

2008-09

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 102

TUESDAY, 24 NOVEMBER 2009

Contents

1	Meeting of Senate.....	2826
2	Government Documents	2826
3	Order of Business—Rearrangement.....	2826
4	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].....	2827
5	Questions.....	2827
6	Motion to Take Note of Answers.....	2828
7	Notices.....	2828
8	National Broadband Network—Select Committee—Leave to Meet During Sitting.....	2833
9	Postponements	2834
10	Notice—Intention to Withdraw	2834
11	Finance and Public Administration References Committee—Leave to Meet During Sitting	2834
12	Economics References Committee—Reference.....	2834
13	Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sitting.....	2835

14	Community Affairs References Committee—Extension of Time to Report.....	2835
15	Defence—Defence Base Consolidation—Answer to Question	2835
16	Immigration—Border Protection Committee of Cabinet—Proposed Order for Production of Documents	2835
17	Foreign Affairs—Rwanda.....	2837
18	Foreign Affairs—Indonesia.....	2838
19	Corporations and Financial Services—Joint Statutory Committee—Leave to Meet During Sitting.....	2838
20	Agricultural and Related Industries—Select Committee—Leave to Meet During Sitting	2838
21	Discussion of Matter of Public Importance—Immigration—Border Protection Policy.....	2839
22	Administration—Freedom of Information Reform—Ministerial Statement—Document	2839
23	Auditor-General—Audit Report No. 13 of 2009-10—Document.....	2839
24	Parliament—Health Insurance Amendment (Revival of Table Items) Bill 2009—Legal Advice—Order for Production of Document— Document.....	2839
25	Procedure—Standing Committee—Fourth Report of 2009.....	2839
26	Documents.....	2839
27	AusCheck Amendment Bill 2009 Federal Justice System Amendment (Efficiency Measures) Bill (No. 1) 2008 National Consumer Credit Protection Bill 2009 National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009.....	2840
28	Customs Tariff Amendment (Incorporation of Proposals) Bill 2009	2840
29	Governor-General's Message—Assent to Law.....	2840
30	Economics Legislation Committee—Report—Banking Amendment (Keeping Banks Accountable) Bill 2009.....	2840
31	Economics Legislation Committee—Report—Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009	2841
32	Corporations and Financial Services—Joint Statutory Committee— Report—Inquiry into Financial Products and Services in Australia.....	2841
33	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].....	2841

34	Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009.....	2842
35	Government Documents—Consideration.....	2847
36	Adjournment.....	2847
37	Attendance.....	2847

1 MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair and read prayers.

2 GOVERNMENT DOCUMENTS

The following documents were tabled:

ASC Pty Ltd—Statement of corporate intent 2009 to 2012.

Australian Bureau of Statistics—Information paper—Census of population and housing 2011—Nature and content.

Australian Curriculum, Assessment and Reporting Authority—Report for the period 28 May to 30 June 2009.

Australian Fair Pay Commission—Report for 2008-09 [Final report].

Australian Fair Pay Commission Secretariat—Report for 2008-09, including reports of the Commission and Secretariat for July 2009 [Final report].

Australian Rail Track Corporation Ltd (ARTC)—Report for 2008-09.

Australian Sports Commission—Report for 2008-09.

Criminal Code Act 1995—Control orders and preventative detention orders—Reports for 2008-09.

Dairy Australia Limited—Report for 2008-09.

Equal Opportunity for Women in the Workplace Agency (EOWA)—Report for 2008-09.

Fisheries Research and Development Corporation (FRDC)—Report for 2008-09.

Grains Research and Development Corporation (GRDC)—Report for 2008-09.

Members of Parliament (Staff) Act 1984—Report for 2008-09.

Murray-Darling Basin Authority—Report for the period 15 December 2008 to 30 June 2009, including final report of the Murray-Darling Basin Commission for the period 1 July to 14 December 2008.

National Security Information (Criminal and Civil Proceedings) Act 2004—Non-disclosure and witness exclusion certificates—Report for 2008-09.

Native Title Act 1993—Native title representative bodies—Central Land Council—Report for 2008-09.

Pharmaceutical Benefits Pricing Authority—Report for 2008-09.

Remuneration Tribunal—Report for 2008-09.

Skills Australia—Report for 2008-09.

3 ORDER OF BUSINESS—REARRANGEMENT

The Special Minister of State (Senator Ludwig) moved—That—

- (a) government business notice of motion no. 1 standing in his name for today, relating to the hours of meeting and routine of business for today, be postponed till a later hour; and
- (b) government business notice of motion no. 2 standing in his name for today, relating to the consideration of legislation, be postponed till the next day of sitting.

Question put and passed.

- 4 **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 of the day 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]:

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 resumed.

Document: Senator Xenophon, by leave, tabled the following document:

Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills—Response to the Commonwealth Treasury’s critique of Frontier Economics—Report for Senator Xenophon by Frontier Economics, dated November 2009.

Debate continued.

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

5 **QUESTIONS**

Questions without notice were answered.

6 MOTION TO TAKE NOTE OF ANSWERS

Senator Mason moved—That the Senate take note of the answers given by the Special Minister of State (Senator Ludwig) and the Minister for Innovation, Industry, Science and Research (Senator Carr) to questions without notice asked by Senators Humphries and Mason today relating to funding of hospitals and to the Building the Education Revolution program.

Debate ensued.

Question put and passed.

7 NOTICES

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

- (1) The following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 1 June 2010:

An assessment of the effectiveness of Airservices Australia's management of aircraft noise under its responsibilities to provide air traffic services and protect the environment from the effects associated with the operation of aircraft for which it has legislative jurisdiction.

- (2) In undertaking this inquiry, the committee shall consider whether Airservices Australia:

- (a) has conducted an effective, open and informed public consultation strategy with communities affected by aircraft noise;
- (b) engages with industry and business stakeholders in an open, informed and reasonable way;
- (c) has adequate triggers for public consultation under legislation and whether procedures used by Airservices Australia are compliant with these requirements;
- (d) is accountable, as a government-owned corporation, for the conduct of its noise management strategy;
- (e) has pursued and established equitable noise-sharing arrangements in meeting its responsibilities to provide air traffic services and to protect the environment from the effects associated with aircraft for which it is responsible;
- (f) requires a binding Community Consultation Charter to assist it in consulting fully and openly with communities affected by aircraft noise; and
- (g) any other related matter.

Senators Back, Williams and Milne: To move on the next day of sitting—That the Senate—

- (a) notes that:

- (i) Commonwealth Scientific and Industrial Research Organisation scientists have warned that Australia will experience more high fire danger days,
- (ii) three Australian states are on high fire danger alert and record high temperatures are being recorded for November 2009 in several Australian cities and towns including Adelaide, and

- (iii) a government report in 2005 said that no single state or territory is likely to have the human and material resources required to resolve a catastrophic natural event; and
- (b) calls on the Government to:
 - (i) acknowledge the Australian Emergency Management Committee's 2005 *Review of Australia's ability to respond to and recover from catastrophic disasters*,
 - (ii) examine the existing Commonwealth Disaster Plan to assess its adequacy in the event of a catastrophic natural disaster,
 - (iii) establish criteria by which the Commonwealth should take a coordinating role in natural disasters crossing state or territory borders, and
 - (iv) implement the remaining recommendations of the 2005 review. (*general business notice of motion no. 653*)

Senator Johnston: To move on the next day of sitting—That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 18 March 2010:

- (a) the nature, scope and purpose of an 'Equity and Diversity Health Check' in the Royal Australian Navy, and under what authority such an investigation is conducted;
- (b) the equity and diversity issues at large on board HMAS *Success* (*Success*) giving rise to the 'Equity and Diversity Health Check' which was carried out on board *Success* between 21 April and 9 May 2009 including *inter alia* all disciplinary issues, the transfer of a Royal Navy exchange sailor, the management of equity and diversity issues by the ship's Commanding Officer and his Executive Officer both before and after the 'Equity and Diversity Health Check';
- (c) the nature and veracity of complaints and allegations made by a Petty Officer or any other person concerning equity and diversity issues on *Success*;
- (d) the reasons and factual evidentiary basis for the ship's Commanding Officer resolving to land a Chief Petty Officer and two Petty Officers (the senior sailors) at Singapore on 9 May 2009 from *Success* and the circumstances of that landing and removal from the ship including whether the Commanding Officer acted under the direction of any superior officer;
- (e) whether the senior sailors were informed of the full nature of the allegations and factual evidentiary basis for the subsequent landing in a timely fashion or at all, and whether procedural fairness was provided to those senior sailors;
- (f) the circumstances and events that led to the Commanding Officer of *Success* addressing members of the crew in relation to the landing of the senior sailors, whether the Commanding Officer referred to the senior sailors by stating words to the effect of 'there was a rotten core on this ship and the core has now been removed' and if so, the extent that those comments may have prejudiced any subsequent inquiry;
- (g) whether the Inquiry Officer as appointed pursuant to terms of reference, dated 15 May, and as set out in Minute S1804843, dated 10 July 2009, declined to interview any relevant witnesses in circumstances where the senior sailors were prohibited from attending *Success* and or contacting any of the ship's company;
- (h) the way in which the inquiry into the events on *Success* was conducted, whether the method of questioning witnesses and gathering evidence was conducted according to the principles of justice, whether the inquiry process

was free from any perception of bias, and whether any witnesses were threatened with disciplinary or other action during the course of giving evidence;

- (i) whether the senior sailors requested access to evidence gathered during the inquiry into the events on *Success*, whether any such request was denied, and whether any subsequent finding is reasonable in the circumstances;
- (j) the facts and circumstances of the treatment of the Legal Officer (the lawyer) assigned to the management and defence of the case of the senior sailors including any threats, bullying, adverse conduct and prejudice generally, including any threat of posting to Western Australia, and whether any such conduct constituted an attempt to compromise the lawyer's capacity to represent the best interests of the senior sailors without fear or favour;
- (k) the knowledge and awareness of the ship's Commanding Officer, the Australian Defence Force Investigative Service investigators and the broader naval chain of command of the facts and circumstances relating to the Channel 7 News reports on 4 July and 7 July 2009 (the media reports) and the dates and times of such personnel being availed of such knowledge and awareness;
- (l) the knowledge and awareness of the media reports by the responsible Minister and the dates and times of the Minister being availed of such knowledge and awareness; and
- (m) all and any other matters relating to the justice and equity of the management of the senior sailors in their removal from the ship and the subsequent administrative process or processes, including their complaints as to the flawed process as set out herein.

Senator Colbeck: 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 resolutions of 15 September 2009 disallowing the following instruments:

- (a) the Export Control (Fees) Amendment Orders 2009 (No. 1), made under regulation 3 of the Export Control (Orders) Regulations 1982;
- (b) the Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 108 and made under the *Australian Meat and Live-stock Industry Act 1997*;
- (c) the Export Inspection (Establishment Registration Charges) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 109 and made under the *Export Inspection (Establishment Registration Charges) Act 1985*; and
- (d) the Export Inspection (Quantity Charge) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 110 and made under the *Export Inspection (Quantity Charge) Act 1985*. (*general business notice of motion no. 654*)

Senator Cormann: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Health and Ageing, no later than noon on Thursday, 26 November 2009, a copy of the current draft rules and regulations relating to the following bills:

- (a) Health Legislation Amendment (Midwives and Nurse Practitioners) Bill 2009;
- (b) Midwife Professional Indemnity (Run-off Cover Support Payment) Bill 2009; and
- (c) Midwife Professional Indemnity (Commonwealth Contribution) Scheme Bill 2009. (*general business notice of motion no. 655*)

Senator Cormann: To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 June 2010:

Consumer access to pharmaceutical benefits and the creation of new therapeutic groups through the Pharmaceutical Benefits Scheme (PBS), including:

- (a) the impact of new therapeutic groups on consumer access to existing PBS drugs, vaccines and future drugs, particularly high cost drugs;
- (b) the effect of new therapeutic groups on the number and size of patient contributions;
- (c) consultation undertaken in the development of new therapeutic groups;
- (d) the impact of new therapeutic groups on the classification of medicines in F1 and F2 formularies;
- (e) the delay to price reductions associated with the price disclosure provisions due to take effect on 1 August 2009 and the reasons for the delay;
- (f) the process and timing of consideration by Cabinet of high cost drugs and vaccines; and
- (g) any other related matters.

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

- (a) notes:
 - (i) the National School Chaplaincy Program (the program) was introduced by the former Coalition Government in the 2007-08 financial year with a commitment of \$165 million for its first 3 years,
 - (ii) the program offers pastoral care, spiritual guidance and counselling in a range of areas such as bullying, mental health, family relationships and drug and alcohol abuse, operates in 2 700 schools and enjoys strong support among principals, schools and in the community generally,
 - (iii) the Coalition has announced that if elected, it will continue funding the program at present levels on an ongoing basis,
 - (iv) the Government has been forced to respond and has extended funding for the program, at a reduced level, for another year until the end of 2011, after which time there may be no more funding despite the program's social benefits, sound administration and strong community support, and
 - (v) the Government's announcement does not go far enough and does not allow for any new chaplains to be engaged and, as a result, does not provide certainty into the future for chaplains; and therefore
- (b) calls on the Government to make a commitment to extend the program to new schools that apply for a chaplain and to maintain current levels of funding into the future on an ongoing basis. (*general business notice of motion no. 656*)

The Special Minister of State (Senator Ludwig): To move on the next day of sitting—That, on Wednesday, 25 November 2009:

- (a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.40 pm;
- (b) the routine of business from 7.30 pm shall be consideration of the government business order of the day relating to the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and 10 related bills; and
- (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

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

- (a) notes that Sunday, 29 November 2009 is the inaugural R U OK? Day, a suicide prevention initiative that brings Australians together to help prevent the isolation that can play a part in someone considering, or taking, their own life;
- (b) acknowledges the need to inspire Australians to reach out to anyone struggling, to show that people care and are there to help;
- (c) is aware that suicide claims the lives of approximately 2 000 people each year and is the biggest killer of men and women 15 to 35 years old; and
- (d) recognises that a simple conversation could change a life and that the key thing someone can do is regularly ask the people we care about, ‘Are you OK?’, regardless of whether they are at risk or not, as that connection is good for all of us. (*general business notice of motion no. 657*)

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

- (1) That the Senate—
 - (a) recalls that on 17 November 2009 it agreed to the following order, ‘That there be laid on the table, no later than 4 pm on 18 November 2009, the assessment by Geoscience Australia reportedly identifying prospective sites for underground carbon dioxide storage sites in Victoria, Queensland and Western Australia, referred to in an article, ‘New hope for viable clean coal projects’ published in *The Australian* on 24 October 2009’; and
 - (b) notes that the Government tabled a response saying, ‘The Government is not able to comply with the Order because there is no document in the precise form requested. In any event, the Minister asks the Senate to note that the Government is using a report containing an assessment along the lines sought, containing also the work of others, for the purpose of assisting the Government’s consideration of competitive applications for funding under the CCS Flagships program. The report will be released at the time the grants under that program are announced’.
- (2) That there be laid on the table, no later than 4 pm on 25 November 2009, the report ‘containing an assessment along the lines sought’. (*general business notice of motion no. 658*)

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

- (a) 25 November 2009 is national Go Home On Time Day;
- (b) Australians work more than 2 billion hours of unpaid overtime each year;
- (c) Australians work the longest hours in the western world;
- (d) excessive unpaid overtime has significant industrial, economic and social implications; and
- (e) long working hours can have negative consequences for physical and mental health and personal relationships. (*general business notice of motion no. 659*)

Senators Ludlam, O’Brien and Parry, the Leader of the Family First Party (Senator Fielding) and Senator Xenophon: To move on the next day of sitting—That the Senate—

- (a) notes that:
 - (i) Wednesday, 25 November is the International Day for the Elimination of Violence Against Women which is symbolised by the wearing of a white ribbon,

- (ii) White Ribbon Day marks the start of 16 Days of Activism Against Gender Violence, a global event calling on action to end violence against women,
- (iii) one in three Australian women will experience physical or sexual violence in their lifetimes,
- (iv) gender-based violence costs the Australian economy more than \$15.1 billion each year which includes costs in terms of health, work absenteeism, police and court costs, and
- (v) the Asian Forum of Parliamentarians on Population and Development (AFPPD), of which the Australian Parliamentary Group on Population and Development is a member, has established the AFPPD Standing Committee of Male Parliamentarians on Prevention of Violence against Women and Girls on 7 September 2009 which is a significant step in bringing together male parliamentarians from across Asia as role models and outspoken activists for the prevention and elimination of violence against women and girls; and

- (b) calls on all men to actively participate in White Ribbon Day by ‘swearing to end violence against women, to never commit violence against women, to never excuse violence against women, and to never to remain silent about violence against women’. (*general business notice of motion no. 660*)

Senator Siewert: To move on the next day of sitting—That the Senate calls on the Federal Government to require that the use of Commonwealth dialysis resources, including the provision of the transportable dialysis facility in Alice Springs, is contingent on the lifting of the Northern Territory Government’s ban on new interstate renal patients, so that all citizens can access these services on the basis of need. (*general business notice of motion no. 661*)

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

- (a) notes:
 - (i) the Federal Government’s ongoing commitment to continuing with the excised territories of Christmas Island, Cocos Islands and Ashmore Reef, and
 - (ii) the sheer expense of running the offshore detention facility on Christmas Island;
- (b) recognises concerns raised by the Australian Human Rights Commission, Amnesty International and the Refugee Council of Australia to the limited access to sufficient health facilities, resources, and torture and trauma counselling services due to the remoteness and isolation of the Christmas Island detention facilities from mainland Australia; and
- (c) calls on the Government to end the policy of excision and bring all offshore arrivals to the mainland for processing. (*general business notice of motion no. 662*)

8 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, by leave and at the request of the Chair of the Select Committee on the National Broadband Network (Senator Fisher), moved—That the Select Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 25 November 2009.

Question put and passed.

9 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Xenophon for today, proposing a reference to the Community Affairs References Committee, postponed till 25 November 2009.

Business of the Senate notice of motion no. 3 standing in the name of Senator Boyce for today, proposing a reference to the Community Affairs References Committee, postponed till 25 November 2009.

General business notice of motion no. 648 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, relating to the third reading of the Carbon Pollution Reduction Scheme Bill 2009 [No. 2] and related bills, postponed till 25 November 2009.

10 NOTICE—INTENTION TO WITHDRAW

Senator Ronaldson, pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of the definition of *electioneering* in subregulation 3AA(11) in item [1] of Schedule 1 of the Parliamentary Entitlements Amendment Regulations 2009 (No. 1) Amendment Regulations 2009 (No. 1), as contained in Select Legislative Instrument 2009 No. 250 and made under the *Parliamentary Entitlements Act 1990*.

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

11 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Parry, by leave and at the request of the Chair of the Finance and Public Administration References Committee (Senator Bernardi), moved—That the Finance and Public Administration References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 25 November 2009, in relation to its inquiry on the relationship between the Central Land Council and Centrecorp Aboriginal Investment Corporation Pty Ltd.

Question put and passed.

12 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator Williams amended business of the Senate notice of motion no. 4 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Economics References Committee for inquiry and report by 31 August 2010:

The role of liquidators and administrators, their fees and their practices, and the involvement and activities of the Australian Securities and Investments Commission, prior to and following the collapse of a business.

Question put and passed.

13 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator O'Brien, at the request of the Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade (Senator Forshaw) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 646—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 25 November 2009, from 11 am, to take evidence for the committee's inquiry into Australia's trade and investment relations with Asia, the Pacific and Latin America.

Question put and passed.

14 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 647—That the time for the presentation of the report of the Community Affairs References Committee on the impact of gene patents on the provision of healthcare in Australia be extended to 18 March 2010.

Question put and passed.

15 DEFENCE—DEFENCE BASE CONSOLIDATION—ANSWER TO QUESTION

The Minister for Defence (Senator Faulkner), by leave, provided a further answer to a question without notice asked by Senator Hutchins on 18 November 2009 relating to defence base consolidation and a defence budget audit report.

16 IMMIGRATION—BORDER PROTECTION COMMITTEE OF CABINET—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Fierravanti-Wells, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 651—That there be laid on the table by the Minister representing the Prime Minister, no later than 2 pm on Wednesday, 25 November 2009, documents outlining, or including the following:

- (a) the date, time and duration of the meetings of the Border Protection Committee of Cabinet since it was established in about April 2009;
- (b) in relation to each of the meetings referred to above, details of all the attendees at each meeting, including the name and position of each attendee and the capacity in which they attended the meeting;
- (c) in relation to any ministerial staff attending any meeting, the level of security clearance of all ministerial staff who attended each meeting;
- (d) all documents relating to the formulation, discussion and approval (including any drafts) of the letter from Mr Jim O'Callaghan, Minister-Counsellor Immigration, Australian Embassy, Jakarta, Indonesia, entitled *Message to the 78 passengers on the Oceanic Viking*, dated November 2009, including by the Border Protection Committee of Cabinet or any other committee, taskforce or entity;
- (e) all documents relating to the formulation, discussion and approval (including any drafts) of the letter from Mr Andrew Metcalfe, Department of Immigration and Citizenship to Senator Evans, Minister for Immigration and Citizenship, dated 16 November 2009, including by the Border Protection Committee of Cabinet or any other committee, taskforce or entity;

- (f) in relation to the formulation, discussion or approval referred to in paragraphs (d) and (e), which was undertaken by any other committee, taskforce or entity other than the Border Protection Committee of Cabinet, documents outlining or including:
 - (i) the name of the other committee, taskforce or entity,
 - (ii) the date, time and duration of the meeting/s of the other committee, taskforce or entity, and
 - (iii) details of all the attendees at each meeting of the other committee, taskforce or entity, including the name and position of each attendee and the capacity in which they attended the meeting;
- (g) in relation to any ministerial staff attending any meeting, the level of security clearance of all ministerial staff who attended each meeting of the Border Protection Committee of Cabinet or any other committee, taskforce or entity;
- (h) in relation to approval referred to in paragraphs (d) and (e) above, details of the date, time, duration and attendees at the meeting or meetings that resulted in such approval by the Border Protection Committee of Cabinet or any other committee, taskforce or entity;
- (i) details of when the Prime Minister became aware of the decision of the Border Protection Committee of Cabinet or any other committee, taskforce or entity to make the offer referred to in paragraphs (d) and (e) above and how he became aware of this decision;
- (j) in relation to the letter from Mr Jim O'Callaghan, Minister-Counsellor Immigration, Australian Embassy, Jakarta, Indonesia, entitled *Message to the 78 passengers on the Oceanic Viking*, dated November 2009, all documents relating to the formulation, discussion and approval (including drafts) of any arrangements, undertakings or special circumstances with the United Nations High Commissioner for Refugees regarding processing and resettlement of the asylum seekers;
- (k) in relation to the letter from Mr Jim O'Callaghan, Minister-Counsellor Immigration, Australian Embassy, Jakarta, Indonesia, entitled *Message to the 78 passengers on the Oceanic Viking*, dated November 2009 and the letter from Mr Andrew Metcalfe, Department of Immigration and Citizenship to Senator Evans, Minister for Immigration and Citizenship, dated 16 November 2009, all documents relating to the formulation, discussion and approval (including drafts) of any arrangements, undertakings or special circumstances with Indonesia regarding the detention, processing and resettlement of the asylum seekers; and
- (l) in relation to any approval covered by paragraphs (h) and (i), a statement of whether the Prime Minister or any member of the Prime Minister's staff approved any part, aspect, detail or condition contained in the letter from Mr Jim O'Callaghan, Minister-Counsellor Immigration, Australian Embassy, Jakarta, Indonesia, entitled *Message to the 78 passengers on the Oceanic Viking*, dated November 2009 and in the letter from Mr Andrew Metcalfe, Department of Immigration and Citizenship to Senator Evans, Minister for Immigration and Citizenship, dated 16 November 2009.

Question put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 33

Senators—

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

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

17 FOREIGN AFFAIRS—RWANDA

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. 652—That the Senate, noting that:

- (a) Rwanda's nomination to join the Commonwealth will be decided at the Commonwealth Heads of Government Meeting in Trinidad and Tobago from 27 November to 29 November 2009; and
- (b) Rwanda's ruling party, the Rwandan Patriotic Front, has actively stopped alternative political parties from operating and has been implicated in electoral irregularities and restrictions on press freedom,

calls on the Government to review Rwanda's record on human rights according to the standards agreed to by the Commonwealth's 1991 Harare Declaration, before supporting its membership of the Commonwealth.

Question put.

The Senate divided—

AYES, 7

Senators—

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

NOES, 37

Senators—

Bilyk	Eggleston	Kroger	Polley
Bishop	Farrell	Ludwig	Pratt
Boyce	Feeney	Lundy	Sherry
Brown, Carol	Ferguson	Marshall	Troeth
Bushby	Fierravanti-Wells	McEwen	Trood
Cameron	Forshaw	McLucas	Williams
Cash	Furner	Moore	Wortley
Colbeck	Heffernan	O'Brien	
Conroy	Hogg	Parry (Teller)	
Crossin	Hurley	Payne	

Question negatived.

18 FOREIGN AFFAIRS—INDONESIA

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. 644—That the Senate, noting the recent deportation of journalists and environmentalists from Indonesia for highlighting widespread deforestation in that country, supports the right of people to peacefully protest against climate damaging deforestation around the world and the right of journalists to cover such protests.

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

Question put and negatived.

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

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Mason) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 649—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 25 November 2009, from 5 pm, to take evidence for the committee's inquiry into the continuing oversight of the operations of the Australian Securities and Investments Commission.

Question put and passed.

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

Senator Kroger, 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. 650—That the Select Committee on Agricultural and Related Industries be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 24 November 2009, from 4 pm, to take evidence for the committee's inquiry into food production in Australia.

Question put and passed.

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—BORDER PROTECTION POLICY

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

The continued failure of the Rudd Government's border protection policy.

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

22 ADMINISTRATION—FREEDOM OF INFORMATION REFORM—MINISTERIAL STATEMENT—DOCUMENT

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

Administration—Freedom of information reform—Ministerial statement by the Special Minister of State (Senator Ludwig), dated 24 November 2009.

23 AUDITOR-GENERAL—AUDIT REPORT NO. 13 OF 2009-10—DOCUMENT

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

Auditor-General—Audit report no. 13 of 2009-10—Assurance report—2008-09 major projects report—Defence Materiel Organisation.

24 PARLIAMENT—HEALTH INSURANCE AMENDMENT (REVIVAL OF TABLE ITEMS) BILL 2009—LEGAL ADVICE—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

Pursuant to the order of the Senate of 23 November 2009, the Assistant Treasurer (Senator Sherry) tabled the following document:

Parliament—Health Insurance Amendment (Revival of Table Items) Bill 2009—Legal advice—Statement responding to the resolution of the Senate of 23 November 2009, dated 24 November 2009.

25 PROCEDURE—STANDING COMMITTEE—FOURTH REPORT OF 2009

Senator Payne, at the request of the Chair of the Procedure Committee (Senator Ferguson), tabled the following report:

Procedure—Standing Committee—Fourth report of 2009—Rules for question time; Public interest immunity claims: operation of the order of the Senate of 13 May 2009, dated November 2009.

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

Notice of motion: Senator Payne, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate adopt the temporary order relating to question time contained in the attachment to the fourth report of 2009 of the Procedure Committee. (*general business notice of motion no. 663*)

26 DOCUMENTS

The following documents were tabled by the Clerk:

Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 125.

Sydney Airport Curfew Act—Dispensation Report 10/09.

27 AUSCHECK AMENDMENT BILL 2009**FEDERAL JUSTICE SYSTEM AMENDMENT (EFFICIENCY MEASURES)****BILL (NO. 1) 2008****NATIONAL CONSUMER CREDIT PROTECTION BILL 2009****NATIONAL CONSUMER CREDIT PROTECTION (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL 2009**

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

Message no. 463, dated 23 November 2009—AusCheck Amendment Bill 2009.

Message no. 464, dated 23 November 2009—Federal Justice System Amendment (Efficiency Measures) Bill (No. 1) 2008.

Message no. 462, dated 23 November 2009—National Consumer Credit Protection Bill 2009.

Message no. 461, dated 23 November 2009—National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009.

28 CUSTOMS TARIFF AMENDMENT (INCORPORATION OF PROPOSALS) BILL 2009

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

Message no. 465, dated 23 November 2009—A Bill for an Act to amend the *Customs Tariff Act 1995*, and for related purposes.

The Assistant Treasurer (Senator Sherry) 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 Sherry moved—That this bill be now read a second time.

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

29 GOVERNOR-GENERAL'S MESSAGE—ASSENT TO LAW

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

23 November 2009—Message No. 47—*Corporations Amendment (Improving Accountability on Termination Payments) Act 2009* (Act No. 115, 2009).

30 ECONOMICS LEGISLATION COMMITTEE—REPORT—BANKING AMENDMENT (KEEPING BANKS ACCOUNTABLE) BILL 2009

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

Economics Legislation Committee—Banking Amendment (Keeping Banks Accountable) Bill 2009—Report, dated November 2009, Hansard record of proceedings, additional information and submissions.

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

**31 ECONOMICS LEGISLATION COMMITTEE—REPORT—TRADE PRACTICES
AMENDMENT (GUARANTEED LOWEST PRICES—BLACKTOWN AMENDMENT)
BILL 2009**

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

Economics Legislation Committee—Trade Practices Amendment (Guaranteed Lowest Prices—Blacktown Amendment) Bill 2009—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 McEwen.

**32 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
REPORT—INQUIRY INTO FINANCIAL PRODUCTS AND SERVICES IN AUSTRALIA**

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

Corporations and Financial Services—Joint Statutory Committee—Inquiry into financial products and services in Australia—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 Parry.

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

Debate ensued.

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

**33 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 of the day 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. 4).

Debate resumed.

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

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

Order of the day read for the consideration of message no. 448 from the House of Representatives in committee of the whole (*see entry no. 34, 18 November 2009*).

In the committee

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

(3) Opp (1) [Sheet 5978]

Schedule 1, item 2, page 4 (lines 17 to 20), omit subsection (10A), substitute:

(10A) Paragraph (10)(b) does not apply for the purposes of determining whether a person is to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G, unless subsection (10B) or (10C) applies to the person.

(10AA) Paragraph (10)(c) does not apply for the purposes of determining whether a person is to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G, unless subsection (10B), (10BA) or (10C) applies to the person.

(4) Opp (2) [Sheet 5978]

Schedule 1, item 2, page 4 (after line 24), after paragraph 1067A(10B), insert:

(10BA) This subsection applies to a person if the Secretary is satisfied that the person is required to live away from home to pursue his or her chosen course of education.

(5) Opp (1) [Sheet 5968]

Schedule 1, item 2, page 5 (lines 13 and 14), omit “30 June 2010”, substitute “31 December 2010”.

(6) Opp (2) [Sheet 5968]

Schedule 1, item 2, page 5 (lines 18 to 20), omit paragraph 1067A(10C)(e).

(7) Opp (3) [Sheet 5968]

Schedule 1, item 2, page 5 (line 23), omit “1 July 2010”, substitute “1 January 2011”.

(8) Opp (3) [Sheet 5978]

Schedule 1, page 5 (after line 25), at the end of item 2, add:

(10D) The regulations may prescribe an audit process to enable the Secretary to verify that a person who is to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G because of subsections (10AA) and (10BA) continues to meet the requirements of those subsections.

(10E) Regulations made for the purposes of subsection (10D) may include a requirement that such a person periodically provide relevant information to the Secretary, including evidence capable of satisfying the Secretary that the person continues to live away from home.

(10F) If:

- (a) a person fails to meet a requirement prescribed by regulations made for the purpose of subsection (10D); or
- (b) the Secretary is no longer satisfied that the person meets the requirements of subsections (10AA) and (10BA);

the Secretary may determine that the person is no longer to be regarded as independent for the purposes of Part 2.11, this Part or section 1070G because of subsections (10AA) and (10BA).

(9) Opp (4) [Sheet 5978]

Schedule 1, item 4, page 6 (line 4), omit “, (10B)”, substitute “, (10AA), (10B), (10BA)”.

The Parliamentary Secretary for Social Inclusion (Senator Stephens) 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, 34

Senators—

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

NOES, 34

Senators—

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

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



Statement by Chair of Committees: The Temporary Chair of Committees (Senator Hutchins) made the following statement:

The ayes and noes being equal, the amendments are not insisted upon. As has been explained on previous such occasions, the reason for this is that the amendments required a majority to be carried in the first instance, and the equally divided votes on the question of whether the Senate should insist on its amendments indicates that there is now not a majority in support of the amendments.

Explanatory memorandum: The Minister for Innovation, Industry, Science and Research (Senator Carr) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Senator Carr moved the following amendments together by leave:

Schedule 1, item 2, page 5 (lines 13 and 14), omit “30 June 2010”, substitute “31 December 2010”.

Schedule 1, item 2, page 5 (lines 18 to 20), omit paragraph 1067A(10C)(e), substitute:

- (e) if the person would not be taken by section 1067D to be required to live away from home on the higher education start day, assuming he or she were not independent then—the person’s combined parental income (as defined in point 1067G-F10 of the Youth Allowance Rate Calculator in section 1067G) for the tax year described in subsection (10D) is less than \$150,000; and

Schedule 1, item 2, page 5 (line 23), omit “1 July 2010”, substitute “1 January 2011”.

Schedule 1, item 2, page 5 (lines 24 and 25), omit notes 1 and 2, substitute:

Note: For *undertaking full-time study* see section 541B.

Schedule 1, item 2, page 5 (after line 25), after subsection 1067A(10C), insert:

- (10D) For the purposes of paragraph (10C)(e), the tax year is:
 - (a) the tax year ending on 30 June 2009; or
 - (b) the tax year ending on 30 June 2010 if:
 - (i) the person requests, in writing in accordance with a form approved by the Secretary, the Secretary to determine that paragraph (10C)(e) apply to the person’s combined parental income for that tax year and the Secretary does so; or
 - (ii) under point 1067G-F6 of the Youth Allowance Rate Calculator in section 1067G that tax year would be the appropriate tax year for the purpose of applying Module F of that Rate Calculator to the person in respect of a youth allowance payment period including the higher education start day (assuming youth allowance is or may be payable to the person).

Schedule 1, item 4, page 6 (line 4), omit “and (10C)”, substitute “, (10C) and (10D)”.

Schedule 2, item 4, page 20 (lines 16 to 19), omit section 592H, substitute:

592H Amount of student start-up scholarship payment

Payment for which person is qualified in 2010

- (1) The amount of a student start-up scholarship payment for which a person is qualified in 2010 is \$717.

Payment for which person is qualified in 2011 or later

- (2) The amount of a student start-up scholarship payment for which a person is qualified on or after 1 January 2011 is \$1,127.

Note: The amount of a student start-up scholarship payment for which a person is qualified on or after 1 January 2011 is indexed annually in line with CPI increases (see sections 1190 to 1194).

Schedule 2, item 19, page 28 (table item 68, 4th column), omit “section 592H”, substitute “subsection 592H(2)”.

Debate ensued.

Document: Senator Hanson-Young, by leave, tabled the following document:

Social Security and Other Legislation Amendment (Income Support for Students)
Bill 2009—Tertiary education for rural and regional students—Letter from the
Deputy Prime Minister (Ms Gillard) to Senator Hanson-Young.

Debate continued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 33

Senators—

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

NOES, 33

Senators—

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

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

Resolution to be reported.

The Acting Deputy President (Senator Marshall) resumed the chair and the Chair of Committees (Senator Ferguson) reported that the committee had considered message no. 448 from the House of Representatives relating to the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.

Senator Carr moved—That the report from the committee be adopted.

Debate ensued.

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

Leave was granted for the question to be put.

Question—That the report from the committee be adopted—put.

The Senate divided—

AYES, 33

Senators—

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

NOES, 33

Senators—

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

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

Statement by President: The President made the following statement:

The effect of this vote is that the Senate has not adopted the report from the committee and message no. 448 from the House of Representatives remains before the committee of the whole.

35 GOVERNMENT DOCUMENTS—CONSIDERATION

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

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

Australian Bureau of Statistics—Information paper—Census of population and housing 2011—Nature and content. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

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

Australian Rail Track Corporation Ltd (ARTC)—Report for 2008-09. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Fisheries Research and Development Corporation (FRDC)—Report for 2008-09. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Grains Research and Development Corporation (GRDC)—Report for 2008-09. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

36 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.24 pm till Wednesday, 25 November 2009 at 9.30 am.

37 ATTENDANCE

Present, all senators.

HARRY EVANS
Clerk of the Senate