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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 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Community Affairs Legislation Committee (Senator Moore), by leave, moved—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.30 pm, to take evidence for the committee’s inquiry into the provisions of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 and related bills.

Question put and passed.

3 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary for Social Inclusion (Senator Stephens), by leave, moved—That government business orders of the day no. 2 (Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2]) and no. 3 (Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2009 [No. 2]) may be taken together for their remaining stages.

Question put and passed.

4 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2] and a related bill.

Question put and passed.

5 FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE) BILL 2009 [NO. 2]

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) BILL 2009 [NO. 2]

Order of the day read for the adjourned debate on the motions of the Special Minister of State (Senator Ludwig)—That these bills be now read a second time.

Debate resumed.

Senator Siewert moved the following amendment in respect of the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2]:

At the end of the motion, add “and the Senate calls on the Government to invest the full amount raised by the Medicare Levy Surcharge (approximately \$145 million over 4 years) into mental health programs:

- (a) Communities of Youth, Mental Health (\$30 million per annum) proposed by National Health and Hospitals Reform Commission;
- (b) Headspace (30 new services at \$1 million per annum or \$30 million);
- (c) early psychosis prevention and intervention services (\$26 million per annum); and

- (d) Lifeline suicide hospital discharge and treatment plan (\$15.39 million as a total package over 3 years) and a new Lifeline freecall number (\$17.5 million per annum)”.

Debate ensued.

At 2 pm: Debate was interrupted while Senator Macdonald was speaking.

6 QUESTIONS

Questions without notice were answered.

7 MOTION TO TAKE NOTE OF ANSWERS

Senator Macdonald moved—That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Minchin) and Senators Fisher and Ronaldson today relating to the proposed national broadband network and to the proposed commercial television rebate.

Debate ensued.

Question put and passed.

8 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

By Senator Fielding, from 148 petitioners, requesting that the Senate take action to establish a regulatory framework for transparency with farm-gate prices and withdraw support from managed investment schemes while committing to a plan to support family farming and national food security.

By Senator Siewert, from 58 petitioners, requesting that the Senate take action to have the Dampier Archipelago in Western Australia included in the World Heritage List.

9 NOTICES

Notices of motion:

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

(a) notes that:

- (i) the Rudd Government has gone to extraordinary lengths to keep the amount of money left in the Education Services for Overseas Students (ESOS) Assurance Fund secret,
- (ii) the Government refused to answer relevant questions during debate on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 and during Senate estimates,
- (iii) Minister Carr intervened directly to prevent a Commonwealth official from answering the question about how much money was left in the ESOS Assurance Fund during Senate estimates,
- (iv) Minister Carr eventually took the question on notice even though the official from the Department of Education, Employment and Workplace Relations had clearly stated that ‘We can answer that’,
- (v) no information about the financial position of the ESOS Assurance Fund after 31 December 2008 has been made publicly available,

- (vi) in 2008 the ESOS Assurance Fund lost \$1.3 million and was left with only about \$1.8 million in cash and cash equivalents, and
- (vii) successive closures of private training colleges throughout 2009 and early 2010 would have put the ESOS Assurance Fund under further financial pressure;
- (b) considers the immediate release of the current financial position and the performance of the fund throughout 2009 in the public interest; and
- (c) orders that there be laid on the table, by noon on Wednesday, 24 February 2010:
 - (i) an up-to-date statement of accounts of the ESOS Assurance Fund, including the current balance of the fund as at 10 February 2010, and
 - (ii) all information and documents about all levies imposed on providers required to pay a contribution to the ESOS Assurance Fund during 2009 and 2010. (*general business notice of motion no. 698*)

Senator Lundy: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, to take evidence for the committee's inquiry into the review of Auditor-General's reports, as follows:

- (a) Wednesday, 10 March and 17 March 2010, from 11.30 am to 1.30 pm; and
- (b) Thursday, 11 March 2010, from 9.30 am to 12.30 pm. (*general business notice of motion no. 699*)

The Chair of the Economics Legislation Committee (Senator Hurley): To move on the next day of sitting—That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 be extended to 11 March 2010. (*general business notice of motion no. 700*)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of reports of the Community Affairs References Committee be extended as follows:

- (a) impact of gene patents on the provision of healthcare in Australia—to 17 June 2010;
- (b) hearing health in Australia—to 13 May 2010; and
- (c) suicide in Australia—to 24 June 2010. (*general business notice of motion no. 701*)

Senator Hanson-Young: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to social security, veterans' affairs and higher education in relation to scholarship payments, and for related purposes. ***Social Security and Other Legislation Amendment (Scholarship Payments) Bill 2010.*** (*general business notice of motion no. 702*)

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

- (a) notes the 170th anniversary of the signing of the Treaty of Waitangi between the Crown and Maori leaders in New Zealand;
- (b) congratulates the first peoples of Aotearoa on the progress they have made in the recognition of their human rights and in closing the gap on health disadvantage;
- (c) recalls that directions from the Crown to negotiate a similar treaty with Australia's first peoples were never enacted by our colonial governors; and

- (d) calls on the Australian Government to recognise the human rights of Indigenous Australians, to test via a referendum the inclusion of recognition of former occupation and sovereignty in the Australian Constitution, and to commence formally negotiating a treaty once a national representative body is elected. (*general business notice of motion no. 703*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That, for the purposes of paragraph 48(1)(a) of the *Legislative Instruments Act 2003*, the Senate rescinds its resolution of 10 September 2009 disallowing the Aviation Transport Security Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 24, and made under the *Aviation Transport Security Act 2004*.

The Leader of the Australian Greens (Senator Bob Brown): To move on 24 February 2010—That the Senate—

- (a) expresses its disappointment at the Chinese Government's decision to uphold Liu Xiaobo's sentence of 11 years in prison on the charge of 'inciting subversion of state power';
- (b) notes that Mr Liu has peacefully worked for the establishment of political openness and accountability in China; and
- (c) joins calls by the European Parliament and the Governments of the United States of America and Canada that Liu Xiaobo should not have been sentenced in the first place and should be released immediately. (*general business notice of motion no. 704*)

Senator O'Brien, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley): To move 15 sitting days after today—That the A New Tax System (Family Assistance) (Administration) (Release of Protected Information) (DEEWR) Determination 2009 (No. 1), made under subsection 162(3) of the *A New Tax System (Family Assistance) (Administration) Act 1999*, be disallowed.

Senator O'Brien, by leave, made a statement relating to the notice of motion.

Notice of motion withdrawn: Senator O'Brien, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Wortley) and pursuant to notice of intention given on 4 February 2010, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Wortley for 11 sitting days after today for the disallowance of Marine Orders Part 28 – Operations standards and procedures – Issue 3, as contained in Marine Order No. 4 of 2009, made under subsection 425(1AA) of the *Navigation Act 1912*.

**10 ENVIRONMENT, COMMUNICATIONS AND THE ARTS LEGISLATION COMMITTEE—
LEAVE TO MEET DURING SITTING**

Senator O'Brien, by leave and at the request of the Chair of the Environment, Communications and the Arts Legislation Committee (Senator McEwen), moved—That the Environment, Communications and the Arts 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 Tuesday, 23 February 2010 from 1.45 pm to 2 pm.

Question put and passed.

11 LEAVE OF ABSENCE

Senator Parry, by leave, moved—That leave of absence be granted to Senator Kroger from 22 February to 19 March 2010, for personal reasons.

Question put and passed.

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Community Affairs References Committee, postponed till 9 March 2010.

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for 23 February 2010, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, postponed till 15 March 2010.

Government business notice of motion no. 1 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 17 March 2010.

General business notice of motion no. 527 standing in the name of Senator Xenophon for today, proposing the introduction of the Water Licence Moratorium Bill 2009, postponed till 9 March 2010.

General business notice of motion no. 694 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Protection of Personal Information Bill 2010, postponed till 23 February 2010.

13 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIMARY INDUSTRIES—IMPORTATION OF BEEF PRODUCTS

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

The dangers presented by the Rudd Government's decision to allow the importation of beef products from countries that have had confirmed outbreaks of Bovine Spongiform Encephalopathy (mad cow disease).

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

14 FOREIGN AFFAIRS—BURMA—MINISTERIAL STATEMENT—DOCUMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Foreign affairs—Burma—Ministerial statement by the Minister for Foreign Affairs (Mr Smith).

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

Question put and passed.

15 ECONOMICS—GUARANTEE OF LARGE DEPOSITS AND WHOLESALE FUNDING—MINISTERIAL STATEMENT—DOCUMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Economics—Exit from the government guarantee of large deposits and wholesale funding—Ministerial statement by the Treasurer (Mr Swan), dated 8 February 2010.

16 FOREIGN AFFAIRS—AUSTRALIA’S RELATIONSHIP WITH INDIA—MINISTERIAL STATEMENT—DOCUMENT

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following document:

Foreign affairs—Australia’s relationship with India—Ministerial statement by the Minister for Foreign Affairs (Mr Smith), dated 9 February 2010.

17 INDIGENOUS AUSTRALIANS—CLOSING THE GAP—MINISTERIAL STATEMENT—DOCUMENTS

The Parliamentary Secretary for Social Inclusion (Senator Stephens) tabled the following documents:

Indigenous Australians—Closing the gap—

Ministerial statement by the Prime Minister (Mr Rudd), dated 11 February 2010.

Prime Minister’s report 2010—Closing the gap.

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

Debate ensued.

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

18 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—REPORT—UNAUTHORISED DISCLOSURE OF COMMITTEE PROCEEDINGS

The Acting Deputy President (Senator Marshall) tabled the following report received on 9 February 2010:

Public Works—Joint Statutory Committee—Unauthorised disclosure of committee proceedings and evidence—Report, dated February 2010.

19 GOVERNMENT DOCUMENT

The Acting Deputy President (Senator Marshall) tabled the following document received on 19 February 2010:

Department of the Environment, Water, Heritage and the Arts—Risk assessment of the insulation components under the energy efficient homes package—Report by MinterEllison Consulting.

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

Debate ensued.

Question put and passed.

20 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

Pursuant to the order of the Senate of 24 June 2008, as amended, the Acting Deputy President (Senator Marshall) tabled the following document received on 5 February 2010:

Departmental and agency appointments and vacancies—Additional estimates—Letter of advice—Resources, Energy and Tourism portfolio agencies.

21 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 24 June 2008, the Acting Deputy President (Senator Marshall) tabled the following documents received on the dates indicated:

Departmental and agency grants—Additional estimates—Letters of advice—Environment, Water, Heritage and the Arts portfolio agencies. [*Received 8 February 2010*]

Foreign Affairs and Trade portfolio agencies [2]. [*Received 15 February 2010*]
Innovation, Industry, Science and Research portfolio agencies—Correction. [*Received 9 February 2010*]

Resources, Energy and Tourism portfolio agencies. [*Received 5 February 2010*]

22 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE UNITED STATES OF AMERICA—DOCUMENT

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

United States of America—Report of the Australian parliamentary delegation, 26 September to 11 October 2009, dated February 2010.

23 AUDITOR-GENERAL—AUDIT REPORT NO. 22 OF 2009-10—DOCUMENT

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

Auditor-General—Audit report no. 22 of 2009-10—Performance audit—Geoscience Australia.

24 PARLIAMENTARY PRIVILEGE—SENATORS BEING ISSUED WITH SUBPOENAS—DOCUMENTS

The Acting Deputy President (Senator Marshall) tabled the following documents:

Parliamentary privilege—Senators being issued with subpoenas—Criminal case in the Northern Territory—Advice to the President of the Senate from the Clerk of the Senate, dated 16 February 2010 and related correspondence [3].

25 FOREIGN AFFAIRS—SOLOMON ISLANDS—LANDHOLDER AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 3 February 2010, the Minister for Innovation, Industry, Science and Research (Senator Carr) tabled the following documents:

Foreign affairs—Solomon Islands—Landholder agreements—Documents relating to the order of the Senate of 3 February 2010 [12].

**26 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
REPORT—DEFENCE SUB-COMMITTEE VISIT TO EAST TIMOR**

Senator McEwen, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Forshaw), tabled the following report:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Defence Sub-committee visit to East Timor on 5 August 2009—Report, dated February 2010.

27 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—73RD ANNUAL REPORT

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

Public Works—Joint Statutory Committee—73rd annual report, dated February 2010.

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

Question put and passed.

28 TREATIES—JOINT STANDING COMMITTEE—109TH REPORT

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

Treaties—Joint Standing Committee—109th report—Treaty tabled on 2 February 2010, dated February 2010.

29 DOCUMENTS

The following documents were tabled by the Clerk:

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

Appropriation Act (No. 1) 2009-2010—Advance to the Finance Minister—No. 2 of 2009-2010 [F2010L00340].*

Census and Statistics Act—Statement No. 1 of 2010—Lists of Agricultural Farm Businesses for the Australian Bureau of Agricultural and Resource Economics.

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 59/10—Instructions – for approved use of P-RNAV procedures [F2010L00247]*.

Civil Aviation Safety Regulations—Airworthiness Directives—

AD/A330/67 Amdt 1—Keel Beam Fastener Holes at Frame FR40 [F2010L00497]*.

AD/A330/106—Rudder Side Shell Skin [F2010L00382]*.

AD/AS 355/78 Amdt 1—Hoist Operator's Belt Snap Hook [F2010L00286]*.

AD/B747/332—Fuselage Stringers at Body Station 460, 480 and 500 Frame Locations [F2010L00198]*.

AD/B767/78 Amdt 1—Midspar Fuse Pins [F2010L00384]*.

AD/B767/130—Nacelle Strut and Wing Structure [F2010L00378]*.

AD/CL-600/54 Amdt 1—Overwing Emergency Exit Placards [F2010L00300]*.

AD/CRESCO/5 Amdt 1—Aileron Control Cables [F2010L00368]*.

AD/DAUPHIN/71 Amdt 1—Hoist Operator's Belt Snap Hook [F2010L00289]*.

AD/ECUREUIL/101 Amdt 1—Hoist Operator’s Belt Snap Hook [F2010L00285]*.

AD/PHZL/86 Amdt 1—Propeller Hub Cracks [F2010L00278]*.

AD/S-PUMA/53 Amdt 1—Hoist Operator’s Belt Snap Hook [F2010L00279]*.

Commissioner of Taxation—Public Rulings—

Class Ruling CR 2010/2.

Product Ruling PR 2010/1.

Corporations Act—ASIC Class Order [CO 10/94] [F2010L00377]*.

Customs Act—Tariff Concession Orders—

0914674 [F2010L00169]*.

0915556 [F2010L00167]*.

0915577 [F2010L00231]*.

0915961 [F2010L00230]*.

0916169 [F2010L00229]*.

0916494 [F2010L00228]*.

0917591 [F2010L00365]*.

0917820 [F2010L00204]*.

0917964 [F2010L00210]*.

0917967 [F2010L00208]*.

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0918885 [F2010L00166]*.

0918908 [F2010L00165]*.

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0918988 [F2010L00215]*.

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0919065 [F2010L00220]*.

0919225 [F2010L00221]*.

0919226 [F2010L00222]*.

0919303 [F2010L00168]*.

0919305 [F2010L00236]*.

0919309 [F2010L00223]*.

0919311 [F2010L00224]*.

0919318 [F2010L00225]*.

0919363 [F2010L00226]*.

0919365 [F2010L00232]*.

0919375 [F2010L00233]*.

0919385 [F2010L00234]*.
0919388 [F2010L00235]*.
0919468 [F2010L00213]*.
0919622 [F2010L00238]*.
0919756 [F2010L00253]*.
0919828 [F2010L00239]*.
0920147 [F2010L00259]*.
0920262 [F2010L00262]*.
0920263 [F2010L00252]*.
0920404 [F2010L00254]*.
0920459 [F2010L00355]*.
0920460 [F2010L00258]*.
0920463 [F2010L00267]*.
0920520 [F2010L00261]*.
0920530 [F2010L00268]*.
0920578 [F2010L00264]*.
0920580 [F2010L00270]*.
0920709 [F2010L00260]*.
0920819 [F2010L00263]*.
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0920923 [F2010L00266]*.
0920930 [F2010L00256]*.
0921123 [F2010L00240]*.
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0921809 [F2010L00272]*.
0921983 [F2010L00244]*.
0922097 [F2010L00273]*.
0922135 [F2010L00243]*.
0922175 [F2010L00342]*.
0922293 [F2010L00362]*.
0922294 [F2010L00363]*.
0922296 [F2010L00242]*.
0922321 [F2010L00332]*.
0922340 [F2010L00353]*.
0922436 [F2010L00241]*.
0922438 [F2010L00336]*.
0922440 [F2010L00348]*.
0922445 [F2010L00359]*.
0922496 [F2010L00366]*.
0922647 [F2010L00334]*.
0922724 [F2010L00335]*.

0922793 [F2010L00350]*.
0922980 [F2010L00274]*.
0923108 [F2010L00345]*.
0923307 [F2010L00344]*.
0923647 [F2010L00343]*.
0923732 [F2010L00354]*.
0923733 [F2010L00352]*.
0923734 [F2010L00349]*.
0923896 [F2010L00333]*.
0923935 [F2010L00341]*.
0924095 [F2010L00364]*.
0924278 [F2010L00361]*.
0924282 [F2010L00360]*.
0925267 [F2010L00356]*.
0925653 [F2010L00358]*.
0925820 [F2010L00275]*.
0940167 [F2010L00159]*.
0940169 [F2010L00160]*.

Defence Act—Determinations under section 58B—Defence Determinations—

2010/1—Travelling allowance incidentals – amendment.

2010/2—Post indexes – amendment.

2010/3—Higher duties allowance – Head capability development – Army.

2010/4—Regional rent bands – amendment.

2010/5—Recreation leave and disturbance allowance – amendment.

Environment Protection and Biodiversity Conservation Act—

Amendment of list of threatened species, dated 9 February 2010 [F2010L00369]*.

Notice of proposed accreditation of the Small Pelagic Fishery Management Plan 2009, dated 7 January 2010.

Financial Management and Accountability Act—

Financial Management and Accountability Determinations—

2010/01—Abolition of Special Accounts 2010 [F2010L00257]*.

2010/02—Services for Other Entities and Trust Moneys – Department of the Environment, Water, Heritage and the Arts Special Account Establishment 2010 [F2010L00265]*.

2010/04—Section 32 (Transfer of Functions from ATO to MA) [F2010L00293]*.

Select Legislative Instrument 2010 No. 3—Financial Management and Accountability Amendment Regulations 2010 (No. 1) [F2010L00347]*.

Fisheries Management Act—Select Legislative Instrument 2010 No. 1—Fisheries Management Amendment Regulations 2010 (No. 1) [F2010L00339]*.

Health Insurance Act—Select Legislative Instrument 2010 No. 5—Health Insurance (General Medical Services Table) Amendment Regulations 2010 (No. 1) [F2010L00292]*.

Higher Education Support Act—VET Provider Approval No. 1 of 2010—Academy of Information Technology Pty Ltd [F2010L00392]*.

Imported Food Control Act—Imported Food Control Regulations—Imported Food Control Amendment Order 2010 (No. 1) [F2010L00386]*.

Income Tax Assessment Act 1936—Select Legislative Instrument 2010 No. 7—Income Tax Amendment Regulations 2010 (No. 1) [F2010L00323]*.

Income Tax Assessment Act 1997—Select Legislative Instruments 2010 Nos—

8—Income Tax Assessment Amendment Regulations 2010 (No. 1) [F2010L00318]*.

9—Income Tax Assessment Amendment Regulations 2010 (No. 2) [F2010L00303]*.

Migration Act—

Direction under section 499—Direction No. 45—Order of consideration – certain skilled migration visas.

Migration Agents Regulations—Office of the MARA Notices—

MN07-10b of 2010—Migration Agents (Continuing Professional Development – Private Study of Audio, Video or Written Material) [F2010L00331]*.

MN07-10c of 2010—Migration Agents (Continuing Professional Development – Attendance at a Seminar, Workshop, Conference or Lecture) [F2010L00337]*.

MN07-10f of 2010—Migration Agents (Continuing Professional Development – Miscellaneous Activities) [F2010L00338]*.

Migration Regulations—Instruments IMMI—

09/064—Transit passengers who are eligible for a special purpose visa [F2010L00468]*.

10/001—Migration occupation in demand [F2010L00297]*.

Migration (United Nations Security Council Resolutions) Regulations—Instrument IMMI 09/144—Specification of United Nations Security Council Resolutions [F2010L00381]*.

Motor Vehicle Standards Act—

Vehicle Standard (Australian Design Rule 31/01 – Brake Systems for Passenger Cars) 2005 Amendment 1 [F2010L00281]*.

Vehicle Standard (Australian Design Rule 31/02 – Brake Systems for Passenger Cars) 2009 Amendment 1 [F2010L00283]*.

Vehicle Standard (Australian Design Rule 35/02 – Commercial Vehicle Brake Systems) 2007 Amendment 2 [F2010L00284]*.

Vehicle Standard (Australian Design Rule 62/02 – Mechanical Connections Between Vehicles) 2007 Amendment 1 [F2010L00280]*.

National Health Act—Instruments Nos PB—

4 of 2010—Amendment declaration and determination – drugs and medicinal preparations [F2010L00471]*.

5 of 2010—Amendment determination – pharmaceutical benefits [F2010L00472]*.

6 of 2010—Amendment determination – responsible persons [F2010L00473]*.

7 of 2010—Determination – drugs on F1 [F2010L00474]*.

8 of 2010—Amendment Special Arrangements – Highly Specialised Drugs Program [F2010L00475]*.

9 of 2010—Amendment Special Arrangements – Chemotherapy Pharmaceuticals Access Program [F2010L00476]*.

Papua New Guinea (Members of the Forces Benefits) Act—Select Legislative Instrument 2010 No. 11—Papua New Guinea (Members of the Forces Benefits) Amendment Regulations 2010 (No. 1) [F2010L00294]*.

Primary Industries (Excise) Levies Act—Select Legislative Instrument 2010 No. 2—Primary Industries (Excise) Levies Amendment Regulations 2010 (No. 1) [F2010L00330]*.

Private Health Insurance Act—Private Health Insurance (Prostheses) Rules 2010 (No. 1) [F2010L00385]*.

Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Amendment Determination 2010 (No. 1) [F2010L00277]*.

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2010 (No. 1) [F2010L00276]*.

Remuneration Tribunal Act—Determination 2010/01: Remuneration and Allowances for Holders of Public Office [F2010L00457]*.

Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act—Select Legislative Instrument 2010 No. 6—Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) (Veterans' Affairs) Amendment Regulations 2010 (No. 1) [F2010L00290]*.

Social Security Act—Social Security (Partially Asset-test Exempt Income Stream – Exemption) (FaHCSIA) Amendment Principles 2010 (No. 1) [F2010L00389]*.

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2010 No. 4—Superannuation Industry (Supervision) Amendment Regulations 2010 (No. 1) [F2010L00299]*.

Taxation Administration Act—Select Legislative Instrument 2010 No. 10—Taxation Administration Amendment Regulations 2010 (No. 1) [F2010L00321]*.

Telecommunications (Consumer Protection and Service Standards) Act—Australian Communications and Media Authority (Advice about Universal Service Subsidies) Direction (No. 1) 2010 [F2010L00387]*.

Trade Practices Act—Consumer Protection Notices Nos—

1 of 2010—Consumer Product Safety Standard for Vehicle Jacks [F2010L00295]*.

2 of 2010—Consumer Product Safety Standard for Portable Ramps for Vehicles [F2010L00296]*.

5 of 2010—Consumer Product Safety Standard for Children's Toys Containing Magnets [F2010L00195]*.

Veterans' Entitlements Act—Veterans' Entitlements (Class of Debts – Self Managed Superannuation and Small APRA Funds) Specification 2010—R6/2010 [F2010L00291]*.

Governor-General's Proclamation—Commencement of provisions of an Act

National Consumer Credit Protection Act 2009—Sections 3 to 337 and Schedule 1—1 April 2010 [F2010L00301].*

* Explanatory statement tabled with legislative instrument.

30 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2009—Statement of compliance—Australian Institute of Family Studies.

31 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Marshall) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Minister for Innovation, Industry, Science and Research (Senator Carr), by leave, moved—That Senator Birmingham replace Senator Boswell on the Environment, Communications and the Arts References Committee for the committee's inquiry into the Energy Efficient Homes Package, and Senator Boswell be appointed as a participating member.

Question put and passed.

Messages from the House of Representatives were reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 488, dated 4 February 2010—

Public Accounts and Audit—Joint Statutory Committee—Ms Ley in place of Mr Robert.

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Mr Keenan in place of Ms Ley.

Australian Crime Commission—Joint Statutory Committee—Mr Keenan in place of Ms Ley.

Corporations and Financial Services—Joint Statutory Committee—Mr Hartsuyker in place of Mr Pearce.

Electoral Matters—Joint Standing Committee—Mr Robb in place of Mr Morrison.

Foreign Affairs, Defence and Trade—Joint Standing Committee—Mr Truss in place of Mr Macfarlane.

Migration—Joint Standing Committee—Mr Morrison in place of Dr Stone.

Message no. 493, dated 11 February 2010—Migration—Joint Standing Committee—Mr Fletcher and Mrs Gash in place of Mr Morrison and Mr Georgiou.

**32 CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL 2010
CRIMES LEGISLATION AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL
(NO. 2) 2010**

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 489, dated 8 February 2010—Crimes Legislation Amendment (Serious and Organised Crime) Bill 2009.

Message no. 490, dated 8 February 2010—Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009.

**33 INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (NO. 2) 2009
NATIONAL HEALTH SECURITY AMENDMENT (BACKGROUND CHECKING) BILL 2009
TAX LAWS AMENDMENT (2009 MEASURES NO. 6) BILL 2009**

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

Message no. 492, dated 11 February 2010—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 502, dated 11 February 2010—A Bill for an Act to amend the *National Health Security Act 2007*, and for related purposes.

Message no. 491, dated 11 February 2010—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

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

Consideration of legislation: Senator Carr moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**34 CARBON POLLUTION REDUCTION SCHEME BILL 2010
CARBON POLLUTION REDUCTION SCHEME (CONSEQUENTIAL AMENDMENTS)
BILL 2010
AUSTRALIAN CLIMATE CHANGE REGULATORY AUTHORITY BILL 2010
CARBON POLLUTION REDUCTION SCHEME (CHARGES—CUSTOMS) BILL 2010
CARBON POLLUTION REDUCTION SCHEME (CHARGES—EXCISE) BILL 2010
CARBON POLLUTION REDUCTION SCHEME (CHARGES—GENERAL) BILL 2010
CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS) BILL 2010
CARBON POLLUTION REDUCTION SCHEME (CPRS FUEL CREDITS)
(CONSEQUENTIAL AMENDMENTS) BILL 2010
EXCISE TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME)
BILL 2010
CUSTOMS TARIFF AMENDMENT (CARBON POLLUTION REDUCTION SCHEME)
BILL 2010
CARBON POLLUTION REDUCTION SCHEME AMENDMENT (HOUSEHOLD
ASSISTANCE) BILL 2010**

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

Message no. 495, dated 11 February 2010—A Bill for an Act to reduce pollution caused by emissions of carbon dioxide and other greenhouse gases, and for other purposes.

Message no. 503, dated 11 February 2010—A Bill for an Act to deal with consequential matters arising from the enactment of the *Carbon Pollution Reduction Scheme Act 2010*, and for other purposes.

Message no. 501, dated 11 February 2010—A Bill for an Act to establish the Australian Climate Change Regulatory Authority, and for other purposes.

Message no. 500, dated 11 February 2010—A Bill for an Act to impose charges for the issue of Australian emissions units under the *Carbon Pollution Reduction Scheme Act 2010*, so far as those charges are duties of customs.

Message no. 499, dated 11 February 2010—A Bill for an Act to impose charges for the issue of Australian emissions units under the *Carbon Pollution Reduction Scheme Act 2010*, so far as those charges are duties of excise.

Message no. 498, dated 11 February 2010—A Bill for an Act to impose charges for the issue of Australian emissions units under the *Carbon Pollution Reduction Scheme Act 2010*, so far as those charges are neither duties of customs nor duties of excise.

Message no. 497, dated 11 February 2010—A Bill for an Act about CPRS fuel credits, and for related purposes.

Message no. 496, dated 11 February 2010—A Bill for an Act to deal with consequential matters arising from the enactment of the *Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Act 2010*, and for other purposes.

Message no. 506, dated 11 February 2010—A Bill for an Act to amend the *Excise Tariff Act 1921*, and for related purposes.

Message no. 505, dated 11 February 2010—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for other purposes.

Message no. 504, dated 11 February 2010—A Bill for an Act to amend the law relating to social security, family assistance, veterans' affairs, military rehabilitation and compensation and taxation, and for related purposes.

The Minister for Innovation, Industry, Science and Research (Senator Carr) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Senator Parry requested that the motion be divided—

Question—That these bills may proceed without formalities—debated.

Question put.

The Senate divided—

AYES, 35

Senators—

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

NOES, 35

Senators—

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

The ayes and noes were equal and so the question was negatived.

Question—That these bills may be taken together and be now read a first time—put and passed.

Bills read a first time.

Senator Carr moved—That the second reading of the bills be made an order of the day for the next day of sitting.

Question put and passed.

35 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAWS

A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following laws:

12 February 2010—Message No. 1—

Foreign Acquisitions and Takeovers Amendment Act 2010 (Act No. 1, 2010)

Telecommunications (Interception and Access) Amendment Act 2010 (Act No. 2, 2010).

36 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (RE-REGISTRATION OF PROVIDERS AND OTHER MEASURES) BILL 2009

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

Message no. 494, dated 11 February 2010—Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009, agreeing to amendment no. 1 made by the Senate and disagreeing to amendments nos 2 and 3.

Ordered, on the motion of the Minister for Innovation, Industry, Science and Research (Senator Carr), that the message be considered in committee of the whole immediately.

—————
In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE
HOUSE OF REPRESENTATIVES HAS DISAGREED

(2) Schedule 2, page 16 (after line 11), after item 5, insert:

5A Paragraph 29(1)(a)

Omit “less”, substitute “plus

(aa) the total of the prescribed amounts relating to expenses incurred by the student in connection with the course; less”.

5B Subsection 29(2)

Omit “paragraph (1)(b)”, substitute “paragraphs (1)(aa) and (b)”.

(3) Schedule 2, page 16 (after line 16), after item 6, insert:

6A Section 46

After “course money”, insert “and certain consequential costs”.

Senator Carr moved—That the committee does not insist on its amendments to which the House of Representatives has disagreed.

Debate ensued.

Question put.

The committee divided—

AYES, 33

Senators—

Adams	Cash	Hogg	Payne
Back	Colbeck	Hurley	Pratt
Barnett	Collins	Lundy	Stephens
Bernardi	Cormann	Marshall	Sterle
Bilyk	Crossin	McEwen	Troeth
Boyce	Farrell	McLucas	Wortley
Brown, Carol	Feeney	Moore	
Cameron	Fierravanti-Wells	O’Brien (Teller)	
Carr	Furner	Parry	

NOES, 7

Senators—

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

Question agreed to.

Resolution to be reported.

The Acting Deputy President (Senator Troeth) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 494 from the House of Representatives relating to the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 and had resolved not to insist on amendments nos 2 and 3 made by the Senate to which the House had disagreed.

On the motion of Senator Carr the report from the committee was adopted.

37 FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE) BILL 2009 [NO. 2]

FAIRER PRIVATE HEALTH INSURANCE INCENTIVES (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) BILL 2009 [NO. 2]

Order of the day read for the adjourned debate on the motions of the Special Minister of State (Senator Ludwig)—That these bills be now read a second time—*and on the amendment moved by Senator Siewert in respect of the Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2009 [No. 2] (see entry no. 5).*

Debate resumed.

At 9.50 pm: Debate was interrupted while Senator McGauran was speaking.

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.20 pm till Tuesday, 23 February 2010 at 12.30 pm.

39 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate