## Contents

1. Meeting of Senate .......................................................... 2197
2. Government Documents .................................................... 2197
3. Vacancy in the Representation of New South Wales—Choice of Robert John Carr .......................................................... 2197
4. Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sitting ........................................ 2198
6. Ministry and Ministerial Arrangements—Document ........................................... 2208
7. Questions ........................................................................... 2208
8. Motions to Take Note of Answers ........................................................................... 2208
9. Notices ............................................................................. 2208
10. Private Senators’ Bills—Consideration .................................................. 2213
11. Leave of Absence .................................................................. 2213
12. Community Affairs Legislation Committee—Extension of Time to Report .... 2214
13. Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sitting ........................................ 2214
14. Postponements .................................................................... 2214
15. Community Affairs Legislation Committee—Community Affairs References Committee—Leave to Meet During Sitting ........................................... 2214
17. Electoral Matters—Joint Standing Committee—Leave to Meet During Sitting ........................................................................... 2215
18. Animal Welfare—Jakarta Abattoirs .......................................................... 2215
19. Discussion of Matter of Public Importance—Administration—Gillard Government .......................................................... 2216
20. Community Affairs References Committee—Government Response—Professional Services Review Scheme ........................................... 2217
21. Departmental and Agency Contracts—Order for Production of Documents—Documents .......................................................... 2217
22. Foreign Affairs—Syria—Documents .......................................................... 2217
<table>
<thead>
<tr>
<th>No.</th>
<th>Committee</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Finance and Public Administration—Standing Committee—Government Response</td>
<td>Annual Reports</td>
<td>2217</td>
</tr>
<tr>
<td>24</td>
<td>National Broadband Network—Joint Standing Committee—Government Response</td>
<td>Review of the Rollout of the National Broadband Network</td>
<td>2217</td>
</tr>
<tr>
<td>25</td>
<td>Rural Affairs and Transport Legislation Committee—Government Response</td>
<td>Airports Amendment Bill 2010</td>
<td>2218</td>
</tr>
<tr>
<td>26</td>
<td>Rural and Regional Affairs and Transport References Committee</td>
<td>Government Response—Rural and Regional Access to Secondary and Tertiary Education Opportunities</td>
<td>2218</td>
</tr>
<tr>
<td>27</td>
<td>Fuel and Energy—Select Committee—Government Response</td>
<td></td>
<td>2218</td>
</tr>
<tr>
<td>28</td>
<td>Scrutiny of New Taxes—Select Committee—Government Response</td>
<td></td>
<td>2218</td>
</tr>
<tr>
<td>29</td>
<td>Electoral Matters—Joint Standing Committee—Report—Electoral and Referendum Amendment (Maintaining Address) Bill 2011</td>
<td></td>
<td>2218</td>
</tr>
<tr>
<td>30</td>
<td>Corporations and Financial Services—Joint Statutory Committee—Reports—2010-11 Annual Reports of Bodies Established under the ASIC Act—Statutory Oversight of the Australian Securities and Investments Commission</td>
<td></td>
<td>2219</td>
</tr>
<tr>
<td>31</td>
<td>Documents</td>
<td></td>
<td>2219</td>
</tr>
<tr>
<td>32</td>
<td>Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents</td>
<td></td>
<td>2223</td>
</tr>
<tr>
<td>33</td>
<td>Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011</td>
<td></td>
<td>2223</td>
</tr>
<tr>
<td>34</td>
<td>Corporations Amendment (Phoenixing and Other Measures) Bill 2012</td>
<td>Financial Framework Legislation Amendment Bill (No. 1) 2012</td>
<td>2223</td>
</tr>
<tr>
<td>35</td>
<td>Crimes Legislation Amendment (Powers and Offences) Bill 2012</td>
<td></td>
<td>2224</td>
</tr>
<tr>
<td>36</td>
<td>Human Rights—Joint Statutory Committee—Appointment</td>
<td></td>
<td>2224</td>
</tr>
<tr>
<td>37</td>
<td>Governor-General’s Messages—Assent to Laws</td>
<td></td>
<td>2225</td>
</tr>
<tr>
<td>38</td>
<td>Committee Membership</td>
<td></td>
<td>2226</td>
</tr>
<tr>
<td>39</td>
<td>Economics Legislation Committee—Proposed Reference</td>
<td></td>
<td>2226</td>
</tr>
<tr>
<td>40</td>
<td>Community Affairs Legislation Committee—Extension of Time to Report</td>
<td></td>
<td>2227</td>
</tr>
<tr>
<td>41</td>
<td>Fairer Private Health Insurance Incentives Bill 2012</td>
<td>Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012</td>
<td>2227</td>
</tr>
<tr>
<td></td>
<td>Fairer Private Health Insurance Incentives (Medicare Levy Surcharge—Fringe Benefits) Bill 2012</td>
<td></td>
<td>2227</td>
</tr>
<tr>
<td>42</td>
<td>Government Documents—Consideration</td>
<td></td>
<td>2227</td>
</tr>
<tr>
<td>43</td>
<td>Adjournment</td>
<td></td>
<td>2227</td>
</tr>
<tr>
<td>44</td>
<td>Attendance</td>
<td></td>
<td>2228</td>
</tr>
</tbody>
</table>
MEETING OF SENEAT

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

GOVERNMENT DOCUMENTS

The following documents were tabled:

- Australian Competition and Consumer Commission—Telstra’s compliance with the retail price control arrangements—Report for 2010-11.
- Copyright Agency Limited—Report for 2010-11.
- Department of Health and Ageing—Report to Parliament on the meeting of the Pharmaceutical Industry Discussion Group (PIDG) to identify and examine potential unintended consequences of the 2010-11 Budget Measure Further Pharmaceutical Benefits Scheme (PBS) Pricing Reform, dated February 2012.

VACANCY IN THE REPRESENTATION OF NEW SOUTH WALES—CHOICE OF ROBERT JOHN CARR

The President announced the resignation, on 5 March 2012, of Senator Arbib and advised the Senate that, pursuant to section 21 of the Constitution, he had notified the Governor of New South Wales that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

- Vacancy in the representation of New South Wales—Letters from—Senator Arbib to the President, dated 5 March 2012.
- President of the Senate to the Governor of New South Wales (Her Excellency Professor Marie Bashir, AC, CVO), dated 5 March 2012.
The President further announced that he had received, through the Governor-General, from the Governor of New South Wales, a copy of the certificate of the choice by the Parliament of New South Wales of Mr Robert John Carr as a Senator to fill the vacancy caused by the resignation of Senator Arbib.

