## Contents

1. **Meeting of Senate** ........................................................................................................ 2104
2. **Education, Employment and Workplace Relations Legislation Committee—Leave to Meet During Sitting** ................................................................. 2104
3. **National Radioactive Waste Management Bill 2010** ..................................................... 2104
4. **Ministerial Arrangements—Statement by Leave** .................................................................... 2106
5. **Questions** ...................................................................................................................... 2106
6. **Motions to Take Note of Answers** .................................................................................... 2106
7. **Notices** ............................................................................................................................ 2106
8. **Leave of Absence** ........................................................................................................... 2109
9. **Private Senators’ Bills—Consideration** ............................................................................ 2109
10. **Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sitting—Variation** ................................................................. 2109
11. **Postponements** .............................................................................................................. 2109
12. **Notice of Motion Withdrawn** .......................................................................................... 2109
13. **Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012** ................................................................. 2110
14. **Social Issues—Australian Flags—Destruction or Desecration** ........................................... 2110
15. **Education, Employment and Workplace Relations References Committee—Extension of Time to Report** ................................................................. 2110
16. **Indigenous Australians—Stolen Generations** ................................................................. 2110
17. **Discussion of Matter of Public Importance—Administration—Labor Government** .......... 2111
18. **Defence—Afghanistan—Ministerial Statement—Document** ............................................ 2111
19. **Defence—HMAS Success Commission of Inquiry—Ministerial Statement—Documents** ........ 2111
21. **Indigenous Australians—Closing the Gap—Ministerial Statement—Documents** .............. 2112
22. **Foreign Affairs—Syria and Iran—Ministerial Statement—Document** ............................... 2112
24 Education, Employment and Workplace Relations References Committee—Government Response—Disability Employment Services ......................................................... 2112
25 Community Affairs References Committee—Government Response—Consumer Access to Pharmaceutical Benefits .................................................................................. 2112
26 Government Documents ........................................................................................................ 2113
27 Departmental and Agency Appointments and Vacancies—Order for Production of Documents—Documents.................................................................................................................. 2113
28 Departmental and Agency Grants—Order for Production of Documents—Documents................................................................................................................................. 2113
29 Consideration of Documents .................................................................................................. 2113
30 Law and Justice—Transgender Day of Remembrance—Document........................................ 2113
31 Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011—Explanatory Memorandum—Addendum ................................................................. 2114
34 Public Accounts and Audit—Joint Statutory Committee—Executive Minutes—Responses to Committee Recommendations in Reports Nos 417, 418, 422, 423 and 424 ........................................................................... 2114
35 Documents............................................................................................................................. 2114
36 Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents......................................................................................................................... 2121
37 Departmental and Agency Contracts—Order for Production of Documents—Documents................................................................................................................................. 2121
38 Committee Membership ........................................................................................................ 2121
40 Nuclear Terrorism Legislation Amendment Bill 2011 .......................................................... 2122
41 Fairer Private Health Insurance Incentives Bill 2012 Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012 Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2012 ......................................................................................................................... 2123
42 Fairer Private Health Insurance Incentives Bill 2012 and Related Bills—Consideration—Proposed Suspension of Standing Orders ..................................................................................... 2123
43 Education, Employment and Workplace Relations Legislation Committee—Report—Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011 and Related Bills ......................................................................................................................... 2124
44 Rural and Regional Affairs and Transport Legislation Committee—Report—Environment Protection and Biodiversity Conservation Amendment (Protecting Australia’s Water Resources) Bill 2011 ................. 2125
No. 76—27 February 2012


46 Rural and Regional Affairs and Transport Legislation Committee—Report—Illegal Logging Prohibition Bill 2011 ................................................................. 2125

47 Finance and Public Administration Legislation Committee—Report—Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012 ................................................................. 2125

48 Consideration of Legislation ......................................................................................................................... 2126

49 Nuclear Terrorism Legislation Amendment Bill 2011 ............................................................................ 2126

50 Order of Business—Rearrangement ............................................................................................................. 2126

51 Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012 ................................................................. 2126

52 Order of Business—Rearrangement ............................................................................................................. 2128


54 Order of Business—Rearrangement ............................................................................................................. 2129

55 Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011 ................................................................. 2129

56 Adjournment ............................................................................................................................................. 2129

57 Attendance .............................................................................................................................................. 2129
1 MEETING OF SENATE
The Senate met at noon, pursuant to a request from all senators to postpone the meeting of the Senate. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

Document: The President tabled the following document:
Meeting of Senate—Request to the President to postpone the meeting of the Senate—Letter from the Leader of the Government in the Senate (Senator Evans), the Leader of the Opposition in the Senate (Senator Abetz), the Leader of the Australian Greens (Senator Bob Brown), the Leader of The Nationals in the Senate (Senator Joyce) and Senators Xenophon and Madigan, dated 27 February 2012.

The President made a statement indicating that the unanimous request to postpone the meeting of the Senate was consistent with the principle that the Senate controls its own meetings.

Statement by leave: Senator Evans, by leave, made a statement relating to the matter.

