### Contents

1. Meeting of Senate ................................................................. 1873
2. Government Documents ......................................................... 1873
3. Questions ............................................................................ 1873
4. Question on Notice—Answer and Explanation .......................... 1874
5. Motions to Take Note of Answers ............................................. 1874
6. Notices .................................................................................. 1874
7. Postponements ....................................................................... 1881
8. Science and Technology—Julian Burton Burns Trust .................. 1881
9. Social Issues—Social Inclusion Week ........................................ 1882
10. Migration—Joint Standing Committee—Leave to Meet During Sitting .... 1882
11. Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sitting—Variation ........................................ 1882
12. Environment and Communications Legislation Committee—Extension of Time to Report ......................................................... 1883
13. National Capital and External Territories—Joint Standing Committee— Leave to Meet During Sitting ........................................................ 1883
14. Economics References Committee—Extension of Time to Report ........ 1883
15. Social Issues—Millennium Development Goals ............................ 1883
16. Women—International Day for the Elimination of Violence Against Women ........................................................................ 1884
17. Community Affairs References Committee—Leave to Meet During Sitting ... 1884
18. Economics References Committee—Proposed Reference ............... 1884
19. Senate—Order of Call ............................................................... 1885
20. Environment—Tarkine—National Heritage List .......................... 1886
21. Foreign Affairs—Treaty on the Non-Proliferation of Nuclear Weapons ...... 1887
22. Notice of Motion Withdrawn ....................................................... 1888
23. Discussion of Matter of Public Importance—Taxation—Proposed Mining Tax ................................................................. 1888
24. Notice .................................................................................. 1888
<table>
<thead>
<tr>
<th>No. 69—22 November 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 Rural Affairs and Transport References Committee—Government Response—Pilot Safety, including Consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010 .................................................. 1889</td>
</tr>
<tr>
<td>27 Parliamentary Zone—Capital Works Proposal—Documents ................................................................. 1889</td>
</tr>
<tr>
<td>28 Treaties—Joint Standing Committee—122nd Report ............................................................................ 1889</td>
</tr>
<tr>
<td>30 Foreign Affairs, Defence and Trade—Joint Standing Committee—Customs Amendment (Military End-Use) Bill 2011 and Defence Trade Controls Bill 2011—Document ........................................................................................................ 1890</td>
</tr>
<tr>
<td>31 Defence Trade Controls Bill 2011 Customs Amendment (Military End-Use) Bill 2011 ................................................................. 1890</td>
</tr>
<tr>
<td>32 Rural Affairs and Transport References Committee—Government Response—Pilot Safety, including Consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010—Consideration .................................................. 1890</td>
</tr>
<tr>
<td>33 Tax Laws Amendment (2011 Measures No. 8) Bill 2011 ....................................................................... 1890</td>
</tr>
<tr>
<td>34 Governor-General’s Message—Assent to Laws ..................................................................................... 1891</td>
</tr>
<tr>
<td>35 Community Affairs References Committee—Report—Regulatory Standards for Approval of Medical Devices ............................................................................................................ 1891</td>
</tr>
<tr>
<td>36 Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 ................................................................................................. 1891</td>
</tr>
<tr>
<td>38 Adjournment ......................................................................................................................................... 1899</td>
</tr>
<tr>
<td>39 Attendance ........................................................................................................................................... 1899</td>
</tr>
</tbody>
</table>
1 **MEETING OF SENATE**

The Senate met at 2 pm. 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:
- Anti-People Trafficking Interdepartmental Committee—Third report—Trafficking in persons: The Australian government response, 1 July 2010 to 30 June 2011.
- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2011.
- General Practice Education and Training Limited (AGPT)—Report for 2010-11.
- Grains Research and Development Corporation (GRDC)—Report for 2010-11.
- Repatriation Medical Authority—Report for 2010-11.
- Royal Australian Air Force Welfare Recreational Company—Report for 2010-11, including financial statements for the RAAF Central Welfare Trust Fund.
- Rural Industries Research and Development Corporation (RIRDC)—Report for 2010-11.
- Treaties—
  - *Bilateral*—Text, together with national interest analysis—
    - Agreement between Australia and the Republic of Latvia on Social Security, done at Riga on 7 September 2011.
    - Agreement between the European Union and Australia on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the Australian Customs and Border Protection Service, done at Brussels on 29 September 2011.
  - *Multilateral*—Text, together with national interest analysis—
    - Anti-Counterfeiting Trade Agreement, done at Tokyo on 1 October 2011.

3 **QUESTIONS**

Questions without notice were answered.
4 QUESTION ON NOTICE—ANSWER AND EXPLANATION
Senator Ludlam, pursuant to standing order 74, asked the Minister representing the Minister for Foreign Affairs (Senator Conroy) for an explanation of an answer not being provided to question on notice no. 1282 (notice given 21 October 2011) relating to Mr Julian Assange.
Senator Conroy provided an explanation.
Senator Ludlam moved—That the Senate take note of the explanation.
Question put and passed.

5 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Brandis moved—That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senator Birmingham today relating to the carbon tax.
Debate ensued.
Question put and passed.

Senator Siewert 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 Siewert today relating to Yindjibarndi sites in Western Australia and a Firetail mine development.
Question put and passed.

6 NOTICES
Senators Cash and Bernardi: To move on the next day of sitting—That the Senate—
(a) recognises that sport is integral to life for so many Australians;
(b) acknowledges that the Australian netball team, the Australian Diamonds, led by captain Ms Natalie von Bertouch and coach Ms Norma Plummer, in 2011 won the World Netball Championships in Singapore; and
(c) congratulates:
(i) Australian Diamonds defender Ms Laura Geitz who won the Liz Ellis Diamond and ANZ Championship Player of the Year honours at the 2011 Australian Netball Awards on Saturday, 19 November 2011,
(ii) Ms Kimberlee Green who was named Holden Australian International Player of the Year recognising her outstanding performance during the Holden Netball Test Series and World Championships,
(iii) Australian Diamonds shooter Ms Catherine Cox who was named New Idea’s Favourite Diamond by the publication’s readers,
(iv) Ms Liz Ellis, Australia’s most capped player, and South Australia’s Ms Julie Francou who were inducted into the Australian Netball Hall of Fame in recognition of their outstanding contributions to the game, and
(v) all in the netball community, the players, coaches and umpires whose dedication and passion allowed them to reach the pinnacle of netball, being the World Champions. (general business notice of motion no. 577)
The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—That the Senate—

(a) recognises that the ANZUS Treaty came about following the close cooperation of the United States of America (US) and Australia and New Zealand during World War II;

(b) notes that:
   (i) in the 60 years since the ANZUS Treaty formalised Australia’s alliance with the US, it has enhanced peace and security in our region and beyond, and
   (ii) one survey found that 82 per cent of Australians say the alliance with the US is important for Australia’s security;

(c) welcomes the announcement that approximately 2 500 American marines, along with US Air Force and other personnel, will ultimately be stationed at the Robertson Barracks in Darwin and elsewhere;

(d) views the ANZUS Treaty as a cornerstone of Australia’s future security arrangements; and

(e) rejects all attempts to undermine the ANZUS Treaty, including the policy of the Australian Greens of ending the treaty. (general business notice of motion no. 578)

The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—That the Senate—

(a) notes the Howard Government’s 2007 decision to sell uranium to India subject to appropriate bilateral and international safeguards;

(b) calls on the Australian Labor Party National Conference to approve the sale of Australian uranium to India;

(c) looks forward to the improved trade and security relations with India which will flow from this initiative;

(d) recognises the positive contribution nuclear energy makes to reducing greenhouse emissions; and

(e) rejects the view that alternative technologies can provide a comparable low-emissions baseload energy source for India. (general business notice of motion no. 579)

Senator Di Natale: To move on 24 November 2011—That the Senate—

(a) notes that:
   (i) 1 December 2011 marks the 50th anniversary of the raising of the Morning Star flag by the people of West Papua, a day celebrated as the unofficial day of Papuan independence, and
   (ii) the Papuan people will celebrate this anniversary with gatherings and protests throughout the province as is their legal right; and

(b) calls on the Minister for Foreign Affairs (Mr Rudd) to:
   (i) pay close attention to the events that unfold in West Papua on this date, and
   (ii) express to the Indonesian Government Australia’s hopes that no human rights abuses will be committed on the West Papuan people on this anniversary. (general business notice of motion no. 580)
Senators Bernardi and Madigan: To move on the next day of sitting—That the Senate notes:

(a) that 17 December is the anniversary of the shooting of Polish workers in Gdynia in 1970, where soldiers fired into the crowd of defenceless workers emerging from their trains to return to work, killing and wounding hundreds;

(b) that, as the protest spread, the communist Government under Soviet rule then deployed special police squads and soldiers equipped with heavy tanks and machine guns, killing 40 people, wounding more than 1000 people and arresting 3000 people; and

(c) the failure of the pro-Warsaw Pact Socialist Party of Australia to condemn these crimes against humanity. (general business notice of motion no. 581)

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

(1) That a select committee, to be known as the Select Committee on the Australia Network service, be established to inquire into and report by 31 January 2012, on the following matters:

(a) the management and delivery of the Australia Network service;
(b) the 2010 decision to undertake an open tender process for the contract for the operation of the Australia Network service;
(c) the conduct of the tender process for the Australia Network service;
(d) the Australian Broadcasting Corporation Amendment (International Broadcasting Services) Bill 2011; and
(e) any other related matter.

(2) That the committee consist of 6 senators, 3 nominated by the Leader of the Opposition in the Senate, 2 nominated by the Leader of the Government in the Senate and 1 nominated by the Leader of the Australian Greens.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and, as deputy chair, the member nominated by the Leader of the Australian Greens.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(7) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and the deputy chair at a meeting of the committee.
(8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 582)

Senator Xenophon: To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 14 April 2012:

(a) the need for national law reform surrounding evidence relating to child sex abuse, specifically looking at the role federal laws could play in requiring documents relating to child abuse, particularly child sexual abuse, to be held for a minimum of 30 years;

(b) the need for national law reform to prevent the destruction and concealment of documents which should be retained in the public interest, including documents in relation to potential legal proceedings;

(c) the circumstances under which documents should be categorised as Cabinet-in-Confidence;

(d) the appropriateness or otherwise of victims of child abuse, particularly child sexual abuse, being required to sign confidentiality agreements as part of any compensation arrangements and the need for any consequential law reform;

(e) in relation to events relating to allegations of abuse in the John Oxley Youth Detention Centre in Queensland from 1988:

(i) the shredding of documents by the then-Queensland Government in 1990 relating to the alleged rape of a resident at the John Oxley Youth Detention Centre in 1988, and other abuses and the implications these actions had on the ability of victims and others to pursue their legal rights with reference to section 129 of the Queensland Criminal Code, and the need for a national approach to the protection of such documents,

(ii) previous Queensland Government initiated inquiries and federal parliamentary inquiries into the matters referred to at the John Oxley Youth Detention Centre,

(iii) whether evidence provided to previous Senate committee inquiries about the shredding of the documents referred to was misleading, or whether evidence was withheld from previous Senate committee inquiries and whether there is any new evidence relating to these matters, and

(iv) the relevance of considering the matters raised in paragraphs (a) to (d); and

(f) any other related matters.
The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—that the Senate notes:

(a) the Gillard Government’s failure to consult with the Australian public or the Parliament on the recent decision to deploy troops, ships and aircraft from the United States of America in the Northern Territory; and
(b) the security, environmental and social consequences of this decision. (general business notice of motion no. 583)

Senator Hanson-Young: To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend the Crimes Act 1914, and for related purposes. Crimes Amendment (Fairness for Minors) Bill 2011. (general business notice of motion no. 584)

Senator Rhiannon: To move on 24 November 2011—that—

(1) The Senate notes that:

(a) the Lobbying Code of Conduct (the Code) has been in operation since 1 July 2008;
(b) the Standing Committee on Finance and Public Administration recommended in September 2008 that it conduct an inquiry into the operation of the Code in the second half of 2009;
(c) no such inquiry took place;
(d) the details of the Government’s review in 2010 were not made public; and
(e) the stated intent of the Code is to promote trust in the integrity of government processes and ensure that contact between lobbyists and government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

(2) The following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 1 March 2012:
The operation of the Lobbying Code of Conduct and the Lobbyist Register.

(3) In undertaking the inquiry, the committee must consider:

(a) whether the Code is adequate to achieve its aims;
(b) whether the application of the Code should be extended to include all members of parliament and, if so, how this might be done;
(c) whether the Code should be confined to organisations representing clients, or should be extended to organisations which lobby on their own behalf;
(d) whether the exemptions under sections 3.5 (a), (b), (e) and (f) are justified; and
(e) any other related matters.

Senator Rhiannon: To move on the next day of sitting—that the Senate—

(a) notes that:

(i) the University of Sydney, in the week beginning 20 November 2011, announced 340 planned job cuts to academic and general staff, due to a forecast budget shortfall, placing further pressure on staff to meet the increased teaching demands that will arise from uncapped student places next year,
(ii) other universities have recently announced similar job cuts due to budget pressures, including La Trobe University’s plans to shed up to 230 academic and general staff in 2012, 50 jobs at Macquarie University and mooted cuts to the University of New South Wales and the University of Melbourne Arts faculties,

(iii) while Australia’s total expenditure on tertiary education is in line with the Organisation for Economic Co-operation and Development (OECD) average of 1.6 per cent of national gross domestic product (GDP), Australia’s public funding levels of 0.7 per cent of GDP are one of the lowest of any OECD country, falling well short of the OECD average of 1 per cent,

(iv) Australia is the only OECD country to go backwards in terms of public expenditure on tertiary education institutions in real terms since 1995, leaving Australia lagging behind the United States of America, Finland and Canada, as well as being overtaken by Denmark, Korea and Sweden during this period,

(v) chronically low public funding of universities has resulted in an unhealthy reliance on international student fees, creating budget uncertainty which has placed increased pressure on academic staff and students, with higher student to staff ratios and fewer resources, reducing the overall quality of teaching and learning at universities, and

(vi) the Review of Australian Higher Education (the Bradley review) recommended a 10 per cent increase in university student base funding, and Australia still awaits the release of the Lomax-Smith review of base funding; and

(b) calls on the Government to:

(i) immediately increase public funding by 10 per cent per government-supported university student, as recommended by the Bradley review, to give budget certainty to universities, and

(ii) set a longer term target to invest 1 per cent of GDP to fund universities, to bring Australia in line with the OECD average, to ensure that Australia maintains a quality tertiary education sector and remains internationally competitive. (general business notice of motion no. 585)

Senator Cormann: To move on the next day of sitting—That there be laid on the table by the Minister representing the Treasurer, no later than noon on 2 December 2011, the following information relating to the Department of the Treasury 2011 modelling of its carbon tax/emissions trading scheme to 2050:

(a) all of its modelling, including the actual models, model documentation, exogenous assumptions, all underlying databases and datasets, codes and specifications used by Treasury, including but not limited to the Global Trade and Environment Model and the Monash Multiregional Forecasting Model, in a form that would allow the reproduction and scrutiny of the Treasury results by third parties; and

(b) any other model simulations undertaken relevant to the abovementioned policy scenarios but not publicly released. (general business notice of motion no. 586)
The Chair of the Rural Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—that the time for the presentation of reports of the Rural Affairs and Transport References Committee be extended as follows:

(a) biosecurity and quarantine arrangements—to 21 March 2012; and
(b) Foreign Investment Review Board national interest test—to 14 March 2012.

(general business notice of motion no. 587)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—that the following matter be referred to the Community Affairs References Committee for inquiry and report by 12 September 2012:

The provision of palliative care in Australia, including:

(a) the factors influencing access to and choice of appropriate palliative care that meets the needs of the population, including:
   (i) people living in rural and regional areas,
   (ii) Indigenous people,
   (iii) people from culturally and linguistically diverse backgrounds,
   (iv) people with disabilities, and
   (v) children and adolescents;
(b) the funding arrangements for palliative care provision, including the manner in which sub-acute funding is provided and spent;
(c) the efficient use of palliative, health and aged care resources;
(d) the effectiveness of a range of palliative care arrangements, including hospital care, residential or community care and aged care facilities;
(e) the composition of the palliative care workforce, including:
   (i) its ability to meet the needs of the ageing population, and
   (ii) the adequacy of workforce education and training arrangements;
(f) the adequacy of standards that apply to the provision of palliative care and the application of the Standards for Providing Quality Care to All Australians;
(g) advance care planning, including:
   (i) avenues for individuals and carers to communicate with health care professionals about end-of-life care,
   (ii) national consistency in law and policy supporting advance care plans, and
   (iii) scope for including advance care plans in personal electronic health records; and
(h) the availability and funding of research, information and data about palliative care needs in Australia.

The Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Boyce): To move on the next day of sitting—that the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 24 November 2011, from 11.30 am.

(general business notice of motion no. 588)
Senator Hanson-Young: To move on the next day of sitting—That the Senate congratulates the Refugee Council of Australia on its 30th anniversary—30 years of wonderful work, advocacy and promotion of Australia’s multicultural society, offering important support to new arrivals and refugees. (general business notice of motion no. 589)

7 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 24 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 24 November 2011.

General business notice of motion no. 576 standing in the name of Senator Milne for today, relating to Trans-Pacific Partnership free trade agreement, postponed till 23 November 2011.

8 SCIENCE AND TECHNOLOGY—JULIAN BURTON BURNS TRUST

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. 563—That the Senate—

(a) commemorates the 9th anniversary of the 12 October 2002 Bali bombings in which 202 people, including 88 Australians, died and 240 people sustained injuries;

(b) notes that, as a result of the attacks, survivor Mr Julian Burton, OAM was inspired to found Australia’s first burn injury organisation, the Julian Burton Burns Trust;

(c) commends the work of the Julian Burton Burns Trust in implementing burn injury prevention programs, care and support services for burns patients and their families and advancing world class research into burns treatment;

(d) recognises that:

(i) 220,000 Australians will suffer a burn injury every year,

(ii) Indigenous people living in remote areas are up to 25 times more likely to suffer a serious burns injury than those living in metropolitan areas,

(iii) burn injuries cost the Australian Government $1.5 billion annually in health care costs, and

(iv) the vast majority of burn injuries are preventable; and

(e) supports the establishment of a national burn injury prevention plan to reduce the incidence of burns in Australia and improve research, treatment and outcomes for burns patients.

Question put and passed.
9 **SOCIAL ISSUES—SOCIAL INCLUSION WEEK**
Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 565—That the Senate—
(a) notes that:
   (i) 19 November to 27 November 2011 is Social Inclusion Week, and
   (ii) Social Inclusion Week aims to help Australians feel valued and to give people the opportunity to participate fully in society;
(b) recognises that:
   (i) many Australians face isolation and exclusion associated with financial disadvantage, poor educational attainment, poor physical and mental health, lack of accommodation, lack of access to transport, unemployment and rental stress,
   (ii) building relationships and networks within local communities, workplaces, families and friends can address isolation and exclusion by supporting people who may be unable to help themselves, and
   (iii) the entire community will benefit from addressing poverty, improving educational, transport and employment services and enabling all people to participate fully and with dignity in community life; and
(c) calls on the Government to:
   (i) collaborate effectively across all tiers of government to encourage people who are otherwise isolated and excluded to connect with networks and groups within the community, and
   (ii) address the needs of marginalised people through equitable provision of basic services and adequate levels of welfare.

Question put and passed.

10 **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. 566—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 8 February 2012, from 10.30 am to 12.30 pm.
Question put and passed.

11 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING—VARIATION**
Senator McEwen, at the request of Senator Furner and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 567—That the order of the Senate of 1 November 2011 authorising the Joint Standing Committee on Foreign Affairs, Defence and Trade to hold public meetings be varied by omitting paragraph (b) and substituting:
   (b) on Thursday, 24 November 2011, from 10 am to 11 am.
Question put and passed.
12 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 572—that the time for the presentation of the report of the Environment and Communications Legislation Committee on the Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011 be extended to 1 March 2012.

Question put and passed.

13 **NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Pratt) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 573—that the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 23 November 2011, from 12.30 pm to 1.45 pm.

Question put and passed.

14 **ECONOMICS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of the Chair of the Economics References Committee (Senator Bushby) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 568—that the time for the presentation of the report of the Economics References Committee on a capital market for social economy organisations be extended to 24 November 2011.

Question put and passed.

15 **SOCIAL ISSUES—MILLENNIUM DEVELOPMENT GOALS**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 569—that the Senate—

(a) notes that:

(i) the United Nations (UN) target to reduce global poverty and provide sufficient resources to meet the Millennium Development Goals is that rich countries should devote 0.7 per cent of gross national income (GNI) to overseas aid,

(ii) the Gillard Government has committed to increase overseas development assistance (ODA) to 0.5 per cent of GNI by 2015,

(iii) on 21 June 2010 at a Micah Challenge event at Parliament House, the Leader of the Opposition Mr Abbott committed the Coalition to increase ODA to 0.5 per cent of GNI by 2015, stating ‘I want to make it very clear that the goal of 0.5 per cent of national income in overseas development aid is a bipartisan one’,

(iv) the commitment to increase Australia’s ODA to 0.5 per cent of GNI by 2015 still lags behind many other developed nations, including Britain, Ireland, Spain, Germany and France, and
(v) the funding for overseas aid should be protected from any budget cuts between now and 2015; and
(b) reaffirms a bipartisan commitment to increase the ODA budget to at least 0.5 per cent of GNI by 2015.

Question put and passed.

16 WOMEN—INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Senator Cash, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 570—That the Senate—
(a) notes that 25 November 2011 marks White Ribbon Day, the United Nations’ International Day for the Elimination of Violence against Women;
(b) recognises that:
   (i) statistics show one in three women in Australia has experienced violence since the age of 15 and one in five has experienced sexual violence,
   (ii) all forms of violence, including physical, sexual, financial and psychological, are unacceptable, and
   (iii) the social and economic cost to Australian families and all Australians that stem from domestic violence and violence in the home are devastating;
(c) acknowledges that:
   (i) all women, regardless of their status, deserve to live their lives free from the trauma, despair and impaired health that violence can inflict on them, and
   (ii) whatever a person’s circumstances, the role of government is to keep them safe from violence; and
(d) encourages all Australians to purchase a white ribbon and wear it on White Ribbon Day to highlight that violence against women is simply not acceptable.

Question put and passed.

17 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. 571—That the Community Affairs References Committee be authorised to meet during the sitting of the Senate on Thursday, 24 November 2011, from 4.30 pm, for a private briefing.

Question put and passed.

18 ECONOMICS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That—

(1) The following matter be referred to the Economics References Committee for inquiry and report by 28 February 2012:
The impact of fixed currencies on international trade and the potential consequences for Australian jobs and industries as a result of goods being imported from countries with artificially suppressed currencies.
(2) In undertaking the inquiry, the committee must consider:

(a) the effect of fixed currencies on the price of imported and exported goods;
(b) whether it is desirable that all countries have floated currencies;
(c) the ability for domestic industries to fairly compete against imported goods from countries which do not have floated currencies;
(d) whether there are any existing trade remedies available to support Australian industries which compete against imports from countries which do not have floated currencies;
(e) possible tools and trade remedies to compensate for, or otherwise redress, those currency fluctuations that may impair commitments undertaken by members in successive rounds of trade negotiations;
(f) whether Australia’s anti-dumping regime needs to take into account the impact of fixed currencies;
(g) the effect that fixed currencies have on Australia’s terms of trade; and
(h) any other related matters.

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

Question put.

The Senate divided—

AYes, 11

Senators—

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

NOES, 39

Senators—

Adams
Back
Bernardi
Bilyk
Birmingham
Boyce
Brown, Carol
Cameron
Carr
Cash
Colbeck
Cormann
Crossin
Edwards
Eggleston
Faulkner
Fawcett
Feeney
Fifield
Fisher
Furner
Gallacher
Kroger (Teller)
Ludwig
Lundy
Marshall
McEwen
McKenzie
McLucas
Moore
Nash
Parry
Pratt
Singh
Sinodinos
Stephens
Sterle
Thistlethwaite
Urquhart

Question negatived.

19 Senate—Order of Call

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. 562—That the application of the standing orders, presidential rulings and past practices for the order of call to speak in debate (as outlined in the Procedure Committee’s Second report of 1991) be updated by adding, “that the leader of a minority party, as defined by section 3 of the Parliamentary Entitlements Act 1990, be given the call after an Opposition senator leading for the Opposition but before a leader of other non-government parties”.

Question put.
The Senate divided—

AYES, 9

Senators—

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

NOES, 41

Senators—

Adams
Back
Bernardi
Bilyk
Birmingham
Boyce
Brown, Carol
Cameron
Carr
Cash
Colbeck
Cormann
Crossin
Edwards
Eggleston
Faulkner
Fawcett
Feeney
Fifield
Fisher
Furner
Gallacher
Kroger (Teller)
Ludwig
Lundy
Madigan
Marshall
McEwen
McKenzie
McLucas
Moore
Parry
Pratt
Singh
Sinodinos
Stephens
Sterle
Thistlethwaite
Urquhart
Xenophon

Question negatived.

20 ENVIRONMENT—TARKINE—NATIONAL HERITAGE LIST

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 575—That the Senate—

(a) notes:

(i) the Tarkine is the last great unprotected wilderness in southern Australia and is recognised to be of World Heritage significance,

(ii) the Tarkine has been under consideration for inclusion on the National Heritage List since 2004, making it the longest continuous assessment process in the history of the National Heritage process,

(iii) the delay in heritage listing means mining companies only need be assessed on potential impacts on threatened species and not the impacts on heritage values, which include wilderness, geological, cultural, flora and fauna diversity and natural history values,

(iv) the recently referred Venture Minerals Limited tin, tungsten, copper and hematite mine at Mt Lindsay is a Pilbara style open cut super pit to a depth of 220 metres that will devastate an area of 3.5 km by 3 km of the Tarkine rainforest wilderness,

(v) this proposed pit is within an existing reserve and is completely inconsistent with the protection of the Tarkine,

(vi) the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) is legally unable to consider the impacts on the rainforest, the 25 watercourses to be disrupted, or the recognised wilderness values of the area in the mine’s assessment under the Environment Protection and Biodiversity Conservation Act 1999 (the Act) unless the Tarkine is heritage listed, and
(vii) a diseased Tasmanian devil has been discovered on the eastern side of the Arthur River, making the area to the west of the Arthur River the only disease-free part of Tasmania, highlighting the urgent need to permanently protect the Tarkine from further major developments, including mining and roading that directly threaten the devil; and

(b) calls on the Minister to:

(i) immediately include the Tarkine on the National Heritage List before he considers the Venture Minerals Limited proposed mine under the Act,

(ii) acknowledge that Venture Minerals Limited has deliberately split the project for assessment purposes,

(iii) require Venture Minerals Limited to submit the entire mining proposal for the Tarkine area for assessment,

(iv) recognise that failure to list the Tarkine before 2 December 2011 is a deliberate choice to exclude heritage values from the mine proposal assessment, and

(v) acknowledge that a decision not to list the Tarkine on the National Heritage List is a decision to prioritise mining over the protection of wilderness values.

Question put.
The Senate divided—

AYES, 9

Senators—

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

NOES, 42

Senators—

Adams
Back
Bilyk
Birmingham
Boyce
Brandis
Brown, Carol
Cameron
Carr
Cash
Colbeck

Cormann
Crossin
Edwards
Eggleston
Faulkner
Fawcett
Feeley
Fifield
Fisher
Furner
Gallacher

Kroger (Teller)
Ludwig
Lundy
Madigan
Marshall
McEwen
McKenzie
McLucas
Moore
Nash
Parry

Pratt
Singh
Sinodinos
Stephens
Sterle
Thistlethwaite
Urquhart
Williams
Xenophon

Question negatived.

21 FOREIGN AFFAIRS—TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

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. 574—that the Senate asserts that the Treaty on the Non-Proliferation of Nuclear Weapons should be upheld with no exception.

Question put and passed.
22 **NOTICE OF MOTION WITHDRAWN**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) withdrew government business notice of motion no. 1 standing in his name for today, relating to the consideration of legislation.

23 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—PROPOSED MINING TAX**

The Deputy President (Senator Parry) informed the Senate that, at 8.30 am today, the Leader of the Opposition in the Senate (Senator Abetz) and Senators Brandis, Cormann, Fifield and Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, the Deputy President (Senator Parry) informed the Senate that Senator Brandis had proposed that the following matter of public importance be submitted to the Senate for discussion:

> The Gillard Government’s continued secrecy and lack of accountability on revenue assumptions and costs regarding its mining tax.

The proposal was supported by 4 senators and the matter was discussed.

24 **NOTICE**

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Eggleston) gave a notice of motion as follows: To move on the next day of sitting—

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 1 November 2012:

The importance of the Indian Ocean rim for Australia’s foreign, trade and defence policy, with particular reference to:

(a) trade and tourism opportunities for Australia;

(b) Australian mineral exports, including competition and synergies in the region;

(c) strategic developments in the Indian Ocean, including the growing Indian and Chinese naval influences and their implications for Australia and the region more generally; and

(d) the Indian Ocean Rim Association and its future directions.

25 **AUDITOR-GENERAL—AUDIT REPORT NO. 13 OF 2011-12—DOCUMENT**

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

Auditor-General—Audit report no. 13 of 2011-12—Performance audit—Tasmanian freight equalisation scheme: Department of Transport and Infrastructure; Department of Human Services.

Senator Colbeck, by leave, moved—That the Senate take note of the document.

Debate adjourned till the next day of sitting, Senator Colbeck in continuation.
26 **RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—GOVERNMENT RESPONSE—PILOT SAFETY, INCLUDING CONSIDERATION OF THE TRANSPORT SAFETY INVESTIGATION AMENDMENT (INCIDENT REPORTS) BILL 2010**

The Parliamentary Secretary for Defence (Senator Feeney) tabled the following document:


27 **PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSAL—DOCUMENTS**

The Parliamentary Secretary for Defence (Senator Feeney) tabled the following documents:

Parliament Act—Parliamentary Zone—Proposal, together with supporting documentation, relating to landscape works and the installation of a concrete bench at the High Court of Australia.

Notice of motion: Senator Feeney, by leave, gave a notice of motion as follows: To move on 24 November 2011—That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the National Capital Authority for capital works within the Parliamentary Zone, relating to landscape works and the installation of a concrete bench at the High Court of Australia.

28 **TREATIES—JOINT STANDING COMMITTEE—122ND REPORT**

Senator Birmingham, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


Senator Birmingham, by leave, moved—That the Senate take note of the report. Debate ensued.

Question put and passed.

29 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—ANNUAL REPORT OF COMMITTEE ACTIVITIES 2010-11**

Senator Faulkner, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:


Senator Faulkner, by leave, moved—That the Senate take note of the report. Debate adjourned till the next day of sitting, Senator Faulkner in continuation.
30 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—CUSTOMS AMENDMENT (MILITARY END-USE) BILL 2011 AND DEFENCE TRADE CONTROLS BILL 2011—DOCUMENT**

Senator Polley, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Customs Amendment (Military End-Use) Bill 2011 and Defence Trade Controls Bill 2011—Statement discharging the committee’s requirement to present a report, dated 22 November 2011.

31 **DEFENCE TRADE CONTROLS BILL 2011**

**CUSTOMS AMENDMENT (MILITARY END-USE) BILL 2011**

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

Message no. 315, dated 21 November 2011—A Bill for an Act to regulate dealings in certain goods, services and technologies, and for related purposes.

Message no. 314, dated 21 November 2011—A Bill for an Act to amend the Customs Act 1901, 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.

32 **RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—GOVERNMENT RESPONSE—PILOT SAFETY, INCLUDING CONSIDERATION OF THE TRANSPORT SAFETY INVESTIGATION AMENDMENT (INCIDENT REPORTS) BILL 2010—CONSIDERATION**

Senator Heffernan, by leave, moved—That the Senate take note of the document tabled earlier today (see entry no. 26).

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

33 **TAX LAWS AMENDMENT (2011 MEASURES NO. 8) BILL 2011**

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

Message no. 316, dated 22 November 2011—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Parliamentary Secretary for Defence (Senator Feeney) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Feeney moved—That this bill be now read a second time.
Explanatory memorandum: Senator Feeney tabled a revised explanatory memorandum relating to the bill.

On the motion of Senator Feeney the debate was adjourned till the next day of sitting.

34 Governor-General’s Message—Assent to Laws
A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following laws:

- 18 November 2011—Message No. 55—
  Clean Energy Act 2011 (Act No. 131, 2011)
  Clean Energy (Consequential Amendments) Act 2011 (Act No. 132, 2011)

35 Community Affairs References Committee—Report—Regulatory Standards for Approval of Medical Devices
Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

- Community Affairs References Committee—Regulatory standards for the approval of medical devices in Australia—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 Siewert.
Senator Siewert, by leave, moved—That the Senate take note of the report. Debate ensued.
Debate adjourned till the next day of sitting, Senator Boyce in continuation.

At 7.30 pm—

36 Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—That this bill be now read a second time.
Debate resumed.

Limitation of debate: The time allotted for the consideration of this bill and the Crimes Legislation Amendment Bill (No. 2) 2011, the Aviation Transport Security Amendment (Air Cargo) Bill 2011, the Veterans’ Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011 and the Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oils in the Antarctic Area) Bill 2011 expired.
Proposed suspension of standing orders: Senator Macdonald moved—That so much of the standing orders be suspended as would prevent the time for the consideration of the bills being extended to allow the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to respond to questions raised during the debate.
Question put.
The Senate divided—

AYES, 32

Senators—
Abetz
Adams
Back
Birmingham
Boswell
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fifield
Fisher
Humphries
Johnston
Joyce
Kroger
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ryan
Scullion
Sinodinos
Williams (Teller)

NOES, 36

Senators—
Arbib
Bilyk
Bishop
Brown, Bob
Brown, Carol
Cameron
Carr
Collins
Conroy
Crossin
Di Natale
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Ludlam
Lundy
Ludwig
Milne
Moore
Polley
Rhiannon
Sherry
Singh
Steptoe
Sterle
Thistlethwaite
Urquhart
Waters
Wright

Question negatived.

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

AYES, 37

Senators—
Arbib
Bilyk
Bishop
Brown, Bob
Brown, Carol
Cameron
Carr
Collins
Conroy
Crossin
Di Natale
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Ludlam
Lundy
Ludwig
Marshall
McEwen (Teller)
Moore
Polley
Rhiannon
Sherry
Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Waters
Wright
Xenophon

NOES, 31

Senators—
Abetz
Adams
Back
Birmingham
Boswell
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fifield
Fisher
Humphries
Johnston
Joyce
Kroger
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ryan
Scullion
Sinodinos
Williams (Teller)

Question agreed to.

Bill read a second time.
The following amendments circulated by the Government were agreed to:

Clause 2, page 2 (table item 2), omit the table item, substitute:

2. Schedule 1

The day after the end of the period of 6 months beginning on the day this Act receives the Royal Assent.

Schedule 1, item 17, page 7 (line 2), omit “If there is any inconsistency in”, substitute “In”.

Schedule 1, item 19, page 7 (lines 18 and 19), omit paragraph 60CC(3)(k), substitute:

(k) if a family violence order applies, or has applied, to the child or a member of the child’s family—any relevant inferences that can be drawn from the order, taking into account the following:

(i) the nature of the order;
(ii) the circumstances in which the order was made;
(iii) any evidence admitted in proceedings for the order;
(iv) any findings made by the court in, or in proceedings for, the order;
(v) any other relevant matter;

Schedule 1, item 22, page 9 (line 21), omit “if there is any inconsistency”.

Schedule 1, item 45, page 15 (line 9), omit “Subject to item 47, the”, substitute “The”.

Schedule 1, item 45, page 15 (line 11), omit “whether instituted before,”, substitute “instituted”.

The following amendments circulated by the Australian Greens were negatived:

Schedule 1, item 8, page 5 (after line 4), at the end of subsection 4AB(2), add:

; or (k) an act or omission by a person engaging in the behaviour mentioned in paragraphs (a) to (j) that causes a child to be exposed to the effects of the behaviour mentioned in those paragraphs.

Schedule 2, page 21 (before line 1), before item 15, insert:

14A Subsection 61C(1) (note 2)

Repeal the note.

14B Section 61DA

Repeal the section.

14C Section 61DB (heading)

Repeal the heading, substitute:

61DB Allocation of parental responsibility after interim parenting order made

Schedule 2, page 21 (after line 17), after item 17, insert:

17A Subsection 65D(1)

Omit “sections 61DA (presumption of equal shared parental responsibility when making parenting orders) and”, substitute “section”.

17B Subsection 65D(2)

Omit “61DA (presumption of equal shared parental responsibility when making parenting orders) and”.

Question—That Schedule 1, items 2, 3, 6, 8, 18, 20, 26, 27, 40 and 43 stand as printed—put and passed.

The following amendment circulated by the Opposition was considered:

Schedule 1, item 45, page 15 (lines 9 and 10), omit “items 1 to 8, 11, 13, 17 to 21, 30 to 34, 37, 38 and 40 to 43”, substitute “items 1, 4, 5, 7, 11, 13, 17, 19, 21, 30 to 34, 37, 38, 41 and 42”.

Question—That the amendment be agreed to—put.

Point of privilege: A division having been called, Senator Macdonald raised a point of privilege pursuant to standing order 197(2), namely, that senators appeared to be reading papers on his desk which he intended to use for the purpose of informing himself in relation to further proceedings on other bills. The Deputy President (Senator Parry) reminded senators that, during divisions, when senators were occupying the places of other senators, it was not appropriate for them to read or interfere with any papers left on the desk by those senators.

The Senate divided—

AYES, 32

Abetz
Adams (Teller)
Back
Birmingham
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fifield
Fisher
Humphries

Johnston
Joyce
Kroger
Macdonald
Mason
McKenzie
Nash

Parry
Payne
Ronaldson
Scullion
Sinodinos
Williams
Xenophon

NOES, 36

Arbib
Bilyk
Bishop
Brown, Bob
Brown, Carol
Cameron
Carr
Collins
Conroy

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

Ludwig
Lundy
Marshall
McEwen (Teller)
Mlne
Moore
Polley
Rhiannon

Sherry
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Wright

Question negatived.

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

AYES, 36

Senators—
Arbib  Crossin  Ludwig  Sherry
Bilyk  Di Natale  Lundy  Stiwer
Bishop  Farrell  Marshall  Singh
Brown, Bob  Faulkner  McEwen (Teller)  Stephens
Brown, Carol  Feeney  Milne  Sterle
Cameron  Furner  Moore  Thistlethwaite
Carr  Gallagher  Polley  Urquhart
Collins  Hanson-Young  Pratt  Waters
Conroy  Ludlam  Rhiannon  Wright

NOES, 32

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

Question agreed to.
Bill read a third time.

37 CRIMES LEGISLATION AMENDMENT BILL (NO. 2) 2011
AVIATION TRANSPORT SECURITY AMENDMENT (AIR CARGO) BILL 2011
VETERANS’ AFFAIRS LEGISLATION AMENDMENT (PARTICIPANTS IN BRITISH NUCLEAR TESTS) BILL 2011
PROTECTION OF THE SEA (PREVENTION OF POLLUTION FROM SHIPS) AMENDMENT (OILS IN THE ANTARCTIC AREA) BILL 2011

Limitation of debate: The time allotted for the consideration of these bills expired (see entry no. 36).

The following amendment in respect of the Aviation Transport Security Amendment (Air Cargo) Bill 2011 circulated by Senator Xenophon was considered:

At the end of the motion “That this bill be now read a second time”, add “but the Senate calls on the Government to initiate a review of:

(a) current issues regarding airport security and policing, building on the report by the Rt Honourable Sir John Wheeler, DL, An Independent Review of Airport Security and Policing for the Government of Australia in 2005; and

(b) progress on the implementation of the recommendations made in the 2005 report”.

Leave refused: Senator Xenophon sought leave to make a statement relating to the amendment.

An objection was raised and leave was not granted.

Question—That the amendment be agreed to—put.
The Senate divided—

AYES, 2

Senators—
Madigan
Xenophon (Teller)

NOES, 68

Senators—
Abetz
Adams
Arbib
Back
Bernardi
Bilyk
Birmingham
Bishop
Boswell
Brandis
Brown, Bob
Brown, Carol
Bushby
Cameron
Carr
Cash
Colbeck
Collins
Conroy
Cormann
Crossin
Di Natale
Edwards
Eggleston
Evans
Farrell
Faulkner
Fawcett
Feeney
Fifield
Fisher
Furner
Gaullacher
Hanson-Young
Humphries
Johnston
Joyce
Kroger
Ludlam
Ludwig
Lundy
Macdonald
Marshall
Mason
McEwen (Teller)
Stephens
McKenzie
Milne
Moore
Nash
Parry
Payne
Polley
Pratt
Rhiannon
Ronaldson
Ryan
Scullion
Sherry
Siewert
Singh
Sinodinos
Sterle
Thistlethwaite
Urquhart
Waters
Williams
Wright

Question negatived.


The following amendment in respect of the Aviation Transport Security Amendment (Air Cargo) Bill 2011 circulated by the Government was agreed to:

Clause 2, page 1 (lines 7 to 9), omit the clause, substitute:

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision(s)</td>
<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
</tbody>
</table>
Commencement information

<table>
<thead>
<tr>
<th>Provision(s)</th>
<th>Commencement</th>
<th>Date/Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Schedule 1, Part 1</td>
<td>A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
<td></td>
</tr>
<tr>
<td>3. Schedule 1, Part 2</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>4. Schedule 1, Parts 3 to 5</td>
<td>At the same time as the provision(s) covered by table item 2.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

The following amendment in respect of the Veterans’ Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011 circulated by Senators Xenophon and Ludlam was considered:

At the end of the motion “That this bill be now read a second time”, add “but the Senate calls on the Government to undertake an examination of the cost of expanding the class of persons eligible for the Repatriation Heath Card – For All Conditions (Gold Card) to include a person who is a nuclear test participant (within the meaning of the Australian Participants in British Nuclear Tests (Treatment) Act 2006), and that such examination be completed within 3 months”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 11

Senators—

Brown, Bob
Di Natale
Hanson-Young
Ludlam
Madigan
Milne
Rhiannon
Stewart (Teller)
Waters
Wright
Xenophon
Question negatived.

The following request for an amendment in respect of the Veterans’ Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011 circulated by Senator Xenophon was considered:

That the House of Representatives be requested to make the following amendment:

Page 5 (after line 22), at the end of the bill, add:

**Schedule 2—Nuclear test participants eligible for Gold Card**

**Veterans’ Entitlements Act 1986**

1 After subsection 85(10)

Insert:

(10A) A person is eligible to be provided with treatment under this Part for any injury suffered, or disease contracted, by the person, whether before or after the commencement of this Act, if:

(a) the person is a nuclear test participant (within the meaning of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*); and

(b) either:

(i) the Department has notified the person in writing that he or she is or will be eligible for such treatment; or

(ii) the person has, by written document lodged at an office of the Department in Australia in accordance with section 5T, notified the Department that he or she seeks eligibility for such treatment.

Question—That the request be agreed to—put.

The Senate divided—

**AYES, 2**

Senators—

Madigan

Xenophon (Teller)
NOES, 62

Senators—

Abetz
Adams (Teller)
Arbib
Back
Bernardi
Bilyk
Bishop
Boswell
Brown, Bob
Brown, Carol
Bushby
Cameron
Carr
Cash
Colbeck
Collins

Conroy
Cormann
Crossin
Di Natale
Edwards
Eggleston
Evans
Farrell
Faulkner
Fawcett
Feeney
Fifield
Fisher
Gallacher
Hanson-Young

Kroger
Ludlam
Ludwig
Lundy
Macdonald
Marshall
Mason
McEwen
McKenzie
Milne
Moore
Nash
Parry
Pratt
Rhiannon

Ronaldson
Ryan
Scullion
Sherry
Siewert
Singh
Sinodinos
Stephens
Sterle
Thistlethwaite
Urquhart
Waters
Williams

Question negatived.

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.

After 10 pm—

38 ADJOURNMENT

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

Debate ensued.

The Senate continued to sit till midnight—

WEDNESDAY, 23 NOVEMBER 2011 AM

Debate continued.

The Senate adjourned at 1.17 am till Wednesday, 23 November 2011 at 9.30 am.

39 ATTENDANCE

Present, all senators.

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate