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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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## 1 MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair and read prayers.

## 2 NOTICES

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That the Senate shall sit on Monday, 22 March 2010 and that:

- (a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 10.30 pm;
- (b) the routine of business shall be as set out in standing order 57(1)(a); and
- (c) the question for the adjournment of the Senate shall be proposed at 9.50 pm.

The Leader of the Family First Party (Senator Fielding): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to restrict the hours during which takeaway alcoholic beverages can be sold, and for related purposes. **Responsible Takeaway Alcohol Hours Bill 2010.** (*general business notice of motion no. 738*)

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

- (a) recalls that:
  - (i) the return to order motion that Senator Milne moved on 16 September 2009 seeking a map of Australian forest cover (using the Kyoto definition of forest) for each year since 1990, at the highest available resolution, in any widely used GIS format, to be tabled by 26 October 2009, was supported,
  - (ii) the Government tabled a response which stated ‘The Government is pursuing this matter however we are currently unable to satisfy the timeline for the production of these documents owing to the inter-departmental consultations that the order has required’, and
  - (iii) 9 weeks later, on 18 November 2009, the Senate again supported the return to order motion and that the Government tabled on 19 November 2009 a response which stated that ‘The Government intends to provide the material requested. We have previously advised the Senate that we have been unable to satisfy the timeline for the production of these documents owing to the inter-departmental consultations that the order has required. These consultations have not yet concluded’;
- (b) notes that:
  - (i) 6 months has now passed since the first motion was supported, and
  - (ii) the scrutiny of the forest cover maps is essential for confidence in the National Greenhouse Gas Inventory; and
- (c) calls on the Government to comply with the demand of the Senate and table the maps by 10 am on 18 March 2010. (*general business notice of motion no. 739*)

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

- Antarctic Treaty (Environment Protection) Amendment Bill 2010
- Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010
- Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010
- Family Assistance Legislation Amendment (Child Care) Bill 2010

Social Security and Family Assistance Legislation Amendment (Weekly Payments) Bill 2010  
 Tax Laws Amendment (2010 Measures No. 1) Bill 2010.

*Documents:* Senator Ludwig tabled the following documents:

Consideration of legislation—Statements of reasons [6] for introduction and passage of the bills in the 2010 autumn sittings.

### 3 ORDER OF BUSINESS—REARRANGEMENT

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

No. 4 Corporations Amendment (Financial Market Supervision) Bill 2010  
 Corporations (Fees) Amendment Bill 2010.

No. 5 Tax Laws Amendment (2009 Measures No. 6) Bill 2009.

No. 6 Tax Laws Amendment (2009 GST Administration Measures) Bill 2009.

Tax Laws Amendment (2010 GST Administration Measures No. 1) Bill 2010.

No. 7 Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009.

Question put and passed.

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

- (a) general business order of the day no. 123 (Food Importation (Bovine Meat Standards) Bill 2010); and
- (b) orders of the day relating to government documents.

Question put and passed.

Senator O'Brien, by leave and at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), moved—That business of the Senate order of the day no. 1, relating to the presentation of the report of the Environment, Communications and the Arts Legislation Committee on annual reports tabled by 31 October 2009, be postponed till a later hour.

Question put and passed.

### 4 POSTPONEMENT

The following item of business was postponed:

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 15 March 2010.

### 5 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 Tax Laws Amendment (2010 GST Administration Measures No. 1) Bill 2010, allowing it to be considered during this period of sittings.

Question put and passed.

**6 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator O'Brien, at the request of Senator Carol Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 735—That the Joint Standing Committee on Electoral Matters be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Monday, 15 March 2010, from 12.30 pm.

Question put and passed.

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

Senator Parry, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 736—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity:

- (a) be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 11 March 2010, from noon; and
- (b) be authorised to hold a public meeting during the sitting of the Senate on Thursday, 11 March 2010, from 12.15 pm, to take evidence for the committee's inquiry into the examination of the annual report 2008-09 of the Integrity Commissioner.

Question put and passed.

**8 OMBUDSMAN AMENDMENT (EDUCATION OMBUDSMAN) BILL 2010**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 737—That the following bill be introduced:

A Bill for an Act to amend the *Ombudsman Act 1976* to establish the Education Ombudsman, and for related purposes.

Question put and passed.

Senator Hanson-Young presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

## 9 HEALTH—WORLD KIDNEY DAY

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 734—That the Senate—

- (a) notes that:
  - (i) Thursday, 11 March 2010 is World Kidney Day,
  - (ii) World Kidney Day is a global health awareness campaign focusing on the importance of our kidneys, and on reducing the frequency and impact of kidney disease and its associated health problems worldwide, and
  - (iii) the focus of World Kidney Day is diabetes which, along with high blood pressure, are the key risk factors in chronic kidney disease;
- (b) recognises the early detection of kidney disease can reduce the risk of complications and thereby dramatically reduce the growing burden of disability and death from chronic renal disease;
- (c) acknowledges that Type 2 diabetes is the fastest growing chronic disease in Australia, with on average 1 500 new cases identified every week and nearly one in four Australians having either impaired glucose metabolism or diabetes;
- (d) calls attention to the alarmingly high rates of diabetes, high blood pressure and renal disease within Aboriginal Australians, noting:
  - (i) Aboriginal people are 3.4 times more likely than non-Aboriginal people to have diabetes or pre-diabetes,
  - (ii) the Kimberly population has the fourth highest prevalence of Type 2 diabetes in the world,
  - (iii) gestational diabetes is up to 20 per cent higher in the Aboriginal population compared with the non-Aboriginal population, and
  - (iv) kidney disease is 10 times more likely to occur in Aboriginal people when compared with non-Aboriginal people;
- (e) notes the special ecumenical service for renal sufferers being held on 11 March 2010 in Alice Springs in recognition of the anguish experienced by Nura Ward and others like her who must leave their homelands forever to receive dialysis in a city far from their family and culture; and
- (f) calls:
  - (i) on the Federal Government to put greater resources into education and prevention for diabetes and kidney disease, particularly targeting Aboriginal communities and others at high risk, and
  - (ii) for a much greater commitment to planning to meet the emerging need for services and support for those with renal disease, particularly in regional and remote communities.

Question put and passed.

## 10 INDUSTRIAL RELATIONS—OCCUPATIONAL HEALTH AND SAFETY LAWS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 724—That the Senate—

- (a) recognises that there were more than 150 work-related fatalities in Australia in 2008-09, an increase of 14 per cent over the previous year;
- (b) acknowledges the right of all workers to a safe and healthy workplace;

- (c) notes that the Government is planning to harmonise occupational health and safety laws across the nation; and
- (d) calls on the Government to ensure that the harmonised occupational health and safety laws will not reduce standards of occupational health and safety in any workplaces or weaken the rights of employees and their representatives with respect to occupational health and safety regulation.

*Statement by leave:* Senator Abetz, by leave, made a statement relating to the motion.

Question put and passed.

#### 11 COMMUNICATIONS—NATIONAL BROADBAND NETWORK IMPLEMENTATION STUDY—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. 733—That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy, no later than 10 am on Wednesday, 17 March 2010, a copy of the National Broadband Network Implementation Study.

Senator Parry, by leave, moved the following amendment:

At the end of the motion, add “and government response”.

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

Main question, as amended, put and passed.

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

#### 12 DEFENCE—AFGHANISTAN—AUSTRALIAN DEFENCE FORCE INVESTIGATIVE SERVICE—PROPOSED INQUIRY

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. 728—That the Senate—

(a) notes:

- (i) the tragic events of 13 February 2009 when Australian Defence Forces conducted an operation in Afghanistan in which six civilians were killed, including an adult man, a teenage girl, two boys aged 10 and 11 and two babies, aged 1 and 2, and
- (ii) the Special Broadcasting Service Corporation’s *Dateline* program of 7 March 2010 which revealed that it took 6 months for the investigation of this incident to be referred to the Australian Defence Force Investigative Service and that the Afghani individuals involved in the incident have not been interviewed; and

(b) calls for an independent inquiry into this tragic episode.

*Statements by leave:* The Minister for Defence (Senator Faulkner) and Senator Bob Brown, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob  
Hanson-Young

Ludlam  
Milne

Siewert (Teller)

Xenophon

## NOES, 41

## Senators—

Adams	Crossin	Hurley	Payne
Back	Farrell	Hutchins	Polley
Barnett	Faulkner	Johnston	Pratt
Bernardi	Feeny	Ludwig	Ryan
Bilyk	Ferguson	Lundy	Sterle
Birmingham	Fielding	Marshall	Troeth
Bishop	Fierravanti-Wells	McEwen	Trood
Boyce	Fifield	Moore	Wortley
Brown, Carol	Forshaw	Nash	
Cameron	Furner	O'Brien (Teller)	
Cormann	Hogg	Parry	

Question negatived.

## 13 FINANCE—ATM FEES

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. 730—That the Senate—

(a) notes that:

- (i) in 2000 the Payments System Board of the Reserve Bank of Australia (RBA) and the Australian Competition and Consumer Commission (ACCC) conducted a study into one aspect of the Australian payments system, the networks for automated teller machines (ATMs), credit cards and debit cards to determine the economic efficiency of these networks and whether they were delivering the best possible service at the lowest cost to end-users,
- (ii) the study found that the actual cost of ATM transactions was around 50 cents, and
- (iii) the current average cost of an ATM transaction from a 'foreign' ATM directly charged to consumers is up to \$2;

(b) recommends that, given that the actual operation costs of processing ATM transactions is likely to have decreased in the past decade, the RBA and the ACCC undertake another review of the cost of ATM transactions to update the information on transaction costs to customers; and

(c) calls on the Government to ban the \$2 bank ATM fee and instead cap ATM fees at a level that reflects the actual cost of processing the ATM transactions.

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

Question put.

The Senate divided—

## AYES, 7

## Senators—

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



## NOES, 36

Senators—

Adams	Crossin	Hurley	O'Brien
Back	Farrell	Hutchins	Parry (Teller)
Barnett	Feeney	Johnston	Payne
Bilyk	Ferguson	Ludwig	Polley
Bishop	Fierravanti-Wells	Lundy	Pratt
Boyce	Fifield	Marshall	Ryan
Brown, Carol	Forshaw	McEwen	Sterle
Cameron	Furner	Moore	Troeth
Cormann	Hogg	Nash	Wortley

Question negatived.

**14 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—BUDGET AND ADDITIONAL ESTIMATES 2009-10—DOCUMENTS**

Senator O'Brien, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following documents and additional information received by the committee:

Finance and Public Administration Legislation Committee—

Budget estimates 2009-10 (Supplementary)—Additional information received between 26 November 2009 and 10 March 2010—

Finance and Deregulation portfolio.

Human Services portfolio.

Prime Minister and Cabinet portfolio.

Additional estimates 2009-10—Hansard record of proceedings, documents presented to the committee and additional information received between 8 February and 10 March 2010—

Finance and Deregulation portfolio.

Human Services portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

**15 CRIMES AMENDMENT (WORKING WITH CHILDREN—CRIMINAL HISTORY) BILL 2009**

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

Message no. 529, dated 10 March 2010—Crimes Amendment (Working With Children—Criminal History) Bill 2009.

**16 ANTARCTIC TREATY (ENVIRONMENT PROTECTION) AMENDMENT BILL 2010 TAX LAWS AMENDMENT (2010 MEASURES NO. 1) BILL 2010**

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

Message no. 530, dated 10 March 2010—A Bill for an Act to amend the law relating to the protection of the Antarctic environment, and for related purposes.

Message no. 531, dated 10 March 2010—A Bill for an Act to amend the law relating to taxation, and for related purposes.

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

Question put and passed.

Bills read a first time.

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

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

Senator Ludwig moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

#### 17 NATIONAL HEALTH DETERMINATIONS—DISALLOWANCE

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

- (a) Parts 8, 9 and 10 of Schedule 1 of the National Health (Pharmaceutical Benefits – Therapeutic Groups) Determination 2010 (Instrument Number PB 1 of 2010), made under subsection 84AG(1) of the *National Health Act 1953*, be disallowed; and
- (b) Amendment determination – Drugs on F1 and drugs in Part A of F2 (Instrument number PB 2 of 2010), made under subsections 85AB(1) and 85AC(1) of the *National Health Act 1953*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

#### AYES, 35

Senators—

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

#### NOES, 33

Senators—

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

Question agreed to.

**18 ECONOMICS REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 2—That the following matters be referred to the Economics References Committee for inquiry and report by 24 June 2010:

- (a) the appropriateness of applying the Public Benefit Test currently in place in the United Kingdom's Charities Act 2006, including balancing benefits against any detriment or harm, to charitable and religious organisations in Australia with respect to their tax exempt status;
- (b) whether there is a need to amend Division 50 of the *Income Tax Assessment Act 1997* to accommodate such as test; and
- (c) any related matters.

Debate ensued.

Question put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 34

Senators—

Adams (Teller)	Cormann	Hurley	Parry
Back	Crossin	Hutchins	Pratt
Bernardi	Farrell	Ludwig	Sherry
Bilyk	Feeney	Lundy	Sterle
Bishop	Fielding	Marshall	Troeth
Boyce	Fifield	McEwen	Wong
Bushby	Fisher	McLucas	Wortley
Cameron	Forshaw	Moore	
Collins	Furner	Nash	

Question negatived.

**19 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS**

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

Reports on annual reports referred to legislation committees—No. 1 of 2010, dated March 2010—

Community Affairs Legislation Committee.

Education, Employment and Workplace Relations Legislation Committee.

Finance and Public Administration Legislation Committee.

Foreign Affairs, Defence and Trade Legislation Committee.

Legal and Constitutional Affairs Legislation Committee.

Rural and Regional Affairs and Transport Legislation Committee.

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

**20 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (CONFIDENTIALITY OF TAXPAYER INFORMATION) BILL 2009**

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

Economics Legislation Committee—Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 [Provisions]—Report, dated March 2010, Hansard record of proceedings and submissions.

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

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

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Nash) tabled the following report:

Rural and Regional Affairs and Transport References Committee—Import restrictions on beef—Third interim report, dated 11 March 2010.

*Extension of time to report:* Senator Nash, by leave, moved—That the Senate adopt the recommendation of the interim report that the time for the presentation of the report be extended to 18 March 2010.

Question put and passed.

**22 CYBER-SAFETY—JOINT SELECT COMMITTEE—APPOINTMENT**

Order of the day read for the consideration of message no. 523 from the House of Representatives (*see entry no. 27, 9 March 2010*).

The Assistant Treasurer (Senator Sherry) moved—That the Senate concurs with the resolution of the House of Representatives contained in message no. 523 relating to the appointment of the Joint Select Committee on Cyber-Safety.

Senator Parry moved the following amendment:

At the end of the motion, add “subject to the following modification:

Omit paragraph (2), substitute:

- (2) That the committee consist of 12 Members, 4 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips, and 1 Member from the independent Members, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate, and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.”.

Debate ensued.

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

Main question, as amended, put and passed.

**23 TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) 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.

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

**24 CORPORATIONS AMENDMENT (FINANCIAL MARKET SUPERVISION) BILL 2010  
CORPORATIONS (FEES) AMENDMENT BILL 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 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.

**25 TAX LAWS AMENDMENT (2009 MEASURES NO. 6) BILL 2009**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

**26 TAX LAWS AMENDMENT (2009 GST ADMINISTRATION MEASURES) 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.

**27 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 Tax Laws Amendment (2010 GST Administration Measures No. 1) Bill 2010.

Question put and passed.

**28 TAX LAWS AMENDMENT (2010 GST ADMINISTRATION MEASURES NO. 1) BILL 2010**

Order 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.

**29 CRIMES LEGISLATION AMENDMENT (TORTURE PROHIBITION AND DEATH PENALTY ABOLITION) 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 Minister for Innovation, Industry, Science and Research (Senator Carr) the bill was read a third time.

**30 TELECOMMUNICATIONS LEGISLATION AMENDMENT (COMPETITION AND CONSUMER SAFEGUARDS) 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.

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

**31 QUESTIONS**

Questions without notice were answered.

**32 MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Ryan moved—That the Senate take note of the answers given by the Minister for Climate Change, Energy Efficiency and Water (Senator Wong) to questions without notice asked by Senators Birmingham, Ryan, Colbeck and Boswell today relating to the home insulation program and to renewable energy.

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Assistant Treasurer (Senator Sherry) to a question without notice asked by Senator Milne today relating to Tasmania's regional forest agreement.

Question put and passed.

33 **ECONOMICS—ECONOMIC STIMULUS AND ENVIRONMENT POLICY—HOME INSULATION PROGRAM—MINISTERIAL STATEMENT—DOCUMENT**

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

Economics—Home Insulation Program—Ministerial statement by the Minister Assisting the Minister for Climate Change and Energy Efficiency (Mr Combet), dated 10 March 2010.

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

Debate ensued.

Question put and passed.

34 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2010**

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2010

1. The committee met in private session on Thursday, 11 March 2010 at 11.58 am.
2. The committee resolved to recommend—That the order of the Senate of 25 February 2010 adopting the committee's 3rd report of 2010 be varied to provide that the *provisions* of the Anti-People Smuggling and Other Measures Bill 2010 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 11 May 2010.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
  - Customs Tariff Amendment Bill (No. 1) 2010
  - Ombudsman Amendment (Education Ombudsman) Bill 2010
  - Personal Property Securities (Corporations and Other Amendments) Bill 2010
  - Transport Security Legislation Amendment (2010 Measures No. 1) Bill 2010
  - Veterans' Entitlements Amendment (Income Support Measures) Bill 2010.

*The committee recommends accordingly.*
4. The committee deferred consideration of the following bills to its next meeting:
  - Food Importation (Bovine Meat Standards) Bill 2010
  - Keeping Jobs from Going Offshore (Protection of Personal Information) Bill 2009
  - Social Security Amendment (Flexible Participation Requirements for Principal Carers) Bill 2010.

Kerry O'Brien

Chair

11 March 2010.

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

Question put and passed.

**35 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—  
REPORT—ANNUAL REPORTS**

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

Environment, Communications and the Arts Legislation Committee—Annual reports referred to committees—Report no. 1 of 2010, dated March 2010.

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

**36 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Acts Interpretation Act—Acts Interpretation (Substituted Reference – Section 19B) Amendment Order 2010 (No. 1) [F2010L00644]\*.

Australian Capital Territory (Planning and Land Management) Act—National Capital Plan—Amendment 70—Section 87 and Part Sections 83 and 85 Fyshwick and Appendix E [F2010L00623]\*.

Civil Aviation Act—

Civil Aviation Regulations—Civil Aviation Order 82.6 Amendment Order (No. 1) 2010 [F2010L00628]\*.

Civil Aviation Safety Regulations—Instrument No. CASA ADCX 002/10—Revocation of Airworthiness Directives [F2010L00636]\*.

Customs Act—Tariff Concession Orders—

0924093 [F2010L00393]\*.

0924094 [F2010L00394]\*.

0925206 [F2010L00404]\*.

0925796 [F2010L00408]\*.

0925987 [F2010L00409]\*.

0926151 [F2010L00407]\*.

0927024 [F2010L00410]\*.

0927403 [F2010L00411]\*.

0929386 [F2010L00522]\*.

Higher Education Support Act—

HECS-HELP Benefit Guidelines No. 1 [F2010L00630]\*.

Higher Education Provider Approval (No. 2 of 2010)—TCOL Ltd [F2010L00640]\*.

Radiocommunications Act—Radiocommunications (Transmitter Licences – Auction) Amendment Determination 2010 (No. 1) [F2010L00571]\*.

Social Security Act—Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2010 (No. 1) [F2010L00645]\*.

Veterans' Entitlements Act—Statements of Principles concerning—

Accidental Hypothermia No. 17 of 2010 [F2010L00562]\*.

Accidental Hypothermia No. 18 of 2010 [F2010L00563]\*.

Malignant Neoplasm of the Eye No. 15 of 2010 [F2010L00559]\*.

Malignant Neoplasm of the Eye No. 16 of 2010 [F2010L00560]\*.



Malignant Neoplasm of the Small Intestine No. 19 of 2010 [F2010L00565]\*.  
Osteoarthritis No. 13 of 2010 [F2010L00557]\*.  
Osteoarthritis No. 14 of 2010 [F2010L00558]\*.  
Sinusitis No. 9 of 2010 [F2010L00553]\*.  
Sinusitis No. 10 of 2010 [F2010L00554]\*.  
Suicide and Attempted Suicide No. 11 of 2010 [F2010L00555]\*.  
Suicide and Attempted Suicide No. 12 of 2010 [F2010L00556]\*.

\* Explanatory statement tabled with legislative instrument.

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

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2009—Statements of compliance—

Attorney-General's portfolio agencies.  
Broadband, Communications and the Digital Economy portfolio agencies.  
Department of Foreign Affairs and Trade.  
Environment, Water, Heritage and the Arts portfolio agencies.  
Finance and Deregulation portfolio agencies.  
Human Services portfolio agencies.  
Office of the Official Secretary to the Governor-General.  
Resources, Energy and Tourism portfolio agencies.  
Treasury portfolio agencies.

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

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

Departmental and agency contracts for 2009—Letters of advice—  
Families, Housing, Community Services and Indigenous Affairs portfolio agencies.  
Resources, Energy and Tourism portfolio agencies.

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

The following documents were tabled pursuant to the order of the Senate of 25 February 2010:

Environment—Commonwealth radioactive waste dump—Reports [10] submitted to the Commonwealth Government by Parsons Brinckerhoff relating to proposed sites for radioactive waste dumps in the Northern Territory [part (a)] and a statement responding to part (b).

**40 COMMITTEE MEMBERSHIP**

The Deputy President (Senator Ferguson) 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:

**Finance and Public Administration References Committee—**

Discharged—Senator Parry

Appointed—

Senator Williams

Participating member: Senator Parry

**Legal and Constitutional Affairs Legislation Committee—**

Discharged—Senator Fisher

Appointed—

Senator Parry

Participating member: Senator Fisher

**Legal and Constitutional Affairs References Committee—**

Discharged—Senator Fisher

Appointed—

Senator Parry

Participating member: Senator Fisher

**National Capital and External Territories—Joint Standing Committee—**

Discharged—Senator Joyce

Appointed—Senator Adams.

Question put and passed.

*General business was called on.***41 FOOD IMPORTATION (BOVINE MEAT STANDARDS) BILL 2010**

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

That this bill be now read a second time.

Debate resumed.

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*Document:* Senator Heffernan, by leave, tabled the following document:Food Importation (Bovine Meat Standards) Bill 2010—Bovine spongiform encephalopathy (BSE)—Media release by R-CALF United Stockgrowers of America, dated 10 March 2010.

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*Closure:* Senator Parry moved—That the question be now put.

Question—That the question be now put—put.

A division was called for.

Pursuant to standing order 57(3) consideration of the matter was adjourned.

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That the votes be taken after the discovery of formal business on the next day of sitting.

Question put and passed.

**42 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 Fisher in continuation.

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

Department of Resources, Energy and Tourism—Report for 2008-09, including Geoscience Australia report for 2008-09. Motion of Senator Parry to take note of document called on. On the motion of Senator McEwen the debate was adjourned till Thursday at general business.

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

Australian Institute of Marine Science (AIMS)—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Commonwealth Grants Commission—Report for 2008-09. Motion of Senator Parry to take note of document called on. Debate adjourned till Thursday at general business, Senator Parry in continuation.

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

*General business concluded.*

**43 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:

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

Environment, Communications and the Arts References Committee—Report—Forestry and mining operations on the Tiwi Islands. Motion of the chair of the committee to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

Treaties—Joint Standing Committee—Report 106—Nuclear non-proliferation and disarmament. Motion of Senator McGauran to take note of report called on. Debate adjourned till the next day of sitting, Senator Parry in continuation.

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

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

Auditor-General—Audit report no. 21 of 2009-10—Performance audit—Administration of the Water Smart Australia Program—Department of the Environment, Water, Heritage and the Arts; National Water Commission. Motion of Senator Parry to take note of document debated and agreed to.

Auditor-General—Audit report no. 23 of 2009-10—Performance audit—Illegal foreign fishing in Australia's northern waters—Australian Customs and Border Protection Service. Motion of Senator Parry to take note of document agreed to.

Order of the day no. 3 relating to reports of the Auditor-General was called on but no motion was moved.

**45 ADJOURNMENT**

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

Debate ensued.

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*Document:* Senator Humphries, by leave, tabled the following document:

Health—Parliamentary Friends of Epilepsy—Report of the informal inquiry into the impact of epilepsy in Australia, dated 30 November 2009.

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Debate continued.

The Senate adjourned at 7.44 pm till Monday, 15 March 2010 at 12.30 pm.

**46 ATTENDANCE**

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

**ROSEMARY LAING**  
Clerk of the Senate