The President tabled the copy of the certificate as follows:

Office of the Governor
Sydney 2000

7 March 2012
Her Excellency Ms Quentin Bryce AC
Governor-General of the Commonwealth of Australia
Government House
YARRALUMLA ACT 2600

Your Excellency,

I have the honour to inform Your Excellency that, at a joint Sitting of the two Houses of the Legislature of New South Wales held on 6 March 2012, in accordance with the provisions of section 15 of the Commonwealth of Australia Constitution Act, the Honourable Robert John Carr was duly chosen as the person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Mark Arbib.

Yours sincerely
Professor Marie R Bashir AC CVO
Governor of New South Wales.

Senator sworn: Senator Bob Carr, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

4 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Furner, by leave and on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, moved—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold an in camera hearing during the sitting of the Senate today, from 12.30 pm to 2 pm.

Question put and passed.

5 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.

Senator Ludlam moved the following amendment:

Page 10 (after line 30), after Division 2, insert:

Division 2A—Requirements for ministerial decisions

8A Application of Division
(1) This Division applies to each decision to be made by the Minister in relation to the nomination, selection and approval of sites under this Act, including (but not limited to) each of the following:
   (a) a decision to make a declaration under section 6;
   (b) a decision to approve land, or a specified part of land, under section 9;
   (c) a decision under subsection 14(2) to declare that a site, or a specified part of a site, is selected as the site for a facility;
   (d) a decision under subsection 14(2) to declare all or some of the rights or interests in the selected site;
   (e) a decision under subsection 14(4) to declare that all or specified rights or interests in land are required for providing all-weather road access to a site;
   (f) a decision under section 17 to revoke a declaration made under subsection 14(2).

(2) A decision to which this Division applies is of no effect unless the requirements of this Division are met.

8B Requirements in relation to decisions

(1) A decision to which this Division applies must comply with the provisions of this section.

(2) Before the Minister makes a decision, the Secretary of the Department must:
   (a) publish on the department’s website a notice:
      (i) setting out the nature of the decision; and
      (ii) inviting persons to make submissions to the Minister about the decision within 42 days after the notice is published; and
   (b) send to each stakeholder a notice:
      (i) setting out the nature of the decision; and
      (ii) inviting stakeholders to make submissions to the Minister about the decision within 42 days of the date of the notice; and
   (c) publish on the department’s website a copy of each submission received under this section.

(3) In making a decision, the Minister must:
   (a) have regard to the submissions in relation to the decision received under subsection (2); and
   (b) actively consult stakeholders.

(4) In making a decision, the Minister must have regard, but is not limited, to the following criteria:
   (a) existing infrastructure;
   (b) seismology;
   (c) hydrology;
   (d) community consent;
   (e) international best practice;
   (f) such additional criteria (if any) as are specified by the Minister under subsection (5).
(5) The Minister may, by legislative instrument, specify additional criteria in relation to a decision for the purposes of paragraph (4)(f), but must not apply those criteria in making a decision until either:
(a) the period for the disallowance of the instrument has expired in each House of the Parliament; or
(b) the instrument has been approved by resolution of each House.

(6) The Minister must cause a report to be prepared setting out the reasons for making a decision.

(7) The Minister must cause a copy of each report prepared under subsection (6) to be presented to each House of the Parliament at least 28 days before the decision to which the report relates takes effect.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.

Senator Ludlam moved the following amendments together by leave:

Clause 9, page 11 (lines 3 and 4), omit “, in his or her absolute discretion,”.

Clause 14, page 17 (lines 11 and 12), omit “, in his or her absolute discretion,”.

Clause 14, page 17 (lines 19 and 20), omit “, in his or her absolute discretion,”.

Clause 17, page 18 (line 25), omit “, in his or her absolute discretion,”.

Clause 27, page 29 (line 7), omit “, in his or her absolute discretion,”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Question—That the bill be agreed to—divided, at the request of Senator Ludlam, in respect of subclauses 10(7) and 18(5).

Subclauses 10(7) and 18(5) debated and agreed to.

Senator Ludlam moved the following amendments together by leave:

Clause 12, page 15 (lines 23 to 25), omit “has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11”, substitute “continues to have effect in relation to the activities authorised by section 11, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility”.

Clause 12, page 15 (lines 28 to 30), omit “has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 11”, substitute “continues to have effect in relation to the activities authorised by section 11, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility”.

Clause 13, page 16 (lines 6 to 8), omit “have no effect to the extent that they would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11”, substitute “continue to have effect in relation to the activities authorised by section 11, except to the extent that they would operate to prohibit the facility or activities essential to the facility”.

Clause 13, page 16 (lines 15 to 17), omit “has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 11”, substitute “continues to have effect in relation to the activities authorised by section 11, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility”. 

Clause 24, page 26 (lines 24 to 26), omit “has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 23”, substitute “continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility”.

Clause 24, page 26 (lines 29 to 31), omit “has no effect to the extent that it would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 23”, substitute “continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility”.

Clause 24, page 26 (line 34) to page 27 (line 2), omit “has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 23”, substitute “continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility”.

Clause 25, page 27 (lines 13 to 15), omit “has no effect to the extent that it would, apart from this subsection, regulate, hinder or prevent the doing of a thing authorised by section 23”, substitute “continues to have effect in relation to the activities authorised by section 23, except to the extent that the law or provision would operate to prohibit the facility or activities essential to the facility”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Senator Ludlam moved the following amendment:

Clause 9, page 11 (line 9), omit subclause (3), substitute:

(3) The Minister must consider each nomination which is made in accordance with the rules for nominations in subsection 5(2) or section 7.

Question—That the amendment be agreed to—put and negatived.

On the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) the following amendments, taken together by leave, were agreed to:

Clause 17, page 18 (line 26), at the end of subclause (1), add “or (4)”.

Clause 17, page 18 (line 29), after “14(2)”, insert “or (4)”.

Clause 17, page 19 (lines 2 and 3), omit “that was, immediately before the revocation, the selected site”, substitute “that was the subject of the revoked declaration”.

Senator Ludlam moved the following amendment:

Page 33 (after line 15), after Part 6, insert:


Division 1—Appointment and functions of Commission

34A Establishment of Commission

(1) The Independent Commission on the Long-term Safe Storage, Transport and Management of Australia’s Radioactive Waste (the Commission) is established by this section.
(2) The Commission consists of:
   (a) the Chair and other Commissioners appointed under section 34D; and
   (b) staff engaged under the Public Service Act 1999.

(3) For the purposes of the Public Service Act 1999:
   (a) the Commissioners and staff together constitute a Statutory Agency; and
   (b) the Chair is the Head of that Statutory Agency.

Note: The Chair holds an office equivalent to that of a Secretary of a Department (see the definition of Agency Head in section 7 of the Public Service Act 1999).