2 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, by leave and at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), moved—That the Education, Employment and Workplace Relations Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.50 pm.
Question put and passed.

3 NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010
Order of the day read for the further consideration of the bill in committee of the whole.

In the committee
Consideration resumed of the bill.

Explanatory memorandum: The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.
Bill further debated.

Document: Senator Evans tabled the following document:

Bill further debated.
Senator Ludlam moved the following amendment:
Clause 3, page 2 (lines 4 to 12), omit the clause, substitute:

3 Objects of Act

The objects of this Act are:
(a) to provide for the selection of a site for a radioactive waste management facility on voluntarily nominated land in Australia; and
(b) to ensure that the site selected is the most suitable site on the Australian continent for radioactive waste storage and management taking into account environmental considerations, geology, geography, hydrology, seismology, infrastructure and cultural heritage values; and
(c) to provide for the establishment and operation of such a facility on the selected site; and
(d) to ensure that parties with waste management responsibility take appropriate steps to ensure that, at all stages of radioactive waste management, individuals, society and the environment are adequately protected against radiological and other hazards; so that radioactive waste generated, possessed or controlled by the Commonwealth or a Commonwealth entity is safely and securely managed.

Debate ensued.
Question—That the amendment be agreed to—put.
The committee divided—

AYES, 10

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

Wright
At 2 pm: The President resumed the chair and the Chair of Committees (Senator Parry) reported progress.

4 MINISTERIAL ARRANGEMENTS—STATEMENT BY LEAVE
The Leader of the Government in the Senate (Senator Evans), by leave, informed the Senate of ministerial arrangements.

5 QUESTIONS
Questions without notice were answered.

6 MOTIONS TO TAKE NOTE OF ANSWERS
The Leader of The Nationals in the Senate (Senator Joyce) moved—That the Senate take note of the answers given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) and the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senators Brandis and Birmingham today relating to the Labor Government and the National Broadband Network.

Debate ensued.

Question put and passed.

Senator Ludlam 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 Ludlam today relating to Iran and nuclear weapons.

Question put and passed.

7 NOTICES
The Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk): To move on the next day of sitting—That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 14 March 2012, from 4.15 pm. (general business notice of motion no. 652)
The Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham): To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 28 February 2012, from 8 pm, followed by a private briefing. (general business notice of motion no. 653)

Senator Carol Brown: To move on the next day of sitting—That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 29 February 2012, from 9.30 am to 11.30 am, to take evidence for the committee’s inquiry into the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012. (general business notice of motion no. 654)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 1 March 2012, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Access to Justice (Federal Jurisdiction) Amendment Bill 2011. (general business notice of motion no. 655)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of reports of the Legal and Constitutional Affairs Legislation Committee be extended as follows:

(a) Crimes Amendment (Fairness for Minors) Bill 2011—to 4 April 2012;
(b) Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012—to 4 April 2012; and
(c) Marriage Equality Amendment Bill 2010—to 6 June 2012. (general business notice of motion no. 656)

Senator Crossin: To move on the next day of sitting—That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 28 February 2012, from 4 pm, followed by an in camera hearing. (general business notice of motion no. 657)

The Deputy Chair of the Joint Select Committee on Australia’s Immigration Detention Network (Senator Hanson-Young): To move on the next day of sitting—That the Joint Select Committee on Australia’s Immigration Detention Network be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 29 February 2012, from 5.30 pm. (general business notice of motion no. 658)

The Chair of the Community Affairs Legislation Committee (Senator Moore): To move on the next day of sitting—That the time for the presentation of reports of the Community Affairs Legislation Committee be extended as follows:

(a) provisions of the Personally Controlled Electronic Health Records Bill 2011 and a related bill—to 13 March 2012; and
(b) 2011-12 additional estimates—to 29 March 2012. (general business notice of motion no. 659)

Senator Singh: To move on the next day of sitting—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 14 March 2012, from 10.30 am. (general business notice of motion no. 660)
The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That there be laid on the table by 13 March 2012, by the Minister representing the Prime Minister (Senator Evans), the report undertaken by the Inspector-General of Intelligence and Security into the actions of the relevant Australian agencies in relation to the arrest and detention overseas of Mr Mamdouh Habib. (general business notice of motion no. 661)

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

(a) notes that:

(i) the quality of our higher education contributes to Australia’s social well-being and builds the skills and knowledge vital to our economic development and our place within the competitive global economy,

(ii) demand for higher education graduates is expected to be stronger than overall employment growth over the next decade,

(iii) Australian universities are being asked to significantly expand at a time when their income is increasingly uncertain, and when their dependence on international student fees to subsidise teaching and research is severely compromised with diminishing overseas student enrolments,

(iv) decades of decline in public university funding has driven up student to staff ratios, increased staff workloads and dated infrastructure,

(v) in Australia average base funding per student declined in real terms from 1994 to 2003, and only increased in 2010 to the same level as in 1994, whilst the real value of the Commonwealth contribution per student remains well below the 1994 level,

(vi) in 2008 Australia’s expenditure on tertiary education was 0.7 per cent of gross domestic product (GDP), which equalled the Slovak Republic, fell well short of the Organisation for Economic Co-operation and Development (OECD) 1 per cent average, and was lower than 25 out of 30 countries which spent more than Australia,

(vii) the 2011 Lomax-Smith Higher education base funding review stated it believed ‘an increased level of investment per student would be required to improve the quality of higher education teaching’ and to ‘maximise the sector’s potential to contribute to national productivity and economic growth’, and

(viii) the 2008 Bradley Review of Australian higher education recommended that the Australian Government increase the base funding for teaching and learning in higher education by 10 per cent; and

(b) calls on the Government to:

(i) immediately increase base funding for public universities by a minimum of 10 per cent in the 2012-13 federal budget,

(ii) position Australia ahead of the OECD average for public investment in higher education, with an initial budget increase to equal 1 per cent of Australia’s GDP, the OECD average, increasing over time to take Australia’s ranking on public investment in higher education from the bottom to the top of the OECD countries, and

(iii) not increase student contributions in proportion to any increases in government base funding. (general business notice of motion no. 662)
8 LEAVE OF ABSENCE
Senator McEwen, by leave, moved—that leave of absence be granted to Senator Sherry from 27 February to 1 March 2012, on account of parliamentary business.
Question put and passed.
Senator Kroger, by leave, moved—that leave of absence be granted to Senator Nash from 27 February to 1 March 2012, for personal reasons.
Question put and passed.

9 PRIVATE SENATORS’ BILLS—CONSIDERATION
The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) moved—that the following general business orders of the day be considered on Thursday, 1 March 2012 under the temporary order relating to the consideration of private senators’ bills:
No. 3 Commonwealth Commissioner for Children and Young People Bill 2010.
No. 20 Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010.
Question put and passed.

10 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING—VARIATION
Senator McEwen, by leave and on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, moved—that the order of the Senate of 9 February 2012 authorising the Joint Standing Committee on Foreign Affairs, Defence and Trade to hold public meetings be varied by omitting paragraph (a)(ii), and substituting:
(a)(ii) from 5 pm to 6.30 pm, to take evidence for the committee’s inquiry into Australia’s overseas representation.
Question put and passed.

11 POSTPONEMENTS
The following items of business were postponed:
Business of the Senate notice of motion no. 1 standing in the name of Senator Waters for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 14 March 2012.
General business notice of motion no. 438 standing in the name of Senator Siewert for 28 February 2012, relating to the North West Slope Trawl Fishery, postponed till 20 March 2012.
General business notice of motion no. 442 standing in the name of Senator Siewert for 28 February 2012, proposing the introduction of the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011, postponed till 20 March 2012.
General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe program, postponed till 1 March 2012.

12 NOTICE OF MOTION WITHDRAWN
Senator Di Natale withdrew business of the Senate notice of motion no. 1 standing in his name for 28 February 2012, proposing a reference to the Community Affairs References Committee.
13 **SPECIAL BROADCASTING SERVICE AMENDMENT (NATURAL PROGRAM BREAKS AND DISRUPTIVE ADVERTISING) BILL 2012**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 602—That the following bill be introduced:

A Bill for an Act to amend the *Special Broadcasting Service Act 1991*, and for related purposes.

Question put and passed.

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

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*Explanatory memorandum*: Senator Ludlam, by leave, tabled an explanatory memorandum relating to the bill.

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

14 **SOCIAL ISSUES—AUSTRALIAN FLAGS—DESTRUCTION OR DESECRATION**

Senator Williams, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 649—That the Senate—

(a) condemns as a form of protest the destruction or desecration on Australian soil of the Australian National Flag, the Australian Aboriginal Flag, or the Torres Strait Islander Flag; and

(b) urges all people to show respect for these flags.

Question put and passed.

15 **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of the Deputy Chair of the Education, Employment and Workplace Relations References Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 650—That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on higher education and skills training for agriculture and agribusiness be extended to 8 June 2012.

Question put and passed.

16 **INDIGENOUS AUSTRALIANS—STOLEN GENERATIONS**

Senator McEwen, at the request of Senators Moore, Siewert and Humphries and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 651—That the Senate—

(a) recognises the 4th anniversary of the apology to the Stolen Generations on 13 February 2012;
(b) affirms the sentiment expressed by the Senate on 13 February 2008 as a significant step to building a new relationship between Indigenous and non-Indigenous Australians and recognising the suffering caused by past injustices;

(c) expresses its support for members of the Stolen Generations and for the activities happening across Australia on 13 February to mark the anniversary of the apology; and

(d) notes the new special collection that will be established in the Parliamentary Library of historical documents presented by the National Sorry Day Committee, which document our nation’s shared journey toward reconciliation and the ongoing process of healing and justice for members of the Stolen Generations.

Question put and passed.

17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—LABOR GOVERNMENT**

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 complete dysfunction of the Labor Government.

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

18 **DEFENCE—AFGHANISTAN—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) tabled the following document:

Defence—Afghanistan—Ministerial statement by the Minister for Defence (Mr Smith), dated 9 February 2012.

