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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 **DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), by leave, moved government business notice of motion no. 3—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,
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.

Document: Senator Ludwig tabled the following document:

Debate ensued.

Question put.

The Senate divided—

AYES, 35

Senators—
Arbib
Bilyk
Bishop
Brown, Bob
Brown, Carol
Cameron
Carr
Collins
Crossin

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

Ludwig
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Riordan

Siewert
Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Waters
Wright

NOES, 29

Senators—
Adams (Teller)
Back
Bernardi
Birmingham
Boswell
Boyce
Brandis
Bushby

Cash
Colbeck
Cormann
Edwards
Eggleston
Fierravanti-Wells
Fifield
Fisher

Heffernan
Humphries
Joyce
Kroger
Macdonald
Mason
McKenzie
Parry

Payne
Ronaldson
Scullion
Sinodinos
Williams
3 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.

Time expired: Pursuant to the order of the Senate of 1 November 2011, the time for government business reached the limit of 2 hours 20 minutes.

Pursuant to the order of the Senate agreed to earlier today (see entry no. 2), the debate was adjourned till a later hour.

4 Petitions

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

Senator Boyce, from 319 petitioners, requesting that the Senate take action to increase funding for, and introduce legislation relating to, palliative care.

Senator Nash, from 272 petitioners, requesting that the Senate reject any legislation introducing a carbon tax.

5 Notice

The Chair of the Education, Employment and Workplace Relations References Committee (Senator Back): To move on the next day of sitting—That the following matter be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 30 June 2012:

The nexus between the demand for infrastructure delivery and the shortage of appropriate engineering and related employment skills in Australia, with particular reference to:

(a) the implications of the shortage for infrastructure delivery in terms of economic development, cost, efficiency, safety and disputation;
(b) the impact of the long-term outsourcing of engineering activities by government on skills development and retention in both the private and public sectors;
(c) options to address the skill shortage for engineers and related trades, and the effectiveness and efficiency of relevant policies, both past and present;
(d) options for infrastructure delivery using alternative procurement models which aim to foster collaboration and achieve effective community outcomes, including skills development and retention;
(e) effective strategies to develop and retain engineering talent in the private and public sectors through industry training and development, at enterprise, project and whole-of-sector levels;
(f) opportunities to provide incentives to the private sector through the procurement process to undertake skills development;
(g) consequences of skills shortage in the construction sector to the public sector’s capacity to effectively procure and manage infrastructure projects;
(h) the impact of delayed and stalled infrastructure projects on economic development, workplace productivity and employment; and
(i) other related matters.

6 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 15 OF 2011

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 15 OF 2011

1. The committee met in private session on Wednesday, 2 November 2011 at 7.23 pm.

2. The committee resolved to recommend—That—
   (a) the provisions of the Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 March 2012;
   (b) the provisions of the Corporations Amendment (Future of Financial Advice) Bill 2011 be referred immediately to the Economics Legislation Committee for inquiry and report by 14 March 2012;
   (c) the Deterring People Smuggling Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 21 November 2011;
   (d) the provisions of the Personal Property Securities Amendment (Registration Commencement) Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 21 November 2011;
   (e) the provisions of the Tax Laws Amendment (2011 Measures No. 8) Bill 2011 and the Pay As You Go Withholding Non-compliance Tax Bill 2011 be referred immediately to the Economics Legislation Committee for inquiry and report by 8 February 2012; and
(f) the provisions of the Telecommunications Universal Service Management Agency Bill 2011, the Telecommunications Legislation Amendment (Universal Service Reform) Bill 2011 and the Telecommunications (Industry Levy) Bill 2011 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 27 February 2012.

The committee recommends accordingly.

3. The committee deferred consideration of the following bills to its next meeting:
   Broadcasting Services Amendment (Review of Future Uses of Broadcasting Services Bands Spectrum) Bill 2011
   Customs Amendment (Military End-Use) Bill 2011
   Defence Trade Controls Bill 2011
   Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011
   Environment Protection and Biodiversity Conservation Amendment (Protecting Australia’s Water Resources) Bill 2011
   Minerals Resource Rent Tax Bill 2011 and ten related bills
   Public Accounts and Audit Committee Amendment (Ombudsman) Bill 2011
   Telecommunications Amendment (Mobile Phone Towers) Bill 2011.

Anne McEwen
Chair
3 November 2011.

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

7 PRIVATE SENATORS’ BILLS—CONSIDERATION

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) moved—That general business order of the day no. 68 (Quarantine Amendment (Disallowing Permits) Bill 2011) be considered on Thursday, 10 November 2011 under the temporary order relating to the consideration of private senators’ bills.
Question put and passed.

8 POSTPONEMENTS

The following items of business were postponed:

   General business notice of motion no. 438 standing in the name of Senator Siewert for today, relating to the North West Slope Trawl Fishery, postponed till 22 November 2011.

   General business notice of motion no. 442 standing in the name of Senator Siewert for today, proposing the introduction of the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011, postponed till 22 November 2011.
9 BUSINESS NAMES REGISTRATION (APPLICATION OF CONSEQUENTIAL AMENDMENTS) BILL 2011

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), at the request of the Minister for Small Business (Senator Sherry) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:


Question put and passed.

Senator Ludwig presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Ludwig moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ludwig tabled an explanatory memorandum relating to the bill.

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.

10 CONSIDERATION OF LEGISLATION

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—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.

Question put and passed.

11 INDIGENOUS AUSTRALIANS—MR NEVILLE BONNER, AO

Senator Siewert, also on behalf of Senators Moore, Rhiannon, Waters, Scullion, the Leader of the Opposition in the Senate (Senator Abetz) and Senator Macdonald, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 519—That the Senate—

(a) notes that:

(i) 2011 is the 40th anniversary of the appointment of Australia’s first Aboriginal senator, Mr Neville Bonner, AO, who served as a senator for the state of Queensland from 1971 to 1983, and
(ii) it is also the 50th anniversary of the establishment of South Tweed Heads reserve, which is both the site of Senator Bonner’s birth and a sacred site to the Minjungbal people; and

(b) acknowledges:

(i) the vital role of Senator Bonner, as the first Aboriginal member of Federal Parliament, in providing a voice to Aboriginal people and bridging the gap between Aboriginal and non-Aboriginal Australians, and

(ii) the important work of Ms Margaret Kay, who in 1961 led the efforts to preserve the historic site of South Tweed Heads at a time when the conservation of places of Aboriginal cultural heritage was rare.

Question put and passed.

12 FOREIGN AFFAIRS—EGYPT—COPTIC CHRISTIANS

Senator Fawcett, also on behalf of Senator Sterle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 527—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.

Question put and passed.

13 FOREIGN AFFAIRS—IRAN—RELIGIOUS FREEDOM

Senator Fawcett, also on behalf of Senator Sterle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 528—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.

Question put and passed.

14 NOTICE OF MOTION WITHDRAWN

Senator Hanson-Young withdrew business of the Senate notice of motion no. 1 standing in her name for today, proposing a reference to the Legal and Constitutional Affairs Legislation Committee.
15 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 529—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.

Question put and passed.

16 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

*Statement by leave:* The Chair of the Community Affairs References Committee (Senator Siewert), by leave, made a statement relating to general business notice of motion no. 530.

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 530—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.

Question put and passed.

17 **TRADE—EXPORT OF LIVE CATTLE TO INDONESIA—DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Colbeck, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 522—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.

Question put and passed.

18 **TRADE—EXPORT OF LIVE CATTLE TO INDONESIA—AUSTRALIAN GOVERNMENT SOLICITOR—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Colbeck, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 523—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.

Question put and passed.
19. **Environment—Tasmanian Forests Intergovernmental Agreement—Harvesting Requirements—Order for Production of Documents**

Senator Colbeck, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 524—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.

Question put and passed.

20. **Trade—Export of Live Cattle to Indonesia—Department of Foreign Affairs and Trade—Order for Production of Documents**

Senator Colbeck, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 525—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.

Question put and passed.

21. **Administration—Qantas—Australian Labor Party Senators**

Senator Kroger, at the request of Senator Williams and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 526—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.

Question put and negatived.

22. **Environment—Cape York—New Species**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 532—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.

Question put and negatived.

23 PUBLICATIONS—STANDING COMMITTEE—11TH REPORT

Senator McEwen, at the request of the Chair of the Standing Committee on Publications (Senator Carol Brown), tabled the following report:

PUBLICATIONS COMMITTEE

11TH 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 13 October 2011, recommends that the following be printed:

Airservices Australia—Report for 2010-11.
Attorney-General’s Department—Report for 2010-11.
Auditing and Assurance Standards Board—Report for 2010-11.
Australia Council for the Arts (Australia Council)—Report for 2010-11.
Australian Accounting Standards Board—Report for 2010-11.
Australian Agency for International Development (AusAID)—Report for the period 8 July 2010 to 30 June 2011.
Australian Centre for International Agricultural Research (ACIAR)—Report for 2010-11.
Australian Competition and Consumer Commission (ACCC)—Report for 2010-11, including report of the Australian Energy Regulator (AER).
Australian Customs and Border Protection Service—Report for 2010-11.
Australian Film, Television and Radio School (AFTRS)—Report for 2010-11.
Australian Hearing Services (Australian Hearing)—Report for 2010-11.
Australian Information Commissioner—Report for the period 1 November 2010 to 30 June 2011, including financial statements for the Office of the Privacy Commissioner for the period 1 July to 31 October 2010.
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2010-11.
Australian Institute of Criminology and Criminology Research Council—Reports for 2010-11.
Australian Institute of Marine Science (AIMS)—Report for 2010-11.
Australian Pesticides and Veterinary Medicines Authority—Report for 2010-11.
Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2010-11, including report of the Merit Protection Commissioner.
Australian Reward Investment Alliance (ARIA)—Report for 2010-11 [Final report], including financial statements for Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme and Public Sector Superannuation Accumulation Plan.
Australian Safeguards and Non-Proliferation Office—Report for 2010-11.
Australian Securities and Investments Commission (ASIC)—Report for 2010-11.
Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2010-11.
Australian War Memorial—Report for 2010-11.
Cancer Australia—Report for 2010-11.
Civil Aviation Safety Authority (CASA)—Report for 2010-11.
Commissioner for Superannuation (ComSuper)—Report for 2010-11.
Commonwealth Director of Public Prosecutions—Report for 2010-11.
Commonwealth Services Delivery Agency (Centrelink)—Report for 2010-11.
Crimes Act 1914—Controlled operations—Report for 2010-11.
Defence Force Retirement and Death Benefits Authority (DFRDB)—Report for 2010-11 [Final report].
Department of Broadband, Communications and the Digital Economy—Report for 2010-11.
Department of Climate Change and Energy Efficiency—Report for 2010-11.
Department of Defence—Reports for 2010-11—
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.
Department of Finance and Deregulation—Report for 2010-11.
Department of Foreign Affairs and Trade—Report for 2010-11.
Department of Health and Ageing—Report for 2010-11, including report of the Pharmaceutical Benefits Pricing Authority, Pharmaceutical Benefits Advisory Committee annual report on processes, and financial statements for the Therapeutic Goods Administration—Corrigendum.
Department of Human Services—Report for 2010-11.
Department of Immigration and Citizenship—Report for 2010-11.
Department of Infrastructure and Transport—Report for 2010-11.
Department of Innovation, Industry, Science and Research—Report for 2010-11, including report of IP Australia.
Department of Regional Australia, Regional Development and Local Government—Report for the period 14 September 2010 to 30 June 2011.
Department of Resources, Energy and Tourism—Report for 2010-11, including report of Geoscience Australia.
Department of Sustainability, Environment, Water, Population and Communities—Report for 2010-11, including reports on the operation of Acts administered by the department, report of the Commonwealth Environmental Water Holder, and reports of the Natural Heritage Trust of Australia for 2009-10 and 2010-11.
Department of the Prime Minister and Cabinet—Report for 2010-11.
Department of the Treasury—Report for 2010-11.
Director of National Parks—Report for 2010-11.
Export Finance and Insurance Corporation (EFIC)—Report for 2010-11.
Fair Work Australia—Report for 2010-11.
Family Court of Australia—Report for 2010-11.
Federal Court of Australia—Report for 2010-11.
Federal Magistrates Court of Australia—Report for 2010-11.
Food Standards Australia New Zealand—Report for 2010-11.
Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2010-11.
International Air Services Commission—Report for 2010-11.
Medicare Australia—Report for 2010-11.
Migration Agents Registration Authority—Report for 2010-11.
Military Superannuation and Benefits Board of Trustees—Report for 2010-11 [Final report], including financial statements for the Military Superannuation and Benefits Fund.
National Archives of Australia and National Archives of Australia Advisory Council—Reports for 2010-11.
National Competition Council—Report for 2010-11.
National Film and Sound Archive—Report for 2010-11.
National Health and Medical Research Council (NHMRC)—Report for 2010-11.
National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2010-11.
National Native Title Tribunal—Report for 2010-11.
National Transport Commission (NTC Australia)—Report for 2010-11.
Office of the Official Secretary to the Governor-General—Report for 2010-11.
Private Health Insurance Ombudsman—Report for 2010-11.
Remuneration Tribunal—Report for 2010-11.
Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Reports for 2010-11, including financial statements of the Defence Service Homes Insurance Scheme.
Safety, Rehabilitation and Compensation Commission and Comcare—Reports for 2010-11.
Screen Australia—Report for 2010-11.
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)—Report for 2010-11.
Tourism Australia—Report for 2010-11.
Wet Tropics Management Authority—Report for 2010-11, including report on the State of the Wet Tropics.
Wine Australia Corporation—Report for 2010-11 [formerly the Australian Wine and Brandy Corporation].

Senator Carol Brown
Chair
3 November 2011.

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

24 ECONOMICS REFERENCES COMMITTEE—REPORT—IMPACTS OF SUPERMARKET PRICE DECISIONS ON THE DAIRY INDUSTRY

Senator Kroger, at the request of the Chair of the Economics References Committee (Senator Bushby), tabled the following report and documents:

Economics References Committee—Impacts of supermarket price decisions on the dairy industry—Report, dated November 2011, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

25 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT (ONLINE GAMES) BILL 2011
CORPORATIONS (FEES) AMENDMENT BILL 2011
PERSONAL PROPERTY SECURITIES AMENDMENT (REGISTRATION COMMENCEMENT) BILL 2011

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


The Parliamentary Secretary for Defence (Senator Feeney) 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 Feeney 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 Feeney moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

26 EDUCATION SERVICES FOR OVERSEAS STUDENTS LEGISLATION AMENDMENT (TUITION PROTECTION SERVICE AND OTHER MEASURES) BILL 2011
EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) AMENDMENT (TUITION PROTECTION SERVICE) BILL 2011
EDUCATION SERVICES FOR OVERSEAS STUDENTS (TPS LEVIES) BILL 2011

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

Message no. 309, dated 3 November 2011—A Bill for an Act relating to education services for overseas students, and for related purposes.
Message no. 311, dated 3 November 2011—A Bill for an Act to amend the Education Services for Overseas Students (Registration Charges) Act 1997, and for related purposes.
Message no. 310, dated 3 November 2011—A Bill for an Act to impose the requirement to pay TPS levies, and for related purposes.

The Parliamentary Secretary for Defence (Senator Feeney) 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 Feeney 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.

27 ADDRESS BY PRESIDENT OF THE UNITED STATES OF AMERICA

A message from the House of Representatives was reported informing the Senate of a resolution of that House:

Message no. 308, dated 3 November 2011, inviting senators to attend a meeting of the House for an address by the Honourable Barack Obama, President of the United States of America.
28 **COMMITTEE MEMBERSHIP**

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

The Parliamentary Secretary for Defence (Senator Feeney), by leave, moved—That senators be discharged from and appointed to the Rural Affairs and Transport Legislation Committee as follows:

**Appointed**—
Substitute members:
- Senator Cameron to replace Senator Urquhart on 4 November 2011
- Senator Ludlam to replace Senator Siewert for the committee’s inquiry into the Qantas Sale Amendment (Still Call Australia Home) Bill 2011
- Participating members: Senators Siewert and Urquhart.

Question put and passed.

29 **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 2 pm:* Debate was interrupted while Senator Parry was speaking.

30 **QUESTIONS**

Questions without notice were answered.

31 **QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION**

Senator Johnston, pursuant to standing order 74, asked the Minister representing the Minister for Foreign Affairs (Senator Conroy) for an explanation of answers not being provided to questions on notice nos 543, 549, 553, 554 and 557 (notice given 25 March 2011) and nos 927 to 949 (notice given 17 August 2011).
Senator Conroy provided an explanation.
Senator Johnston moved—That the Senate take note of the explanation.
Question put and passed.

32 **MOTION TO TAKE NOTE OF ANSWER**
The Leader of the Opposition in the Senate (Senator Abetz) moved—That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Macdonald today relating to not-for-profit journalism enterprises and an independent media inquiry.
Debate ensued.
Question put and passed.

33 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—PROPOSED CARBON TAX**
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 economic and job prospects that would be lost as a result of the Gillard Government’s carbon tax.
The proposal was supported by four senators and the matter was discussed.

34 **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.
Question put.
The Senate divided—

AYES, 36

Senators—

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NOES, 32

Senators—

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Question agreed to.

Bills read a second time.

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

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In the committee

Bills, taken together and as a whole by leave, debated.

——

Personal explanation: Senator Faulkner, by leave, made a personal explanation relating to an article in the Australian Financial Review of 3 November 2011 concerning the Labor leadership.

——

Bills further debated.

——

At 8 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Cameron) reported progress.

35 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.39 pm till Monday, 7 November 2011 at 10 am.
36 ATTENDANCE
Present, all senators except Senator Ryan (on leave).

ROSEMARY LAING
Clerk of the Senate