34B Functions and powers of the Commission

(1) The principal function of the Commission is to establish a deliberative, public and inclusive process to:
   (a) review international best practice in radioactive waste management; and
   (b) review international best practice in community engagement on radioactive waste issues; and
   (c) assemble an inventory of radioactive waste management procedures relating to waste currently stored in Australia under Commonwealth and State jurisdictions; and
   (d) undertake an audit of the volumes, activity and contractual arrangements for Australian-obligated radioactive waste currently stored outside Australia; and
   (e) publicly canvass community, independent expert and industry recommendations on how Australia should best manage radioactive waste; and
   (f) review existing domestic and international literature and decision-making processes relating to radioactive waste management; and
   (g) make recommendations on the establishment of a body to provide ongoing independent scrutiny of the implementation of the proposals, plans and programmes to ensure scientific, transparent, accountable and consensual radioactive waste management, and community access to judicial review processes.

(2) The Commission has the additional function of providing the Minister and the Parliament with independent, expert advice in relation to decisions to be made by the Minister under this Act.

(3) The Commission has power to do all things necessary or convenient to be done to perform its functions.

(4) In performing its functions, the Commission:
   (a) is not required to act in a formal manner; and
   (b) may inform itself on any matter in any way it thinks fit; and
   (c) may consult with anyone it thinks fit; and
   (d) may receive written or oral information or submissions; and
   (e) may hold public seminars, conduct workshops and establish working groups and task forces; and
(f) must engage with the reference group convened under section 34G; and

(g) must reflect a variety of viewpoints and options representing alternative means of addressing the subjects of its inquiries, reports and recommendations; and

(h) must act independently and in a way that advances a scientific, transparent, accountable and consensual strategy for the transport, management and long-term safe storage of radioactive waste; and

(i) is not subject to the control or direction of the Minister.

34C Constitution of the Commission

(1) The Commission is constituted by a Chair and four other Commissioners.

(2) The performance of the Commission’s functions and the exercise of its powers are not affected merely because of a vacancy in the office of Chair or in the membership of the Commission.

34D Appointment of Commissioners

(1) The Chair is to be appointed by the Governor-General, by written instrument, on a full-time basis.

(2) Commissioners, other than the Chair, are to be appointed by the Minister, in writing, after consultation with the Chair, and may be appointed on either a full-time or part-time basis.

Note: Commissioners are eligible for reappointment: see subsection 33(4A) of the Acts Interpretation Act 1901.

(3) Whenever a vacancy occurs in the membership of the Commission, an appointment must be made as soon as practicable.

(4) Until the Parliament provides otherwise:

(a) Commissioners hold office on the terms and conditions determined in their instrument of appointment;

(b) Commissioners are to be paid the remuneration and allowances determined in their instrument of appointment, subject to the Remuneration Tribunal Act 1973.

34E Operation of the Commission

Until the Parliament provides otherwise, the Commission is to operate in accordance with procedures determined by the Commission, and a document setting out those procedures must be published on the Commission’s website within 30 days of the commencement of this section.

34F Role of the Chair

(1) The Chair is to manage the Commission and to ensure the efficient performance of its functions.

(2) All acts and things done in the name of, or on behalf of, the Commission by the Chair are taken as having been done by the Commission.

(3) The Chair may, in writing, delegate all or any of his or her powers and functions under this Act to another Commissioner.
Note: Sections 34AA, 34AB and 34A of the Acts Interpretation Act 1901 set out general rules governing delegation of powers and functions.

Division 2—Establishment and functions of reference group

34G Reference group

(1) The Commission must appoint a reference group to assist the Commission in gathering evidence and undertaking informed and representative community consultation in relation to the Commission’s functions.

(2) The membership of that reference group must include, but is not limited to, representatives of the following:
   (a) Commonwealth Departments with the functions of science, environment and health;
   (b) State and Territory governments;
   (c) local government;
   (d) Aboriginal communities;
   (e) non-government organisations and experts;
   (f) radiation safety specialists;
   (g) community engagement specialists.

Division 3—Reporting requirements

34H Reports of the Commission

(1) The Commission must, at the end of 15 months after its establishment, give to the Minister an initial report relating to the short-, medium- and long-term management of radioactive waste, including an assessment of the domestic application of best international practice, to promote public confidence and consent.

(2) The Commission may report to the Minister on any matter related to its functions.

(3) The Minister must cause a copy of each report received under this section to be tabled in each House of the Parliament within 9 sitting days of that House after the Minister receives the report.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.

On the motion of Senator Scullion the following amendment was debated and agreed to:

Page 33 (after line 15), after Part 6, insert:

Part 6A—National Repository Capital Contribution Fund

34A Application of Part

This Part applies if:
   (a) the Minister has made a declaration under subsection 14(2) that a site in a State or Territory (the relevant State or Territory) is selected as the site for a facility; and
   (b) a facility has been constructed at the site.

34B National Repository Capital Contribution Fee

(1) An entity wishing to use the facility, other than the following entities:
   (a) the Commonwealth;
(b) the relevant State or Territory;
(c) an authority of the Commonwealth or the relevant State or Territory;

must pay such fee (the Capital Contribution Fee) as is prescribed by the regulations as a capital contribution towards the cost of the facility before being eligible to have radioactive waste accepted by the facility for storage, management or any other purpose.

(2) The Capital Contribution Fee is to be determined in the manner prescribed by the regulations.

(3) In this section:

**authority of the Commonwealth** means:
(a) a body corporate established for a purpose of the Commonwealth by or under a law of the Commonwealth or a law of a Territory; or
(b) an incorporated company in which the Commonwealth, or a body corporate referred to in paragraph (a), has a controlling interest.

**authority of the relevant State or Territory** means:
(a) a body corporate established for a purpose of the relevant State or Territory by or under a law of the relevant State or Territory; or
(b) an incorporated company in which the relevant State or Territory, or a body corporate referred to in paragraph (a), has a controlling interest.

### 34C National Repository Capital Contribution Fund

(1) The National Repository Capital Contribution Fund (the Fund) is established by this subsection.

(2) The Fund is a Special Account for the purposes of the Financial Management and Accountability Act 1997.

(3) The Fund is taken to be established immediately after a facility licence that authorises a person to operate the facility is issued under the Australian Radiation Protection and Nuclear Safety Act 1998.

### 34D Credits of amounts to the Fund

(1) There must be credited to the Fund:
(a) all money appropriated by the Parliament for the purposes of the Fund; and
(b) amounts in excess of the first $10,000,000 received by the Commonwealth as Capital Contribution Fees.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

(2) Amounts standing to the credit of the Fund may be debited for the purposes of providing enhanced public services and/or infrastructure in the relevant State or Territory.

Note: See section 21 of the Financial Management and Accountability Act 1997 (debits from Special Accounts).
34E Conditions attaching to the initial use of facility

(1) A radioactive waste management facility established on a site selected under this Act must not commence accepting any radioactive waste for storage, management or any other purpose, unless:
(a) the requirements specified in subsection (2) of this section have been met; and
(b) the Minister has given to the person managing the facility a notice certifying that each of those requirements has been met.

(2) The requirements to be met for the purposes of subsection (1) are:
(a) that the Fund stands in credit to the value of at least $10,000,000; and
(b) either:
   (i) the Commonwealth has entered into an agreement with the relevant State or Territory for the administration of the Fund, which provides that the Fund be administered by the Minister, on the advice of a committee chaired by the Premier or Chief Minister of the relevant State or Territory and comprising 3 other persons resident in that State or Territory with expertise in education, infrastructure and health respectively; or
   (ii) failing such agreement—the Commonwealth has established a committee comprising 3 persons with expertise in education, infrastructure and health resident in the relevant State or Territory, whose function is to advise the Minister on the administration of the Fund by the Minister.

34F Commonwealth acceptance of waste destined for facility

The Commonwealth must not accept radioactive waste from any entity in a manner that avoids the payment of the Capital Contribution Fee mentioned in section 34B.

Senator Ludlam moved the following amendment:
Page 35 (after line 28), after clause 37, insert:

37A Obligation to minimise production of waste

Despite any other law, any agreement between the Commonwealth and another party or parties involving the production of radioactive waste must be made subject to the condition that each contracting party must take appropriate steps to ensure that the generation of radioactive waste is kept to the minimum practicable.

Debate ensued.
Question—That the amendment be agreed to—put and negatived.

Senator Ludlam moved the following amendment:
Schedule 2, item 1, page 39 (lines 14 to 19), omit subitems (3) and (4), substitute:

(3) To avoid doubt, section 10 of the new radioactive waste law, and the new ADJR Act, apply in relation to a nomination or an approval continued in force by this item.

Debate ensued.
Question—That the amendment be agreed to—put and negatived.
On the motion of Senator Ludlam the following amendments, taken together by leave, were debated and agreed to:

Clause 4, page 3 (line 1), after “1998”, insert “that is of domestic origin”.

Clause 4, page 3 (line 2), at the end of the definition of controlled material, add “For this purpose, controlled material is of domestic origin if it has been used in Australia, generated by activities in Australia, or sent to Australia under contractual arrangements relating to the conditioning or reprocessing of ANSTO spent nuclear fuel (within the meaning of the Australian Nuclear Science and Technology Organisation Act 1987).

Bill, as amended, agreed to. All Australian Greens senators, by leave, recorded their votes for the noes.

Bill to be reported with amendments.

The Acting Deputy President (Senator Furner) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of Senator Evans the report from the committee was adopted.

Senator Evans moved—that this bill be now read a third time.

Debate ensued.

Question put.

The Senate divided—

AYES, 52

Senators—

Abetz  Conroy  Humphries  Payne
Back  Cormann  Johnston  Polley
Bilyk  Crossin  Kroger  Pratt
Birmingham  Edwards  Ludwig  Scullion
Boyce  Eggleston  Lundy  Sherry
Brandis  Evans  Macdonald  Singh
Brown, C (Teller)  Farrell  Madigan  Sinodinos
Bushby  Feeney  Mason  Stephens
Cameron  Fifield  McEwen  Sterle
Carr, Bob  Fisher  McKenzie  Thistlethwaite
Carr, Kim  Finner  Moore  Urquhart
Colbeck  Gallagher  Nash  Williams
Collins  Hogg  Parry  Wong

NOES, 10

Senators—

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

Question agreed to.

Bill read a third time.

After 2 pm—
6 MINISTRY AND MINISTERIAL ARRANGEMENTS—DOCUMENT
The Leader of the Government in the Senate (Senator Evans) tabled a document showing all members of the Gillard Ministry and ministerial representation, dated 5 March 2012.

7 QUESTIONS
Questions without notice were answered.

8 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Johnston moved—That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Johnston today relating to the Minister for Defence (Mr Smith).
Debate ensued.
Question put and passed.

Senator Milne 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 Milne today relating to the Trans-Pacific Partnership Agreement.
Question put and passed.

9 NOTICES
Notices of motion:
The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate—
(a) notes:
(i) the impact of the Government’s efficiency dividend and reduction in all capital budgets on the Parliamentary Library and its ability to continue to provide quality services to senators and members, and
(ii) that, whilst a number of cultural agencies are exempt from the additional 2.5 per cent efficiency dividend announced in December 2011 in the mid-year economic and fiscal outlook, the existing efficiency dividend of 1.5 per cent is continuing to have a disproportionate and unfair impact on many cultural agencies which are being forced to make savings by cutting staffing numbers, curtailing operations and limiting and delaying exhibitions; and
(b) calls on the Government to restore the Parliamentary Library’s budget in full.
(general business notice of motion no. 677)

Senators Bushby, Cormann and Williams: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 31 October 2012:
An examination of recent developments in the banking sector arising out of the impact of the global financial crisis and subsequent events, including:
(a) the impact of international regulatory changes on the Australian banking sector, particularly including changes to liquidity and capital holding requirements;
(b) the impact on relative shares of specific banking markets;
(c) the current cost of funds for lending purposes;
(d) the impact on borrowing and lending practices in the banking sector both during and since the global financial crisis;
(e) the need for further consideration of the state of the broader finance and banking sector; and
(f) any other relevant matters.

Senators Back, Nash and McKenzie: To move on the next day of sitting—that, as 2012 is the Australian Year of the Farmer, the Senate:
(a) recognises that the Australian agricultural industry offers excellent career opportunities, including:
   (i) approximately 100,000 jobs in the agricultural sector,
   (ii) 2.5 jobs for every agricultural graduate, and
   (iii) a diverse range of careers requiring a wide range of skill levels;
(b) acknowledges that responding to the expanding global food task will require Australia to substantially up-skill and increase the size of its agribusiness workforce;
(c) recognises that there are declining participation rates and graduates in the agriculture sector as tertiary agricultural science courses on offer decline, and secondary school students do not take up undergraduate courses; and
(d) calls on the Government to:
   (i) resource the promotion of careers in agriculture through the primary and secondary school system,
   (ii) incentivise universities to offer agricultural science courses, and
   (iii) encourage industry in the development of agribusiness educational and training resource material. (general business notice of motion no. 678)

The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—that the following matter be referred to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 10 May 2012:

The Law Council of Australia’s concerns about the Government’s amendment to the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012.

Senator Humphries: To move on the next day of sitting—that the Senate rejects calls to reduce funding to non-government schools to 2003-04 levels that would put at risk the financial viability of many non-government schools and leave many students disadvantaged. (general business notice of motion no. 679)

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, 21 March 2012, from 4.15 pm. (general business notice of motion no. 680)

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 public meeting during the sitting of the Senate on Monday, 19 March 2012, from 10.30 am. (general business notice of motion no. 681)

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, 21 March 2012, from 10.30 am. (general business notice of motion no. 682)
The Chair of the Legal and Constitutional Affairs References Committee (Senator Wright): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on prospective marriage visas be extended to 7 June 2012. (general business notice of motion no. 683)

Senator Birmingham: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the expenditure of money appropriated for the Solar Hot Water Rebate scheme, and for related purposes. Solar Hot Water Rebate Bill 2012. (general business notice of motion no. 684)

Senators Ronaldson and Williams: To move on the next day of sitting—That the Senate—

(a) condemns the wanton desecration of 238 Allied and Australian graves at the Benghazi Commonwealth War Cemetery in Libya by radical militants;

(b) acknowledges that the headstones of 52 Australians were damaged in the attack;

(c) remembers all Australians who served in north Africa during World War II; and

(d) calls on the Libyan Government to meet the costs of restoring the cemetery, noting that Australia alone has given more than $44 million in humanitarian aid assistance to Libya since 2011, making Australia the third-largest aid donor to Libya. (general business notice of motion no. 685)

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, 15 March 2012, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. (general business notice of motion no. 686)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 be extended to 21 March 2012. (general business notice of motion no. 687)

The Chair of the Community Affairs Legislation Committee (Senator Moore): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 22 March 2012, from 1 pm, to take evidence for the committee’s inquiry into the 2011-12 additional estimates. (general business notice of motion no. 688)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the launch of the Third Optional Protocol on the Convention on the Rights of the Child, which proposes four procedures for children, young people, and their advocates to report a violation of child rights directly to the Committee on the Rights of the Child,

(ii) that the Third Optional Protocol opened for signature on 28 February 2012 and was signed on that day by countries, including Austria, Belgium, Chile, Costa Rica, Finland, Germany, Italy, Luxembourg, Maldives, Mali, Montenegro, Morocco, Peru, Portugal, Serbia, Slovakia, Slovenia, Spain and Uruguay, and
(iii) the Third Optional Protocol offers a crucial opportunity to strengthen mechanisms for equality and justice for all children and young people in Australia; and

(b) calls on the Government to ensure that Australia signs on to the Third Optional Protocol on the Convention on the Rights of the Child without delay. (general business notice of motion no. 689)

The Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Mason): To move on the next day of sitting—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 15 March 2012, from 10.30 am. (general business notice of motion no. 690)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate calls on the Government to begin the safe withdrawal of Australia’s troops from Afghanistan while increasing our civilian aid program. (general business notice of motion no. 691)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate rejects the proposal, backed by the former Minister for Defence, Mr Peter Reith, for Australia to purchase nuclear submarines serviced in the United States of America (US) or at a US base established in Australia. (general business notice of motion no. 692)

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

(a) condemns the awful loss of life and liberty in Syria;

(b) notes the receipt of the Syrian Chargé d’Affaires reply to the Senate’s resolution of 9 February 2012; and

(c) renews its call for President Assad to resign immediately. (general business notice of motion no. 693)

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That—

(1) On Wednesday, 14 March, Monday, 19 March, Tuesday, 20 March and Wednesday, 21 March 2012, any proposal pursuant to standing order 75 shall not be proceeded with.

(2) On Wednesday, 14 March and 21 March 2012, consideration of government documents shall not be proceeded with, and instead the routine of business shall be government business only.

(3) Divisions may take place on:

(a) Thursday, 15 March and 22 March 2012, after 4.30 pm; and

(b) Monday, 19 March 2012, before 12.30 pm.

(4) On Thursday, 15 March 2012:

(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to 11.10 pm;

(b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;

(c) the routine of business from not later than 3.45 pm shall be government business only; and
(d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(5) On Tuesday, 20 March 2012:
(a) the hours of meeting shall be 11 am to 6.30 pm and 7.30 pm to 12.05 am, Wednesday, 21 March 2012;
(b) the routine of business from 11 am till not later than 2 pm, and from not later than 7.30 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 11.25 pm.

(6) The following government business orders of the day shall have precedence over all government business, be called on in the following order and be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Time</th>
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</thead>
<tbody>
<tr>
<td>Fairer Private Health Insurance Incentives Bill 2011 and 2 related bills</td>
<td>commencing immediately until 10.30 am on 19 March 2012</td>
</tr>
<tr>
<td>Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012</td>
<td>commencing immediately after the preceding item until 8.30 pm on 19 March 2012</td>
</tr>
<tr>
<td>Higher Education Support Amendment Bill (No. 1) 2012</td>
<td>commencing immediately after the preceding item until 9.30 pm on 19 March 2012</td>
</tr>
<tr>
<td>Road Safety Remuneration Bill 2011 and a related bill</td>
<td>commencing at 11 am until 1 pm on 20 March 2012</td>
</tr>
<tr>
<td>Crimes Legislation Amendment (Powers and Offences) Bill 2012</td>
<td>commencing immediately after the preceding item until 1.50 pm on 20 March 2012</td>
</tr>
<tr>
<td>Indirect Tax Laws Amendment (Assessment) Bill 2012</td>
<td>commencing immediately after the preceding item until 6.15 pm on 20 March 2012</td>
</tr>
<tr>
<td>Tax and Superannuation Laws Amendment (2012 Measures No. 1) Bill 2012</td>
<td>commencing immediately after the preceding item until 8 pm on 20 March 2012</td>
</tr>
<tr>
<td>Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011 [2012]</td>
<td>commencing immediately after the preceding item until 9.30 pm on 20 March 2012</td>
</tr>
<tr>
<td>Telecommunications Universal Service Management Agency Bill 2011 and 2 related bills</td>
<td>commencing immediately after the preceding item until 10 pm on 20 March 2012</td>
</tr>
<tr>
<td>Broadcasting Services Amendment (Regional Commercial Radio) Bill 2011 [2012]</td>
<td>commencing immediately after the preceding item until 10.10 pm on 20 March 2012</td>
</tr>
<tr>
<td>Insurance Contracts Amendment Bill 2011</td>
<td>commencing immediately after the preceding item until 10.20 pm on 20 March 2012</td>
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</tbody>
</table>
No. 80—13 March 2012