19 **DEFENCE—HMAS SUCCESS COMMISSION OF INQUIRY—MINISTERIAL STATEMENT—DOCUMENTS**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) tabled the following documents:

Defence—HMAS Success commission of inquiry – Allegations of unacceptable behaviour and the management thereof – Part three: Further recommendations—Ministerial statement by the Minister for Defence (Mr Smith), dated 9 February 2012.

Report of the Commissioner, the Honourable Roger Gyles, AO, QC, dated December 2011 [Redacted version].

20 **ECONOMICS—GLOBAL ECONOMY—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) tabled the following document:

Economics—The global economy—Ministerial statement by the Treasurer (Mr Swan), dated 9 February 2012.
21 **INDIGENOUS AUSTRALIANS—CLOSING THE GAP—MINISTERIAL STATEMENT—DOCUMENTS**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) tabled the following documents:

Indigenous Australians—Closing the gap—
Ministerial statement by the Prime Minister (Ms Gillard), dated 15 February 2012.
Prime Minister’s report 2012—Closing the gap.

Senator Scullion, by leave, moved—That the Senate take note of the documents.
Debate ensued.
Question put and passed.

22 **FOREIGN AFFAIRS—SYRIA AND IRAN—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) tabled the following document:

Foreign affairs—The situation in Syria and Iran—Ministerial statement by the Minister for Foreign Affairs (Mr Rudd), dated 14 February 2012.

23 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—TELECOMMUNICATIONS UNIVERSAL SERVICE MANAGEMENT AGENCY BILL 2011 AND RELATED BILLS**

The Acting Deputy President (Senator Back) tabled the following report and documents received on 24 February 2012:


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

24 **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—DISABILITY EMPLOYMENT SERVICES**

The Acting Deputy President (Senator Back) tabled the following document received on 17 February 2012:

Education, Employment and Workplace Relations References Committee—Report—The administration and purchasing of disability employment services in Australia—Government response, dated February 2012.

25 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—CONSUMER ACCESS TO PHARMACEUTICAL BENEFITS**

The Acting Deputy President (Senator Back) tabled the following document received on 22 February 2012:

Community Affairs References Committee—Report—Consumer access to pharmaceutical benefits—Government response.
26 GOVERNMENT DOCUMENTS
The Acting Deputy President (Senator Back) tabled the following documents received on the dates indicated:

Australian Customs and Border Protection Service—Report for 2010-11—Correction. [Received 10 February 2012]

Commonwealth Grants Commission—Report on GST revenue sharing relativities—2012 update. [Received 24 February 2012]

National Residue Survey—Report for 2010-11. [Received 17 February 2012]

National Rural Advisory Council (NRAC)—Report for 2010-11. [Received 21 February 2012]

27 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS
Pursuant to the order of the Senate of 24 June 2008, as amended, the Acting Deputy President (Senator Back) tabled the following documents received on the dates indicated:

Departmental and agency appointments and vacancies—Additional estimates—Letters of advice—

Education, Employment and Workplace Relations portfolio. [Received 20 February 2012]

Finance and Deregulation portfolio. [Received 13 February 2012]

Immigration and Citizenship portfolio. [Received 15 February 2012]

28 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS
Pursuant to the order of the Senate of 24 June 2008, the Acting Deputy President (Senator Back) tabled the following documents received on the dates indicated:

Departmental and agency grants—Additional estimates—Letters of advice—

Department of Finance and Deregulation. [Received 13 February 2012]

Department of Immigration and Citizenship. [Received 15 February 2012]

29 CONSIDERATION OF DOCUMENTS
Senator Carol Brown, by leave, moved—that consideration of the government responses tabled earlier today (see entries nos 24 and 25) be listed on the Notice Paper as separate orders of the day.

Question put and passed.

30 LAW AND JUSTICE—TRANSGENDER DAY OF REMEMBRANCE—DOCUMENT
The Acting Deputy President (Senator Back) tabled the following document:

Law and justice—Transgender Day of Remembrance—Letter to the President of the Senate from the Minister for Foreign Affairs (Mr Rudd) responding to the resolution of the Senate of 24 November 2011, dated 19 February 2012.
31 **Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011—Explanatory Memorandum—Addendum**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled an addendum to the explanatory memorandum relating to the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011.


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


Senator Furner, by leave, moved—that the Senate take note of the report.

Question put and passed.

33 **Public Works—Joint Statutory Committee—1st Report of 2012**

Senator Carol Brown, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:


34 **Public Accounts and Audit—Joint Statutory Committee—Executive Minutes—Responses to Committee Recommendations in Reports Nos 417, 418, 422, 423 and 424**

Senator Carol Brown, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:

Public Accounts and Audit—Joint Statutory Committee—Executive minutes and responses to committee recommendations in reports nos 417, 418, 422, 423 and 424.

35 **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.]

Acts Interpretation Act—

Acts Interpretation (Substituted References – Section 19B) Amendment Order 2012 (No. 1) [F2012L00223].

Select Legislative Instrument 2012 No. 6—Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1) [F2012L00392].

Appropriation Act (No. 1) 2010-2011, Appropriation Act (No. 2) 2010-2011 and Appropriation Act (No. 4) 2010-2011—Determination to Reduce Appropriations Upon Request (No. 7 of 2011-2012) [F2012L00215].
Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determinations Nos—
1 of 2012—Certain information provided by specified entities under Reporting Standard SRS 100.0 [F2012L00229].
2 of 2012—Information provided by trustees under Reporting Standard SRS 200.0, SRS 210.0, SRS 210.1, SRS 230.0, SRS 240.0 and SRS 250.0 [F2012L00231].

Aviation Transport Security Act—Select Legislative Instrument 2012 No. 5—Aviation Transport Security Amendment Regulation 2012 (No. 1) [F2012L00266].

Banking Act—Banking (Exemption) No. 1 of 2012 [F2012L00207].

Broadcasting Services Act—
Broadcasting Services (Digital-Only Local Market Areas for Northern New South Wales TV1) Determination (No. 1) 2012 [F2012L00342].
Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2012 (No. 1) [F2012L00225].
Broadcasting Services (Start Dates for Section 38C Licence Areas) Amendment Declaration 2012 (No. 1) [F2012L00221].

Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA 45/12—Instructions – primary means navigation system [F2012L00258].

Civil Aviation Safety Regulations—

Instruments Nos CASA—
EX01/12—Exemption – maximum take-off weight requirements in aerial application operations [F2012L00339].
EX13/12—Exemption – from standard take-off and landing minima – Malaysia Airlines [F2012L00340].
EX15/12—Exemption – validation flight checks for AA [F2012L00374].

Revocation of Airworthiness Directives—Instrument No. CASA ADCX 003/12 [F2012L00218].

Commissioner of Taxation—Public Rulings—
Class Rulings—
CR 2012/10-CR 2012/12.

Product Rulings—
Taxation Determinations—Addenda—TD 95/60 and TD 2004/75.

Corporations Act—ASIC Class Order [CO 12/1482] [F2012L00209].

Customs Act—
Tariff Concession Orders—
1005214 [F2012L00210].
1014956 [F2012L00350].
1035707 [F2012L00356].
1111096 [F2012L00389].
1112366 [F2012L00351].
1129321 [F2012L00265].
1129408 [F2012L00320].
1129585 [F2012L00317].
1129602 [F2012L00328].
1129608 [F2012L00261].
1129627 [F2012L00329].
1129727 [F2012L00332].
1129949 [F2012L00314].
1129962 [F2012L00313].
1129972 [F2012L00309].
1129981 [F2012L00285].
1130077 [F2012L00250].
1130274 [F2012L00333].
1130352 [F2012L00348].
1130438 [F2012L00357].
1130481 [F2012L00316].
1130493 [F2012L00366].
1130498 [F2012L00365].
1130501 [F2012L00354].
1130627 [F2012L00364].
1130841 [F2012L00359].
1130844 [F2012L00358].
1130845 [F2012L00362].
1130948 [F2012L00383].
1130949 [F2012L00382].
1131123 [F2012L00381].
1131308 [F2012L00361].
1131325 [F2012L00377].
1131357 [F2012L00373].
1131380 [F2012L00368].
1131383 [F2012L00355].
1131414 [F2012L00369].
1131441 [F2012L00384].
1131717 [F2012L00367].
1132150 [F2012L00370].
1132152 [F2012L00371].
1132153 [F2012L00360].
1132155 [F2012L00393].
1132157 [F2012L00391].

Tariff Concession Revocation Instruments—
172/2011 [F2012L00212].
207/2011 [F2012L00217].
5/2012 [F2012L00211].
6/2012 [F2012L00216].
7/2012 [F2012L00214].
10/2012 [F2012L00243].
11/2012 [F2012L00233].
12/2012 [F2012L00234].
13/2012 [F2012L00248].
14/2012 [F2012L00259].
15/2012 [F2012L00246].
Defence Act—Determinations under section 58B—Defence Determinations—
2012/6—Post indexes – amendment.
2012/7—Home computing facilities – amendment.

Environment Protection and Biodiversity Conservation Act—
Amendments of lists of exempt native specimens—
EPBC303DC/SFS/2012/10 [F2012L00337].
EPBC303DC/SFS/2012/11 [F2012L00297].
EPBC303DC/SFS/2012/12 [F2012L00338].
Instrument to remove a Commonwealth Heritage place and its Commonwealth
heritage values from the Commonwealth Heritage List, dated 7 February 2012
[F2012L00334].
Notice of proposed accreditation of the Northern Prawn Fishery Management
Plan 1995, Heard Island and McDonald Islands Fishery Management Plan
2002, Southern Squid Jig Fishery Management Plan 2005 and Western Tuna
and Billfish Fishery Management Plan 2005, dated 23 January 2012 and
attachments [5].

Fair Work (Transitional Provisions and Consequential Amendments) Act—Select
Legislative Instrument 2012 No. 3—Fair Work (Transitional Provisions and
Consequential Amendments) Amendment Regulation 2012 (No. 1)
[F2012L00230].

Family Law Act—Select Legislative Instrument 2012 No. 9—Family Law
Amendment Regulation 2012 (No. 1) [F2012L00394].

Federal Financial Relations Act—
Federal Financial Relations (General purpose financial assistance)
Determination No. 34 (January 2012) [F2012L00204].
Federal Financial Relations (National Partnership payments) Determination
No. 31 (October 2011) Amendment Determination No. 1 [F2012L00203].

Financial Management and Accountability Act—Financial Management and
Accountability Determinations Nos—
2012/01—Section 32 (Transfer of Functions from HEALTH to ANPHA)
[F2012L00222].
2012/03—Section 32 (Transfer of Functions from DPMC to DRALGAS)
[F2012L00224].
2012/04—Section 32 (Transfer of Functions from DPMC to DEFENCE) [F2012L00226].
2012/05—Section 32 (Transfer of Functions from AGD to DPMC) [F2012L00228].
2012/06—Section 32 (Transfer of Functions from DEEWR to DIISRTE) [F2012L00227].
2012/07—Section 32 (Transfer of Functions from SEWPaC to FaHCSIA and TREASURY) [F2012L00236].

Fisheries Management Act—Heard Island and McDonald Islands Fishery Management Plan Amendment 2011 [F2012L00372].

Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code—Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 2, 2012 [F2012L00278].
Food Standards (Application A1051 – Food derived from Herbicide-tolerant Soybean Event FG72) Variation [F2012L00208].


Migration Act—
Migration Regulations—Instrument IMMI 11/085—Required health assessment [F2012L00375].
Select Legislative Instrument 2012 No. 4—Migration Amendment Regulations 2012 (No. 1) [F2012L00282].

Military Rehabilitation and Compensation Act—
Military Rehabilitation and Compensation (Non-warlike Service) Determination 2012 (No. 1) [F2012L00345].
Military Rehabilitation and Compensation (Warlike Service) Determination 2012 (No. 1) [F2012L00341].

Motor Vehicle Standards Act—
Vehicle Standard (Australian Design Rule 2/01 – Side Door Latches and Hinges) 2006 Amendment 1 [F2012L00284].


National Health Act—Instruments Nos PB—
1 of 2012—National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2012 (No. 1) [F2012L00288].
2 of 2012—National Health (Price and Special Patient Contribution) Amendment Determination 2012 (No. 1) [F2012L00272].
3 of 2012—National Health (Chemotherapy Pharmaceuticals Access Program) Special Arrangement Amendment Instrument 2012 (No. 1) [F2012L00378].
4 of 2012—National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2012 (No. 1) [F2012L00379].
5 of 2012—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2012 (No. 1) [F2012L00380].
10 of 2012—National Health (Listed drugs on F1 or F2) Amendment Determination 2012 (No. 1) [F2012L00346].
11 of 2012—Amendment Determination under section 84AH of the National Health Act 1953 (2012) (No. 1) [F2012L00344].


Privacy Act—Public Interest Determinations Nos—
13—Disclosure and collection of personal information to improve outcomes for children and young people at risk of serious harm [F2012L00330].
13A—Disclosure and collection of personal information to improve outcomes for children and young people at risk of serious harm [F2012L00331].

Private Health Insurance Act—Private Health Insurance (Prostheses) Rules 2012 (No. 1) [F2012L00335].

Radiocommunications Act—
Radiocommunications (Class of Services) Determination 2012 [F2012L00235].
Radiocommunications (Spectrum Licence Limits) Direction No. 1 of 2012 [F2012L00205].
Radiocommunications (Spectrum Licence Limits) Direction No. 2 of 2012 [F2012L00206].

Remuneration Tribunal Act—Determination 2012/01—Remuneration and Allowances for Holders of Public Office [F2012L00352].

Retirement Savings Accounts Act—Select Legislative Instrument 2012 No. 1—Retirement Savings Accounts Amendment Regulation 2012 (No. 1) [F2012L00269].

Superannuation Act 2005—Sixth Amending Deed to the Superannuation (PSSAP) Trust Deed [F2012L00319].

Superannuation Industry (Supervision) Act—Select Legislative Instrument 2012 No. 2—Superannuation Industry (Supervision) Amendment Regulation 2012 (No. 1) [F2012L00273].


Veterans’ Entitlements Act—
Veterans’ Entitlements (Non-warlike Service – NATO no-fly-zone and maritime enforcement operation against Libya) Determination 2012 [F2012L00347].
Veterans’ Entitlements (Warlike Service – NATO no-fly-zone and maritime enforcement operation against Libya) Determination 2012 [F2012L00343].

Governor-General’s Proclamations—Commencement of provisions of Acts

Evidence Act 1995—Day on which the provisions of the Act (other than sections 185, 186 and 187) cease to apply to proceedings in an Australian Capital Territory court, except so far as the provisions apply to proceedings in all Australian courts—1 March 2012 [F2012L00287].
Family Law Act 1975—Date on and after which the jurisdiction of the Family Court of Australia under paragraph 31(1)(aa) of the Act can be exercised in all proceedings, in the following States and Territories: (a) New South Wales; (b) Victoria; (c) Queensland; (d) South Australia; (e) Tasmania; (f) Australian Capital Territory; (g) Northern Territory; (h) Norfolk Island—11 February 2012 [F2012L0240].

