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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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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:

Aboriginal Land Commissioner—Report and recommendations to the Minister for Families, Housing, Community Services and Indigenous Affairs and to the Administrator of the Northern Territory—No. 71—Simpson Desert land claim stage IV comprising Simpson Desert land claim (claim no. 41) and Central Simpson Desert (repeat) land claim (claim no. 144) and explanatory statement by the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin).

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities—Report for 2008-09—Australian Federal Police.

Medibank Private Limited—Statement of corporate intent 2010 to 2012.

Treaties—*Multilateral*—Explanatory statement 12 of 2009—Amendment to Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

**3 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE LEGISLATION  
AMENDMENT BILL 2009**

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

Message no. 406, dated 15 September 2009—A Bill for an Act to amend the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, and for other purposes.

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

Question put and passed.

Bill read a first time.

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

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*Explanatory memorandum:* Senator Ludwig tabled a revised explanatory memorandum relating to the bill.

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*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.

**4 CONSIDERATION OF LEGISLATION**

The Special Minister of State (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—That the government business orders of the day relating to the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2009 and the Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009 may be taken together for their remaining stages.

Question put and passed.

**5 AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TEST REVIEW AND OTHER MEASURES) BILL 2009**

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

Debate resumed.

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*Explanatory memorandum:* The Minister for Immigration and Citizenship (Senator Evans) tabled a replacement explanatory memorandum relating to the bill.

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Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

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*Explanatory memoranda:* Senator Evans tabled a supplementary explanatory memorandum and a revised supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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Bill debated.

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

Schedule 1, item 1, page 3 (lines 4 and 5), omit the item, substitute:

**1 Section 19G**

Omit “permanent”, substitute “permanent or enduring”.

Schedule 1, items 3 and 4, page 3 (line 21) to page 4 (line 11), omit the items, substitute:

**3 Paragraph 21(3)(d)**

Repeal the paragraph, substitute:

- (d) has a permanent or enduring physical or mental incapacity, at the time the person made the application, that means the person:
  - (i) is not capable of understanding the nature of the application at that time; or
  - (ii) is not capable of demonstrating a basic knowledge of the English language at that time; or
  - (iii) is not capable of demonstrating an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship at that time; and

Note: The heading to subsection 21(3) is altered by omitting “*Permanent*” and substituting “*Permanent or enduring*” [physical and mental incapacity].

Schedule 1, item 7, page 4 (line 28) to page 5 (line 8), omit the item, substitute:

**7 Paragraph 26(1)(b)**

Repeal the paragraph, substitute:

- (b) has a permanent or enduring physical or mental incapacity, at the time the person made the application to become an Australian citizen, that means the person:
  - (i) is not capable of understanding the nature of the application at that time; or
  - (ii) is not capable of demonstrating a basic knowledge of the English language at that time; or
  - (iii) is not capable of demonstrating an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship at that time; or

Schedule 1, item 9, page 5 (line 17), omit “4,”.

Senator Hanson-Young moved the following amendment:

Schedule 1, page 4 (after line 27), after item 6, insert:

**6C After subsection 24(2)**

Insert:

*Minors*

- (2A) In making a decision under subsection (1) in relation to a person who is eligible to become an Australian citizen under subsection 21(5) (*the child*), the Minister must give primary consideration to the best interests of the child.

Debate ensued.

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

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Hanson-Young, in respect of Schedule 1, item 5.

Schedule 1, item 5 agreed to.

Bill, as amended, further debated.

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

## 6 QUESTIONS

Questions without notice were answered.

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*Distinguished visitors:* The President welcomed members of a parliamentary delegation from the Republic of Serbia led by the Speaker of the National Assembly, Her Excellency Professor Dr Slavica Djukic-Dejanovic, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

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Further questions without notice were answered.

## 7 MOTION TO TAKE NOTE OF ANSWERS

The Leader of the Opposition in the Senate (Senator Minchin) moved—That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and the Minister for Climate Change and Water (Senator Wong) to questions without notice asked by Senators Minchin, Macdonald and Milne today.

Debate ensued.

Question put and passed.

## 8 PETITION

The following petition, lodged with the Clerk by Senator Moore, was received:

From 1 141 petitioners, requesting that the Senate take action to retain the current restrictions on the parallel importation of books into Australia.

## 9 NOTICES

*Notices of motion:*

The Chair of the Education, Employment and Workplace Relations References Committee (Senator Humphries): To move on the next day of sitting—That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on the oversight of the child care industry be extended to 29 October 2009. (*general business notice of motion no. 556*)

The Chair of the Legal and Constitutional Affairs References Committee (Senator Barnett): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on Australia's judicial system and the role of judges be extended to 18 November 2009. (*general business notice of motion no. 557*)

Senator Cash: To move on 17 September 2009—That the following bill be introduced: A Bill for an Act to amend the *Renewable Energy (Electricity) Act 2000* in relation to certificates, and for other purposes. ***Renewable Energy (Certificates and Other Matters) Amendment Bill 2009***. (*general business notice of motion no. 558*)

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

- (a) notes that:
  - (i) Brown Mountain in East Gippsland, Victoria, is a natural treasure with 600-year-old trees (carbon dated) and at least five threatened species, including the long-footed potoroo, the spot-tailed quoll, the Orbost spiny crayfish, the sooty owl and the large brown tree frog,
  - (ii) the long-footed potoroo and the spot-tailed quoll are federally listed as endangered and the forests are covered by the East Gippsland Regional Forest Agreement which commits Victoria to ‘ecologically sustainable’ forest management including biodiversity conservation, and
  - (iii) Environment East Gippsland has been granted an injunction restraining VicForests from logging two forest areas at Brown Mountain;
- (b) calls on the Victorian Government to meet its ecological obligations to protect threatened wildlife by halting logging at Brown Mountain; and
- (c) calls on the Minister for Agriculture, Fisheries and Forestry (Mr Burke) and the Minister for the Environment, Heritage and the Arts (Mr Garrett) to ensure that the Victorian Government fulfils its ecological obligations and to inform the Senate, no later than 26 October 2009, of the steps they are taking to do so. (*general business notice of motion no. 559*)

The Leader of the Opposition in the Senate (Senator Minchin): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Renewable Energy (Electricity) Act 2000* in connection with emerging technologies. ***Geothermal and Other Renewable Energy (Emerging Technologies) Amendment Bill 2009 (No. 2)***. (*general business notice of motion no. 560*)

Senator Colbeck: To move on the next day of sitting—That the Inclusion of ecological communities in the list of threatened ecological communities [Lowland Native Grasslands of Tasmania], made on 18 June 2009 under section 181 of the *Environment Protection and Biodiversity Conservation Act 1999*, be disallowed.

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

- (a) notes that:
  - (i) the inclusion of expenditure not for the ordinary annual services of the government in the appropriation bill for the ordinary annual services, which is required to be separated from other appropriations by section 54 of the Constitution, was raised by the Australian National Audit Office and the Appropriations and Staffing Committee in 2005,
  - (ii) the matter has been the subject of successive reports by the Appropriations and Staffing Committee and the Finance and Public Administration Committee since that time, and
  - (iii) the Minister for Finance and Deregulation has not yet carried out an undertaking to provide to the Appropriations and Staffing Committee proposals whereby this problem might be overcome; and
- (b) calls upon the Minister for Finance and Deregulation to provide a substantive response to the Appropriations and Staffing Committee on this matter by 16 November 2009. (*general business notice of motion no. 561*)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

- (a) notes that:
  - (i) the young people detained in the Magill Youth Training Centre in South Australia are being held in degrading conditions, and
  - (ii) in the assessment of the 2009 Australian Youth Representative to the United Nations (UN), Mr Chris Varney, this represents a breach of the UN Convention on the Rights of the Child;
- (b) recognises that:
  - (i) in 2006, the South Australian Labor Government acknowledged that the centre was in need of replacement as it breached modern building codes and occupational health and safety requirements, and
  - (ii) the South Australian Government is yet to keep its election promise to build a new facility; and
- (c) calls on the Federal Minister for Early Childhood Education, Childcare and Youth (Ms Ellis) to intervene in this urgent matter and ensure that a new centre is built, as promised by the South Australian Government. (*general business notice of motion no. 562*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Minister for the Environment, Heritage and the Arts (Mr Garrett) to make public, in the week beginning 13 September 2009, the draft report on the Traveston Crossing Dam by Queensland's Coordinator-General. (*general business notice of motion no. 563*)

Senator Milne: To move on the next day of sitting—That there be laid on the table, no later than 4 pm on 26 October 2009, 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. (*general business notice of motion no. 564*)

*Intention to withdraw:* Senator Milne, pursuant to standing order 78, gave notice of her intention, when business is called on today, to withdraw business of the Senate notice of motion no. 2 standing in her name for today for the disallowance of the following instruments:

- (a) the Export Control (Fees) Amendment Orders 2009 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982;
- (b) the Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 108 and made under the *Australian Meat and Live-stock Industry Act 1997*;
- (c) the Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 109 and made under the *Export Inspection (Establishment Registration Charges) Act 1985*; and
- (d) the Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 110 and made under the *Export Inspection (Quantity Charge) Act 1985*.

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

**10 LEAVE OF ABSENCE**

Senator O'Brien, by leave, moved—That leave of absence be granted to Senator Wong from 16 September to 18 September 2009, on account of parliamentary business.

Debate ensued.

Question put and passed.

Senator Parry, by leave, moved—That leave of absence be granted to Senator Joyce from 15 September to 18 September 2009, for personal reasons.

Question put and passed.

**11 FUEL AND ENERGY—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Parry, by leave and at the request of the Chair of the Select Committee on Fuel and Energy (Senator Cormann), moved—That the Select Committee on Fuel and Energy be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 16 September 2009.

Question put and passed.

**12 EDUCATION—NATIONAL SCHOOLS DATA**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 555—That the Senate calls on the Government to:

- (a) release the protocols for the Australian Curriculum, Assessment and Reporting Authority's reporting information and publication of national schools data;
- (b) amend the *Australian Curriculum, Assessment and Reporting Authority Act 2008* to provide that these protocols be made as a legislative instrument; and
- (c) after 2 years, review the impact of the testing and reporting regime on resourcing, educational outcomes and the teaching workforce.

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

Question put and negatived.

**13 NOTICE OF MOTION WITHDRAWN**

Senator Milne withdrew general business notice of motion no. 549 standing in her name for today, proposing an order for the production of documents relating to maps of Australian forest cover.

**14 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Parry, at the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Mason) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 552—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 September 2009, from 6.30 pm.

Question put and passed.

**15 TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK MEASURES NO. 1) BILL 2009—ORDER OF THE DAY DISCHARGED**

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. 2—That the government business order of the day relating to the Telecommunications Legislation Amendment (National Broadband Network Measures No. 1) Bill 2009 be discharged from the *Notice Paper*.

Question put and passed.

**16 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. 3—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:

Asian Development Bank (Additional Subscription) Bill 2009  
 Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009  
 Corporations Legislation Amendment (Financial Services Modernisation) Bill 2009  
 International Tax Agreements Amendment Bill (No. 1) 2009  
 Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009.

Question put and passed.

**17 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator O'Brien, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 553—That the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 16 September 2009, from 1.50 pm.

Question put and passed.

**18 SOCIAL ISSUES—MILLENNIUM DEVELOPMENT GOALS**

Senator Barnett, also on behalf of Senator Payne, amended general business notice of motion no. 554 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) welcomes the news of recent progress on the Millennium Development Goals (MDGs), particularly Goal 1 which seeks a substantial decline in the proportion of people living on less than US\$1 a day and Goal 7 which, among other objectives, seeks substantial increases in the proportion of people with access to clean water, are on track to be met globally by 2015;
- (b) notes, with concern, that:
  - (i) despite some progress, a number of MDGs are off-track and on current progress will not be met globally by 2015, including Goal 1 on hunger, Goal 2 on primary education, Goal 4 on child mortality, Goal 5 on maternal mortality and Goal 7 on access to sanitation, and

- (ii) in a world of plenty, each year nearly 10 million children die before their 5th birthday and more than 500 000 women lose their lives in pregnancy and childbirth;
- (c) recognises that progress towards the MDGs is being undermined by the global financial crisis, the global food crisis and the slow progress on the Doha trade talks;
- (d) welcomes Australia's progress towards Goal 8 which aims to create a global partnership for development; and
- (e) calls on the Australian Government to further intensify its efforts and actions towards alleviating global poverty in line with the ideals and aspirations at the heart of the MDGs.

*Statement by leave:* The Leader of the Australian Greens (Senator Bob Brown), by leave, made a statement relating to the motion.

Question put and passed.

**19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—AUSTRALIA'S BORDER SECURITY**

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

The Rudd Government's inability to manage Australia's border security.

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

**20 CHILDREN—ABC LEARNING CENTRES—MINISTERIAL STATEMENT—DOCUMENT**

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

Children—The future of ABC Learning—Ministerial statement by the Minister for Early Childhood Education, Child Care and Youth (Ms Ellis), dated 15 September 2009.

**21 SOCIAL ISSUES—PENSION REFORM—MINISTERIAL STATEMENT—DOCUMENT**

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

Social issues—Delivering pension reform—Ministerial statement by the Minister for Families, Housing, Community Services and Indigenous Affairs (Ms Macklin), dated 15 September 2009.

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

Question put and passed.

**22 FOREIGN AFFAIRS—ZIMBABWE—MINISTERIAL STATEMENT—DOCUMENT**

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

Foreign affairs—Zimbabwe—Ministerial statement by the Minister for Foreign Affairs (Mr Smith), dated 15 September 2009.

**23 AUDITOR-GENERAL—AUDIT REPORT NO. 4 OF 2009-10—DOCUMENT**

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

Auditor-General—Audit report no. 4 of 2009-10—Performance audit—The management and processing of annual leave—Australian Bureau of Statistics; Australian Taxation Office; Department of Broadband, Communications and the Digital Economy.

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

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

Corporations and Financial Services—Joint Statutory Committee—Statutory oversight of the Australian Securities and Investments Commission—Report, dated September 2009 and Hansard record of proceedings.

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

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

Debate ensued.

Question put and passed.

**25 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—5TH REPORT OF 2009**

The Chair of the Parliamentary Standing Committee on Public Works (Senator McLucas) tabled the following report:

Public Works—Joint Statutory Committee—5th report of 2009—Referrals made May to June 2009: Fit-out and external works, Anzac Park West, Parkes, ACT; and fit-out of Tuggeranong Office Park, Greenway, ACT, dated September 2009.

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

Question put and passed.

**26 TREATIES—JOINT STANDING COMMITTEE—105TH REPORT**

Senator Parry, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—105th report—Treaties tabled on 13 May, 25 June and 20 August 2009, dated September 2009.

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

Debate ensued.

Question put and passed.

**27 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE PHILIPPINES, CAMBODIA AND  
MALAYSIA—DOCUMENT**

Senator Sterle, by leave, tabled the following document:

The Philippines, Cambodia and Malaysia—Report of the Australian parliamentary delegation, 19 April to 1 May 2009, dated September 2009.

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

Question put and passed.

**28 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2009/2 [F2009L03352]\*.

Australian National University Act—Academic Progress Rules 2009—Academic Progress (ANU College of Business and Economics) Order 2009 [F2009L03494]\*.

Christmas Island Act—List of applied Western Australian Acts for the period 16 March to 3 September 2009.

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

EX61/09—Exemption – carriage of children suffering from a serious medical condition [F2009L02983]\*.

EX70/09—Exemption – operations by recreational aircraft in Townsville control zone and control areas and temporary restricted areas [F2009L03388]\*.

Civil Aviation Safety Regulations—Airworthiness Directives—Part—  
105—

AD/CESSNA 337/19—Bench Seat Back Emergency Operation and Placard [F2009L03372]\*.

AD/ERJ-170/10 Amdt 2—Firewall Hydraulic Shutoff Valves [F2009L03439]\*.

AD/G164/14 Amdt 1—Elevator Control Horn Attach Bolts – Inspection and Replacement [F2009L03364]\*.

AD/SWSA226/97 Amdt 1—Chafing or Arcing Electrical Wiring [F2009L03433]\*.

106—

AD/THIELERT/11 Amdt 2—Propeller Control Valve – Life Limit [F2009L03430]\*.

AD/TPE 331/27—FCU Drive Check [F2009L03415]\*.

AD/TPE 331/29—Combustion Section – Plenum Chamber Forward Drain Boss – Inspection [F2009L03414]\*.

AD/TPE 331/32—Rear Turbine Bearing Oil Supply Tube Inspection/Replacement [F2009L03413]\*.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 16 March to 3 September 2009.

Commissioner of Taxation—Public Rulings—

Class Rulings CR 2009/47-CR 2009/49.

Taxation Ruling TR 2009/5.

Financial Management and Accountability Act—Financial Management and Accountability Determination 2009/28—Services for other Governments and Non-agency Bodies Special Accounts Abolition 2009 [F2009L03503]\*.

Migration Act—Migration Regulations—Instruments IMMI—

09/091—Specification of addresses [F2009L03497]\*.

09/094—Specification of occupations for the Temporary Business Long Stay and Occupational Trainee Visas [F2009L03513]\*.

09/103—Specifying agreements or arrangements which are not relevant agreements for the purposes of Government Agreement Visa [F2009L03500]\*.

09/104—Specification of address [F2009L03498]\*.

09/105—Revocation of instruments [F2009L03502]\*.

09/106—Specification of occupations for sub-subparagraphs 2.72(10)(d)(ii)(B) and 2.72(10)(d)(iii)(B) and paragraph 2.86(2B) and subparagraph 457.223(4)(ba)(iv) [F2009L03499]\*.

09/107—Specification of training benchmarks [F2009L03512]\*.

09/109—Minimum salary levels for the Subclass 457 – Temporary Business (Long Stay) Visa [F2009L03516]\*.

09/112—Specification of the temporary skilled migration income threshold and the salary above which paragraphs 2.72(10)(c) and 2.72(10)(cc) and regulation 2.79 do not apply [F2009L03514]\*.

09/113—Specification of method to determine terms and conditions of employment that would be provided to an Australian citizen or an Australian permanent resident to perform equivalent work in the same workplace at the same location [F2009L03515]\*.

National Measurement Act—Select Legislative Instrument 2009 No. 233—National Trade Measurement Regulations 2009 [F2009L03479]\*.

Telecommunications Act—Telecommunications (Data for Emergency Warning Systems) Instrument 2009 [F2009L03506]\*.

Therapeutic Goods Act—Therapeutic Goods (Listing) Notices 2009—

(No. 2) [F2009L03483]\*.

(No. 3) [F2009L03484]\*.

(No. 4) [F2009L03485]\*.

\* Explanatory statement tabled with legislative instrument.

## 29 COMMITTEE MEMBERSHIP

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

The Assistant Treasurer (Senator Sherry), by leave, moved—That senators be discharged from and appointed to committees as follows:

### **Economics References Committee—**

Appointed—

Substitute member: Senator O'Brien to replace Senator Pratt for the committee's inquiry into the Australian dairy industry

Participating member: Senator Pratt

### **Electoral Matters—Joint Standing Committee—**

Discharged—Senator Hutchins

Appointed—Senator Feeney.

Question put and passed.

## 30 TELECOMMUNICATIONS LEGISLATION AMENDMENT (NATIONAL BROADBAND NETWORK MEASURES—NETWORK INFORMATION) BILL 2009

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

Message no. 403, dated 14 September 2009—A Bill for an Act to amend legislation relating to telecommunications, and for related purposes.

The Parliamentary Secretary for Social Inclusion (Senator Stephens) 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 Stephens moved—That this bill 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 and pursuant to order of the Senate of 13 May 2009, the resumption of the debate is subject to the presentation of documents relating to the National Broadband Network tender process.

**31 MILITARY JUSTICE (INTERIM MEASURES) BILL (NO. 1) 2009**  
**MILITARY JUSTICE (INTERIM MEASURES) BILL (NO. 2) 2009**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:

Message no. 404, dated 15 September 2009—Military Justice (Interim Measures) Bill (No. 1) 2009.

Message no. 405, dated 15 September 2009—Military Justice (Interim Measures) Bill (No. 2) 2009.

**32 TRANSFER OF NOTICE OF MOTION**

The Leader of the Family First Party (Senator Fielding), pursuant to standing order 78, indicated his objection to the withdrawal of the following notice of motion:

Business of the Senate notice of motion no. 2 standing in the name of Senator Milne for today, for the disallowance of the following instruments:

- (a) the Export Control (Fees) Amendment Orders 2009 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982;
- (b) the Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 108 and made under the *Australian Meat and Live-stock Industry Act 1997*;
- (c) the Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 109 and made under the *Export Inspection (Establishment Registration Charges) Act 1985*; and
- (d) the Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 110 and made under the *Export Inspection (Quantity Charge) Act 1985*.

Senator Fielding's name was put on the notice of motion.

**33 REGULATIONS—DISALLOWANCE**

Senator Colbeck, also on behalf of the Leader of the Family First Party (Senator Fielding), pursuant to notice, moved the following business of the Senate notices of motion together by leave—

No. 1—That the Export Control (Fees) Amendment Orders 2009 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982, be disallowed.

No. 2—That the following legislative instruments be disallowed:

- (a) the Export Control (Fees) Amendment Orders 2009 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982;
- (b) the Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 108 and made under the *Australian Meat and Live-stock Industry Act 1997*;

- (c) the Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 109 and made under the *Export Inspection (Establishment Registration Charges) Act 1985*; and
- (d) the Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 110 and made under the *Export Inspection (Quantity Charge) Act 1985*.

Debate ensued.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

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After 6.50 pm—

34 **GOVERNMENT DOCUMENTS—CONSIDERATION**

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

35 **ADJOURNMENT**

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

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*Documents:* Senator Barnett, by leave, tabled the following documents:

Education—Building the Education Revolution program—Copy of letter from the President, School Council, Abbotsford Public School (Ms Reynolds) to New South Wales Minister for Education (Ms Firth), Premier of New South Wales (Mr Rees) and Deputy Prime Minister (Ms Gillard), dated 14 September 2009 and attachment.

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Debate continued.

The Senate adjourned at 8.27 pm till Wednesday, 16 September 2009 at 9.30 am.

**36 ATTENDANCE**

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

**HARRY EVANS**  
Clerk of the Senate