<table>
<thead>
<tr>
<th>Bill</th>
<th>Commencing Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excise Amendment (Reducing Business Compliance Burden) Bill 2011 and a related bill</td>
<td>immediately after the preceding item until 10.30 pm on 20 March 2012</td>
</tr>
<tr>
<td>Australian Research Council Amendment Bill 2011</td>
<td>immediately after the preceding item until 10.40 pm on 20 March 2012</td>
</tr>
<tr>
<td>Financial Framework Legislation Amendment Bill (No. 1) 2012</td>
<td>immediately after the preceding item until 10.50 pm on 20 March 2012</td>
</tr>
<tr>
<td>Appropriation Bill (No. 3) 2011-2012 and a related bill</td>
<td>immediately after the preceding item until 11.20 pm on 20 March 2012</td>
</tr>
</tbody>
</table>

(7) Paragraph (6) of this order shall operate as a limitation of debate under standing order 142.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on 21 March 2012—That the Minerals Resource Rent Tax Bill 2011 and 10 related bills shall have precedence over all government business and be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:

commencing immediately until 1.30 pm on 22 March 2012.

Senator Cormann: To move on the next day of sitting—That there be laid on the table by the Minister for Finance and Deregulation, no later than noon on 15 March 2012, a copy of the two page memo to the Department of Finance and Deregulation containing advice from Mr David Gonski about the appointment of the next chair of the Future Fund. (general business notice of motion no. 694)

Notices of motion withdrawn: Senator Madigan withdrew general business notices of motion nos 508 and 531 standing in his name.

10 PRIVATE SENATORS’ BILLS—CONSIDERATION

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the following general business orders of the day be considered on Thursday, 15 March 2012 under the temporary order relating to the consideration of private senators’ bills:

No. 84 Assisting Victims of Overseas Terrorism Bill 2012.
No. 51 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

Question put and passed.

11 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senator McLucas for today, on account of parliamentary business.

Question put and passed.

Senator Kroger, by leave, moved—That leave of absence be granted to Senator Heffernan for today, for personal reasons.

Question put and passed.
12 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**
Senator McEwen, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), moved—That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Personally Controlled Electronic Health Records Bill 2011 and a related bill be extended to 15 March 2012.
Question put and passed.

13 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator McEwen, by leave and on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, moved—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 14 March 2012, from 11 am to noon, to take evidence for the committee’s inquiry into Australia’s trade and investment relationship with Japan and Korea.
Question put and passed.

14 **POSTPONEMENTS**
The following items of business were postponed:
   General business notice of motion no. 606 standing in the name of Senator Madigan for today, proposing the introduction of the Fair Work Amendment (Arbitration) Bill 2012, postponed till 9 May 2012.
   General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe program, postponed till 22 March 2012.
   General business notice of motion no. 673 standing in the name of Senator Ludlam for today, relating to Mr Julian Assange, postponed till 9 May 2012.

15 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator McEwen, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and the Chair of the Community Affairs References Committee (Senator Siewert), moved—That—
   (a) the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 March 2012, from 9.30 am; and
   (b) the Community Affairs Legislation and References Committees be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 March 2012, from 3 pm.
Question put and passed.
16 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Kroger, by leave and on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, moved—That the time for the presentation of the report of the Parliamentary Joint Committee on Corporations and Financial Services on the provisions of the Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012 be extended to 19 March 2012.

Question put and passed.

17 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of Senator Carol Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 675—That the Joint Standing Committee on Electoral Matters be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 March 2012.

Question put and passed.

18 ANIMAL WELFARE—JAKARTA ABATTOIRS

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 676—That the Senate—

(a) notes:

(i) footage of animal cruelty at the Temur Petir and Cakung abattoirs in Jakarta that was aired on the Australian Broadcasting Corporation television program Lateline on 28 February 2012 shows serious and systematic breaches of the Government’s new Export Supply Chain Assurance System,

(ii) the Royal Society for the Prevention of Cruelty to Animals [RSPCA] Chief Scientist has identified 61 observed incidents of non-compliance with the Government’s own supply chain assurance elements at the Temur Petir and Cakung abattoirs,

(iii) the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) has refused to publicly reveal whether Australian cattle are being exported to the Temur Petir and Cakung abattoirs,

(iv) that making this information public would not compromise any departmental investigation, and without it the public can have no confidence that the Government’s new system to protect animal welfare is being monitored and enforced,

(v) a Perth-based cattle exporter, International Livestock Exports, announced on 29 February that it had suspended shipments to one of the Indonesian abattoirs in question, placing the industry response ahead of the Government’s response to the situation, and

(vi) that animal rights activists such as Animals Australia and the Indonesian activists who filmed the Jakarta abattoirs are to be congratulated for exposing the continuing cruelty in the live export industry and the failure of Australia’s new regulatory regime; and
(b) calls on the Government to:
   (i) confirm whether Australian cattle are being exported to the Temur Petir and Cakung abattoirs,
   (ii) publicly disclose the names of any companies involved in exporting live cattle to the Temur Petir and Cakung abattoirs in Jakarta,
   (iii) immediately suspend the export licences of those companies involved in exporting live cattle to the Temur Petir and Cakung abattoirs in Jakarta until an investigation has been conducted,
   (iv) urgently put more resources into monitoring and enforcement of the supply chain assurance system to ensure that animal welfare is prioritised in the Government’s new regulatory regime, and
   (v) move to introduce a ban on live animal exports.

Question put.

The Senate divided—

AYES, 9

Senators—

Brown, Bob
Di Natale
Hanson-Young

Ladlam
Milne
Rhiannon
Siewert (Teller)
Waters

Wright

NOES, 29

Senators—

Back
Bilyk
Boyce
Brown, Carol
Cameron
Collins
Cormann
Faulkner

Feeney
Fierravanti-Wells
Fifield
Furner
Gallacher
Joyce
Kroger (Teller)
Ladwig

Madigan
Marshall
McEwen
McKenzie
Moore
Parry
Polley
Pratt

Sherry
Stephens
Sterle
Urquhart
Williams


Question negatived.

19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—GILLARD GOVERNMENT

The Deputy President (Senator Parry) informed the Senate that, at 8.30 am today, Senator Fifield and Senator 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 Fifield had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Gillard Government’s waste, mismanagement and profligacy which is undermining hope, reward and opportunity for Australians.

The proposal was supported by 4 senators and the matter was discussed.
20 COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—PROFESSIONAL SERVICES REVIEW SCHEME

The Acting Deputy President (Senator Fisher) tabled the following document received on 6 March 2012:


Consideration of document: Senator Carol Brown, by leave, moved—that consideration of the government response be listed on the Notice Paper as an order of the day.

Question put and passed.

21 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

Pursuant to the order of the Senate of 20 June 2001, as amended, the Acting Deputy President (Senator Fisher) tabled the following documents received on the dates indicated:

Departmental and agency contracts for 2011—Letters of advice—
Agriculture, Fisheries and Forestry portfolio. [Received 6 March 2012]
Foreign Affairs and Trade portfolio. [Received 6 March 2012]
Sustainability, Environment, Water, Population and Communities portfolio. [Received 6 March 2012]

22 FOREIGN AFFAIRS—SYRIA—DOCUMENTS

The Acting Deputy President (Senator Fisher) tabled the following documents:

Foreign affairs—Syria—Letter to the President of the Senate from the Chargé d’Affaires of the Embassy of the Syrian Arab Republic (Mr Jawdat Ali) responding to the resolution of the Senate of 9 February 2012, dated 6 March 2012 and attachment.

23 FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE—GOVERNMENT RESPONSE—ANNUAL REPORTS

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:


24 NATIONAL BROADBAND NETWORK—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—REVIEW OF THE ROLLOUT OF THE NATIONAL BROADBAND NETWORK

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:


Senator Birmingham, by leave, moved—that the Senate take note of the document.

Debate ensued.

Debate adjourned till the next day of sitting, Senator Bushby in continuation.
25 **RURAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—GOVERNMENT RESPONSE—AIRPORTS AMENDMENT BILL 2010**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:


Senator Fawcett, by leave, moved—that the Senate take note of the document.

Question put and passed.

26 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—GOVERNMENT RESPONSE—RURAL AND REGIONAL ACCESS TO SECONDARY AND TERTIARY EDUCATION OPPORTUNITIES**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:

Rural and Regional Affairs and Transport References Committee—Report—Rural and regional access to secondary and tertiary education opportunities—Government response.

Senator Nash, by leave, moved—that the Senate take note of the document.

Debate ensued.

Question put and passed.

27 **FUEL AND ENERGY—SELECT COMMITTEE—GOVERNMENT RESPONSE**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:


28 **SCRUTINY OF NEW TAXES—SELECT COMMITTEE—GOVERNMENT RESPONSE**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:


29 **ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—ELECTORAL AND REFERENDUM AMENDMENT (MAINTAINING ADDRESS) BILL 2011**

Senator Carol Brown, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:


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

Debate ensued.

Debate adjourned till the next day of sitting, Senator Rhiannon in continuation.
30 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—
REPORTS—2010-11 ANNUAL REPORTS OF BODIES ESTABLISHED UNDER THE ASIC
ACT—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND
INVESTMENTS COMMISSION

Senator Boyce, on behalf of the Parliamentary Joint Committee on Corporations and
Financial Services, tabled the following reports and document:

Corporations and Financial Services—Joint Statutory Committee—
Examination of the 2010-11 annual reports of bodies established under the
Statutory oversight of the Australian Securities and Investments Commission—
Report, dated March 2012 and Hansard record of proceedings.

Reports ordered to be printed on the motion of Senator Boyce.
Senator Boyce, by leave, moved—That the Senate take note of the reports.
Debate adjourned till the next day of sitting, Senator Boyce in continuation.

31 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.]

No. 18—Acts Interpretation and Family Law Amendment Regulation 2012 (No. 1)
[F2012L00545].

Appropriation Act (No. 1) 2004-2005, Appropriation Act (No. 1) 2005-2006,
Appropriation Act (No. 1) 2006-2007, Appropriation Act (No. 1) 2007-2008,
Appropriation Act (No. 2) 2007-2008, Appropriation Act (No. 1) 2008-2009,
Appropriation Act (No. 2) 2008-2009, Appropriation Act (No. 5) 2008-2009,
Appropriation Act (No. 1) 2009-2010 and Appropriation Act (No. 3) 2009-2010—
Determination to Reduce Administered Appropriations (No. 1 of 2011-2012)
[F2012L00469].

Australian Bureau of Statistics Act—Proposal No. 3 of 2012—Children’s
Participation in Cultural and Leisure Activities.

Australian Prudential Regulation Authority Act—Australian Prudential Regulation
Authority (Confidentiality) Determination No. 5 of 2012—Information provided
by life insurers and friendly societies under Reporting Standard LRS 100.0,
LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0,
LRS 400.0, LRS 420.0 and LRS 430.0 [F2012L00463].

Autonomous Sanctions Act—Autonomous Sanctions Regulations—
Autonomous Sanctions (Designated and Declared Persons – Burma) List 2012
[F2012L00474].
Autonomous Sanctions (Designated and Declared Persons – Former Federal
Autonomous Sanctions (Designated Persons and Entities – Democratic
People’s Republic of Korea) List 2012 [F2012L00475].
Autonomous Sanctions (Designated Persons and Entities and Declared Persons –
Iran) List 2012 [F2012L00479].

Civil Aviation Act—
Civil Aviation Regulations—Instrument No. CASA 61/12—Instructions under CAR 235A – minimum runway width for aeroplanes [F2012L00453].
Civil Aviation Safety Regulations—
Revocation of Airworthiness Directive—Instrument No. CASA ADCX 004/12 [F2012L00541].

Commissioner of Taxation—Public Rulings—
Goods and Services Tax Determinations—GSTD 2012/1 and GSTD 2012/2.
Taxation Determination—Erratum—TD 95/60.


Criminal Code Act—Select Legislative Instruments 2012 Nos—
22—Criminal Code Amendment Regulation 2012 (No. 1) [F2012L00553].
23—Criminal Code Amendment Regulation 2012 (No. 2) [F2012L00554].
24—Criminal Code Amendment Regulation 2012 (No. 3) [F2012L00555].
25—Criminal Code Amendment Regulation 2012 (No. 4) [F2012L00556].

Customs Act—
Tariff Concession Orders—
1051913 [F2012L00497].
1100393 [F2012L00490].
1112022 [F2012L00532].
1112994 [F2012L00543].
1113008 [F2012L00537].
1113309 [F2012L00520].
1113344 [F2012L00514].
1113596 [F2012L00510].
1114058 [F2012L00527].
1114137 [F2012L00507].
1126550 [F2012L00538].
1131399 [F2012L00498].
1131500 [F2012L00529].
1131510 [F2012L00530].
1131713 [F2012L00511].
1131714 [F2012L00483].
1131848 [F2012L00536].
1131849 [F2012L00502].
1131850 [F2012L00548].
1132326 [F2012L00485].
Tariff Concession Revocation Instruments—
34/2012 [F2012L00467].
53/2012 [F2012L00539].
55/2012 [F2012L00549].
57/2012 [F2012L00550].
58/2012 [F2012L00551].
59/2012 [F2012L00552].
Federal Financial Relations Act—Federal Financial Relations (General purpose financial assistance) Determination No. 35 (February 2012) [F2012L00464].
Financial Management and Accountability Act—Financial Management and Accountability Determination 2012/02 – Section 32 (Transfer of Functions from DIAC to AHRC) [F2012L00458].

Fisheries Management Act—
Heard Island and McDonald Islands Fishery Management Plan 2002—Heard Island and McDonald Islands Fishery Trawl Fishing Capacity Determination 2012 [F2012L00557].
Southern and Eastern Scalefish and Shark Fishery (Closure Revocation) Direction No. 5 2010 [F2012L00473].

Insurance Act—Amendment of Declaration – Australian Family Assurance Limited, dated 23 February 2012 [F2012L00540].


Motor Vehicle Standards Act—
Vehicle Standard (Australian Design Rule 69/00 – Full Frontal Impact Occupant Protection) 2006 Amendment 2 [F2012L00465].


Sydney Airport Curfew Act—Dispensation Report 02/12.

Telecommunications (Consumer Protection and Service Standards) Act—Australian Communications and Media Authority (Advice about Universal Service Subsidies) Direction (No. 1) 2012 [F2012L00455].

Veterans’ Entitlements Act—Statements of Principles concerning—
Angle-Closure Glaucoma No. 25 of 2012 [F2012L00470].
Angle-Closure Glaucoma No. 26 of 2012 [F2012L00471].
Atherosclerotic Peripheral Vascular Disease No. 23 of 2012 [F2012L00454].
Atherosclerotic Peripheral Vascular Disease No. 24 of 2012 [F2012L00456].
Chronic Venous Insufficiency of the Lower Limb No. 29 of 2012 [F2012L00460].
Chronic Venous Insufficiency of the Lower Limb No. 30 of 2012 [F2012L00455].
Haemochromatosis No. 22 of 2012 [F2012L00451].
Open-Angle Glaucoma No. 27 of 2012 [F2012L00457].
Open-Angle Glaucoma No. 28 of 2012 [F2012L00459].
32 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—
  - Attorney-General’s portfolio.
  - Australian Taxation Office.
  - Department of Defence.
  - Resources, Energy and Tourism portfolio.
  - Safe Work Australia.
  - Sustainability, Environment, Water, Population and Communities portfolio.

33 Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:
- Message no. 365, dated 1 March 2012—Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011.

34 Corporations Amendment (Phoenixing and Other Measures) Bill 2012 Financial Framework Legislation Amendment Bill (No. 1) 2012

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
- Message no. 367, dated 1 March 2012—A Bill for an Act to amend the Corporations Act 2001, and for other purposes.
- Message no. 366, dated 1 March 2012—A Bill for an Act to amend the law relating to the Commonwealth’s financial framework and governance arrangements, and for other 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.

Senator Feeney moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.
35 CRIMES LEGISLATION AMENDMENT (POWERS AND OFFENCES) BILL 2012

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

Message no. 369, dated 13 March 2012—A Bill for an Act to amend various Acts relating to the enforcement of the criminal law, and for other 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.

Bill 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.

36 HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—APPOINTMENT

A message from the House of Representatives was reported proposing the appointment of a joint committee, as follows:

Message no. 368, dated 13 March 2012—Proposed Joint Committee on Human Rights, and transmitting for the concurrence of the Senate the following resolution:

That in accordance with section 6 of the Human Rights (Parliamentary Scrutiny) Act 2011, matters relating to the powers and proceedings of the Parliamentary Joint Committee on Human Rights shall be as follows:

(a) the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip, 2 Members of the House of Representatives to be nominated by the Opposition Whip or by any non-aligned Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or independent Senator;

(b) every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives;

(c) the committee elect a Government member as its chair;

(d) the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee;

(e) at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting;

(f) in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote;
(g) 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House;

(h) the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine;

(i) the committee appoint the chair of each subcommittee and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting and in the event of an equally divided vote, the chair will have a casting vote;

(j) 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House;

(k) members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum;

(l) the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced, to move from place to place, to meet and transact business in public or private session and to conduct proceedings at any place it sees fit;

(m) a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate or the House of Representatives;

(n) the committee may report from time to time; and

(o) the committee may appoint counsel to advise the committee with the approval of the President of the Senate and the Speaker of the House of Representatives.

The Parliamentary Secretary for Defence (Senator Feeney), by leave, moved—That the Senate concurs with the resolution of the House of Representatives contained in message no. 368 relating to the appointment of a joint committee.

Question put and passed.

37 GOVERNOR-GENERAL’S MESSAGES—ASSENT TO LAWS

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

6 March 2012—Messages Nos—

1—


2—

Members of Parliament (Life Gold Pass) and Other Legislation Amendment Act 2012 (Act No. 4, 2012)
Tobacco Advertising Prohibition Amendment Act 2012 (Act No. 5, 2012).
3—Higher Education Support Amendment (VET FEE-HELP and Other Measures) Act 2012 (Act No. 6, 2012).

38 COMMITTEE MEMBERSHIP

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

The Parliamentary Secretary for Defence (Senator Feeney), by leave, moved—That senators be discharged from and appointed to committees as follows:

Appropriations and Staffing—Standing Committee—
Discharged—Senator Lundy
Appointed—Senator Collins

Human Rights—Joint Statutory Committee—
Appointed—Senators Stephens and Thistlethwaite

Procedure—Standing Committee—
Appointed—Senator Collins

Selection of Bills—Standing Committee—
Appointed—Senator Collins.

Question put and passed.

39 ECONOMICS LEGISLATION COMMITTEE—PROPOSED REFERENCE

Senator Fierravanti-Wells, pursuant to notice, moved business of the Senate notice of motion no. 1—That the following bills, as passed by the House of Representatives on 15 February 2012, be referred to the Economics Legislation Committee for inquiry and report by 19 June 2012:

Fairer Private Health Insurance Incentives Bill 2012
Fairer Private Health Insurance Incentives (Medicare Levy Surcharge) Bill 2012

Debate ensued.

Question put.

The Senate divided—

AYES, 32

Senators—

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NOES, 36

Senators—

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

Question negatived.

40 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McEwen, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), moved—that the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security Legislation Amendment Bill 2011 and related bills be extended to 14 March 2012.

Question put and passed.

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

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

Debate resumed.

At 6.50 pm: Debate was interrupted while the Leader of the Opposition in the Senate (Senator Abetz) was speaking.

42 GOVERNMENT DOCUMENTS—CONSIDERATION

The government documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

43 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.59 pm till Wednesday, 14 March 2012 at 9.30 am.
44 ATTENDANCE
   Present, all senators except Senators Adams*, Heffernan* and McLucas* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate