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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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**Contents**

1	Meeting of Senate.....	2756
2	Government Documents .....	2756
3	Carbon Pollution Reduction Scheme Bill 2009 [No. 2] Carbon Pollution Reduction Scheme (Consequential Amendments) Bill 2009 [No. 2] Australian Climate Change Regulatory Authority Bill 2009 [No. 2] Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009 [No. 2] Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009 [No. 2] Carbon Pollution Reduction Scheme (Charges—General) Bill 2009 [No. 2] Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009 [No. 2] Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential Amendments) Bill 2009 [No. 2] Excise Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [No. 2] Customs Tariff Amendment (Carbon Pollution Reduction Scheme) Bill 2009 [No. 2] Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009 [No. 2].....	2756
4	Matters of Public Interest .....	2757
5	Questions.....	2757
6	Motion to Take Note of Answers.....	2757
7	Notices.....	2757
8	Postponement.....	2760
9	Agricultural and Related Industries—Select Committee—Leave to Meet During Sitting .....	2760
10	Environment, Communications and the Arts References Committee— Extension of Time to Report .....	2760
11	Environment, Communications and the Arts References Committee—Leave to Meet During Sitting.....	2761

12	Environment, Communications and the Arts References Committee— Variation of Reference.....	2761
13	Environment—Australian Forest Cover—Maps—Order for Production of Documents.....	2761
14	Transport—Challenge of Peak Oil.....	2762
15	Science and Technology—Peer-reviewed Research.....	2763
16	Health—Global Framework for Action on Water and Sanitation.....	2763
17	Administration—Asylum Seeker Management—Audit of Support.....	2764
18	Education—Australian Technical College Northern Tasmania—Closure.....	2764
19	Environment, Communications and the Arts References Committee— Extension of Time to Report.....	2765
20	Notice of Motion Withdrawn.....	2765
21	Workplace Relations—Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Bilateral Intergovernmental Agreements—Order for Production of Documents.....	2766
22	Urgency Motion—Indigenous Australians—Health Services.....	2766
23	Scrutiny of Bills—Standing Committee—13th Report and Alert Digest No. 14 of 2009.....	2766
24	Education, Employment and Workplace Relations Legislation Committee— Fair Work Amendment (State Referrals and Other Measures) Bill 2009—Documents.....	2767
25	Foreign Affairs—Mine Action—Ministerial Statement—Document.....	2767
26	Commonwealth Ombudsman—Monitoring of Controlled Operations— Report for 2008-09—Document.....	2767
27	Particulars of Proposed Expenditure and Estimates of Proposed Expenditure for 2009-10 in Relation to Water Entitlements and Home Insulation— Documents.....	2767
28	Environment—Geoscience Australia—Carbon Dioxide Storage Sites— Order for Production of Documents—Document.....	2767
29	Health—Aged Care Providers—General Purpose Accounts—Order for Production of Documents—Document.....	2768
30	Parliament—Health Insurance Amendment (Revival of Table Items) Bill 2009—Legal Advice—Order for Production of Documents— Documents.....	2768
31	Documents.....	2768
32	Communications—NBN Co—Appointment—Order for Production of Document—Document.....	2769
33	Notice.....	2769
34	Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009.....	2769
35	Governor-General's Messages—Assent to Laws.....	2770
36	Economics References Committee—Report—GROCERYchoice Website.....	2770
37	Notice.....	2770

38	Carbon Pollution Reduction Scheme Bill 2009 [No. 2]	
	Carbon Pollution Reduction Scheme (Consequential Amendments)	
	Bill 2009 [No. 2]	
	Australian Climate Change Regulatory Authority Bill 2009 [No. 2]	
	Carbon Pollution Reduction Scheme (Charges—Customs) Bill 2009 [No. 2]	
	Carbon Pollution Reduction Scheme (Charges—Excise) Bill 2009 [No. 2]	
	Carbon Pollution Reduction Scheme (Charges—General) Bill 2009 [No. 2]	
	Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009 [No. 2]	
	Carbon Pollution Reduction Scheme (CPRS Fuel Credits) (Consequential	
	Amendments) Bill 2009 [No. 2]	
	Excise Tariff Amendment (Carbon Pollution Reduction Scheme)	
	Bill 2009 [No. 2]	
	Customs Tariff Amendment (Carbon Pollution Reduction Scheme)	
	Bill 2009 [No. 2]	
	Carbon Pollution Reduction Scheme Amendment (Household Assistance)	
	Bill 2009 [No. 2] .....	2771
39	Government Documents—Consideration .....	2771
40	Adjournment .....	2772
41	Attendance .....	2772

**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:

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers 568/09 to 573/09—

Commonwealth Ombudsman's reports.

Government response to Ombudsman's reports.

Royal Australian Air Force Veterans' Residences Trust Fund—Report for 2008-09.

Tourism Australia—Report for 2008-09.

Treaty—*Multilateral*—Explanatory statement 10 of 2009—Amendment to the Convention Establishing a Customs Cooperation Council adopted at Brussels in 1952.

**3 CARBON POLLUTION REDUCTION SCHEME BILL 2009 [No. 2]**

**CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]**

**AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009 [No. 2]**

**CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS)**

**BILL 2009 [No. 2]**

**CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE)**

**BILL 2009 [No. 2]**

**CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL)**

**BILL 2009 [No. 2]**

**CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS)**

**BILL 2009 [No. 2]**

**CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS)**

**(CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]**

**EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME)**

**BILL 2009 [No. 2]**

**CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME)**

**BILL 2009 [No. 2]**

**CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD**

**ASSISTANCE) BILL 2009 [No. 2]**

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That these bills be now read a second time.

Debate ensued.

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment in respect of the Carbon Pollution Reduction Scheme Bill 2009 [No. 2]:

At the end of the motion, add “provided that the Government first commits to entering the climate treaty negotiations at the end of 2009 with an unconditional commitment to reduce emissions by at least 25 per cent below 1990 levels by 2020 and a willingness to reduce emissions by 40 per cent below 1990 levels by 2020 in the context of a global treaty”.

Debate ensued.

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

#### 4 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

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At 2 pm—

#### 5 QUESTIONS

Questions without notice were answered.

#### 6 MOTION 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 today.

Debate ensued.

Question put and passed.

#### 7 NOTICES

Senator Xenophon, the Leader of the Australian Greens (Senator Bob Brown) and the Leader of The Nationals in the Senate (Senator Joyce): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the accurate labelling of palm oil in food, and for related purposes. *Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2009*. (general business notice of motion no. 631)

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

- (a) recognises the service of those Australians who were employed as field constabulary officers (Kiaps) in the Royal Papua and New Guinea Constabulary between 1949 and 1974;
- (b) acknowledges the hazardous and difficult conditions that were experienced by the members serving with the Royal Papua and New Guinea Constabulary;
- (c) notes that former members of the regular constabulary of the Royal Papua and New Guinea Constabulary may be entitled to long service and good conduct medals, such as the National Medal, subject to meeting eligibility criteria;
- (d) supports moves to allow former members of the field constabulary to count their service towards the National Medal;
- (e) notes that qualifying service to meet the eligibility criteria for the National Medal must include at least one day of service on or after the medal's creation on 14 February 1975;
- (f) expresses concern that many former Kiaps may not meet the eligibility criteria for the National Medal, as eligible Kiap service ceased on 30 November 1973;
- (g) recognises that the Trust Territory of New Guinea, under the terms of the *Papua New Guinea Act 1949* and the Trusteeship Agreement for the Territory of New Guinea, held sovereignty unto itself and as such, was at law an international country (and foreign to Australia);
- (h) recognises that the Governor-General's assent of the *Papua New Guinea Act 1949* and the signing of the Trusteeship Agreement for New Guinea by the Australian Government, prescribed service activity whereby the service was carried out by members of the Australian Police Force and the service was undertaken as part of an international operation; and

- (i) calls on the Australian Government to change the eligibility criteria applying to the Police Overseas Service Medal so as not to prevent the award of the medal to those:
  - (i) Australian public servants who were employed through the Australian Government and served in the Australian administered United Nations Trust Territory of New Guinea between 1949 and 1974, and
  - (ii) individuals serving in Papua New Guinea as sworn and armed Commissioned Officers of the Royal Papua and New Guinea Constabulary (at the time an Australian External Territorial Police Force). (*general business notice of motion no. 632*)

Senators Birmingham and Barnett: To move on the next day of sitting—That the Senate—

- (a) notes that the 20th anniversary of the signing of the Convention on the Rights of the Child (the convention), which was adopted by the United Nations General Assembly in 1989, will be celebrated worldwide on 20 November 2009;
- (b) applauds the significant improvements in the status of children globally that have been achieved over these 20 years, including:
  - (i) the decrease in child mortality rates such that the number of children dying before their 5th birthday is now the lowest in recorded history,
  - (ii) the increased awareness of, and improved protections for, children in conflict situations, and
  - (iii) the strengthened drive for, and provision of universal education for, both boys and girls; and
- (c) recognises the continued importance of the convention and its aims, as well as their complementarity to the Millennium Development Goals, in particular, those goals to:
  - (i) eradicate extreme poverty and hunger,
  - (ii) achieve universal primary education,
  - (iii) promote gender equality and empower women, and
  - (iv) reduce child mortality. (*general business notice of motion no. 633*)

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

- (a) notes that:
  - (i) according to Human Rights Watch, three Iranian men have been sentenced to death, under charges of ‘male homosexual conduct’ allegedly committed when they were under the age of 18,
  - (ii) Iran leads the world in executing juvenile offenders, with at least seven in 2008, and at least three so far in 2009, and
  - (iii) in February 2009, the United Nations General Assembly called on Iran, a signatory to both the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights that prohibits the imposition of the death penalty for crimes committed before the age of 18, immediately to suspend executions of all persons for offences committed by children under 18; and
- (b) calls on the Australian Government to add its voice to international calls for Iran immediately to abolish the death penalty of persons who were under age 18 at the time of their offence and halt all executions of those sentenced to death. (*general business notice of motion no. 634*)

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

- (a) notes that:
- (i) the Senate disallowed the massive reduction in MBS cataract surgery rebates pursued by the Rudd Labor Government, with the objective to have the MBS rebates for cataract surgery maintained at the '2008 Regulations' level,
  - (ii) the Minister for Health and Ageing justified the massive 50 per cent cut to Medicare rebates for cataract surgery by arguing that the procedure was now 'quicker and easier' to perform and now took only about 15 minutes instead of the 45 minutes when the procedure was first introduced,
  - (iii) the Minister for Health and Ageing never provided any Australian data to substantiate those assertions, while an AMA survey of 334 ophthalmologists indicated that about 70 per cent of ophthalmologists took between 25 and 40 minutes to perform cataract surgery,
  - (iv) that it is further understood that the procedure band for cataract surgery has not been altered on the National Procedure Banding List, indicating no significant cost/time changes have occurred, and further
  - (v) the Minister for Health and Ageing has so far failed to acknowledge that MBS rebates for cataract surgery:
    - (A) have been reduced twice before since they were first introduced, by 30 per cent in 1987 and by 10 per cent in 1996, and
    - (B) have been indexed by about 2 per cent per annum since 1996, below CPI and below AWE, to take account of productivity improvements, and
  - (vi) the Minister for Health and Ageing or her department appear to have made some belated efforts to collect data to identify the average length of time taken to perform cataract surgery; and
- (b) orders that there be laid on the table by noon on Friday, 20 November 2009:
- (i) any information the Minister for Health and Ageing, her office or the department has received, compiled or commissioned on cataract surgery times in Australia since the Senate successfully disallowed the reduced rebates for cataract surgery on 28 October 2009, and
  - (ii) any information held by the Government in relation to procedure bands for cataract surgery on the National Procedure Banding List since its inception, including the cataract surgery related procedure band information on the most recently updated National Procedure Banding List. (*general business notice of motion no. 635*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That, on Thursday, 19 November 2009:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm to adjournment;
- (b) consideration of general business and consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) shall not be proceeded with;

- (c) the routine of business from 12.45 pm till not later than 2 pm shall be government business only, and from not later than 4.45 pm shall be the government business order of the day relating to the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills—second reading speeches only;
- (d) the routine of business from 3.30 pm till not later than 4.30 pm shall be valedictory statements;
- (e) divisions may take place after 4.30 pm;
- (f) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister; and
- (g) if the Senate is sitting at midnight, the sitting of the Senate be suspended till 9.30 am on Friday, 20 November 2009.

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:

Appropriation (Water Entitlements and Home Insulation) Bill 2009-2010  
 Appropriation (Water Entitlements) Bill 2009-2010.

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*Document:* Senator Ludwig tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of bills in the 2009 spring sittings.

## 8 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing a reference to the Community Affairs Legislation Committee, postponed till 19 November 2009.

## 9 AGRICULTURAL AND RELATED INDUSTRIES—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, at the request of the Chair of the Select Committee on Agricultural and Related Industries (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 619—That the Select Committee on Agricultural and Related Industries be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 18 November 2009, from 4 pm, to take evidence for the committee's inquiry into food production in Australia.

Question put and passed.

## 10 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Parry, at the request of the Chair of the Environment, Communications and the Arts References Committee (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 622—That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on sustainable management by the Commonwealth of water resources be extended to 3 February 2010.

Question put and passed.



**11 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—  
LEAVE TO MEET DURING SITTING**

Senator Parry, at the request of the Chair of the Environment, Communications and the Arts References Committee (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 624—That the Environment, Communications and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 November 2009, from 12.45 pm to 2 pm, to take evidence for the committee's inquiry into the impact of mining operations on the Murray-Darling Basin.

Question put and passed.

**12 ENVIRONMENT, COMMUNICATIONS AND THE ARTS REFERENCES COMMITTEE—  
VARIATION OF REFERENCE**

Senator Parry, at the request of the Chair of the Environment, Communications and the Arts References Committee (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the order of the Senate of 29 October 2009 referring a matter to the Environment, Communications and the Arts References Committee on Australia Post's treatment of injured and ill workers, be varied as follows:

Omit paragraph (a), substitute:

“(a) allegations that injured staff have been forced back to work in inappropriate duties before they have recovered from workplace injuries;”.

Question put and passed.

**13 ENVIRONMENT—AUSTRALIAN FOREST COVER—MAPS—ORDER FOR PRODUCTION  
OF DOCUMENTS**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 627—

(1) That the Senate:

(a) recalls that:

- (i) the return to order motion 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, and
- (ii) the Government tabled a response which said ‘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

(b) notes that:

- (i) 9 weeks have now passed since the motion was supported, and
- (ii) scrutiny of the forest cover maps is essential for consideration of the Carbon Pollution Reduction Scheme bills.

(2) That there be laid on the table, no later than 4 pm on 19 November 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.

Question put and passed.

14 **TRANSPORT—CHALLENGE OF PEAK OIL**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 628—That the Senate—

(a) notes that:

- (i) neither the former Howard Government nor the Rudd Government has implemented the first recommendation of the 2007 Standing Committee on Rural and Regional Affairs and Transport Committee report, *Australia's future oil supply and alternative transport fuels*, namely, that Geoscience Australia, the Australian Bureau of Agricultural and Resource Economics and the Department of the Treasury reassess both the official estimates of future oil supply and the 'early peak' arguments and report to the Government on the probabilities and risks involved, comparing early mitigation scenarios with business as usual,
- (ii) of the nine recommendations of that report, only recommendation 6 relating to incentives for fuel efficient vehicles has even been considered, let alone addressed,
- (iii) in the week beginning 8 November 2009, the International Energy Agency (IEA) issued its annual 'World Energy Outlook', predicting that global oil demand is forecast to rise from 85 million barrels per day in 2008 to 105 million barrels per day in 2030, and
- (iv) a whistleblower at the IEA has claimed 'it has been deliberately underplaying a looming shortage for fear of triggering panic buying' and that a 'senior official claims the US has played an influential role in encouraging the watchdog to underplay the rate of decline from existing oil fields while overplaying the chances of finding new reserves'; and

(b) calls on the Government immediately to develop a national plan to respond to the challenge of peak oil and Australia's dependence on imported foreign oil.

Question put.

The Senate divided—

AYES, 6

Senators—

Brown, Bob  
Hanson-Young

Ludlam  
Milne

Siewert (Teller)

Xenophon

NOES, 31

Senators—

Adams  
Back  
Barnett  
Birmingham  
Brown, Carol  
Cash  
Cormann  
Crossin

Feeney  
Ferguson  
Fielding  
Fisher  
Forshaw  
Furner  
Hurley  
Hutchins

Ludwig  
Lundy  
Marshall  
McEwen  
McGauran  
Moore  
Parry (Teller)  
Polley

Ryan  
Stephens  
Sterle  
Troeth  
Trood  
Williams  
Wortley

Question negatived.

**15 SCIENCE AND TECHNOLOGY—PEER-REVIEWED RESEARCH**

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 629—That the Senate—

(a) notes:

- (i) statements from the Minister for Innovation, Industry, Science and Research (Senator Carr) in support of freedom of expression for scientists,
- (ii) the Minister's stated support for the publication of peer-reviewed research, even if it has negative implications for government policy, and
- (iii) Dr Megan Clarke's statement that the Commonwealth Scientific and Industrial Research Organisation (CSIRO) will work with Dr Clive Spash to ensure that his paper analysing the efficacy of emissions trading systems meets CSIRO internal review standards and the guidelines of the Public Research Agency Charter between the CSIRO and the Federal Government; and

(b) calls on the Minister to:

- (i) immediately give effect to his support for the publication of peer-reviewed research by acknowledging that the internal review standards of the CSIRO and guidelines of the charter are being applied to effect censorship, and
- (ii) table Dr Spash's uncensored research paper in the Senate.

Question put and passed.

**16 HEALTH—GLOBAL FRAMEWORK FOR ACTION ON WATER AND SANITATION**

Senator Siewert amended general business notice of motion no. 626 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

- (i) that Thursday, 19 November 2009, is World Toilet Day – a day to celebrate the importance of sanitation and raise awareness for the world's population who do not have access to toilets and proper sanitation,
- (ii) that 2.5 billion people worldwide are without access to proper sanitation, risking their health, stripping their dignity and killing 1.8 million people (mostly children) a year,
- (iii) a lack of proper sanitation is the world's biggest cause of malnutrition and infection, causing diseases such as diarrhoea, cholera, typhoid and worm infections that kill 5 000 children each day,
- (iv) that clean toilets contribute to poverty eradication by protecting one's health and ability to work,
- (v) that safe collection and treatment of human waste and other various wastewaters protects drinking water sources and eco-systems, creating clean and healthy living environments, particularly in urban areas,
- (vi) the Millennium Development Goals (supported by all parties in the Australian Parliament) cannot be reached unless sanitation conditions are rapidly improved, and

- (vii) the upcoming Global Framework for Action on Water and Sanitation meeting in Washington in April 2010 is an opportunity for global support of the sanitation policy leadership of the United Kingdom, Dutch and Australian Governments; and
- (b) calls on the Government to:
  - (i) invest through its aid program in programs and projects aimed at improving sanitation levels, increasing the number of public toilets and improving their cleanliness and accessibility,
  - (ii) ensure that the Australian Government plays a constructive, proactive role at the Global Framework for Action on Water and Sanitation meeting in Washington in April 2010, and
  - (iii) report the proportion of development aid spent on sanitation.

Question put and passed.

#### **17 ADMINISTRATION—ASYLUM SEEKER MANAGEMENT—AUDIT OF SUPPORT**

Senator Hanson-Young amended general business notice of motion no. 630 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate calls on the Australian Government to conduct an audit of where and how much Australian funds are being used to support Indonesia and any other countries in the region in asylum seeker management and people smuggling efforts, and subsequent compliance with international human rights standards, with particular reference to, but not limited to:

- (a) detention facilities and conditions;
- (b) operational equipment and training; and
- (c) the interception of suspected illegal entry vessels.

Question put and passed.

#### **18 EDUCATION—AUSTRALIAN TECHNICAL COLLEGE NORTHERN TASMANIA—CLOSURE**

Senator Barnett, also on behalf of Senators Colbeck and Parry, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 625—That the Senate—

- (a) notes:
  - (i) the Australian Technical College Northern Tasmania (ATCNT) has been a highly successful model of education for students who wish to learn a trade and complete their Tasmanian Certificate of Education,
  - (ii) the ATCNT, with campuses in Launceston and Burnie, is currently set to close on 31 December 2009 with the loss of 35 staff jobs and the displacement of more than 270 students,
  - (iii) the options being offered to students for 2010 by the Tasmanian Government are in no way comparable to current courses offered by the ATCNT and further place at risk the education and employment prospects of students,
  - (iv) the Federal Government has invested more than \$26 million for the establishment and operation of the ATCNT, including \$14 million on the building of the Launceston and Burnie facilities,

- (v) the outstanding performance of the ATCNT in its first 3 years of operation, including winning more than 40 awards by students and staff, as well as the 2007 Tasmanian and Australian School Based Apprentice of the Year and being named the 2009 Registered Training Organisation of the Year for Tasmania, and
  - (vi) the ATCNT has achieved a retention rate of 95 per cent between Year 11 and Year 12 and a 94 per cent success rate for completing students in securing full-time employment; and
- (b) calls on the Government to support the ongoing operation of the Australian Technical College Northern Tasmania.

Senator Milne, by leave, moved the following amendment:

At the end of the motion, add “within the public education system”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 6

Senators—

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

NOES, 25

Senators—

Adams	Ferguson	Lundy	Stephens
Barnett	Fielding	Marshall	Sterle
Brown, Carol	Fisher	McEwen (Teller)	Williams
Colbeck	Furner	Moore	Wortley
Cormann	Hurley	Nash	
Crossin	Hutchins	Parry	
Feeney	Ludwig	Polley	

Question negatived.

Main question put and passed.

*Statements by leave:* Senators Milne and Barnett, by leave, made statements relating to the motion.

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

Senator Parry, at the request of the Chair of the Environment, Communications and the Arts References Committee (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 623—That the time for the presentation of the report of the Environment, Communications and the Arts References Committee on the impact of mining operations on the Murray-Darling Basin be extended to 26 November 2009.

Question put and passed.

**20 NOTICE OF MOTION WITHDRAWN**

Senator Fisher withdrew general business notice of motion no. 620 standing in her name for today, relating to authorisation for the Select Committee on the National Broadband Network to meet during the sitting of the Senate.

**21 WORKPLACE RELATIONS—FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) BILL 2009—BILATERAL INTERGOVERNMENTAL AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Fisher, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 621—

- (1) That there be laid on the table by the Minister representing the Minister for Employment and Workplace Relations, no later than 3 pm on Thursday, 19 November 2009, copies of any bilateral intergovernmental agreement entered into, or final text agreed, between the Commonwealth Government and any referring state government or any territory government, in relation to the Fair Work Amendment (State Referrals and Other Measures) Bill 2009.
- (2) That a copy of the final text of each such agreement proposed to be entered into between the Commonwealth Government and any referring state government or any territory government on or after 3 pm on Thursday, 19 November 2009, be laid on the table within 24 hours of the final text being agreed.
- (3) That a copy of each such signed agreement entered into between the Commonwealth Government and any referring state government or any territory government on or after 3 pm on Thursday, 19 November 2009, be laid on the table within 24 hours of the agreement being signed.

Question put and passed.

**22 URGENCY MOTION—INDIGENOUS AUSTRALIANS—HEALTH SERVICES**

The Deputy President (Senator Ferguson) informed the Senate that the President had received a letter from Senator Siewert advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Federal Government to respond as soon as possible to address the lack of adequate access to dialysis services in central Australia, the denial of access to services for patients in urgent need, and the commitment of the Government to play a leading role in ‘closing the gap’ on Aboriginal health outcomes.

The proposal was supported by four senators.

Senator Siewert moved the motion.

Debate ensued.

Question put and passed.

**23 SCRUTINY OF BILLS—STANDING COMMITTEE—13TH REPORT AND ALERT DIGEST NO. 14 OF 2009**

Senator Parry, 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—

13th report of 2009, dated 18 November 2009.

Alert Digest No. 14 of 2009, dated 18 November 2009.

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

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

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

**24 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—FAIR WORK AMENDMENT (STATE REFERRALS AND OTHER MEASURES) BILL 2009—DOCUMENTS**

The Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall) tabled the following documents:

Education, Employment and Workplace Relations Legislation Committee—Report—Fair Work Amendment (State Referrals and Other Measures) Bill 2009 [Provisions]—Hansard record of proceedings, document presented to the committee and submissions.

**25 FOREIGN AFFAIRS—MINE ACTION—MINISTERIAL STATEMENT—DOCUMENT**

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

Foreign affairs—Mine action—Ministerial statement by the Minister for Foreign Affairs (Mr Smith), dated 18 November 2009.

**26 COMMONWEALTH OMBUDSMAN—MONITORING OF CONTROLLED OPERATIONS—REPORT FOR 2008-09—DOCUMENT**

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

Commonwealth Ombudsman—Report for 2008-09 on the Ombudsman's activities in monitoring controlled operations conducted by the Australian Crime Commission, the Australian Federal Police and the Australian Commission for Law Enforcement Integrity.

**27 PARTICULARS OF PROPOSED EXPENDITURE AND ESTIMATES OF PROPOSED EXPENDITURE FOR 2009-10 IN RELATION TO WATER ENTITLEMENTS AND HOME INSULATION—DOCUMENTS**

The Minister for Climate Change and Water (Senator Wong) tabled the following documents:

Particulars of proposed expenditure in relation to water entitlements and home insulation in respect of the year ending on 30 June 2010.

Particulars of certain proposed expenditure in relation to water entitlements in respect of the year ending on 30 June 2010.

Estimates of proposed expenditure in relation to water entitlements and home insulation for 2009-10—Portfolio supplementary estimates statements 2009-10—Environment, Water, Heritage and the Arts portfolio.

**28 ENVIRONMENT—GEOSCIENCE AUSTRALIA—CARBON DIOXIDE STORAGE SITES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 17 November 2009, the Minister for Climate Change and Water (Senator Wong) tabled the following document:

Environment—Geoscience Australia—Carbon dioxide storage sites—Statement responding to the resolution of the Senate of 17 November 2009.

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

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

**29 HEALTH—AGED CARE PROVIDERS—GENERAL PURPOSE ACCOUNTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

Pursuant to the order of the Senate of 17 November 2009, the Minister for Climate Change and Water (Senator Wong) tabled the following document:

Health—Aged care providers—General Purpose Accounts—Statement by the Minister for Ageing (Ms Elliot) responding to the resolution of the Senate of 17 November 2009.

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

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

**30 PARLIAMENT—HEALTH INSURANCE AMENDMENT (REVIVAL OF TABLE ITEMS) BILL 2009—LEGAL ADVICE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

Pursuant to the order of the Senate of 17 November 2009, the Minister for Climate Change and Water (Senator Wong) tabled the following documents:

Parliament—Health Insurance Amendment (Revival of Table Items) Bill 2009—Legal advice—Statement by the Minister for Health and Ageing (Ms Roxon) responding to the resolution of the Senate of 17 November 2009, dated 18 November 2009 and attachment.

Senator Cormann, by leave, moved—That the Senate take note of the documents.

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

Parliament—Health Insurance Amendment (Revival of Table Items) Bill 2009—Legal advice—Letters from the Clerk of the Senate to Senator Cormann, dated 29 October, 6 November and 18 November [2] 2009.

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Debate ensued.

Question put and passed.

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

Parliament—Health Insurance Amendment (Revival of Table Items) Bill 2009—Legal advice—Memorandum by Blake Dawson, dated 18 November 2009.

**31 DOCUMENTS**

The following documents were tabled by the Clerk:

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

Australian Research Council Act—Approval of Proposals—Determinations Nos—

70—Discovery Indigenous Researchers Development commencing in 2010.

71—Discovery Projects commencing in 2010.

72—Linkage Projects Round 1 commencing in January 2010.



## Corporations Act—Auditing Standards—

ASA 501—Audit Evidence—Specific Considerations for Inventory and Segment Information [F2009L04085]\*.

ASA 510—Initial Audit Engagements—Opening Balances [F2009L04089]\*.

ASA 705—Modifications to the Opinion in the Independent Auditor’s Report [F2009L04101]\*.

ASA 706—Emphasis of Matter Paragraphs and Other Matter Paragraphs in the Independent Auditor’s Report [F2009L04102]\*.

Great Barrier Reef Marine Park Act—Select Legislative Instrument 2009 No. 304—Great Barrier Marine Park Amendment Regulations 2009 (No. 1) [F2009L04191]\*.

Migration Act—Migration Regulations—Instrument IMMI 09/131—Health waiver – participating states and territories [F2009L04254]\*.

National Transport Commission Act—Select Legislative Instrument 2009 No. 309—National Transport Commission (Model Amendments Regulations: Australian Road Rules – Package No. 8) Regulations 2009 [F2009L04189]\*.

Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice of decision to pay assistance under Part 3, dated 4 November 2009.

\* Explanatory statement tabled with legislative instrument.

### 32 COMMUNICATIONS—NBN CO—APPOINTMENT—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 17 November 2009:

Communications—NBN Co—Appointment—Statement by the Minister for Broadband, Communications and the Digital Economy responding to the resolution of the Senate of 17 November 2009.

### 33 NOTICE

Senator Parry, by leave and at the request of Senator Fierravanti-Wells, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) notes the continued presence of pull factors as part of the problem Australia faces on the issue of illegal immigration;
- (b) notes and condemns the Government’s handling of the recent situation aboard the *Oceanic Viking*;
- (c) notes the special deal that was offered to those asylum seekers aboard the *Oceanic Viking* was an inducement to disembark the ship; and
- (d) notes that the Rudd Labor Government has yet to come up with an effective solution to this situation. (*general business notice of motion no. 636*)

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

A message from the House of Representatives was reported as follows:

Message no. 448, dated 18 November 2009—Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, agreeing to amendments nos 1 and 2 made by the Senate and disagreeing to amendments nos 3 to 9.

On the motion of the Minister for Climate Change and Water (Senator Wong) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

### 35 GOVERNOR-GENERAL'S MESSAGES—ASSENT TO LAWS

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

16 November 2009—Message—

No. 45—

*Asian Development Bank (Additional Subscription) Act 2009* (Act No. 109, 2009)

*Long Service Leave Legislation Amendment (Telstra) Act 2009* (Act No. 110, 2009)

*Statute Stocktake (Regulatory and Other Laws) Act 2009* (Act No. 111, 2009).

No. 46—

*National Consumer Credit Protection (Fees) Act 2009* (Act No. 112, 2009)

*Australian Sports Anti-Doping Authority Amendment Act 2009* (Act No. 113, 2009)

*Tax Agent Services (Transitional Provisions and Consequential Amendments) Act 2009* (Act No. 114, 2009).

### 36 ECONOMICS REFERENCES COMMITTEE—REPORT—GROCERYCHOICE WEBSITE

Pursuant to order, the Leader of The Nationals in the Senate (Senator Joyce), at the request of the Chair of the Economics References Committee (Senator Eggleston), tabled the following report and documents:

Economics References Committee—GROCERYchoice website—Report, dated November 2009, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

### 37 NOTICE

Senator Xenophon gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 18 March 2010:

- (a) the appropriateness of exemptions from the requirements of taxation law for the Church of Scientology and associated entities in the context of their activities;
- (b) occupational health and safety practices of the Church of Scientology and associated entities in relation to its employees, volunteers and followers;
- (c) the adequacy of consumer protection laws in relation to the fundraising practices of the Church of Scientology and associated entities, and its charging for services; and
- (d) any related matters.

- 38 **CARBON POLLUTION REDUCTION SCHEME BILL 2009 [No. 2]**  
**CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]**  
**AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2009 [No. 2]**  
**CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS) BILL 2009 [No. 2]**  
**CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE) BILL 2009 [No. 2]**  
**CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL) BILL 2009 [No. 2]**  
**CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) BILL 2009 [No. 2]**  
**CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) (CONSEQUENTIAL AMENDMENTS) BILL 2009 [No. 2]**  
**EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [No. 2]**  
**CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME) BILL 2009 [No. 2]**  
**CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD ASSISTANCE) BILL 2009 [No. 2]**

Order read for the adjourned debate on the motion of the Parliamentary Secretary for Social Inclusion (Senator Stephens)—That these bills be now read a second time—and on the amendment moved by the Leader of the Australian Greens (Senator Bob Brown) in respect of the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] (see entry no. 3).

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Lundy was speaking.

### 39 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government document tabled earlier today (see entry no. 2) was considered:

Tourism Australia—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.

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

Rural Industries Research and Development Corporation (RIRDC)—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.

Land and Water Resources Research and Development Corporation (Land & Water Australia)—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.

Sugar Research and Development Corporation—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.

Supervising Scientist—Report for 2008-09 on the operation of the *Environment Protection (Alligator Rivers Region) Act 1978*. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Indigenous Business Australia—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 Fisheries Management 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.

Australian Customs and Border Protection Service (formerly the Australian Customs Service)—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.

Torres Strait Protected Zone Joint Authority—Report for 2007-08. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Building and Construction Commissioner—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.

General business orders of the day nos 29 to 50, 52 to 55, 58 to 62, 64 to 79, 81 to 84, 86, 88, 89, 91, 92 and 94 relating to government documents were called on but no motion was moved.

#### 40 ADJOURNMENT

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

Debate ensued.

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*Declaration of interest:* The Leader of the Family First Party (Senator Fielding) declared an interest in relation to the matter under discussion.

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Debate continued.

The Senate adjourned at 7.31 pm till Thursday, 19 November 2009 at 9.30 am.

#### 41 ATTENDANCE

Present, all senators except Senators Bilyk\*, Bishop\*, Cameron\*, Conroy\*, Johnston\* and Pratt\* (\* on leave).

**HARRY EVANS**  
Clerk of the Senate