

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 95

WEDNESDAY, 28 OCTOBER 2009

Contents

1	Meeting of Senate.....	2653
2	Government Documents	2653
3	Health Insurance Amendment (Revival of Table Items) Bill 2009—Health Insurance (General Medical Services Table) Regulations 2009— Disallowance	2654
4	Matters of Public Interest	2656
5	Questions.....	2657
6	Motions to Take Note of Answers	2657
7	Petition	2657
8	Notices.....	2657
9	Postponements	2659
10	Leave of Absence	2660
11	Sisters of Mercy—150th Anniversary.....	2660
12	Environment—Renewable Energy Target Scheme	2660
13	Education, Employment and Workplace Relations Legislation Committee— Estimates Hearings—Attendance of Witness	2661
14	Environment—Tasmania—Logging Contractors.....	2662
15	Foreign Affairs—Sri Lanka.....	2663
16	Poker Machine (Reduced Losses—Interim Measures) Bill 2009	2664
17	Health Insurance (Extended Medicare Safety Net) Determination 2009— Approval	2664
18	Postponement.....	2664
19	Discussion of Matter of Public Importance—Immigration—Border Protection	2664
20	Intelligence and Security—Joint Statutory Committee—Reports.....	2665
21	Scrutiny of Bills—Standing Committee—12th Report and Alert Digest No. 13 of 2009	2665
22	Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009.....	2665
23	Legal and Constitutional Affairs Legislation Committee—Report— Anti-Terrorism Laws Reform Bill 2009.....	2665

24	Consideration of Legislation.....	2666
25	Australian National Preventive Health Agency Bill 2009.....	2666
26	Government Documents—Consideration.....	2666
27	Adjournment.....	2666
28	Attendance.....	2667

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 GOVERNMENT DOCUMENTS

The following documents were tabled:

- Administrative Review Council—Report for 2008-09.
- Airservices Australia—Report for 2008-09.
- Australian Bureau of Statistics—Report for 2008-09.
- Australian Electoral Commission (AEC)—Report for 2008-09.
- Australian Hearing Services (Australian Hearing)—Report for 2008-09.
- Australian Human Rights Commission—Report No. 41—*El Masri v Commonwealth* (Department of Immigration and Citizenship).
- Australian Institute for Teaching and School Leadership Limited (Teaching Australia)—Report for 2008-09.
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2008-09.
- Australian Institute of Criminology and Criminology Research Council—Reports for 2008-09.
- Australian Law Reform Commission—Report No. 110—Report for 2008-09.
- Australian Statistics Advisory Council—Report for 2008-09.
- Bureau of Meteorology—Report for 2008-09.
- Cancer Australia—Report for 2008-09.
- Commissioner of Taxation—Report for 2008-09, including financial statements for the Australian Taxation Office and Australian Valuation Office.
- Department of Climate Change—Report for 2008-09.
- Department of Foreign Affairs and Trade—Reports—2008-09—
 - Volume 1—Department of Foreign Affairs and Trade.
 - Volume 2—Australian Agency for International Development (AusAID).
- Department of Innovation, Industry, Science and Research—Report for 2008-09, including IP Australia report for 2008-09.
- Department of Veterans' Affairs—Data-matching program—Report on progress 2008-09.
- Great Barrier Reef Marine Park Authority—Report for 2008-09.
- International Air Services Commission—Report for 2008-09.
- Medicare Australia—Report for 2008-09.
- National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2008-09.
- National Museum of Australia—Report for 2008-09.
- Repatriation Commission, Military Rehabilitation and Compensation Commission, National Treatment Monitoring Committee and Department of Veterans' Affairs—Report for 2008-09, including financial statements for the Defence Service Homes Insurance Scheme.
- Repatriation Medical Authority—Report for 2008-09.

Veterans' Review Board—Report for 2008-09.

Wheat Exports Australia—Report for 2008-09.

**3 HEALTH INSURANCE AMENDMENT (REVIVAL OF TABLE ITEMS) BILL 2009—
HEALTH INSURANCE (GENERAL MEDICAL SERVICES TABLE) REGULATIONS 2009—
DISALLOWANCE**

Leave refused: Senator Cormann sought leave to move a motion to give precedence to:

- (a) the introduction and consideration of a Bill for an Act to amend the *Health Insurance Act 1973* to provide for the revival of certain medical services items should later items be disallowed; and
- (b) business of the Senate notice of motion no. 3 proposing the disallowance of the Health Insurance (General Medical Services Table) Regulations 2009.

An objection was raised and leave was not granted.

Suspension of standing orders: Senator Cormann, at the request of the Leader of the Opposition in the Senate (Senator Minchin) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Minchin moving a motion to provide for the consideration of a matter, namely a motion to give precedence to:

- (a) a motion for the introduction of a Bill for an Act to amend the *Health Insurance Act 1973* to provide for the revival of certain medical services items should later items be disallowed; and
- (b) consideration of that bill and business of the Senate notice of motion no. 3 proposing the disallowance of the Health Insurance (General Medical Services Table) Regulations 2009.

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

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

NOES, 32

Senators—

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

Question agreed to.

Senator Cormann, at the request of Senator Minchin, moved—That—

- (a) a motion for the introduction of a Bill for an Act to amend the *Health Insurance Act 1973* to provide for the revival of certain medical services items should later items be disallowed; and
- (b) consideration of that bill and business of the Senate notice of motion no. 3 proposing the disallowance of the Health Insurance (General Medical Services Table) Regulations 2009,

have precedence over all government business today till determined.

Debate ensued.

Question put.

The Senate divided—

AYES, 38

Senators—

Adams	Cormann	Joyce	Payne
Back	Eggleston	Kroger	Ryan
Bernardi	Ferguson	Ludlam	Scullion
Birmingham	Fielding	Macdonald	Siewert
Boyce	Fierravanti-Wells	Mason	Troeth
Brown, Bob	Fifield	McGauran	Trood
Bushby	Fisher	Milne	Williams (Teller)
Cash	Hanson-Young	Minchin	Xenophon
Colbeck	Humphries	Nash	
Coonan	Johnston	Parry	

NOES, 26

Senators—

Arbib	Crossin	Hutchins	Polley
Bilyk	Farrell	Ludwig	Pratt
Bishop	Feeney	Lundy	Stephens
Brown, Carol	Forshaw	Marshall	Sterle
Cameron	Furner	McEwen (Teller)	Wortley
Collins	Hogg	McLucas	
Conroy	Hurley	O'Brien	

Question agreed to.

Senator Cormann, also on behalf of the Leader of the Family First Party (Senator Fielding) and Senator Xenophon, moved—That the following bill be introduced:

A Bill for an Act to amend the *Health Insurance Act 1973* to provide for the revival of certain medical services items should later items be disallowed.

Question put and passed.

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

Debate ensued.

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 Cormann the bill was read a third time.

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

Disallowance: Senator Cormann, also on behalf of Senators Fielding and Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 3—That items 42698, 42701, 42702 and 42718 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2009, as contained in Select Legislative Instrument 2009 No. 272 and made under the *Health Insurance Act 1973*, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 37

Senators—

Abetz	Cash	Johnston	Ryan
Adams	Colbeck	Kroger	Scullion
Back	Cormann	Ludlam	Siewert
Bernardi	Eggleston	Mason	Troeth
Birmingham	Ferguson	McGauran	Trood
Boswell	Fielding	Milne	Williams (Teller)
Boyce	Fifield	Minchin	Xenophon
Brandis	Fisher	Nash	
Brown, Bob	Heffernan	Parry	
Bushby	Humphries	Payne	

NOES, 23

Senators—

Bilyk	Feeney	Ludwig	Polley
Brown, Carol	Forshaw	Lundy	Pratt
Cameron	Furner	Marshall	Sterle
Carr	Hogg	McEwen (Teller)	Wong
Collins	Hurley	McLucas	Wortley
Faulkner	Hutchins	O'Brien	

Question agreed to.

—————
After 12.45 pm—

4 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

—————
Document: The Leader of the Australian Greens (Senator Bob Brown), by leave, tabled the following document:

Environment—Western Tasmania: A place of outstanding universal value—Proposed extensions to the Tasmanian wilderness world heritage area, September 2009.

—————

Further matters of public interest were discussed.

At 2 pm—

5 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from the Republic of Vanuatu led by the Speaker of the Parliament, the Honourable Maxime Carlot Korman, MP, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

6 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Fierravanti-Wells moved—That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Fierravanti-Wells and Scullion today relating to border protection.

Debate ensued.

Question put and passed.

Senator Milne moved—That the Senate take note of the answer given by the Minister for Climate Change and Water (Senator Wong) to a question without notice asked by Senator Milne today relating to renewable energy targets.

Question put and passed.

7 PETITION

The following petition, lodged with the Clerk by Senator Hanson-Young, was received:

From 6 300 petitioners, requesting that the Senate urge the Government to re-assess the proposed workforce criterion for early independence under the youth allowance to ensure both regional and suburban students are not unfairly disadvantaged.

8 NOTICES

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 reports of the Education, Employment and Workplace Relations References Committee be extended as follows:

- (a) the oversight of the child care industry—to 23 November 2009; and
- (b) the welfare of international students—to 25 November 2009. (*general business notice of motion no. 600*)

The Deputy Chair of the Legal and Constitutional Affairs References Committee (Senator Crossin): 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 access to justice be extended to 19 November 2009. (*general business notice of motion no. 601*)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Crimes Amendment (Working With Children—Criminal History) Bill 2009 be extended to 17 November 2009. (*general business notice of motion no. 602*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Trood): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific be extended to 19 November 2009. (*general business notice of motion no. 603*)

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

- (a) recognises the universal human right of same-sex attracted people to live their lives free from persecution on the basis of their sexuality;
- (b) notes the Ugandan Government introduced, on 14 October 2009, the Anti-Homosexuality Bill, a law re-criminalising homosexuality and criminalising the promotion of homosexuality in Uganda;
- (c) condemns the criminalisation of homosexuality anywhere in the world; and
- (d) calls on the Australian Government to actively encourage the Ugandan Government to withdraw its Anti-Homosexuality Bill and respect the human rights of same-sex attracted people. (*general business notice of motion no. 604*)

Senator Parry: To move on the next day of sitting—That the Senate notes that the Rudd Government's policies have seriously compromised the integrity of Australia's borders with far reaching consequences, including:

- (a) the increased activity of illegal people smuggling in Australia's region;
- (b) an increased number of unlawful arrivals taking perilous journeys;
- (c) the diversion of border protection agencies and resources; and
- (d) heightened security and biosecurity risks. (*general business notice of motion no. 605*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That, on Monday, 16 November 2009, the hours of meeting shall be noon to 6.30 pm and 7.30 pm to 10.30 pm.

Senators Birmingham and Barnett: To move on the next day of sitting—That the following matters be referred to the Environment, Communications and the Arts References Committee for inquiry and report by 30 March 2010:

- (a) the Federal Government's Energy Efficient Homes Package (ceiling insulation), with particular reference to:
 - (i) the administration of the program from a pricing, probity and efficiency perspective, including:
 - (A) the basis on which the Government determined the size of the rebate for ceiling insulation,
 - (B) regulation of quoting and installation practices,

- (C) protection against rorting and abuse of the rebate,
 - (D) the impact of the program in pushing up insulation prices,
 - (E) ensuring value for money for taxpayers,
 - (F) waste, inefficiency and mismanagement within the program, and
 - (G) ensuring the program achieves its stated aims as part of the Government's stimulus package,
- (ii) an examination of what advice was provided to the Government on safety matters, particularly in relation to fire and electrocution risks and to what degree the Government acted on this advice,
 - (iii) an examination of what advice was provided to the Government on occupational health and safety matters, particularly in relation to training for installers, including:
 - (A) to what degree the Government acted on this advice, and
 - (B) identification and examination of fires and electrical incidents resulting from the Government's Home Insulation Program, and
 - (iv) an analysis of the effectiveness of the package as a means to improve the efficiency of homes and reduce emissions of greenhouse gases, including comparison with alternative policy measures;
- (b) consideration of measures to reduce or eliminate waste and mismanagement, and to ensure value for money for the remainder of the program, noting the planned \$2.7 billion to be distributed under the program in total; and
 - (c) other 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 the Environment, Heritage and the Arts (Senator Wong), no later than Monday, 16 November 2009, the report of the marine survey of the environmental impacts of the Montara oil spill and all documents used in its preparation, including drafts. (*general business notice of motion no. 606*)

Senator Siewert: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend laws to restore the operation of the *Racial Discrimination Act 1975* in the Northern Territory, and for related purposes. ***Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009***. (*general business notice of motion no. 607*)

9 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the names of Senators Boswell and Macdonald for today, proposing the disallowance of the Proclamation dated 14 May 2009 [Coral Sea Conservation Zone], postponed till 29 October 2009.

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing a reference to the Environment, Communications and the Arts References Committee, postponed till 29 October 2009.

Business of the Senate order of the day no. 2, proposing the disallowance of the Threat Abatement Plan for disease in natural ecosystems caused by *Phytophthora cinnamomi* (2009), postponed till 16 November 2009.

Government business notice of motion no. 3 standing in the name of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) for today, relating to the consideration of legislation, postponed till 23 November 2009.

10 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Barnett for 28 October and 29 October 2009, for personal reasons.

Question put and passed.

11 SISTERS OF MERCY—150TH ANNIVERSARY

Senator O'Brien, at the request of Senator Stephens and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 599—That the Senate—

- (a) notes that 28 October 2009 marks the 150th anniversary of the establishment of the Goulburn congregation of the Sisters of Mercy, the first Mother House in regional Australia;
- (b) acknowledges the contribution of the Sisters of Mercy to the development of education, nursing, pastoral care and care for the aged and disadvantaged in Australia; and
- (c) congratulates the inspirational women of the Goulburn congregation on their colourful history and involvement in shaping the history of the region.

Question put and passed.

12 ENVIRONMENT—RENEWABLE ENERGY TARGET SCHEME

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 598—That the Senate—

- (a) notes that:
 - (i) the Renewable Energy Target Scheme allows renewable energy certificates to be generated from the installation of solar hot water and heat pumps, even though these are energy efficiency measures and not renewable energy generators,
 - (ii) this, as predicted by the industry and the Australia Greens, has collapsed the price of certificates, and
 - (iii) many hundreds of jobs are at risk in the coming months, unless the problem is fixed; and
- (b) calls on the Government to immediately reintroduce Renewable Energy Electricity legislation to address the problem by making the credits from these technologies additional to the renewable energy target.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob
Hanson-Young

Ludlam
Milne

Siewert (Teller)

Xenophon

NOES, 39

Senators—

Back	Collins	Hutchins	Parry (Teller)
Bernardi	Cormann	Kroger	Polley
Bilyk	Crossin	Ludwig	Pratt
Birmingham	Farrell	Lundy	Ryan
Bishop	Feeney	Macdonald	Sterle
Boswell	Ferguson	Marshall	Troeth
Brown, Carol	Fielding	McEwen	Trood
Cameron	Fisher	McLucas	Williams
Carr	Forshaw	Nash	Wortley
Colbeck	Furner	O'Brien	

Question negatived.

**13 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION
COMMITTEE—ESTIMATES HEARINGS—ATTENDANCE OF WITNESS**

Senator Fisher, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 596—That—

- (a) when the Education, Employment and Workplace Relations Legislation Committee meets to consider additional estimates in 2010:
 - (i) the committee further examine Fair Work Australia, and
 - (ii) the President of Fair Work Australia appear before the committee to answer questions; and
- (b) on each subsequent 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.

Senator Siewert, by leave, moved the following amendment:

Omit paragraph (b).

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

Statements by leave: Senator Fisher, the Leader of the Australian Greens (Senator Bob Brown) and Senator Marshall, by leave, made statements relating to the motion.

Leave refused: Senator Collins sought leave to make a statement, relating to the motion.

An objection was raised and leave was not granted.

Main question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 30

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

Question agreed to.

14 ENVIRONMENT—TASMANIA—LOGGING CONTRACTORS

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. 589—That the Senate—

- (a) notes the financial plight of Tasmanian logging contractors who have endured frequent cuts to timber quotas and shutdowns of mills and chippers; and
- (b) calls on the Australian Government to help the Tasmanian Government:
 - (i) fund a financial exit package of a minimum of \$20 million that allows those contractors facing financial ruin to leave the industry with dignity,
 - (ii) assess fair compensation for those contractors leaving the industry,
 - (iii) recover from Gunns Limited and Forestry Tasmania the total cost of the compensation package by the imposition of a levy on all future woodchip sales, and
 - (iv) conserve an area equivalent to the total volume of wood contracted from those contractors who exit the industry.

Statements by leave: Senator Colbeck, 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, 6

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

NOES, 31

Senators—			
Adams	Colbeck	Fielding	O'Brien (Teller)
Back	Collins	Fisher	Parry
Bilyk	Conroy	Furner	Polley
Bishop	Cormann	Hutchins	Pratt
Boyce	Evans	Joyce	Ryan
Brandis	Farrell	Marshall	Sterle
Brown, Carol	Feeney	McLucas	Wortley
Cameron	Ferguson	Nash	

Question negatived.

15 FOREIGN AFFAIRS—SRI LANKA

The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 597 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) agrees with the recent European Union resolution on Sri Lanka of 22 October 2009 that:
- (i) deplores the fact that more than 220 000 Tamil civilians are still being held in camps, and urges the Sri Lankan Government, in line with its public commitments, to return them to their homes and give humanitarian organisations free access to the camps and areas of return to provide necessary humanitarian assistance,
 - (ii) Tamil leaders should commit themselves to a political settlement and renounce terrorism and violence once and for all,
 - (iii) the Sri Lankan Government should respect human rights in the conduct of trials of Liberation Tigers of Tamil Eelam members,
 - (iv) the Sri Lankan Government should cease its repression of the media in the name of its anti-terrorist legislation, and
 - (v) the Sri Lankan Government should put more effort into clearing minefields which are a serious obstacle to reconstruction and economic recovery; and
- (b) urges Sri Lanka to accede to the Ottawa Treaty (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction).

Statements by leave: The Minister for Immigration and Citizenship (Senator Evans) and Senators Parry and 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, 29

Senators—

Adams	Collins	Hutchins	Polley
Bilyk	Conroy	Joyce	Pratt
Bishop	Cormann	Kroger	Ryan
Boyce	Evans	Marshall	Sterle
Brandis	Farrell	McLucas	Wortley
Brown, Carol	Feeney	Nash	
Cameron	Ferguson	O'Brien	
Colbeck	Furner	Parry (Teller)	

Question negatived.

16 POKER MACHINE (REDUCED LOSSES—INTERIM MEASURES) BILL 2009

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 591—That the following bill be introduced:

A Bill for an Act to put in place interim measures to regulate the rate of poker machine losses.

Question put and passed.

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

Question put and passed.

Bill read a first time.

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

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

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

17 HEALTH INSURANCE (EXTENDED MEDICARE SAFETY NET) DETERMINATION 2009—APPROVAL

The Minister for Immigration and Citizenship (Senator Evans), at the request of the Parliamentary Secretary for Social Inclusion (Senator Stephens) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, in accordance with section 10B(2) of the *Health Insurance Act 1973*, the Senate approves the Health Insurance (Extended Medicare Safety Net) Determination 2009 made under section 10B(1) of the Act on 9 October 2009.

Question put and passed.

18 POSTPONEMENT

Senator Milne, by leave, moved—That business of the Senate notice of motion no. 4 standing in her name for today, proposing a reference to the Economics References Committee, be postponed till the next day of sitting.

Question put and passed.

19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—BORDER PROTECTION

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 continued policy failures of the Rudd Labor Government relating to border security.

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

20 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORTS

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

Intelligence and Security—Joint Statutory Committee—

Annual report of committee activities 2008-09, dated October 2009.

Review of the listing of Al-Shabaab as a terrorist organisation—Report, dated October 2009.

Senator Marshall moved—That the Senate take note of the reports.

Question put and passed.

21 SCRUTINY OF BILLS—STANDING COMMITTEE—12TH REPORT AND ALERT DIGEST NO. 13 OF 2009

Senator Bushby, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Coonan), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

12th report of 2009, dated 28 October 2009.

Alert Digest No. 13 of 2009, dated 28 October 2009.

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

Senator Bushby moved—That the Senate take note of the report.

Question put and passed.

22 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT FOR STUDENTS) BILL 2009

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

Message no. 427, dated 27 October 2009—A Bill for an Act to amend the law relating to social security, veterans' affairs and higher education, and for related purposes.

The Minister for Defence (Senator Faulkner) 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 Faulkner moved—That this bill be now read a second time.

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

23 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—ANTI-TERRORISM LAWS REFORM BILL 2009

Pursuant to order, 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—Anti-Terrorism Laws Reform Bill 2009—Report, dated October 2009, Hansard record of proceedings and submissions.

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

24 CONSIDERATION OF LEGISLATION

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy), at the request of the Special Minister of State (Senator Ludwig), amended government business notice of motion no. 2 by leave and, pursuant to notice, moved—That the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009 is exempt from the order of the Senate of 13 May 2009 relating to the consideration of legislation, enabling consideration of this bill to proceed in accordance with the standing orders.

Debate ensued.

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

25 AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY 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—and on the amendment moved by Senator Cormann:

At the end of the motion, add “and further consideration of the bill be an order of the day for 3 sitting days after the Government has tabled a response to all of the recommendations of the report of the National Preventative Health Taskforce”.

Debate resumed.

At 6.50 pm: Debate was interrupted while the Parliamentary Secretary for Social Inclusion (Senator Stephens) was speaking.

26 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (*see entry no. 2*) were considered:

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

Great Barrier Reef Marine Park Authority—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Bureau of Meteorology—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Electoral Commission (AEC)—Report for 2008-09. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

27 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.28 pm till Thursday, 29 October 2009 at 9.30 am.

28 ATTENDANCE

Present, all senators except Senators Barnett*, Moore* and Sherry* (* on leave).

HARRY EVANS
Clerk of the Senate