Parliamentary Service Amendment (Parliamentary Budget Officer) Act 2011—Schedules 1, 2 and 3—15 February 2012 [F2012L00277].

36 Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2011—Statements of compliance—

- Fair Work Ombudsman.
- Finance and Deregulation portfolio.
- National Archives of Australia.

37 Departmental and Agency Contracts—Order for Production of Documents—Documents

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2011—Letters of advice—

- Attorney-General’s portfolio.
- Australian Organ and Tissue Donation and Transplantation Authority.
- Defence portfolio.
- Finance and Deregulation portfolio.
- Resources, Energy and Tourism portfolio.
- Treasury portfolio [2].

38 Committee Membership

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

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), by leave, moved—That senators be discharged from and appointed to committees as follows:

Corporations and Financial Services—Joint Statutory Committee—

- Discharged—Senator Hanson-Young

Gambling Reform—Joint Select Committee—

- Discharged—Senator Bilyk
- Appointed—
  - Senator Sherry
  - Participating members: Senators Di Natale and Madigan
Legal and Constitutional Affairs Legislation Committee—
  Appointed—
  Substitute member: Senator Hanson-Young to replace Senator Wright for
  the committee’s inquiry into the Marriage Equality Amendment Bill 2010
  Participating member: Senator Wright.

Question put and passed.

39 ACCESS TO JUSTICE (FEDERAL JURISDICTION) AMENDMENT BILL 2011
NATIONAL HEALTH AMENDMENT (FIFTH COMMUNITY PHARMACY AGREEMENT
INITIATIVES) BILL 2012
TAX LAWS AMENDMENT (2011 MEASURES NO. 9) BILL 2011

Messages from the House of Representatives were reported transmitting for the
concurrence of the Senate the following bills:
  Message no. 346, dated 16 February 2012—A Bill for an Act to amend the law
  relating to courts and tribunals, and for related purposes.
  Message no. 350, dated 27 February 2012—A Bill for an Act to amend the
  National Health Act 1953, and for related purposes.
  Message no. 345, dated 14 February 2012—A Bill for an Act to amend the law
  relating to taxation and superannuation, and for other purposes.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) moved—That
these bills may proceed without formalities, may be taken together and be now read a
first time.

Question put and passed.

Explanatory memorandum: Senator Ludwig tabled a revised explanatory
memorandum relating to the National Health Amendment (Fifth Community
Pharmacy Agreement Initiatives) Bill 2012.

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

Consideration of legislation: Senator Ludwig moved—That the bills be listed on the
Notice Paper as separate orders of the day.

Question put and passed.

40 NUCLEAR TERRORISM LEGISLATION AMENDMENT BILL 2011

A message from the House of Representatives was reported transmitting for the
concurrence of the Senate the following bill:
  Message no. 344, dated 9 February 2012—A Bill for an Act to implement aspects
  of the International Convention for the Suppression of Acts of Nuclear Terrorism,
  and for other purposes.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) 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.
On the motion of Senator Ludwig the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

41 Fairer Private Health Insurance Incentives Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2012
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 347, dated 27 February 2012—A Bill for an Act to provide for fairer private health insurance incentives, and for related purposes.
The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) 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 Ludwig moved—That these bills be now read a second time.

Explanatory memorandum: Senator Ludwig tabled a revised explanatory memorandum relating to the bills.

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

42 Fairer Private Health Insurance Incentives Bill 2012 and Related Bills—Consideration—Proposed Suspension of Standing Orders
Leave refused: Senator Fierravanti-Wells sought leave to move a motion relating to the consideration of the Fairer Private Health Insurance Incentives Bill 2012 and related bills.
An objection was raised and leave was not granted.
Senator Fierravanti-Wells, at the request of the Leader of the Opposition in the Senate (Senator Abetz) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Abetz moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the consideration of the Fairer Private Health Insurance Incentives Bill 2012 and related bills.
Debate ensued.
Question put.
The Senate divided—

AYES, 30

Senators—

Abetz    Cormann    Humphries    Payne
Back     Edwards (Teller)    Johnston    Ronaldson
Birmingham    Eggleston    Kroger    Ryan
Boswell    Fawcett    Macdonald    Scullion
Boyce     Fierravanti-Wells    Madigan    Sinodinos
Bushby    Fifield    Mason    Williams
Cash      Fisher    McKenzie
Colbeck    Heffernan    Parry

NOES, 37

Senators—

Bilyk    Farrell    Marshall    Sterle
Bishop    Faulkner    McEwen    Thistlethwaite
Brown, Bob    Feeney    McLucas    Unghart
Brown, C (Teller)    Furner    Moore    Waters
Cameron    Gallacher    Polley    Wong
Carr     Hanson-Young    Pratt    Wright
Collins    Hogg    Rhiannon    Xenophon
Conroy    Ludlam    Siewert
Crossin    Ludwig    Singh
Di Natale    Lundy    Stephens

Question negatived.

43 Education, Employment and Workplace Relations Legislation Committee—Report—Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011 and Related Bills

Pursuant to order, Senator Carol Brown, at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), tabled the following report and documents:

Education, Employment and Workplace Relations Legislation Committee—Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011 [Provisions], Education Services for Overseas Students (TPS Levies) Bill 2011 [Provisions] and Education Services for Overseas Students (Registration Charges) Amendment (Tuition Protection Service) Bill 2011 [Provisions]—Report, dated February 2012, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Carol Brown.
44 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (PROTECTING AUSTRALIA’S WATER RESOURCES) BILL 2011

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


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

45 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—REPORT—FAIR WORK AMENDMENT (TEXTILE, CLOTHING AND FOOTWEAR INDUSTRY) BILL 2011 [2012]

Pursuant to order, Senator Carol Brown, at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), tabled the following report and documents:


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

46 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—ILLEGAL LOGGING PROHIBITION BILL 2011

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


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

47 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—MEMBERS OF PARLIAMENT (LIFE GOLD PASS) AND OTHER LEGISLATION AMENDMENT BILL 2012

Pursuant to order, Senator Carol Brown, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Carol Brown.
48 **CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary for Disabilities and Carers (Senator McLucas), by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012, allowing it to be considered during this period of sittings.

Document: Senator McLucas tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012 in the 2012 autumn sittings.

Question put and passed.

49 **NUCLEAR TERRORISM LEGISLATION AMENDMENT 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.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

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

50 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary for Defence (Senator Feeney) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012.

Question put and passed.

51 **MEMBERS OF PARLIAMENT (LIFE GOLD PASS) AND OTHER LEGISLATION AMENDMENT BILL 2012**

Order read for the adjourned debate on the motion of the Parliamentary Secretary to the Prime Minister (Senator Lundy)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.
Bill debated.
Senator Xenophon moved the following amendments together by leave:
Clause 2, page 2 (at the end of the table), add:

7. Schedule 3 Immediately after the commencement of the provisions covered by table item 6.

Page 9 (after line 15), at the end of the bill, add:

**Schedule 3—Determinations and reports about politicians’ pay and entitlements**

*Remuneration Tribunal Act 1973*

1 **After section 7**
   Insert:
   7AA **Process for making determination or report about members of Parliament**
   (1) Before making a determination or report under this Act relating to a member of the Parliament (including a Minister of State), the Tribunal must:
   (a) make a call to the public for submissions; and
   (b) publish on its website each submission received (but only with the consent of the person making the submission); and
   (c) conduct a public hearing in relation to the matters that are the subject of the proposed determination or report.
   (2) The Tribunal must publish on its website a transcript of public hearings conducted under paragraph (1)(c).

2 **Section 7A**
   Before “The Tribunal”, insert “(1)’”.

3 **At the end of section 7A**
   Add:
   (2) The Tribunal’s reasons for a determination or report under this Act relating to a member of the Parliament (including a Minister of State) must address:
   (a) any submissions received under subsection 7AA(1); and
   (b) any evidence given in a public hearing conducted under that subsection.

4 **At the end of section 11**
   Add:
   (3) This section applies subject to section 7AA (process for making determination or report about members of Parliament).

Debate ensued.
Question—That the amendments be agreed to—put.
The committee divided—

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Question negatived.
Bill agreed to.
Bill to be reported without amendment.

The President resumed the chair and the Chair of Committees (Senator Parry) reported accordingly.

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

52 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Defence (Senator Feeney) moved—That government business orders of the day nos 1 (National Radioactive Waste Management Bill 2010) and 2 (National Broadcasting Legislation Amendment Bill 2010) be postponed till the next day of sitting.

Question put and passed.

53 INTELLECTUAL PROPERTY LAWS AMENDMENT (RAISING THE BAR)

Bill 2011 [2012]

Order of the day read for the adjourned debate on the motion of the Minister for Manufacturing (Senator Carr)—That this bill be now read a second time.

Debate resumed.

Documents: Senator Heffernan, by leave, tabled the following documents:

Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 [2012]—Patents—

Case study I: Clopidogrel.
Debate continued.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Carr the bill was read a third time.

54 ORDER OF BUSINESS—REARRANGEMENT
The Minister for Manufacturing (Senator Carr) moved—That government business order of the day no. 4 (Cybercrime Legislation Amendment Bill 2011) be postponed till the next day of sitting.
Question put and passed.

55 EXTRADITION AND MUTUAL ASSISTANCE IN CRIMINAL MATTERS LEGISLATION AMENDMENT BILL 2011
Order of the day read for the adjourned debate on the motion of the Minister for Manufacturing (Senator Carr)—That this bill be now read a second time.
Debate resumed.

At 9.50 pm: Debate was interrupted while Senator Wright was speaking.

56 ADJOURNMENT
The Acting Deputy President (Senator Boyce) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.30 pm till Tuesday, 28 February 2012 at 12.30 pm.

57 ATTENDANCE
Present, all senators except Senators Adams*, Bernardi, Nash* and Sherry* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate