## Contents

1. Meeting of Senate ................................................................. 1707
2. Government Documents ......................................................... 1707
3. Legislation Committees—Estimates Hearings ................................. 1707
4. Standing Order 25(9)—Determination of Committee Chairs .................. 1708
5. Matters of Public Interest ....................................................... 1710
6. Questions .................................................................................... 1710
7. Motion to Take Note of Answer .................................................. 1710
8. Notices ....................................................................................... 1710
9. Postponements .......................................................................... 1715
10. Cyber Safety—Joint Select Committee—Leave to Meet During Sitting .... 1716
11. Environment and Communications References Committee—Extension of Time to Report ................................................................. 1716
12. Migration—Joint Standing Committee—Leave to Meet During Sitting ...... 1716
13. Gambling Reform—Joint Select Committee—Leave to Meet During Sitting .... 1716
14. Community Affairs References Committee—Leave to Meet During Sitting .... 1716
15. Women—Women Die Waiting Campaign ....................................... 1717
17. Taxation—Income Tax .................................................................. 1717
18. Law and Justice—Mr Julian Assange ............................................. 1718
19. Environment—Tasmanian Forests Intergovernmental Agreement ............ 1719
20. Historical Events—Soviet Invasion of Hungary .................................... 1720
21. Health—Tuberculosis .................................................................... 1722
22. Indigenous Australians—National History Curriculum .......................... 1722
25. Community Affairs Legislation Committee—Additional Information— Social Security and Other Legislation Amendment Bill 2011 .................. 1723
26. Documents ................................................................................. 1723
<table>
<thead>
<tr>
<th></th>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011</td>
<td>1724</td>
</tr>
<tr>
<td>28</td>
<td>Deterring People Smuggling Bill 2011</td>
<td>1724</td>
</tr>
<tr>
<td></td>
<td>Higher Education Support Amendment Bill (No. 2) 2011</td>
<td></td>
</tr>
<tr>
<td></td>
<td>National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Australian Renewable Energy Agency Bill 2011</td>
<td>1725</td>
</tr>
<tr>
<td></td>
<td>Australian Renewable Energy Agency (Consequential Amendments and Transitional Provisions) Bill 2011</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Rural Affairs and Transport Legislation Committee—Report—Quarantine Amendment (Disallowing Permits) Bill 2011</td>
<td>1725</td>
</tr>
<tr>
<td>31</td>
<td>Clean Energy Bill 2011 and 17 Related Bills</td>
<td>1726</td>
</tr>
<tr>
<td>32</td>
<td>Government Documents—Consideration</td>
<td>1726</td>
</tr>
<tr>
<td>33</td>
<td>Adjournment</td>
<td>1728</td>
</tr>
<tr>
<td>34</td>
<td>Attendance</td>
<td>1728</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 **Government Documents**

The following documents were tabled:

- Australian Safeguards and Non-Proliferation Office—Report for 2010-11.
- Government response to Ombudsman’s reports.
- Treaties—
  - **Bilateral**—Agreement between the Government of Australia and the European Space Agency for a Co-operative Space Vehicle Tracking Program, Done at Cape Town on 5 October 2011—Text, together with national interest analysis.
  - **Multilateral**—Revised MARPOL Annex V: Regulations for the Prevention of Pollution by Garbage from Ships (Resolution MEPC.201(62)), Adopted at London on 15 July 2011—Text, together with national interest analysis and annexure.

3 **Legislation Committees—Estimates Hearings**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), pursuant to notice, moved government business notice of motion no. 1—

1 That estimates hearings by legislation committees for 2012 be scheduled as follows:

**2011-12 additional estimates:**
- Monday, 13 February and Tuesday, 14 February (*Group A*)
- Wednesday, 15 February and Thursday, 16 February (*Group B*).

**2012-13 Budget estimates:**
- Monday, 21 May to Thursday, 24 May, and, if required, Friday, 25 May (*Group A*)
- Monday, 28 May to Thursday, 31 May, and, if required, Friday, 1 June (*Group B*)
Monday, 15 October and Tuesday, 16 October (supplementary hearings—Group A)
Wednesday, 17 October and Thursday, 18 October (supplementary hearings—Group B).

(2) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(3) That committees meet in the following groups:

**Group A:**
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Education, Employment and Workplace Relations
- Foreign Affairs, Defence and Trade.

(4) That the committees report to the Senate on the following dates:

(a) Tuesday, 20 March 2012 in respect of the 2011-12 additional estimates; and

(b) Tuesday, 26 June 2012 in respect of the 2012-13 Budget estimates.

Question put and passed.

4 **STANDING ORDER 25(9)—DETERMINATION OF COMMITTEE CHAIRS**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), at the request of the Minister for Sport (Senator Arbib) and pursuant to notice, moved government business notice of motion no. 2—That, pursuant to standing order 25(9), the Senate determines:

(a) that the chair of the Legal and Constitutional Affairs References Committee shall be elected by that committee from members nominated by minor parties or independent senators; and

(b) that this order remain in effect until the President is duly notified of an agreement that meets the terms of standing order 25(9)(c).

Debate ensued.

The Leader of the Opposition in the Senate (Senator Abetz) moved the following amendment:

Omit paragraph (a), substitute:

(a) that the chair of the Environment and Communications References Committee shall be elected by that committee from members nominated by minor parties or independent senators; and

The Leader of the Australian Greens (Senator Bob Brown) moved the following amendment to Senator Abetz’s proposed amendment:

Omit paragraph (a), substitute:

(a) that the chairs of the Legal and Constitutional Affairs References Committee and the Environment and Communications References Committee shall be elected by those committees from members nominated by minor parties or independent senators; and

Debate ensued.
Question—That Senator Bob Brown’s amendment to Senator Abetz’s proposed amendment be agreed to—put.

The Senate divided—

AYES, 9

Senators—

Brown, Bob
Di Natale
Hanson-Young

Ludlam
Milne
Siewert (Teller)

Rhiannon
Waters
Wright

NOES, 54

Senators—

Adams
Back
Bernardi
Bilyk
Birmingham
Bishop
Boswell
Boyce
Brandis
Brown, C (Teller)
Bushby
Cameron
Cash
Colbeck

Cormann
Crossin
Edwards
Eggleston
Farrell
Faulkner
Fawcett
Feeney
Fierravanti-Wells
Fifield
Fisher
Gallacher
Heffernan
Humphries

Johnston
Joyce
Kroger
Lundy
Macdonald
Madigan
Marshall
McEwen
McKenzie
McLucas
Moore
Nash
Parry

Polley
Pratt
Ronaldson
Scullion
Sherry
Singh
Sinodinos
Stephens
Sterle
Thistlethwaite
Urquhart
Williams

Question negatived.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Abetz
Adams
Back
Birmingham
Boswell
Boyce
Brandis
Bushby

Cash
Colbeck
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan

Johnston
Joyce
Kroger
Madigan
Marshall
McKenzie
Nash
Parry

Payne
Ronaldson
Scullion
Sinodinos
Williams (Teller)

NOES, 34

Senators—

Arbib
Bilyk
Bishop
Brown, Bob
Brown, C (Teller)
Cameron
Collins
Conroy
Crossin

Di Natale
Farrell
Faulkner
Feeney
Gallacher
Hanson-Young
Hogg
Ludlam
Lundy

Marshall
McEwen
McLucas
Milne
Moore
Polley
Rhiannon
Sherry
Siewert

Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Waters
Wright

Question negatived.

Main question put.
The Senate divided—

AYES, 34

Senators—

Arbib
Bilyk
Bishop
Brown, Bob
Brown, C (Teller)
Cameron
Collins
Conroy
Crossin

Di Natale
Farrell
Faulkner
Feeney
Gallacher
Hanson-Young
Hogg
Ludlam
Lundy

Marshall
McEwen
McLucas
Milne
Moore
Polley
Rhiannon
Sherry
Siewert

Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Waters
Wright

NOES, 29

Senators—

Abetz
Adams
Back
Birmingham
Boswell
Boycie
Brandis
Bushby
Cash
Colbeck
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan

Johnston
Joyce
Kroger
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Scullion
Sinodinos
Williams (Teller)

Question agreed to.

After 12.45 pm—

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

7 MOTION TO TAKE NOTE OF ANSWER

Senator Eggleston moved—that the Senate take note of the answer given by the Minister for Finance and Deregulation (Senator Wong) to a question without notice asked by Senator Boswell today relating to a proposed carbon tax.

Debate ensued.

Question put and passed.

8 NOTICES

Senator Colbeck: To move on the next day of sitting—That there be laid on the table by 5 pm on Thursday, 10 November 2011 by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), all documents, including electronic communications, held by the Department of Agriculture, Fisheries and Forestry, relating to the imposition, and subsequent extension, of the ban on the export of live cattle to Indonesia. (general business notice of motion no. 522)

Senator Colbeck: To move on the next day of sitting—That there be laid on the table by 5 pm on Thursday, 10 November 2011 by the Minister representing the Attorney-General (Senator Ludwig), all documents, including electronic communications, held by the Australian Government Solicitor, relating to the imposition, and subsequent extension, of the ban on the export of live cattle to Indonesia. (general business notice of motion no. 523)

Senator Colbeck: To move on the next day of sitting—That there be laid on the table by 5 pm on Thursday, 10 November 2011 by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), all advice provided by the independent expert schedulers regarding the harvesting requirements within the 430 000 hectare area nominated for conservation under the Tasmanian Forests Intergovernmental Agreement, including the initial advice presented to government and signatories on 13 October 2011 and further information requested by the signatories in relation to the initial report. (general business notice of motion no. 524)

Senator Colbeck: To move on the next day of sitting—That there be laid on the table by 5 pm on Thursday, 10 November 2011 by the Minister representing the Ministers for Foreign Affairs and Trade (Senator Conroy), all documents, including electronic communications, held by the Department of Foreign Affairs and Trade, relating to the imposition, and subsequent extension, of the ban on the export of live cattle to Indonesia. (general business notice of motion no. 525)

Senator Williams: To move on the next day of sitting—That the Senate—
(a) notes that 28 of the 31 Australian Labor Party senators in the Australian Senate are former union officials; and
(b) resolves that any senator who genuinely views Qantas’ recent actions as ‘extreme’ should give up their membership of Qantas’ Chairman’s Lounge. (general business notice of motion no. 526)

Senators Fawcett and Sterle: To move on the next day of sitting—That the Senate—
(a) condemns the tragic violence towards Coptic Christians in Egypt;
(b) expresses grave concerns for the safety of Copts in Egypt;
(c) condemns the recent attacks on 9 October 2011 in Cairo, resulting in 27 fatalities and more than 300 injuries; and
(d) calls on the Government to make further representations to the Egyptian Government to strengthen its efforts to promote and practice tolerance towards all citizens. (general business notice of motion no. 527)

Senators Fawcett and Sterle: To move on the next day of sitting—That the Senate—
(a) condemns the death sentence given to Christian Pastor Youcef Nadarkhani in Iran on crimes of apostasy;
(b) notes that this charge is in direct conflict with the International Covenant on Civil and Political Rights, which allows freedom of religion and freedom to change one’s religion, of which Iran is a signatory;
(c) calls on the Government to make representations on the matter; and
(d) strongly urges the Iranian Government to uphold religious freedom for all citizens. (general business notice of motion no. 528)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Native Title Amendment (Reform) Bill 2011 be extended to 9 November 2011. (general business notice of motion no. 529)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs References Committee on the Commonwealth contribution to former forced adoption policies be extended to 29 February 2012. (general business notice of motion no. 530)

Senator Madigan: To move on the next day of sitting—That, in light of the fact that the Australian Parliament, on behalf of the Australian people, has rightly recognised the cultural heritage of the Indigenous members of our community and identified the importance of their historic connection to the land on which we all live, the Senate recognises that there are other Australian communities which also have a cultural heritage which comes from their connection, over generations, to the district and environment which they have inhabited and from which they have created an identity which is passed on to future generations of those communities. (general business notice of motion no. 531)

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig): To move on the next day of sitting—That the order of the Senate of 21 September 2011, relating to the hours of meeting and routine of business, be amended as follows:

Omit paragraphs (3) to (6), substitute:

(3) On Wednesday, 9 November, and Thursday, 10 November 2011, any proposal pursuant to standing order 75 shall not be proceeded with.

(4) The provisions of paragraphs (5) to (8) of standing order 111 not apply to the Australian Renewable Energy Agency Bill 2011 and a related bill.

(5) On Thursday, 3 November 2011:

(a) the hours of meeting shall be 9.30 am to 8.40 pm;
(b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(c) the government business order of the day relating to the Clean Energy Bill 2011 and 17 related bills shall have precedence over all government business;
(d) divisions may take place after 4.30 pm; and
(e) the question for the adjournment of the Senate shall be proposed at 8 pm.

(6) On Tuesday, 8 November 2011:

(a) the hours of meeting shall be 10 am to 6.30 pm and 7.30 pm to 10.40 pm;
(b) the routine of business from 10 am to 2 pm, and from the resumption of government business till not later than 5 pm, shall be the government business order of the day relating to the Clean Energy Bill 2011 and 17 related bills, and these bills have precedence over all government business till completed;
(c) commencing immediately after the preceding item the order of
government business shall be consideration of the government business
orders of the day relating to the:
   (i) Steel Transformation Plan Bill 2011, and
   (ii) Australian Renewable Energy Agency Bill 2011 and a related
bill; and
(d) the question for the adjournment of the Senate shall be proposed at
10 pm.

(7) On Wednesday, 9 November 2011:
(a) the order of government business shall be consideration of the
government business orders of the day relating to the:
   (i) Steel Transformation Plan Bill 2011, and
   (ii) Australian Renewable Energy Agency Bill 2011 and a related
bill, and
that consideration of these bills shall have precedence over all
government business till 5.30 pm; and
(b) consideration of government documents shall not be proceeded with.

(8) On Thursday, 10 November 2011:
(a) the hours of meeting shall be 9.30 am to adjournment;
(b) consideration of general business and committee reports, government
responses and Auditor-General’s reports under standing order 62(1) and
(2) shall not be proceeded with, and instead the routine of business shall
be government business only;
(c) the government business order of the day relating to the Tobacco Plain
Packaging Bill 2011 and the Trade Marks Amendment (Tobacco Plain
Packaging) Bill 2011 shall have precedence over all government
business, except that the routine of business from 12.45 pm till not later
than 2 pm shall be the following government business orders of the day:
   Excise Tariff Amendment (Condensate) Bill 2011
   Excise Legislation Amendment (Condensate) Bill 2011
   Aviation Transport Security Amendment (Air Cargo) Bill 2011
   Coal Mining Industry (Long Service Leave) Legislation Amendment
Bill 2011
   Tax Laws Amendment (2011 Measures No. 7) Bill 2011
   Veterans’ Affairs Legislation Amendment (Participants in British
Nuclear Tests) Bill 2011
   Work Health and Safety Bill 2011
   Work Health and Safety (Transitional and Consequential Provisions)
Bill 2011
   Maritime Legislation Amendment Bill 2011
   Navigation Amendment Bill 2011
   Protection of the Sea (Prevention of Pollution from Ships)
Amendment (Oils in the Antarctic Area) Bill 2011;
(d) divisions may take place after 4.30 pm; and
(e) the question for the adjournment of the Senate shall not be proposed
until a motion for the adjournment is moved by a minister.
(9) The government business order of the day relating to the Clean Energy Bill 2011 and 17 related bills be considered under a limitation of debate and that the time allotted be as follows:
   (a) on Thursday, 3 November 2011, from not later than 3.45 pm to 4 pm—second reading; and
   (b) on Tuesday, 8 November 2011, from not later than 11 am to noon—all remaining stages.

(10) The government business order of the day relating to the Steel Transformation Plan Bill 2011 be considered under a limitation of debate and that the time allotted be as follows:
   on Wednesday, 9 November 2011, from not later than 10 am to 11.30 am—all remaining stages.

(11) The government business order of the day relating to the Australian Renewable Energy Agency Bill 2011 and a related bill be considered under a limitation of debate and that the time allotted be as follows:
   on Wednesday, 9 November 2011, from the completion of the Steel Transformation Plan Bill 2011 to 5.30 pm—all remaining stages.

(12) The government business order of the day relating to the Tobacco Plain Packaging Bill 2011 and a related bill be considered under a limitation of debate and that the time allotted be as follows:
   on Thursday, 10 November 2011:
   from not later than 3.45 pm to 7 pm—second reading
   from 7 pm to 8 pm—committee stage
   from 8 pm to 8.30 pm—all remaining stages.

(13) Paragraphs (9) to (12) of this order operate as a limitation of debate under standing order 142.

Senator Hanson-Young: To move on the next day of sitting—That the Deterring People Smuggling Bill 2011 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 21 November 2011.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
   Coal Mining Industry (Long Service Leave) Legislation Amendment Bill 2011
   Maritime Legislation Amendment Bill 2011
   Tax Laws Amendment (2011 Measures No. 7) Bill 2011
   Veterans’ Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011.

Documents: Senator Ludwig tabled the following documents:
Senator Waters: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) there are significant gaps in independent scientific research on the ecology and biodiversity of Cape York, particularly in the remote western parts of the Cape,

(ii) two new species, a crab and a shrimp, have recently been discovered on western Cape York in the course of the Environment Impact Assessment for Rio Tinto Alcan’s proposed South of Embley bauxite mine,

(iii) these new species are believed to only exist in this area and may well meet the criteria for listing as federally threatened under our national environmental laws, but this lengthy listing process has not commenced,

(iv) the enormous footprint of the proposed mine almost certainly presents a significant threat to these species,

(v) the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) is precluded from considering the impacts of the proposed mine on these new species in his current assessment of the project under the Environment Protection and Biodiversity Conservation Act 1999 (the Act), as they are not yet listed,

(vi) the Act lacks provisions for ‘emergency listings’ of newly discovered species, but the Government has committed to introduce such provisions as part of its environment protection and biodiversity conservation reform package due in 2012 – too late to save these creatures, and

(vii) Senator Waters’ currently has a bill before the Senate to fast-track this government commitment to add emergency listing provisions for species and ecological communities, the Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011; and

(b) calls on the Government to:

(i) act swiftly to ensure these newly discovered species get the federal protection they urgently need to avoid the possibility of them being sent to extinction before they have even been named, and

(ii) urgently commission its own studies to ensure independent and full information about the biodiversity on the South of Embley site underpins the Minister’s decision regarding this mine. (general business notice of motion no. 532)

9 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 508 standing in the name of Senator Madigan for today, relating to the Latrobe Valley, postponed till 7 November 2011.

General business notice of motion no. 509 standing in the name of Senator Madigan for today, relating to the Latrobe Valley and a clean energy industry, postponed till 7 November 2011.
10 **CYBER SAFETY—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator McEwen, at the request of the Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 511—That the Joint Select Committee on Cyber Safety be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 23 November 2011, from 4 pm to 6 pm.
Question put and passed.

11 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**
Senator Kroger, at the request of the Chair of the Environment and Communications References Committee (Senator Fisher) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 512—That the time for the presentation of the report of the Environment and Communications References Committee on communication networks’ and emergency warning systems’ capacities in emergencies and natural disasters be extended to 23 November 2011.
Question put and passed.

12 **MIGRATION—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator McEwen, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 513—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 23 November 2011, from 10.30 am to 12.30 pm.
Question put and passed.

13 **GAMBLING REFORM—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator McEwen, at the request of Senator Crossin and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 514—That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 29 November 2011, from 4 pm.
Question put and passed.

14 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**
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. 515—That the Community Affairs 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 Thursday, 3 November 2011, from 5 pm.
Question put and passed.
15 WOMEN—WOMEN DIE WAITING CAMPAIGN

Senator Rhiannon, also on behalf of Senators Cash and Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 516—That the Senate—

(a) congratulates Anglicord – Anglican Overseas Aid on the launch of the Women Die Waiting campaign to highlight that breast cancer is one of the major causes of death for women in the Gaza Strip; and

(b) calls on all members of the Senate to support the Women Die Waiting campaign in its efforts to promote its cause and raise enough funds to provide 2,000 women in the Gaza Strip access to breast cancer screening every year.

Question put and passed.

16 FINANCE—AUSTRALIAN AND NEW ZEALAND GOVERNMENT SUSTAINABLE PROCUREMENT FRAMEWORK—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 520—That there be laid on the table by 21 November 2011 by the Minister for Finance and Deregulation all documents relating to the implementation of the Australian and New Zealand Government Sustainable Procurement Framework from January 2007 until present.

Question put and passed.

17 TAXATION—INCOME TAX

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. 510—That the Senate—

(a) notes the recent survey by the Australian Bureau of Statistics which showed that the gap between rich and poor is widening in Australia;

(b) understands why growing inequality along with corporate greed are motivating the ‘Occupy’ protest movements;

(c) notes that, in the United States of America, billionaire Warren Buffett has observed that he pays a smaller proportion of his income in tax than do the other people in his office; and

(d) calls for a 50 per cent marginal tax rate on incomes of more than $1 million per annum.

Question put.

The Senate divided—

AYES, 9

Senators—

Brown, Bob Ludlam Rhiannon Waters
Di Natale Milne Siewert (Teller) Wright
Hanson-Young
1718  

No. 62—2 November 2011

NOES, 38

Senators—

Adams  Cash  Kroger  Pratt
Back  Colbeck  Ludwig  Singh
Bernardi  Collins  Lundy  Sinodinos
Bilyk  Crossin  Madigan  Stephens
Birmingham  Edwards  Marshall  Sterle
Bishop  Farrell  McEwen (Teller)  Thistlethwaite
Boyce  Fawcett  McKenzie  Urquhart
Brown, Carol  Fifield  McLucas  Williams
Bushby  Fisher  Moore  
Cameron  Gallacher  Parry  

Question negatived.

18 LAW AND JUSTICE—MR JULIAN ASSANGE

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 517—That the Senate—

(a) notes that the High Court in London will bring down its decision on Wednesday, 2 November 2011 regarding Sweden’s request to extradite Mr Julian Assange; and

(b) calls on the Government to ensure that:

(i) the consular and legal rights of all Australian citizens overseas are fully protected, and

(ii) if extradited to Sweden for questioning, Mr Assange not be subject to further extradition from Sweden to the United States of America under a bilateral agreement to which Australia is not party.

Question put.

The Senate divided—

AYES, 9

Senators—

Brown, Bob  Ludlam  Rhiannon  Waters
Di Natale  Milne  Siewert (Teller)  Wright
Hanson-Young  

NOES, 38

Senators—

Adams  Cash  Kroger (Teller)  Pratt
Back  Colbeck  Ludwig  Singh
Bernardi  Collins  Lundy  Sinodinos
Bilyk  Crossin  Madigan  Stephens
Birmingham  Edwards  Marshall  Sterle
Bishop  Farrell  McEwen  Thistlethwaite
Boyce  Fawcett  McKenzie  Urquhart
Brown, Carol  Fifield  McLucas  Williams
Bushby  Fisher  Moore  
Cameron  Gallacher  Parry  

Question negatived.
19 **ENVIRONMENT—TASMANIAN FORESTS INTERGOVERNMENTAL AGREEMENT**

Senator Milne, also on behalf of 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. 521—That the Senate—

(a) notes:

(i) clauses 25 and 27 of the *Tasmanian Forests Intergovernmental Agreement between the Commonwealth of Australia and the State of Tasmania* (IGA), signed by Prime Minister Gillard, and

(ii) that current logging and proposed logging in the 430 000 hectares of high conservation forests proposed for protection breaches these clauses of the IGA; and

(b) calls on the Government to immediately honour the IGA.

Senator Colbeck, byleave, moved the following amendment:

Paragraph (b), omit “honour”, substitute “abandon”.

**Statements by leave:** The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) and Senators Milne and Colbeck, by leave, made statements relating to the matter.

Question—That the amendment be agreed to—put.

The Senate divided—

<table>
<thead>
<tr>
<th>AYES, 30</th>
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Question negatived.

Main question put.

The Senate divided—

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Question negatived.

20 Historical Events—Soviet Invasion of Hungary

Senator Bernardi, also on behalf of Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 507—

That the Senate notes that:

(a) 24 October 2011 was the 55th anniversary of the Soviet invasion of Hungary, during which 20 000 Hungarians were killed, while 200 000 fled as refugees; and

(b) the installed Hungarian communist leader, Mr Janos Kadar, oversaw the imprisonment of 21 600, internment of 13 000 and execution of 400 democrats, liberals and reformist communists, and the misguided support of the Soviet occupation of Hungary by the Communist Party of Australia, and the successor Socialist Party of Australia which, through its journal Survey, hailed comments by Mr Kadar that ‘in the building of socialism Hungary relies, in the first place, on the many-faceted cooperation with the Soviet Union’.

The Leader of the Australian Greens (Senator Bob Brown), by leave, moved the following amendment:

Omit all words after “That the Senate” substitute:

(a) notes that 24 October 2011 was the 55th anniversary of the Soviet invasion of Hungary, during which 20 000 Hungarians were killed, while 200 000 fled as refugees;

(b) commends the people of Hungary as they mark the 55th anniversary of the 1956 Hungarian Revolution, which set the stage for the ultimate collapse of communism in 1989 throughout Central and Eastern Europe, including Hungary and 2 years later in the Soviet Union itself;

(c) expresses condolences to the people of Hungary for those who lost their lives fighting for the cause of Hungarian freedom and independence in 1956, as well as for those individuals executed by the Soviet and Hungarian communist authorities in the 5 years following the revolution, including Prime Minister Imre Nagy;

(d) welcomes the changes that have taken place in Hungary since 1989, believing that Hungary’s integration into the North Atlantic Treaty Organization and the European Union, together with similar developments in the neighbouring countries, will ensure peace, stability and understanding among the great peoples of the Carpathian Basin;

(e) reaffirms the friendship and cooperative relations between the governments of Hungary and Australia and between the Hungarian and Australian people; and

(f) recognises the contribution of people of Hungarian origin to this nation.
**Statements by leave:** The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) and Senators Bernardi, Bob Brown and Madigan, by leave, made statements relating to the matter.

**Question**—That the amendment be agreed to—put.

The Senate divided—

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Question negatived.

Main question put.

The Senate divided—

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Question negatived.
21 HEALTH—TUBERCULOSIS

Senator Boyce, also on behalf of Senator Macdonald, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 506—

That the Senate—

(a) acknowledges the scale of the tuberculosis threat to Papua New Guinea and the mortality, morbidity and economic and social costs and the risk to Australia if this threat is not managed;

(b) notes that since 1991, the Torres Strait Islands Treaty has included Commonwealth compensation for the impacts of the care of Papua New Guinea nationals on the Queensland health system;

(c) condemns both the Federal and Queensland Governments for indicating they will terminate the tuberculosis clinics on Saibai and Boigu Islands which currently provide vital tuberculosis surveillance and clinical care for Papua New Guinea nationals and reduce the risk of the emergence of drug resistant strains of tuberculosis;

(d) calls on the Federal Government, through the Australian Agency for International Development [AusAID], to immediately provide long-term funding to clinics to protect Torres Strait Islander Australians; and

(e) calls on the Minister for Health and Ageing (Ms Roxon) to consult with frontline public health experts to formulate a long-term strategy which ensures that Papua New Guinea programs and Torres Strait Islands clinics deliver a combination of disease surveillance and tuberculosis care for Papua New Guineans and Torres Strait Islander Australians.

Question put and passed.

22 INDIGENOUS AUSTRALIANS—NATIONAL HISTORY CURRICULUM

Senator Siewert amended general business notice of motion no. 518 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) acknowledges the concern of many members of the Australian public who have signed the National Sorry Day Committee petition calling for improvements to the new national history curriculum;

(b) affirms the importance of properly acknowledging the past treatment of Aboriginal and Torres Strait Islander peoples in our school curriculum;

(c) recognises that, for the first time, the history of forcible removal of Aboriginal and Torres Strait Islander children is included as a mandated and distinct component of the new national curriculum in grade 10; and

(d) requests that the Australian Curriculum, Assessment and Reporting Authority:

(i) consider strengthening the cross curriculum priority of Aboriginal and Torres Strait Islander histories and cultures, to be taught where appropriate across all subjects of the national curriculum, and

(ii) gives consideration to the inclusion of National Sorry Day, past forcible removal policies and other relevant Aboriginal and Torres Strait Islander historical events in the national curriculum, in particular, in primary school years.

Question put and passed.
23 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—BORDER PROTECTION POLICIES**

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

The failure of the current government to maintain effective and humane border protection policies in order to deny people smugglers the product that they sell.

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

24 **SCRUTINY OF BILLS—STANDING COMMITTEE—13TH REPORT AND ALERT DIGEST NO. 13 OF 2011**

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

Scrutiny of Bills—Standing Committee—


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

25 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT BILL 2011**

Senator Polley, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following document:


26 **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.]

Civil Aviation Act—Civil Aviation Regulations—Instrument No. CASA 454/11—

Direction – number of cabin attendants in Boeing 737-800 series aircraft [F2011L02177].


Customs Act—Tariff Concession Orders—

1105086 [F2011L02165].
1106306 [F2011L02175].
1107045 [F2011L02174].
1107490 [F2011L02173].
1108013 [F2011L02176].
1108055 [F2011L02166].

Health Insurance Act—

Health Insurance (Midwife and Nurse Practitioner) Determination 2011 [F2011L02162].
Health Insurance (Prescribed Pathology Services) Determination 2011 [F2011L02163].


27 TERRITORIES SELF-GOVERNMENT LEGISLATION AMENDMENT (DISALLOWANCE AND AMENDMENT OF LAWS) BILL 2011

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


28 DETERRING PEOPLE SMUGGLING BILL 2011
HIGHER EDUCATION SUPPORT AMENDMENT BILL (NO. 2) 2011
NATIONAL HEALTH REFORM AMENDMENT (INDEPENDENT HOSPITAL PRICING AUTHORITY) BILL 2011

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

Message no. 300, dated 1 November 2011—A Bill for an Act to clarify the law relating to people smuggling, and for related purposes.
Message no. 304, dated 2 November 2011—A Bill for an Act to amend the National Health Reform Act 2011, and for related purposes.

The Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans) 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 Evans 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 Evans moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

29 **AUSTRALIAN RENEWABLE ENERGY AGENCY BILL 2011**

**AUSTRALIAN RENEWABLE ENERGY AGENCY (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2011**

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


The Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans) 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 Evans 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.

30 **RURAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—QUARANTINE AMENDMENT (DISALLOWING PERMITS) BILL 2011**

Pursuant to order, Senator Polley, at the request of the Chair of the Rural Affairs and Transport Legislation Committee (Senator Sterle), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Polley.
The following orders of the day relating to government documents were considered:

**Clean Energy Bill 2011**
- Clean Energy (Consequential Amendments) Bill 2011
- Clean Energy (Income Tax Rates Amendments) Bill 2011
- Clean Energy (Household Assistance Amendments) Bill 2011
- Clean Energy (Tax Laws Amendments) Bill 2011
- Clean Energy (Fuel Tax Legislation Amendment) Bill 2011
- Clean Energy (Customs Tariff Amendment) Bill 2011
- Clean Energy (Excise Tariff Legislation Amendment) Bill 2011
- Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment Bill 2011
- Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment Bill 2011
- Clean Energy (Unit Shortfall Charge—General) Bill 2011
- Clean Energy (Unit Issue Charge—Auctions) Bill 2011
- Clean Energy (Unit Issue Charge—Fixed Charge) Bill 2011
- Clean Energy (International Unit Surrender Charge) Bill 2011
- Clean Energy (Charges—Customs) Bill 2011
- Clean Energy (Charges—Excise) Bill 2011
- Clean Energy Regulator Bill 2011
- Climate Change Authority Bill 2011

Order of the day read for the adjourned debate on the motion of the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)—That these bills be now read a second time.

Debate resumed.

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

**Government Documents—Consideration**

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


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


Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2010-11, including the Aboriginals Benefit Account and Coordinator General for Remote Indigenous Services reports for 2010-11 and financial statements for the Aboriginal and Torres Strait Islander Land Account. Motion to take note of document moved by Senator Adams. Debate adjourned till Thursday at general business, Senator Adams in continuation.


Wet Tropics Management Authority—Report for 2010-11, including report on the State of the Wet Tropics. Motion to take note of document moved by the Parliamentary Secretary for Disabilities and Carers (Senator McLucas). Debate adjourned till Thursday at general business, Senator McLucas in continuation.


Australian Institute of Marine Science (AIMS)—Report for 2010-11. Motion to take note of document moved by the Parliamentary Secretary for Disabilities and Carers (Senator McLucas). Debate adjourned till Thursday at general business, Senator McLucas in continuation.


Australian Centre for International Agricultural Research (ACIAR)—Report for 2010-11. Motion to take note of document moved by Senator Colbeck. Debate adjourned till Thursday at general business, Senator Colbeck in continuation.


General business orders of the day nos 28 to 31, 36 to 38, 41 to 43, 45 to 50, 52, 54, 55, 60 to 70, 72, 73, 75, 77 to 81 and 83 to 89 relating to government documents were called on but no motion was moved.

At 7.20 pm—

33 Adjournment

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

Debate ensued.

The Senate adjourned at 7.51 pm till Thursday, 3 November 2011 at 9.30 am.

34 Attendance

Present, all senators except Senators Furner* and Ryan* (* on leave).

Rosemary Laing
Clerk of the Senate

Printed by authority of the Senate