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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.

GOVERNMENT DOCUMENTS

The following documents were tabled:

- Australian Fisheries Management Authority—Report for 2010-11.
- Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September 2011.

STEEL TRANSFORMATION PLAN 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 this bill be now read a second time—and on the amendment moved by Senator Milne:

At the end of the motion, add “and that the Government, in allocating funds under the Steel Transformation Plan, pay particular regard to the Green Jobs Illawarra Action Plan and any other similar plans in other affected regions”.

Debate resumed.

Limitation of debate: The time allotted for the consideration of this bill expired.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 9

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

NOES, 49

- Adams
- Bernardi
- Bilyk
- Birmingham
- Bishop
- Boyce
- Brandis
- Brown, Carol
- Cameron
- Carr
- Cash
- Colbeck
- Collins
- Cormann
- Crossin
- Edwards
- Eggleston
- Evans
- Farrell
- Faulkner
- Fawcett
- Feeney
- Fierravanti-Wells
- Furner
- Gallagher
- Heffernan
- Hogg
- Ludwig
- Lundy
- Madigan
- Marshall
- McEwen
- McKenzie
- McLucas
- Moore
- Nash
- Parry
- Polley
- Pratt
- Scullion
- Sherry
- Singh
- Sinodinos
- Stephens
- Sterle
- Thistlethwaite
- Urquhart
- Williams (Teller)
- Wong

Question negatived.

Question—That this bill be now read a second time—put.
The Senate divided—

AYES, 36

Senators—

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NOES, 31

Senators—

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Question agreed to.

Bill read a second time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.

The Senate divided—

AYES, 36

Senators—

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Question agreed to.

Bill read a third time.
4 Australian Renewable Energy Agency Bill 2011
Australian Renewable Energy Agency (Consequential Amendments and Transitional Provisions) Bill 2011
Order of the day read for the adjourned debate on the motion of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans)—That these bills be now read a second time.
Debate resumed.
At 12.45 pm: Debate was interrupted while Senator Boswell was speaking.

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 Humphries 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 Birmingham today relating to the Australia Network tender process.
Debate ensued.
Question put and passed.

8 Notices
Senator Wright: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) 11 November is Remembrance Day, which commemorates the official end of World War I on that date in 1918,
   (ii) on Remembrance Day we remember those members of Commonwealth armed forces who died in the line of duty in World War I and since, and
   (iii) since 2000, more Australian soldiers have died as a result of suicide than armed combat overseas;
(b) recognises:
   (i) the sacrifice of Australians who have died serving our country,
   (ii) that death is not the only human toll of war,
   (iii) that veterans suffer from mental health effects directly related to their experiences serving in conflict zones, and
   (iv) the mental health effects of conflict reach beyond veterans to their families, who are also affected; and
(c) calls on the Government to:
   (i) encourage speaking out about suicide and to continue making suicide prevention a priority, including within the armed forces,
(ii) ensure adequate funding for mental health services for veterans and their families,
(iii) encourage the armed services to promote and support good mental health practices, and
(iv) encourage a culture of openness and understanding about mental health in the Australian military. (general business notice of motion no. 551)

Senator Crossin: To move on the next day of sitting—That the order of the Senate of 2 November 2011 authorising the Joint Select Committee on Gambling Reform to hold a private meeting otherwise than in accordance with standing order 33(1), be varied by omitting “29 November 2011” and substituting “22 November 2011”. (general business notice of motion no. 552)

The Chair of the Standing Committee of Senators’ Interests (Senator Bernardi): To move on the next day of sitting—That the time for the presentation of the report of the Standing Committee of Senators’ Interests on a draft code of conduct for senators be extended to 10 May 2012. (general business notice of motion no. 553)

The Deputy Chair of the Education, Employment and Workplace Relations References Committee (Senator Marshall): To move on the next day of sitting—That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on disability employment services be extended to 25 November 2011. (general business notice of motion no. 554)

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

(a) notes the current and potential damage that imported asbestos is creating to the health of people in the Asia Pacific region;
(b) recognises the Australian Government’s efforts at the 2011 Conference of the Parties to the Rotterdam Convention on Prior Informed Consent to have chrysotile asbestos (white asbestos) listed in the convention;
(c) expresses its disappointment that Canada is stalling the listing of chrysotile asbestos in the convention;
(d) calls on the Canadian Government to recognise the profound global implications of Canada’s continuing production and export of asbestos and asbestos-containing products; and
(e) supports the Australian Government to use all available diplomatic means to convince the Canadian Government to cease both production of and trade in asbestos. (general business notice of motion no. 555)

Senator Ludlam: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Australian Broadcasting Corporation Act 1983, and for related purposes. Australian Broadcasting Corporation Amendment (International Broadcasting Services) Bill 2011. (general business notice of motion no. 556)

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

(a) notes:

(i) that the Government and the Opposition did not support the Australian Greens’ motion on 9 November 2011 that ‘all applications and approvals made under the Environment Protection and Biodiversity Conservation Act 1999 [the Act] which would have a significant impact on the Great Barrier Reef World Heritage Area to be suspended until the conclusion of the United Nations Education, Scientific and Cultural
Organization [UNESCO] requested strategic assessment, to allow consideration of all cumulative impacts of coal and coal seam gas ports and other developments on this internationally-significant biodiversity icon’,

(ii) the comments by the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) on Four Corners on Monday, 7 November 2011, that he would ‘prefer a situation where as much as possible is able to be dealt with once we’ve concluded the strategic assessment, but people have legal rights under law to commence the process and those processes continue in the interim’, and

(iii) the Act already provides a suspension process for applications and approvals in particular circumstances and a revocation process for approvals in particular circumstances, both without compensation rights flowing to the proponent; and

(b) calls on the Government to:

(i) confirm that subsection 130(5) and sections 132, 144 and 145 of the Act allow the Minister to suspend all applications and approvals made under the Act that would have a significant impact on the Great Barrier Reef World Heritage Area until the conclusion of the UNESCO requested strategic assessment, and

(ii) if necessary, urgently amend the Act to confer on the Minister the power to suspend all applications and approvals made under the Act that would have a significant impact on the Great Barrier Reef World Heritage Area until the conclusion of the UNESCO requested strategic assessment, to allow that strategic assessment to properly consider all cumulative impacts of coal and coal seam gas ports and other developments on this internationally-significant biodiversity icon. (general business notice of motion no. 557)

RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Kroger, by leave and at the request of the Chair of the Rural Affairs and Transport References Committee (Senator Heffernan), moved—That the time for the presentation of the report of the Rural Affairs and Transport References Committee on the live export trade, and the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and the Live Animal Export Restriction and Prohibition Bill 2011 [No. 2] be extended to 23 November 2011.

Question put and passed.

10 LEAVE OF ABSENCE

Senator Kroger, by leave, moved—That leave of absence be granted to the following senators for personal reasons:

(a) Senator Ryan for 9 November and 10 November 2011; and

(b) Senator Nash for 10 November 2011.

Question put and passed.

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Ludwig for 10 November 2011, on account of government business.

Question put and passed.
11 FAMILY AND COMMUNITY SERVICES—YOUTH IN COMMUNITIES

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 535—That the Senate—

(a) recognises:

(i) the success of the Youth in Communities (YIC) measure which has led to improved school attendance, reduced substance misuse and reduced involvement in the criminal justice system amongst other positive outcomes for youth in central Australia, as recently identified by Courage Partners in their report on YIC service provider survey findings, and

(ii) the value of youth development services and the high risk status of remote Indigenous youth; and

(b) encourages the Government to:

(i) commit to longer term funding for youth services and associated programs,

(ii) urgently commit to continuing the community based aspects of the YIC measure beyond its current expiry date of June 2012, so that services can retain community-based staff rather than losing them in the lead-up to the cessation of funding in June, and

(iii) carry out a gap analysis to assist program expansion, with a view to extending appropriate youth services to youth in all Northern Territory communities who currently miss out on youth services.

Question put and passed.

12 COMMUNICATIONS—AUSTRALIA NETWORK—TENDER PROCESS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Birmingham, also on behalf of Senator Ludlam, amended general business notice of motion no. 543 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That there be laid on the table by the Minister for Broadband, Communications and the Digital Economy, no later than noon on Thursday, 10 November 2011, all recommendations provided by the Australia Network tender assessment panel to the responsible minister or responsible departmental secretary since the commencement of the tender, the original advice from the Department of Foreign Affairs and Trade to the Minister for Foreign Affairs and Trade regarding how the Australia Network contract should be awarded and the legal advice referred to by the Minister for Broadband, Communications and the Digital Economy in question time on Tuesday, 8 November 2011.

Question put and passed.

13 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. 545—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 Wednesday, 9 November 2011, from 5 pm.

Question put and passed.
14 ENVIRONMENT—COAL SEAM GAS DEVELOPMENT

Senator Waters amended general business notice of motion no. 546 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate notes:

(a) that no coal seam gas development should proceed where it poses a significant impact on the quality of groundwater or surface water systems; and

(b) it must be absolutely clear that no coal seam gas development should occur unless it is proven safe for the environment.

Question put.
The Senate divided—

AYES, 9

Senators—

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

NOES, 37

Senators—

Abetz  Colbeck  Gallacher  Parry
Adams  Cormann  Humphries  Polley
Bernardi  Crossin  Kroger (Teller)  Pratt
Bilyk  Edwards  Ludwig  Singh
Bishop  Eggleston  Lundy  Sterle
Boyce  Farrell  Madigan  Thistlethwaite
Brown, Carol  Fawcett  Marshall  Urquhart
Bushby  Feeney  McEwen
Cameron  Fisher  McLucas
Cash  Furner  Moore

Question negatived.

15 ENVIRONMENT—CORAL SEA

The Leader of the Australian Greens (Senator Bob Brown), also on behalf of Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 533—That the Senate—

(a) notes the unique biodiversity and natural heritage of the Coral Sea that is home to the critically endangered hawksbill sea turtle and endangered green turtle;

(b) recognises that 2012 will be the 70th anniversary of the historically important Battle of the Coral Sea in 1942 that changed the face of World War II; and

(c) calls on the Government to declare the Coral Sea the world’s largest marine national park.

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

Question put.
The Senate divided—

AYES, 9

Senators—

Brown, Bob  Ludlam  Rhiannon  Waters
Di Natale  Milne  Siewert (Teller)  Wright
Hanson-Young
NOES, 41

Senators—
Abetz  Cormann  Joyce  Parry
Adams  Crossin  Kroger (Teller)  Polley
Bernardi  Edwards  Ludwigs  Pratt
Bilyk  Eggleston  Lundy  Scullion
Bishop  Farrell  Madigan  Singh
Boswell  Fawcett  Marshall  Sterle
Boyce  Feeney  McEwen  Thistlethwaite
Bushby  Fierravanti-Wells  McKenzie  Urquhart
Cameron  Fisher  McLucas
Cash  Furner  Moore
Colbeck  Gallacher  Nash

Question negatived.

16 EDUCATION—TECHNICAL AND FURTHER EDUCATION SYSTEM

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 547—That the Senate—

(a) notes that:
(i) the technical and further education (TAFE) system, as the dominant provider of vocational education and training (VET) since its inception, has improved Australian skill levels with important assistance provided to Indigenous and other disadvantaged communities,
(ii) while TAFE is the key component of VET, its base funding is diminishing, and
(iii) a report by the National Centre for Vocational Education Research found that a 6 per cent funding increase did not match a 12 per cent increase in training and course delivery costs; and

(b) calls on the Government to:
(i) work to address the skills shortages by securing public funding for TAFE,
(ii) rule out supporting a Higher Education Contribution Scheme-style university loans scheme for TAFE students,
(iii) increase TAFE funding so it can continue to offer a broad range of high quality, diverse programs for all the community, and
(iv) ensure the Ministerial Council for Tertiary Education and Employment commissions a review of VET since the competition policy was introduced.

Question put.
The Senate divided—

AYES, 9

Senators—
Brown, Bob  Ludlam  Rhiannon  Waters
Di Natale  Milne  Siewert (Teller)  Wright
Hanson-Young
17 ENVIRONMENT—CONTAINER DEPOSIT SCHEME

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 548—That the Senate—

(a) notes that:

(i) National Recycling Week runs from 7 November to 13 November 2011,
(ii) Australians use more than 12 billion drink containers every year—1.4 million per hour—fewer than half of which are recycled,
(iii) a July 2010 study commissioned by the Government found that a container deposit scheme (CDS) with a 10 cent deposit on beverage containers would increase recycling to more than 80 per cent and reduce overall litter volume by 19 per cent,
(iv) South Australia has operated a successful CDS since 1977,
(v) the Northern Territory has adopted a CDS to commence in 2012, and
(vi) the Australian Labor Party in Western Australia has adopted the Australian Greens’ model CDS bill for that state; and

(b) calls on the Government to immediately adopt a national CDS.

Question put.
The Senate divided—

AYES, 9

Senators—

Brown, Bob
Di Natale
Hanson-Young
Ludlam
Milne
Rhiannon
Siewert (Teller)
Waters
Wright
NOES, 40

Senators—

Abetz  Colbeck  Farner  McLucas
Adams  Cormann  Gallacher  Moore
Bernardi  Crossin  Joyce  Nash
Bilyk  Edwards  Kroger (Teller)  Parry
Bishop  Eggleston  Ludwig  Pratt
Boswell  Farrell  Lundy  Scullion
Boyce  Fawcett  Madigan  Singh
Bushby  Feeney  Marshall  Sterle
Cameron  Fierravanti-Wells  McEwen  Thistlethwaite
Cash  Fisher  McKenzie  Urquhart

Question negatived.

18 **SENATE—CLEAN ENERGY BILL 2011 AND RELATED BILLS—CONDUCT OF SENATOR**

*Motion determined as not formal:* The Leader of the Australian Greens (Senator Bob Brown) requested that general business notice of motion no. 549 standing in his name for today, relating to the conduct of Senator Heffernan following the final vote on the Clean Energy bills, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

*Proposed suspension of standing orders:* Senator Bob Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 549.

Debate ensued.

Question put and negatived.

19 **ENVIRONMENT—GREAT BARRIER REEF WORLD HERITAGE AREA**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 550—That the Senate calls for all applications and approvals made under the *Environment Protection and Biodiversity Conservation Act 1999* which would have a significant impact on the Great Barrier Reef World Heritage Area to be suspended until the conclusion of the United Nations Education, Scientific and Cultural Organization requested strategic assessment, to allow consideration of all cumulative impacts of coal and coal seam gas ports and other developments on this internationally-significant biodiversity icon.

Question put.

The Senate divided—

**AYES, 9**

Senators—

Brown, Bob  Ludlam  Rhiannon  Waters
Di Natale  Milne  Siewert (Teller)  Wright
Hanson-Young
NOES, 39

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Question negatived.

20 **SENATE—RULES OF DEBATE—LEADER OF THE OPPOSITION IN THE SENATE**

*Leave refused:* The Leader of the Australian Greens (Senator Bob Brown) sought leave to amend general business notice of motion no. 544, relating to standing order 193 and rules of debate.

An objection was raised and leave was not granted.

*Motion determined as not formal:* Senator Bob Brown requested that general business notice of motion no. 544 standing in his name for today be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

21 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—ADDITIONAL INFORMATION—RECENT PROGRAMMING DECISIONS MADE BY THE AUSTRALIAN BROADCASTING CORPORATION**

Senator Kroger, at the request of the Chair of the Environment and Communications References Committee (Senator Fisher), tabled the following documents:

Environment and Communications References Committee—Report—Recent ABC programming decisions—Additional information and submission.

Senator Birmingham moved—That the Senate take note of the documents.

Question put and passed.

22 **NATIONAL POLICE REMEMBRANCE DAY—DOCUMENT**

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

National Police Remembrance Day—Letter to the President of the Senate from the Commissioner of Police Tasmania (Mr Hine) responding to the resolution of the Senate of 22 September 2011, dated 2 November 2011.

23 **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.]

 Customs Act—
 Tariff Concession Orders—
 1100247 [F2011L02259].
 1106208 [F2011L02258].
 1106302 [F2011L02261].
 1107491 [F2011L02263].
 1108058 [F2011L02250].
 1108392 [F2011L02251].
 1108395 [F2011L02254].
 1108416 [F2011L02256].
 1108417 [F2011L02262].
 1108451 [F2011L02264].
 1108504 [F2011L02265].
 1108786 [F2011L02249].
 1108980 [F2011L02268].
 1109273 [F2011L02255].
 1109648 [F2011L02253].
 1110479 [F2011L02271].
 1110728 [F2011L02252].
 1111524 [F2011L02257].
 Tariff Concession Revocation Instruments—
 144/2011 [F2011L02280].
 164/2011 [F2011L02282].
 166/2011 [F2011L02281].
 Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens—
 Financial Management and Accountability Act—Financial Management and Accountability Determination 2011/18 – Section 32 (Transfer of Functions from AGD to ITSA) [F2011L02272].
 Fisheries Management Act—
 Eastern Tuna and Billfish Fishery Management Plan 2010—
 Eastern Tuna and Billfish Fishery Overcatch and Undercatch (2011 Fishing Season) Determination [F2011L02269].
National Consumer Credit Protection Act—Select Legislative Instrument 2011 No. 201—National Consumer Credit Protection Amendment Regulations 2011 (No. 6) [F2011L02260].

24 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—NATIVE TITLE AMENDMENT (REFORM) 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:
Legal and Constitutional Affairs Legislation Committee—Native Title Amendment (Reform) Bill 2011—Report, dated November 2011, Hansard record of proceedings, additional information and submissions.
Report ordered to be printed on the motion of Senator Carol Brown.

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

Order of the day read for the adjourned debate on the motion of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans)—That these bills be now read a second time.
Debate resumed.
_Delegation of debate: The time allotted for the consideration of these bills expired._
Question—That these bills be now read a second time—put and passed.
Bills read a second time.
Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.
Bills read a third time.

26 **INDUSTRY—MINING INDUSTRY—ANSWER TO QUESTION—STATEMENT BY LEAVE**

The Minister for Tertiary Education, Skills, Jobs and Workplace Relations (Senator Evans), by leave, made a statement clarifying the answer he gave to a question without notice asked by Senator Sterle today relating to the mining industry.

27 **TOBACCO PLAIN PACKAGING BILL 2011**
**TRADE MARKS AMENDMENT (TOBACCO PLAIN PACKAGING) BILL 2011**

Order of the day read for the adjourned debate on the motion of the Minister for Small Business (Senator Sherry)—That these bills be now read a second time.
Debate resumed.
_At 7.20 pm: Debate was interrupted while Senator Crossin was speaking._
28 ADJOURNMENT
The Acting Deputy President (Senator Marshall) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.58 pm till Thursday, 10 November 2011 at 9.30 am.

29 ATTENDANCE
Present, all senators except Senators Arbib*, Back*, Fifield*, Johnston*, Ryan* and Xenophon* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate