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

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

Corporations and Financial Services—Joint Statutory Committee—Statutory oversight of the Australian Securities and Investments Commission—Report, dated June 2010 and Hansard record of proceedings.

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

**45 TREATIES—JOINT STANDING COMMITTEE—111TH AND 112TH REPORTS**

Senator Bushby, on behalf of the Joint Standing Committee on Treaties, tabled the following reports:

Treaties—Joint Standing Committee—

111th report—Treaties tabled on 25 November 2009 (3), and 4 and 24 February 2010, dated June 2010.

112th report—Treaties tabled on 9, 10, 15, 16 and 29 March 2010, dated June 2010.

**46 PRIVILEGES—STANDING COMMITTEE—145TH REPORT**

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

Privileges—Standing Committee—145th report—Persons referred to in the Senate—Mr Geordie Guy on behalf of Electronic Frontiers Australia Inc., dated June 2010.

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

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

Question put and passed.

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

**47 PRIVILEGES—STANDING COMMITTEE—146TH REPORT**

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

Privileges—Standing Committee—146th report—Person referred to in the Senate—Ms Vicki Dunstan on behalf of the Church of Scientology Australia, dated June 2010.

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

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

Question put and passed.

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

**48 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—WILD RIVERS (ENVIRONMENTAL MANAGEMENT) BILL 2010 [NO. 2]**

Senator McEwen, 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—Wild Rivers (Environmental Management) Bill 2010 [No. 2]—Report, dated June 2010, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

**49 MIGRATION—JOINT STANDING COMMITTEE—REPORT—MIGRATION TREATMENT OF DISABILITY**

Senator McEwen, on behalf of the Joint Standing Committee on Migration, tabled the following report and documents:

Migration—Joint Standing Committee—Enabling Australia: Inquiry into the migration treatment of disability—Report, dated June 2010, Hansard record of proceedings, minutes of the committee and submissions.

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

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

**50 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Bureau of Statistics Act—Proposals Nos—

8 of 2010—Livestock Slaughtered Survey.

9 of 2010—Livestock Coverage Survey.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 205/10—Instructions – for approved use of P-RNAV procedures [F2010L01566]\*.

Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/BEECH 65/64 Amdt 1—Wing Structural Fatigue Limitation [F2010L01658]\*.

AD/F50/102—State of Design Airworthiness Directives [F2010L01613]\*.

Instrument No. CASA EX45/10—Exemption – issue of export airworthiness approvals [F2010L01478]\*.

Commonwealth Authorities and Companies Act—Notice under section 45—Australian Rail Track Corporation Limited.

Corporations Act—Select Legislative Instrument 2010 No. 135—Corporations Amendment Regulations 2010 (No. 5) [F2010L01585]\*.

Health Insurance Act—Health Insurance (Positron Emission Tomography) Facilities Determination 2010 [F2010L01605]\*.

Higher Education Support Act—Funding Agreement under section 30-25, in respect of grant years—2009, 2010 and 2011, dated 8 June 2010—The University of Western Australia.

Independent Contractors Act—Select Legislative Instrument 2010 No. 134—Independent Contractors Amendment Regulations 2010 (No. 1) [F2010L01586]\*.

National Consumer Credit Protection Act—Select Legislative Instrument 2010 No. 137—National Consumer Credit Protection Amendment Regulations 2010 (No. 3) [F2010L01578]\*.

National Consumer Credit Protection (Transitional and Consequential Provisions) Act—Select Legislative Instrument 2010 No. 139—National Consumer Credit Protection (Transitional and Consequential Provisions) Amendment Regulations 2010 (No. 3) [F2010L01580]\*.

National Health Act—Instruments Nos PB—

54 of 2010—Amendment declaration and determination – drugs and medicinal preparations [F2010L01623]\*.

56 of 2010—Amendment determination – responsible persons [F2010L01631]\*.

57 of 2010—Amendment determination – price determinations and special patient contributions [F2010L01635]\*.

58 of 2010—Amendment determination – conditions [F2010L01622]\*.

60 of 2010—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2010L01644]\*.

National Health Security Act—Select Legislative Instrument 2010 No. 128—National Health Security Amendment Regulations 2010 (No. 1) [F2010L01071]\*.

Primary Industries and Energy Research and Development Act—Select Legislative Instrument 2010 No. 126—Fisheries Research and Development Corporation Amendment Regulations 2010 (No. 1) [F2010L01584]\*.

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2010 (No. 3) [F2010L01646]\*.

Private Health Insurance (Complying Product) Amendment Rules 2010 (No. 2) [F2010L01647]\*.

Therapeutic Goods Act—Select Legislative Instruments 2010 Nos—

129—Therapeutic Goods Amendment Regulations 2010 (No. 2) [F2010L01285]\*.

130—Therapeutic Goods Amendment Regulations 2010 (No. 3) [F2010L01282]\*.

\* Explanatory statement tabled with legislative instrument.

#### 51 AVIATION TRANSPORT SECURITY AMENDMENT REGULATIONS—PROPOSED DISALLOWANCE

Senator Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 2—That the Aviation Transport Security Amendment Regulations 2010 (No. 1), as contained in Select Legislative Instrument 2010 No. 80 and made under the *Aviation Transport Security Act 2004*, be disallowed.

Debate ensued.

*At 6.50 pm:* Debate was interrupted while the Minister for Immigration and Citizenship (Senator Evans) was speaking.

#### 52 WILD RIVERS (ENVIRONMENTAL MANAGEMENT) BILL 2010 [No. 2]

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

Debate resumed.

*Limitation of debate:* The time allotted for the consideration of the bill expired.

Question—That this bill be now read a second time—put.

The Senate divided—

AYES, 34

Senators—

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

## NOES, 32

Senators—

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

Question agreed to.

Bill read a second time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.

The Senate divided—

## AYES, 34

Senators—

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

## NOES, 32

Senators—

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

Question agreed to.

Bill read a third time.

## 53 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.49 pm till Wednesday, 23 June 2010 at 9.30 am.

**54 ATTENDANCE**

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

**ROSEMARY LAING**  
Clerk of the Senate