THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 41

THURSDAY, 7 JULY 2011

Contents

1 Meeting of Senate................................................................. 1202
2 Temporary Chair of Committees........................................... 1202
3 Carbon Tax Plebiscite Bill 2011 [No. 2] .................................. 1202
4 Notice...................................................................................... 1202
5 Selection of Bills—Standing Committee—Report No. 9 of 2011 ....... 1202
6 Order of Business—Rearrangement........................................ 1204
7 Scrutiny of New Taxes—Select Committee—Leave to Meet During
  Sitting...................................................................................... 1204
8 Routine of Business—Variation—First Speeches ........................ 1204
9 Senators’ Interests—Standing Committee—Extension of Time to Report ...... 1205
10 Australia’s Food Processing Sector—Select Committee—Leave to Meet During Sitting ................................................................. 1205
11 Rural Affairs and Transport References Committee—Leave to Meet During
  Sitting...................................................................................... 1205
12 Health—Mobile Phones—Cancer Research ............................... 1205
13 Death of Dr Itamar Franco.......................................................... 1206
14 Foreign Affairs—South Sudan and Sudan................................. 1206
15 Foreign Affairs—Burma—Daw Aung San Suu Kyi ....................... 1207
16 Foreign Affairs—Sri Lanka.......................................................... 1208
17 Communications—Australia Network Tenders—Proposed Order for
  Production of Documents......................................................... 1208
18 Animal Welfare—Live Animal Export....................................... 1209
19 Indigenous Australians—Kidney Health.................................... 1210
20 Notice...................................................................................... 1211
21 Committees—Additional Information—Estimates ....................... 1211
22 Publications—Standing Committee—7th Report ....................... 1212
  Election...................................................................................... 1212
24 Australian Commission for Law Enforcement Integrity—Joint Statutory
  Committee—Report—Operation of the Law Enforcement Integrity
  Commissioner Act 2006 .............................................................. 1213
25 Social Security and Other Legislation Amendment (Miscellaneous
Measures) Bill 2011 ................................. 1213
26 Customs Amendment (New Zealand Rules of Origin) Bill 2011
Indigenous Education (Targeted Assistance) Amendment Bill 2011
Offshore Petroleum and Greenhouse Gas Storage (Registration Fees)
Amendment Bill 2011
Offshore Resources Legislation Amendment (Personal Property Securities)
Bill 2011
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies
Legislation Amendment (2011 Measures No. 2) Bill 2011 ................................. 1213
27 Legal and Constitutional Affairs Legislation Committee—Report—
Inspector-General of Intelligence and Security Amendment Bill 2011 ...... 1214
28 Community Affairs Legislation Committee—Report—Budget Estimates
2011-12 .................................................................. 1214
29 Child Support (Registration and Collection) Amendment Bill 2011 .......... 1214
30 Financial Framework Legislation Amendment Bill (No. 1) 2011 ................. 1215
31 Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil
Transfers) Bill 2011 .............................................. 1216
32 Questions .................................................................. 1216
33 Motion to Take Note of Answers ................................................. 1216
34 Animal Welfare—Live Animal Exports—Ministerial Statement—
Document ................................................................ 1216
36 Foreign Affairs—Review of Aid Effectiveness—Ministerial Statement—
Documents .............................................................. 1217
37 Parliamentary Committee Reports—President’s Report—Government
Responses Outstanding .................................................. 1217
38 Prohibition of Human Cloning for Reproduction Act 2002 and Research
Involving Human Embryos Act 2002—Document ..................................... 1217
39 Department of Defence—Special Purpose Flights—Document .................. 1217
40 Parliamentarians’ Expenditure on Entitlements—Document ...................... 1217
41 Former Parliamentarians’ Expenditure on Entitlements—Document ............ 1218
42 Parliamentarians’ Overseas Study Travel Reports—Document .................. 1218
43 Defence—HMAS Success Commission of Inquiry—Document ................. 1218
44 Australian Parliamentary Delegation to 123rd Inter-Parliamentary Union
Assembly and Meetings with International Organisations—Document ...... 1218
45 Documents .................................................................. 1218
46 Committee Membership .................................................................... 1220
47 Temporary Chairs of Committees .......................................................... 1220
48 Parliamentary Retiring Allowances Trust—Appointment of Trustee ............ 1220
49 Defence Amendment (Parliamentary Approval of Overseas Service)
Bill 2010 [No. 2] .................................................................. 1221
50 Government Documents—Orders of the Day—Consideration ................. 1221
51 Committee Reports and Government Responses—Orders of the Day—
Consideration ................................................................ 1229
52 Auditor-General’s Reports—Orders of the Day—Consideration ................. 1231
53 Committee Membership .................................................................... 1232
54 Next Meeting of Senate ................................................................... 1234
<table>
<thead>
<tr>
<th>No.</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>Leave of Absence</td>
<td>1234</td>
</tr>
<tr>
<td>56</td>
<td>Adjournment</td>
<td>1234</td>
</tr>
<tr>
<td>57</td>
<td>Attendance</td>
<td>1234</td>
</tr>
</tbody>
</table>
1 **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 **TEMPORARY CHAIR OF COMMITTEES**

The President tabled a warrant, dated 7 July 2011, nominating Senator Back as an additional temporary chair of committees.

3 **CARBON TAX PLEBISCITE BILL 2011 [NO. 2]**

Order of the day read for the adjourned debate on the motion of the Leader of the Opposition in the Senate (Senator Abetz)—That this bill be now read a second time. Debate resumed.

*Time expired:* The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes. Debate adjourned till the next day of sitting.

4 **NOTICE**

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

(a) notes the outstanding service provided to the Parliament by the staff of the Department of Parliamentary Services, in particular, the services of Hansard, the Parliamentary Library and broadcasting services; and

(b) calls on the Presiding Officers to ensure staff are treated fairly and guaranteed pay and conditions commensurate with the services they provide to the Parliament. *(general business notice of motion no. 334)*

5 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 9 OF 2011**

The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 9 OF 2011**

1. The committee met in private session on Wednesday, 6 July 2011 at 7.23 pm.

2. The committee resolved to recommend—That—

(a) the Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 21 September 2011;

(b) the Consumer Credit Protection Amendment (Fees) Bill 2011 be *referred immediately* to the Economics Legislation Committee for inquiry and report by 14 September 2011;

(c) the Government Advertising (Accountability) Bill 2011 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 21 September 2011;

(d) the Public Service Amendment (Payments in Special Circumstances) Bill 2011 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 16 August 2011;
(e) the provisions of the Social Security and Other Legislation Amendment Bill 2011 be referred immediately to the Community Affairs Legislation Committee for inquiry and report on Schedule 3 of the bill by 15 September 2011; and


3. The committee resolved to recommend—that the following bills not be referred to committees:
   Cybercrime Legislation Amendment Bill 2011
   Schools Assistance Amendment Bill 2011

The committee recommends accordingly.

4. The committee considered the Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011 and noted that, pursuant to the resolution of appointment of the Joint Select Committee on Gambling Reform, the bill had been referred to that committee for inquiry and report.

5. The committee considered the Migration Amendment (Declared Countries) Bill 2011 and noted that the bill was discharged from the Notice Paper on 5 July 2011.

6. The committee considered the Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011 and noted that the bill had been passed by the Senate and the House of Representatives on 6 July 2011.

7. The committee deferred consideration of the following bills to its next meeting:
   Australian Energy Market Amendment (National Energy Retail Law) Bill 2011
   Customs Amendment (Anti-dumping Improvements) Bill 2011
   Education Services for Overseas Students Amendment (Registration Charges Consequentials) Bill 2011
   Education Services for Overseas Students (Registration Charges) Amendment Bill 2011
   Excise Legislation Amendment (Condensate) Bill 2011
   Excise Tariff Amendment (Condensate) Bill 2011
   Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011
   Horse Disease Response Levy Bill 2011
   Horse Disease Response Levy Collection Bill 2011
   Horse Disease Response Levy (Consequential Amendments) Bill 2011
   Indigenous Affairs Legislation Amendment Bill 2011
   Industrial Chemicals (Notification and Assessment) Amendment (Inventory) Bill 2011
   Intellectual Property Laws Amendment (Raising the Bar) Bill 2011
   Legislative Instruments Amendment (Sunsetting) Bill 2011
   Migration Amendment (Declared Countries) Bill (No. 2) 2011
   Responsible Takeaway Alcohol Hours Bill 2010
Superannuation Legislation Amendment (Early Release of Superannuation) Bill 2011
Tobacco Plain Packaging Bill 2011
Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011.

Anne McEwen
Chair
7 July 2011.

Senator McEwen moved—that the report be adopted.
Question put and passed.

6 ORDER OF BUSINESS—REARRANGEMENT
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—that government business be interrupted at 1 pm to allow consideration of the following government business orders of the day till not later than 2 pm today:
No. 3 Child Support (Registration and Collection) Amendment Bill 2011.
No. 4 Financial Framework Legislation Amendment Bill (No. 1) 2011.
No. 5 Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Bill 2011.

Question put and passed.

Senator Collins moved—that the order of general business for consideration today be as follows:
(a) general business order of the day no. 21 (Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2]); and
(b) orders of the day relating to government documents.

Question put and passed.

7 SCRUTINY OF NEW TAXES—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING
Senator Kroger, by leave and at the request of the Chair of the Select Committee on the Scrutiny of New Taxes (Senator Cormann), moved—that the Select Committee on the Scrutiny of New Taxes be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.

Question put and passed.

8 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECHES
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), at the request of the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—that consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:
(a) Tuesday, 16 August 2011—Senators Singh and Di Natale;
(b) Wednesday, 17 August 2011—Senators Gallacher and Wright;
(c) Thursday, 18 August 2011—Senator Thistlethwaite;
9 **SENATORS’ INTERESTS—STANDING COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bernardi) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 324—that the time for the presentation of the report of the Standing Committee of Senators’ Interests on the development of a draft code of conduct for senators be extended to 28 November 2011.

Question put and passed.

10 **AUSTRALIA’S FOOD PROCESSING SECTOR—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of Senator Colbeck and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 326—that the Select Committee on Australia’s Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 7 July 2011.

Question put and passed.

11 **RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of the Chair of the Rural Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 327—that the Rural Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 7 July 2011, from 4.45 pm, to take evidence for the committee’s inquiry into biosecurity and quarantine arrangements.

Question put and passed.

12 **HEALTH—MOBILE PHONES—CANCER RESEARCH**

Senator Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 332—that the Senate notes:

(a) the release by the World Health Organization’s cancer research report by the International Agency for Research on Cancer (IARC) which states that radio frequency electromagnetic fields generated by mobile phones are ‘possibly carcinogenic to humans’ and asserts that heavy usage could lead to a possible increased risk of glioma, a malignant type of brain cancer;

(b) the warnings of Dr Charlie Teo, one of Australia’s leading brain surgeons and former Australian of the Year finalist, that ‘there is an increasing body of evidence that there is an association between brain tumours and mobile phones’;
(c) that the Australian Government, though the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), welcomes the report and considers that the classification by IARC corresponds to the current ARPANSA advice, including its advice on practical ways in which people can reduce their exposure to the electromagnetic fields produced by wireless telephones;

(d) that the methods to reduce exposure include:
   (i) limiting call time,
   (ii) preferring the use of landline phones,
   (iii) using hands-free or speaker options,
   (iv) texting instead of making voice calls, and
   (v) using phones in good signal areas which reduce power levels for communications; and

(e) that ARPANSA has also recommended parents encourage their children to use these methods of reducing exposure.

Question put and passed.

13 **DEATH OF DR ITAMAR FRANCO**

Senator McEwen, at the request of Senator Stephens and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 333—That the Senate—

   (a) expresses its condolence at the death on 2 July 2011 of Dr Itamar Franco, a former President of Brazil from 1992 to 1995;
   (b) notes the contribution of Dr Franco in helping set his country on its current economic trajectory, in particular, the reforms he instituted in 1993 that enabled Brazil to overcome rampant hyperinflation; and
   (c) acknowledges Dr Franco’s achievement in Brazilian public and political life, where he was elected a national senator for the Socialist People’s Party in 2010, and his legacy of integrity, courage and hard work.

Question put and passed.

14 **FOREIGN AFFAIRS—SOUTH SUDAN AND SUDAN**

Senator McEwen, at the request of Senator Lundy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 330—That the Senate—

   (a) notes that:
      (i) on 9 July 2011 two new nations will emerge, the nations of South Sudan and Sudan, following an overwhelming vote for independence by voters in South Sudan’s referendum for independence on 9 January 2011,
      (ii) the two new nations’ futures are interdependent and their stability has broader regional security implications for north and east Africa,
      (iii) the emerging picture confronting both new nations is dire and with significant political, humanitarian and developmental challenges as the overall security situation in Sudan is deteriorating at an alarming rate, with severe humanitarian consequences for millions of civilians in both Sudan and southern Sudan in need of protection and critical humanitarian assistance,
(iv) Sudan, after Zimbabwe, is the second largest recipient of Australia’s humanitarian and development assistance and that, since 2004, the Australian Government has provided $136 million to Sudan,

(v) the North/South Comprehensive Peace Agreement signed in 2005 ended more than two decades of civil war, however recent violence and outstanding issues, such as border demarcation, oil sharing revenue, currency and citizenship status, are undermining prospects for peace and stability, and

(vi) Sudan has the highest level overall of people remaining internally displaced according to the United Nations (UN) Office for the Coordination of Humanitarian Affairs and the highest number of people newly displaced by conflict and, as a result, the plight of internally displaced persons and Sudanese refugees will therefore continue to be a shared legacy of decades of conflict;

(b) expresses deep concern at the protracted nature of the conflict and displacement in Darfur, now in its eighth year;

(c) notes that:

(i) the UN estimates that 300,000 people have been killed as a result of violence, malnutrition and starvation and 4 million people are in desperate need of aid, representing nearly two-thirds of the entire estimated Darfur population of 6.5 million, and an estimated 2.5 million people live in refugee camps in Darfur and neighbouring Chad, while others struggle to survive in remote villages, and

(ii) humanitarian relief efforts to provide assistance to vulnerable populations are being hampered by limited humanitarian access in some of the most affected conflict areas, including in Southern Kordofan and Darfur, and that insecurity and inaccessibility remains one of the biggest challenges facing the delivery of assistance by humanitarian agencies to vulnerable populations;

(d) urges the Governments of South Sudan and Sudan to reaffirm their commitment to peace, conflict prevention, the inclusion of the peripheral regions and ethnic minorities in political representation and decision making, and the recognition of cultural and ethnic diversity through durable political solutions; and

(e) encourages the Australian Government to continue assistance to address humanitarian and development needs in Sudan and South Sudan.

Question put and passed.

15 FOREIGN AFFAIRS—BURMA—DAW AUNG SAN SUU KYI

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 331—that the Senate—

(a) notes that:

(i) Daw Aung San Suu Kyi has embarked on a tour of Burma, and

(ii) Kyaw Win, the second highest-ranking diplomat at the Burmese Embassy in Washington DC, has defected because of the Burmese Government’s human rights violations and sham elections, adding that the current threats against Daw Suu’s life ‘must be taken seriously’; and

(b) requests the Government to:

(i) monitor Daw Suu’s safety and welfare,
(ii) communicate to the regime that threats of harm or incarceration of her or her entourage are unacceptable,
(iii) pledge its continued support for genuine democracy and human rights in Burma,
(iv) call for national reconciliation and dialogue in Burma, involving all stakeholders, including Daw Suu, and
(v) call for the release of all political prisoners in Burma.

Senator McEwen, by leave, moved the following amendment:
Omit all words after “That the Senate”, substitute “calls on the Government to:
(a) monitor Aung San Suu Kyi’s safety and welfare;
(b) communicate to the regime that threats of harm or incarceration to her or her entourage are unacceptable;
(c) continue to support calls for genuine democracy and human rights in Burma; and
(d) call for the release of all political prisoners in Burma.”.

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

Main question, as amended, put and passed.

16 FOREIGN AFFAIRS—SRI LANKA
The Leader of the Australian Greens (Senator Bob Brown) amended general business notice of motion no. 323 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—
(a) notes:
(i) Sri Lanka’s ‘killing fields’, which aired on Four Corners on Monday, 4 July 2011, contained further shocking images of alleged war crimes committed during the civil conflict in Sri Lanka, and
(ii) that British Prime Minister, Mr David Cameron, said in response to the program on 15 June 2011 that ‘the Sri Lankan Government needs that to be investigated, and the UN needs it to be investigated. We need to make sure that we get to the bottom of what happened, and that lessons are learned’;
(b) calls for allegations of war crimes committed by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam to be investigated and verified;
(c) urges the Australian Government to press the Government of Sri Lanka to take steps for meaningful accountability in Sri Lanka for alleged violations of international human rights and humanitarian law; and
(d) calls on the United Nations Human Rights Council to review its 2009 resolution on Sri Lanka.

Question put and passed.

17 COMMUNICATIONS—AUSTRALIA NETWORK TENDERS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS
Senator Birmingham, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 325—That there be laid on the table and presented to the President under standing order 166, no later than noon on Monday, 18 July 2011, non-commercial aspects of all reports and briefings prepared by the assessment panel for Australia Network tenders, as well as all correspondence between the Prime Minister, the Minister for Foreign Affairs and the Minister for Broadband,
Communications and the Digital Economy, and their respective departments, regarding the tender process, potential or actual tenderers, the tenders received and any changes proposed or actual to the tender process.

Statement by leave: Senator Birmingham, by leave, made a statement relating to the motion.

The President reminded senators of the Procedure Committee’s second report of 2011 and its consideration of standing order 66 relating to procedures for dealing with formal motions.

Question put.
The Senate divided—

AYES, 32

Senators—

Abetz    Adams    Back    Bernardi    Birmingham    Boswell    Boyce    Bushby
Cash     Colbeck    Cormann    Edwards    Eggleston    Fawcett    Fifield    Fisher
Heffernan    Humphries    Johnston    Joyce    Kroger (Teller)    Macdonald    Madigan    Mason
McKenzie    Nash    Parry    Payne    Ryan    Scullion    Williams    Xenophon

NOES, 36

Senators—

Arbib    Bilyk    Bishop    Brown, Bob    Brown, Carol    Cameron    Collins    Conroy    Crossin
Di Natale    Faulkner    Feeney    Furner    Gallacher    Hanson-Young    Hogg    Ludlam    Lundy
Marshall    McEwen (Teller)    McLucas    Milne    Moore    Polley    Pratt    Rhiannon    Sherry
Siewert    Singh    Stephens    Sterle    Thistlethwaite    Urquhart    Waters    Wong    Wright

Question negatived.

18 ANIMAL WELFARE—LIVE ANIMAL EXPORT

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 329—That the Senate—

(a) notes that:

(i) OIE [World Organisation for Animal Health] guidelines do not require stunning before slaughter of cattle,

(ii) without stunning, cattle can exhibit indicators of possible consciousness for up to 2 minutes after the throat is cut, leading to a slow and painful death, and

(iii) statements by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) on 21 June 2011, that Australia does not have the power to require Indonesia to stun cattle before slaughter; and
(b) calls on the Government immediately to end the live export trade of all animals given that the welfare standards which are acceptable to the Australian public and farmers cannot be guaranteed in overseas markets.

Statement by leave: Senator Xenophon, by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 9

Senators—

Brown, Bob
Di Natale
Hanson-Young

Ludlam
Milne
Siewert (Teller)
Wright

NOES, 50

Adams
Arbib
Bernardi
Bilyk
Birmingham
Bowtell
Boyce
Brown, Carol
Bushby
Cash
Colbeck
Conroy
Cormann

Crossin
Edwards
Feehey
Fifield
Fisher
Furner
Gallacher
Heffernan
Hogg
Humphries
Joyce
Kroger
Lundy

Macdonald
Madigan
Marshall
Mason
McEwen (Teller)
McKenzie
McLucas
Moore
Nash
Parry
Polley
Pratt

Ryan
Scullion
Sherry
Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Williams
Wong
Xenophon

Question negatived.

19 INDIGENOUS AUSTRALIANS—KIDNEY HEALTH

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 328—That the Senate—

(a) notes that:

(i) poor kidney health is a serious and growing problem for Aboriginal people in central Australia,

(ii) the Central Australian Renal Study was commissioned as a response to the growing demand for dialysis services in central Australia, the strain on health services, the alarming health outcomes faced by Aboriginal people and the constant conflict between state, territory and federal governments over funding responsibilities,

(iii) the report of the study published on 27 June 2011 is substantially different from the draft report that the George Institute for Global Health had submitted to the Federal Government 5 months earlier,

(iv) the majority of recommendations included in the draft report do not appear in the published report, and

(v) the detailed ‘action plan’ featured in the draft report does not appear in the published report which includes instead a drastically-reduced ‘potential implementation scenario’; and
(b) calls on the Federal Government to show leadership and dedicate resources to implement the Central Australian Renal Services Action Plan, as presented in the draft report, including:

(i) securing agreement and assurance from all jurisdictions regarding patient flow across state and territory borders and the recognition that many patients from the central Australian region will transfer to Alice Springs in accordance with the principle of being able to obtain treatment as close to home as possible,

(ii) implementing a hub and spokes model, with a regional hub service located in Alice Springs,

(iii) identifying sites during 2011 that are suitable for conversion to in-community haemodialysis,

(iv) assessing, during 2011, the suitability of the Substance Misuse Centre in Amata and the Ngaanyatjarra Health Service renal ready room for conversion to in-community haemodialysis facilities,

(v) bringing 15 new satellite chairs online by the end of 2012, along with the phased roll-out of nurse-supported dialysis in communities, with a rigorous assessment of its efficacy, cost-effectiveness and sustainability,

(vi) establishing a chronic kidney disease registry for the cross-border region, and

(vii) developing a renal care package to provide home and community care, similar to the Extended Assistance for Care in the Home package.

Question put and passed.

20 NOTICE

The Leader of the Australian Greens (Senator Bob Brown), by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) investigate the direct or indirect ramifications for Australia of the criminal matters affecting the United Kingdom operations of News International Limited and report back to the Senate. (general business notice of motion no. 335)

21 COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES

Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2010-11—

Community Affairs Legislation Committee—Additional information received between 28 February and 1 June 2011—

Families, Housing, Community Services and Indigenous Affairs portfolio.

Health and Ageing portfolio.

Human Services portfolio.

Indigenous issues across portfolios: Education, Employment and Workplace Relations.

Economics Legislation Committee—Additional information received between 23 June and 6 July 2011—Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 21 February and 6 July 2011—Education, Employment and Workplace Relations portfolio.
Rural Affairs and Transport Legislation Committee—Additional information received between 24 March and 11 May 2011—Infrastructure and Transport portfolio.

Budget estimates 2011-12—
Economics Legislation Committee—Additional information received between 21 June and 6 July 2011—Innovation, Industry, Science and Research portfolio.
Treasury portfolio.
Environment and Communications Legislation Committee—Additional information received between 27 May and 6 July 2011—Climate Change and Energy Efficiency portfolio.
Finance and Public Administration Legislation Committee—Additional information received between 22 June and 6 July 2011—Finance and Deregulation portfolio.
Parliamentary departments.
Prime Minister and Cabinet portfolio.
Legal and Constitutional Affairs Legislation Committee—Additional information received between 18 June and 5 July 2011—Attorney-General’s portfolio.

22 PUBLICATIONS—STANDING COMMITTEE—7TH REPORT

The Chair of the Standing Committee on Publications (Senator Carol Brown) tabled the following report:

PUBLICATIONS COMMITTEE
7TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 23 June 2011, recommends that the following be printed:


Senator Carol Brown
Chair
7 July 2011.

Senator Carol Brown moved—that the report be adopted.
Question put and passed.

23 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—2010 FEDERAL ELECTION

Senator Carol Brown, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:


Senator Carol Brown moved—that the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Macdonald in continuation.
24 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—REPORT—OPERATION OF THE LAW ENFORCEMENT INTEGRITY COMMISSIONER ACT 2006**

Senator Macdonald, on behalf of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, tabled the following report and documents:


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

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

Debate ensued.

Question put and passed.

25 **SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2011**

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 221, dated 6 July 2011—Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011.

26 **CUSTOMS AMENDMENT (NEW ZEALAND RULES OF ORIGIN) BILL 2011**

**INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2011**

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (REGISTRATION FEES) AMENDMENT BILL 2011**

**OFFSHORE RESOURCES LEGISLATION AMENDMENT (PERSONAL PROPERTY SECURITIES) BILL 2011**

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE REGULATORY LEVIES LEGISLATION AMENDMENT (2011 MEASURES NO. 2) BILL 2011**

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

Message no. 216, dated 6 July 2011—A Bill for an Act to amend the *Customs Act 1901*, and for related purposes.

Message no. 217, dated 6 July 2011—A Bill for an Act to amend the law relating to Aboriginal and Torres Strait Islander education, and for related purposes.


Message no. 220, dated 6 July 2011—A Bill for an Act to amend legislation relating to offshore resources, and for other purposes.


The Parliamentary Secretary for Disabilities and Carers (Senator McLucas) 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 McLucas moved—That these bills 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.

Senator McLucas moved—That the Customs Amendment (New Zealand Rules of Origin) Bill 2011 and the Indigenous Education (Targeted Assistance) Amendment Bill 2011 be listed on the Notice Paper as separate orders of the day, and the remaining bills be listed as one order of the day.

Question put and passed.

27 Legal and Constitutional Affairs Legislation Committee—Report—Inspector-General of Intelligence and Security Amendment Bill 2011

Pursuant to order, Senator Carol Brown, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Carol Brown.

28 Community Affairs Legislation Committee—Report—Budget Estimates 2011-12

Pursuant to order, Senator Carol Brown, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following report and documents:

Community Affairs Legislation Committee—Budget estimates 2011-12—Report, dated July 2011, Hansard record of proceedings and documents presented to the committee.

Report ordered to be printed on the motion of Senator Carol Brown.

29 Child Support (Registration and Collection) Amendment Bill 2011

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.
On the motion of Senator Xenophon the following amendment was agreed to:

Schedule 1, item 1, page 3 (after line 15), after subsection 15(1B), insert:

(1C) Any information provided to a person as a result of a delegation by the Registrar under subsection (1B) must be retained, processed and stored in Australia at all times and must not in any way be transmitted outside Australia.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The Acting Deputy President (Senator Crossin) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Parliamentary Secretary for Disabilities and Carers (Senator McLucas) the report from the committee was adopted and the bill read a third time.

30 **FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 1) 2011**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Disabilities and Carers (Senator McLucas)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Xenophon moved the following amendment:

Schedule 8, page 10 (after line 3), before item 1, insert:

1A **At the end of section 31**

Add:

(4) A corporate plan developed under this section after the commencement of this subsection must outline the strategies of the Corporation to monitor and prevent the counterfeiting of Australian wines within and outside Australia.

1B **At the end of section 31F**

Add:

(4) An annual operational plan developed under this section after the commencement of this subsection must set out particulars of the action that the Corporation intends to take in order to give effect to or further, during that year, the monitoring and prevention of counterfeiting of Australian wines within and outside Australia.

Debate ensued.

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

Bill agreed to.
Bill to be reported without amendment.

The Acting Deputy President (Senator Crossin) resumed the chair and the Temporary Chair of Committees reported accordingly.
On the motion of Senator McLucas the report from the committee was adopted and the bill read a third time.

31 PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) AMENDMENT (OIL TRANSFERS) BILL 2011
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Disabilities and Carers (Senator McLucas)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator McLucas the bill was read a third time.
Suspension of sitting: On the motion of Senator McLucas the sitting of the Senate was suspended at 1.44 pm till 2 pm.

At 2 pm—

32 QUESTIONS
Questions without notice were answered.

33 MOTION TO TAKE NOTE OF ANSWERS
Senator Cormann moved—That the Senate take note of the answers given by the Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans), the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) and the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Senator Bushby, the Leader of The Nationals in the Senate (Senator Joyce) and Senator Cormann today relating to a proposed carbon tax.
Debate ensued.
Question put and passed.

34 ANIMAL WELFARE—LIVE ANIMAL EXPORTS—MINISTERIAL STATEMENT—DOCUMENT
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:

Animal welfare—Live animal exports—Ministerial statement by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), dated 7 July 2011.

Senator Scullion, by leave, moved—That the Senate take note of the document.
Debate ensued.
Question put and passed.
35 **ECONOMICS—THE GLOBAL ECONOMY—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Finance and Deregulation (Senator Wong) tabled the following document:

Economics—The global economy—Ministerial statement by the Treasurer (Mr Swan), dated 6 July 2011.

36 **FOREIGN AFFAIRS—REVIEW OF AID EFFECTIVENESS—MINISTERIAL STATEMENT—DOCUMENTS**

The Minister for Finance and Deregulation (Senator Wong) tabled the following documents:

Foreign affairs—Government’s response to the independent review of aid effectiveness—

Ministerial statement by the Minister for Foreign Affairs (Mr Rudd), dated 6 July 2011.

An effective aid program for Australia—Making a real difference – Delivering real results.

Independent review of aid effectiveness, dated April 2011.

37 **PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT RESPONSES OUTSTANDING**

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

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 6 July 2011.

38 **PROHIBITION OF HUMAN CLONING FOR REPRODUCTION ACT 2002 AND RESEARCH INVOLVING HUMAN EMBRYOS ACT 2002—DOCUMENT**

The Parliamentary Secretary to the Prime Minister (Senator Lundy) tabled the following document:


39 **DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT**

The Parliamentary Secretary to the Prime Minister (Senator Lundy) tabled the following document:

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2010.

40 **PARLIAMENTARIANS’ EXPENDITURE ON ENTITLEMENTS—DOCUMENT**

The Parliamentary Secretary to the Prime Minister (Senator Lundy) tabled the following document:

Parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 July to 31 December 2010, dated July 2011.
FORMER PARLIAMENTARIANS’ EXPENDITURE ON ENTITLEMENTS—DOCUMENT
The Parliamentary Secretary to the Prime Minister (Senator Lundy) tabled the following document:
Former parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 July to 31 December 2010, dated July 2011.

PARLIAMENTARIANS’ OVERSEAS STUDY TRAVEL REPORTS—DOCUMENT
The Parliamentary Secretary to the Prime Minister (Senator Lundy) tabled the following document:
Parliamentarians’ overseas study travel reports—1 July to 31 December 2010.

DEFENCE—HMAS SUCCESS COMMISSION OF INQUIRY—DOCUMENT
The Parliamentary Secretary to the Prime Minister (Senator Lundy) tabled the following document:

AUSTRALIAN PARLIAMENTARY DELEGATION TO 123RD INTER-PARLIAMENTARY UNION ASSEMBLY AND MEETINGS WITH INTERNATIONAL ORGANISATIONS—DOCUMENT
Senator Crossin, by leave, tabled the following document:
123rd Inter-Parliamentary Union Assembly, Geneva, Switzerland, and meetings with international organisations, Paris, France—Report of the Australian parliamentary delegation, 1 October to 11 October 2010.
Senator Crossin, by leave, moved—That the Senate take note of the document.
Question put and passed.

DOCUMENTS
The following documents were tabled by the Clerk:
[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]
Airports Act—Select Legislative Instrument 2011 No. 123—Airports Amendment Regulations 2011 (No. 2) [F2011L01407].
Civil Aviation Act—Civil Aviation Safety Regulations—Revocation of Airworthiness Directives—Instrument No. CASA ADCX 013/11 [F2011L01404].
Civil Dispute Resolution Act—Select Legislative Instrument 2011 No. 113—Civil Dispute Resolution Regulations 2011 [F2011L01409].
Commissioner of Taxation—Public Rulings—
Class Rulings—
Goods and Services Tax Determination GSTD 2011/1.
Luxury Car Tax Determination LCTD 2011/1.
Miscellaneous Taxation Ruling MT 2011/1.
Taxation Determinations—
Addenda—TD 94/30 and TD 2005/1.
Notice of Withdrawal—TD 92/113.
TD 2011/17 and TD 2011/18.
Taxation Rulings—
Addendum—TR 2004/14.
Notice of Withdrawal—TR 2010/2.
TR 2011/2.

Competition and Consumer Act—Direction No. 1 of 2011—Monitoring of the prices, costs and profits relating to the supply of unleaded petroleum products in the petroleum industry in Australia [F2011L01417].

Customs Act—Tariff Concession Orders—
1100101 [F2011L01423].
1100407 [F2011L01422].
1101009 [F2011L01421].
1101010 [F2011L01420].

Environment Protection and Biodiversity Conservation Act—Threat Abatement Plan for the biological effects, including lethal toxic ingestion, caused by Cane Toads [F2011L01416].


Federal Financial Relations Act—Federal Financial Relations (General purpose financial assistance) Determination No. 27 (June 2011) [F2011L01424].

Financial Management and Accountability Act—
Financial Management and Accountability Determination 2011/09—Section 32 (Transfer of Functions from BSA to DAFF) [F2011L01418].
Select Legislative Instrument 2011 No. 118—Financial Management and Accountability Amendment Regulations 2011 (No. 2) [F2011L01411].

Food Standards Australia New Zealand Act—
Food Standards (Application A1030 – Calcium Lignosulphonate (40-65) as a Food Additive) Variation [F2011L01414]*.
Food Standards (Application A1037 – Steviol Glycosides – Increase in Permitted Use Levels) Variation [F2011L01415]*.
Food Standards (Application A1049 – Food derived from Herbicide-tolerant, High Oleic Acid Soybean Line MON87705) Variation [F2011L01413]*.


National Vocational Education and Training Regulator Act—
Australian Skills Quality Authority Instrument Fixing Fees No. 1 of 2011 [F2011L01398].
Telecommunications (Consumer Protection and Service Standards) Act—Telecommunications (Participating Persons) Determination 2011 (No. 1) [F2011L01419].

46 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Marshall) informed the Senate that the President had received a letter requesting changes in the membership of committees.
The Minister for Small Business (Senator Sherry), by leave, moved—That senators be discharged from and appointed to committees as follows:

Finance and Public Administration Legislation Committee—  
Discharged—Senator Kroger  
Appointed—  
Senator Edwards  
Participating member: Senator Kroger

Finance and Public Administration References Committee—  
Discharged—Senator Kroger  
Appointed—  
Senator Edwards  
Participating member: Senator Kroger

Foreign Affairs, Defence and Trade Legislation Committee—  
Discharged—Senator Kroger  
Appointed—  
Senator Eggleston  
Participating member: Senator Kroger

Foreign Affairs, Defence and Trade References Committee—  
Discharged—Senator Edwards  
Appointed—  
Senator Eggleston  
Participating member: Senator Edwards

Treaties—Joint Standing Committee—  
Discharged—Senator Cash.

Question put and passed.

47 TEMPORARY CHAIRS OF COMMITTEES
The Acting Deputy President (Senator Marshall) tabled warrants, dated 7 July 2011, nominating Senators Adams, Cameron, Furner and Stephens as additional temporary chairs of committees.

48 PARLIAMENTARY RETIRING ALLOWANCES TRUST—APPOINTMENT OF TRUSTEE
The Acting Deputy President (Senator Marshall) informed the Senate that the President had received a letter from the Leader of the Government in the Senate (Senator Evans) nominating Senator Marshall to serve as a trustee on the Parliamentary Retiring Allowances Trust.
The Minister for Small Business (Senator Sherry), by leave, moved—That, in accordance with the provisions of the Parliamentary Contributory Superannuation Act 1948, the Senate appoints Senator Marshall as a trustee to serve on the Parliamentary Retiring Allowances Trust on and from today.

Question put and passed.

*General business was called on.*

### 49 DEFENCE AMENDMENT (PARLIAMENTARY APPROVAL OF OVERSEAS SERVICE) BILL 2010 [NO. 2]

Order of the day read for the adjourned debate on the motion of Senator Ludlam—That this bill be now read a second time.

Debate resumed.

*At 6 pm: Debate was interrupted while Senator Stephens was speaking.*

### 50 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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

- Department of Broadband, Communications and the Digital Economy—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.
- Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2009-10, including report of the Science and Industry Endowment Fund. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.
- Australian Postal Corporation (Australia Post)—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.
- Classification Board and Classification Review Board—Reports for 2009-10. Motion of Senator Back to take note of document agreed to.
- Attorney-General’s Department—Report for 2009-10. Motion of Senator Back to take note of document agreed to.
- Military Superannuation and Benefits Board of Trustees—Report for 2009-10, including financial statements for the Military Superannuation and Benefits Fund. Motion of Senator Ronaldson to take note of document agreed to.
- Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2009-10. Motion of Senator Ronaldson to take note of document agreed to.
- Office of the Renewable Energy Regulator—Financial report for 2009-10. Motion to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.
- Australian War Memorial—Report for 2009-10. Motion of Senator Ronaldson to take note of document agreed to.
- Australian Commission for Law Enforcement Integrity—Report of the Integrity Commissioner for 2009-10. Motion of Senator Williams to take note of document agreed to.
Wet Tropics Management Authority—Report for 2009-10, including State of the Wet Tropics report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Australian Sports Commission—Report for 2009-10, including financial statements for Australian Sports Foundation Limited. Motion of Senator Williams to take note of document agreed to.

NBN Co Limited—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Cancer Australia—Report for 2009-10. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Airservices Australia—Equity and diversity program 2007-10—Progress report for 2009-10. Motion of Senator Macdonald to take note of document agreed to.

ASC Pty Ltd—Statement of corporate intent 2010 to 2013. Motion of Senator Macdonald to take note of document agreed to.

ASC Pty Ltd—Report for 2009-10. Motion of Senator Macdonald to take note of document agreed to.

Repatriation Commission, Military Rehabilitation and Compensation Commission and Department of Veterans’ Affairs—Report for 2009-10, including financial statements of the Defence Service Homes Insurance Scheme—Reprint. Motion of Senator Macdonald to take note of document agreed to.

Private Health Insurance Administration Council—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Australian Rail Track Corporation Ltd (ARTC)—Statement of corporate intent 2010-11. Motion of Senator Williams to take note of document agreed to.

Social Security Appeals Tribunal—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

*Members of Parliament (Staff) Act 1984*—Report for 2009-10. Motion of Senator Williams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Defence Housing Australia—Statement of corporate intent 2010-11. Motion of Senator Williams to take note of document agreed to.

Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2009-10—Corrigendum. Motion of Senator Williams to take note of document agreed to.

Dairy Australia Limited—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Department of Defence—Reports for 2009-10—

Volume 1—Department of Defence, including reports on the administration and operation of the *Defence Force (Home Loans Assistance) Act 1990* and the *Defence Home Ownership Assistance Scheme Act 2008*.


—Motion of Senator Williams to take note of documents agreed to.

Tiwi Land Council—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2010. Motion of Senator Williams to take note of document agreed to.

Cotton Research and Development Corporation—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Safe Work Australia—Report for the period 1 November 2009 to 30 June 2010. Motion of Senator Williams to take note of document agreed to.

Australian Crime Commission (ACC)—Report for 2009-10. Motion of Senator Williams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Anglo-Australian Telescope Board—Anglo-Australian Observatory (AAO)—Report for 2009-10 [Final report]. Motion of Senator Williams to take note of document agreed to.

Australian Sports Anti-Doping Authority (ASADA)—Report for 2009-10. Motion of Senator Williams to take note of document agreed to.

Aged Care Act 1997—Report for 2009-10 on the operation of the Act. Motion of Senator Williams to take note of document agreed to.

IIF Investments Pty Limited and IIF Foundation Pty Limited—Reports for 2009-10. Motion of Senator Williams to take note of document agreed to.


Treaty—Bilateral—Air Services Agreement between the Government of the Federative Republic of Brazil and the Government of Australia, done at Brasilia on 21 April 2010—Text, together with national interest analysis and annexure. Motion of Senator Williams to take note of document agreed to.

Treaty—Bilateral—Agreement between the Government of Australia and the Government of the United Mexican States relating to Air Services, done at Mexico City on 9 April 2010—Text, together with national interest analysis and annexure. Motion of Senator Williams to take note of document agreed to.
Treaty—*Bilateral*—Air Services Agreement between the Government of Australia and the Government of the Republic of Turkey, done at Ankara on 28 April 2010—Text, together with national interest analysis and annexure. Motion of Senator Williams to take note of document agreed to.


Treaty—*Multilateral*—Explanatory statement No. 6 of 2010—Amendments to the Plant Protection Agreement for the Asia and Pacific Region adopted in November 1999 by the FAO Council. Motion of Senator Williams to take note of document agreed to.


Australian Public Service Commission—State of the service—Report for 2009-10. Motion of Senator Cameron to take note of document agreed to.


Airservices Australia—Corporate plan 1 July 2010 to 30 June 2015. Motion of Senator Adams to take note of document agreed to.

Australian Electoral Commission (AEC)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Pharmaceutical Benefits Pricing Authority—Report for 2009-10. Motion to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Murray-Darling Basin Authority—Report for 2009-10. Motion of Senator Nash to take note of document agreed to.

Wheat Exports Australia—Report for 2009-10. Motion of Senator Nash to take note of document agreed to.

Royal Australian Air Force Veterans’ Residences Trust Fund—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.


Audio-Visual Copyright Society Limited (Screenrights)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.
Copyright Agency Limited (CAL)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 611/10 to 619/10—Commonwealth Ombudsman’s reports. Motion of Senator Adams to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 611/10 to 619/10—Government response to Ombudsman’s reports. Motion of Senator Adams to take note of document agreed to.


Treaty—Bilateral—Agreement between Australia and the Slovak Republic on Social Security, done at New York on 21 September 2010—Text, together with national interest analysis. Motion of Senator Adams to take note of document agreed to.

Treaty—Multilateral—Third Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia, done at Hanoi on 23 July 2010—Text, together with national interest analysis. Motion of Senator Adams to take note of document agreed to.


Fisheries Research and Development Corporation (FRDC)—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Sugar Research and Development Corporation—Report for 2009-10. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.
Gene Technology Regulator—Quarterly reports for the periods—1 April to 30 June 2010 and 1 July to 30 September 2010. Motion of Senator Adams to take note of documents called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Department of Broadband, Communications and the Digital Economy—Investigation into access to electronic media for the hearing and vision-impaired—Media access review final report, dated December 2010. Motion of Senator Adams to take note of document agreed to.

Australian Communications and Media Authority (ACMA)—Communications report for 2009-10. Motion of Senator Adams to take note of document agreed to.


Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Department of Finance and Deregulation—Consolidated financial statements for the year ended 30 June 2010. Motion of Senator Adams to take note of document agreed to.


Equal Opportunity for Women in the Workplace Agency (EOWA)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 March to 31 August 2010. Motion of Senator Adams to take note of document agreed to.

National Rural Advisory Council (NRAC)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Australian Centre for Renewable Energy Board—Report for the period 28 October 2009 to 30 June 2010. Motion of Senator Adams to take note of document agreed to.

Australian Health Practitioner Regulation Agency (AHPRA)—Report for the period 1 March 2009 to 30 June 2010. Motion of Senator Adams to take note of document agreed to.


Department of Finance and Deregulation—Certificate of compliance—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Australia and the International Financial Institutions—Reports for 2008-09. Motion of Senator Adams to take note of document agreed to.


Private Health Insurance Administration Council—Report for 2009-10 on the operations of the registered health benefits organisations. Motion of Senator Adams to take note of document called on. On the motion of Senator Boyce the debate was adjourned till Thursday at general business.

Privacy Act 1988—Privacy reforms: Credit reporting—Exposure draft and companion guide, dated January 2011. Motion of Senator Adams to take note of document agreed to.

Taxation—Mining tax—Revenue estimates—Government estimates—Health—GST agreement—Proposed variation—Administration—Australian Information Commissioner—Provision of information—Letter to the President of the Senate from the Australian Information Commissioner (Professor McMillan) responding to orders of the Senate of 26 October and 23 November 2010 and responding to the resolution of the Senate of 22 November 2010, dated 31 January 2011. Motion of Senator Cormann to take note of document agreed to.

Parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 January to 30 June 2010, dated November 2010. Motion of Senator Williams to take note of document agreed to.

Former parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 January to 30 June 2010, dated November 2010. Motion of Senator Williams to take note of document agreed to.

Parliamentarians’ overseas study travel reports—1 January to 30 June 2010. Motion of Senator Williams to take note of document agreed to.

Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2010. Motion of Senator Williams to take note of document agreed to.


Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2010—Native title. Motion of Senator Parry to take note of document agreed to.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Report for 2010—Social justice. Motion of Senator Parry to take note of document agreed to.

Anindilyakwa Land Council—Report for 2008-09. Motion of Senator Parry to take note of document agreed to.

Anindilyakwa Land Council—Report for 2009-10. Motion of Senator Parry to take note of document agreed to.
Treaty—Bilateral—Treaty between Australia and the People’s Republic of China concerning the Transfer of Sentenced Persons, done at Sydney on 6 September 2007—Text, together with national interest analysis. Motion of Senator Parry to take note of document agreed to.

Treaty—Multilateral—Explanatory statement No. 1 of 2011—Proposed Amendment to the Articles of Agreement of the International Monetary Fund on the Reform of the Executive Board, adopted by the IMF Board of Governors on 15 December 2010. Motion of Senator Parry to take note of document agreed to.


Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2009 to 31 August 2010. Motion of Senator Parry to take note of document agreed to.

Advisory Panel on the Marketing in Australia of Infant Formula—Report for 2009-10. Motion of Senator Parry to take note of document agreed to.

National Environment Protection Council (NEPC)—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Australian Customs and Border Protection Service—Report for 2009-10. Motion of Senator Adams to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 October to 31 December 2010. Motion of Senator Adams to take note of document agreed to.


Treaty—Bilateral—Amendments to Singapore-Australia Free Trade Agreement, done at Singapore on 27 July 2009—Text, together with national interest analysis and annexures. Motion of Senator Adams to take note of document agreed to.

Treaty—Multilateral—Accession by Australia to the Convention on Cybercrime (Budapest, 23 November 2001)—Text, together with national interest analysis. Motion of Senator Adams to take note of document agreed to.

Snowy Hydro Limited—Financial report for the period 5 July 2009 to 3 July 2010. Motion to take note of document agreed to.

Royal Australian Air Force Welfare Recreational Company—Report for 2009-10, including financial statements for the RAAF Central Welfare Trust Fund. Motion of Senator Macdonald to take note of document agreed to.

Natural Heritage Trust—Report for 2007-08. Motion of Senator Macdonald to take note of document agreed to.
Department of Finance and Deregulation—Campaign advertising by Australian government departments and agencies—Report for the period 1 July to 31 December 2010. Motion of Senator Macdonald to take note of document agreed to.


Law and justice—Cyber Security Awareness Week—Ministerial statement by the Attorney-General (Mr McClelland), dated 31 May 2011. Motion of Senator Ludlam to take note of document agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2011. Motion to take note of document moved by Senator Boyce and debated. Debate adjourned till Thursday at general business, Senator Boyce in continuation.


General business orders of the day nos 117, 123 to 130, 133 to 135, 138, 140, 141 and 144 to 149 relating to government documents were called on but no motion was moved.

General business concluded.

51 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:


Reform of the Australian Federation—Select Committee—Report—Australia’s Federation: an agenda for reform. Motion to take note of report moved by Senator Furner. On the motion of Senator Boyce the debate was adjourned till the next day of sitting.

Ministerial Discretion in Migration Matters—Select Committee—Report—Government response. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.


Community Affairs References Committee—Final report—Disability and ageing: lifelong planning for a better future. Motion of the chair of the committee (Senator Siewert) to take note of report. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Community Affairs References Committee—Final report—Social and economic impact of rural wind farms. Motion of Senator Polley to take note of report. On the motion of Senator Boyce the debate was adjourned till the next day of sitting.

Rural Affairs and Transport References Committee—Final report—Pilot training and airline safety; and consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010. Motion of Senator Polley to take note of report agreed to.


Rural Affairs and Transport References Committee—Final report—Science underpinning the inability to eradicate the Asian honey bee. Motion of Senator Bushby to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Report—Review of the National Classification Scheme: achieving the right balance. Motion to take note of report agreed to.

Intelligence and Security—Joint Statutory Committee—Report—Annual report of committee activities 2009-10. Motion of Senator Faulkner to take note of report agreed to.

Law Enforcement—Joint Statutory Committee—Report—Inquiry into the adequacy of aviation and maritime security measures to combat serious and organised crime. Motion to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Reports—Access for small and medium business to finance—Statutory oversight of the Australian Securities and Investments Commission. Motion of Senator Boyce to take note of reports. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Community Affairs References Committee—Report—Hear us: Inquiry into hearing health in Australia—Government response. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Finance and Public Administration References Committee—Report—The administration of health practitioner registration by the Australian Health Practitioner Regulation Agency (AHPRA). Motion to take note of report moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Foreign Affairs, Defence and Trade References Committee—Report—Incidents onboard HMAS Success between March and May 2009 and subsequent events: Part I. Motion of the chair of the committee (Senator Kroger) to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Interim and final reports—Australian Law Reform Commission. Motion to take note of reports moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Scrutiny of New Taxes—Select Committee—Interim report—New taxes monitoring database. Motion of Senator Adams to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Reports—Statutory oversight of the Australian Securities and Investments Commission—Report on the 2009-10 annual reports of bodies established under the ASIC Act. Motion of Senator Williams to take note of reports agreed to.


Legal and Constitutional Affairs References Committee—Report—Donor conception practices in Australia. Motion to take note of report agreed to.

Orders of the day nos 3 to 5, 7, 9, 20, 22, 23, 25 to 27, 29 to 36, 38 to 54, 56 to 61 and 63 relating to committee reports and government responses were called on but no motion was moved.

52 Auditor-General’s Reports—Orders of the Day—Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 34 of 2010-11—Performance audit—General practice education and training—General Practice Education and Training Limited. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Auditor-General—Audit report no. 42 of 2010-11—Performance audit—The establishment, implementation and administration of the council allocation component of the Regional and Local Community Infrastructure Program—Department of Regional Australia, Regional Development and Local Government. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.


Auditor-General—Independent Auditor—Planning and scoping of performance audits by the Australian National Audit Office, dated June 2011. Motion to take note of document moved by Senator Boyce and agreed to.


Auditor-General—Audit report no. 52 of 2010-11—Performance audit—Administration of deductible gift recipients (non-profit sector)—Australian Taxation Office. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Auditor-General—Audit report no. 57 of 2010-11—Performance audit—Acceptance into service of Navy capability—Department of Defence; Defence Materiel Organisation. Motion to take note of document moved by Senator Boyce. Debate adjourned till the next day of sitting, Senator Boyce in continuation.

Orders of the day nos 1 to 6, 8, 12 to 15, 17 to 19 and 22 to 25 relating to reports of the Auditor-General were called on but no motion was moved.

53 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—that senators be discharged from and appointed to committees as follows:

Australia’s Food Processing Sector—Select Committee—
Appointed—Senators Madigan and Xenophon

Community Affairs Legislation Committee—
Appointed—Participating member: Senator Madigan

Community Affairs References Committee—
Appointed—Participating member: Senator Madigan

Corporations and Financial Services—Joint Statutory Committee—
Discharged—Senator Milne

Economics Legislation Committee—
Appointed—Participating member: Senator Madigan
Economics References Committee—
  Appointed—Participating member: Senator Madigan

Education, Employment and Workplace Relations Legislation Committee—
  Appointed—Participating member: Senator Madigan

Education, Employment and Workplace Relations References Committee—
  Appointed—Participating member: Senator Madigan

Environment and Communications Legislation Committee—
  Appointed—Participating member: Senator Madigan

Environment and Communications References Committee—
  Appointed—Substitute member: Senator Bob Brown to replace Senator Waters for the committee’s inquiry into the status, health and sustainability of the koala population
  Participating members: Senators Madigan and Waters

Finance and Public Administration Legislation Committee—
  Appointed—Substitute member: Senator Wright to replace Senator Di Natale for the committee’s inquiry into the exposure drafts of Australian privacy amendment legislation
  Participating members: Senators Di Natale and Madigan

Finance and Public Administration References Committee—
  Appointed—Participating member: Senator Madigan

Foreign Affairs, Defence and Trade Legislation Committee—
  Appointed—Substitute member: Senator Wright to replace Senator Ludlam for the committee’s inquiry into the provisions of the Veterans’ Entitlements Amendment Bill 2011
  Participating members: Senators Ludlam and Madigan

Foreign Affairs, Defence and Trade References Committee—
  Appointed—Participating member: Senator Madigan

Intelligence and Security—Joint Statutory Committee—
  Appointed—Senator Stephens, pursuant to the Intelligence Services Act 2001

Legal and Constitutional Affairs Legislation Committee—
  Appointed—Substitute members:
    Senator Siewert to replace Senator Wright for the committee’s inquiry into the Patent Amendment (Human Genes and Biological Materials) Bill 2010
    Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the Migration Amendment (Detention Reform and Procedural Fairness) Bill 2010
    Senator Siewert to replace Senator Wright for the committee’s inquiry into the Native Title Amendment (Reform) Bill 2011
    Senator Siewert to replace Senator Wright for the committee’s inquiry into the provisions of the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011
  Participating members: Senators Madigan and Wright
Legal and Constitutional Affairs References Committee—
   Appointed—Participating member: Senator Madigan

Public Accounts and Audit—Joint Statutory Committee—
   Discharged—Senator Milne

Rural Affairs and Transport Legislation Committee—
   Appointed—Participating member: Senator Madigan

Rural Affairs and Transport References Committee—
   Appointed—Participating member: Senator Madigan

Scrutiny of New Taxes—Select Committee—
   Appointed—Senator Madigan.

Question put and passed.

54 NEXT MEETING OF SENATE
   The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the Senate, at its rising, adjourn till Tuesday, 16 August 2011 at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.
   Question put and passed.

55 LEAVE OF ABSENCE
   The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.
   Question put and passed.

56 ADJOURNMENT
   The Acting Deputy President (Senator Bishop) proposed the question—That the Senate do now adjourn.
   Debate ensued.
   The Senate adjourned at 6.52 pm till Tuesday, 16 August 2011 at 12.30 pm.

57 ATTENDANCE
   Present, all senators except Senators Carr*, Coonan* and Farrell* (* on leave).

ROSEMARY LAING
   Clerk of the Senate