WEDNESDAY, 14 MARCH 2012

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1 MEETING OF SENATE
The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 GOVERNMENT DOCUMENTS
The following documents were tabled:

Migration Act 1958—
- Reports for the period 1 July to 31 October 2011—
  - Section 91Y—Protection visa processing taking more than 90 days.
  - Section 440A—Conduct of Refugee Review Tribunal reviews not completed within 90 days.
- Section 486O—Assessment of detention arrangements—Personal identifiers 667/11, 669/11 to 671/11, 672/12, 673/12, 687/12 to 689/12, 703/12 and 706/12—
  - Commonwealth Ombudsman’s reports.
  - Government response to Ombudsman’s reports.


3 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice, moved government business notice of motion no. 1—
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 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.

(4A) The Senate meet on Friday, 16 March 2012, and that:
  (a) the hours of meeting shall be 9 am to 2.40 pm;
  (b) the routine of business shall be government business only, and
  (c) the question for the adjournment of the Senate shall be proposed at 2 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 11.10 pm;

(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 10.30 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 Description</th>
<th>Time Frame</th>
</tr>
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<tbody>
<tr>
<td>Fairer Private Health Insurance Incentives Bill 2011 and 2 related bills</td>
<td>commencing immediately until 6 pm on 15 March 2012</td>
</tr>
<tr>
<td>Minerals Resource Rent Tax Bill 2011 and 10 related bills</td>
<td>commencing at 7.30 pm on 15 March 2012 until 9.15 pm on 19 March 2012</td>
</tr>
<tr>
<td>Telecommunications Universal Service Management Agency Bill 2011 and 2 related bills</td>
<td>commencing not later than 11 am until 11.30 am on 20 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 6 pm on 20 March 2012</td>
</tr>
<tr>
<td>Higher Education Support Amendment Bill (No. 1) 2012</td>
<td>commencing not later than 7.30 pm until 8.15 pm on 20 March 2012</td>
</tr>
<tr>
<td>Road Safety Remuneration Bill 2011 and a related bill</td>
<td>commencing immediately after the preceding item until 10 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 10.30 pm on 20 March 2012</td>
</tr>
<tr>
<td>Indirect Tax Laws Amendment (Assessment) Bill 2012</td>
<td>commencing not later than 9.30 am until 10 am on 21 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 10.30 am on 21 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 noon on 21 March 2012</td>
</tr>
<tr>
<td>Broadcasting Services Amendment (Regional Commercial Radio) Bill 2011 [2012]</td>
<td>commencing immediately after the preceding item until 12.15 pm on 21 March 2012</td>
</tr>
<tr>
<td>Insurance Contracts Amendment Bill 2011</td>
<td>commencing immediately after the preceding item until 12.30 pm on 21 March 2012</td>
</tr>
</tbody>
</table>
(7) Paragraph (6) of this order shall operate as a limitation of debate under standing order 142.

Debate ensued.

Closure: Senator Collins moved—that the question be now put.

Question—that the question be now put—put.

The Senate divided—

AYES, 38

Senators—

Bilyk  Bishop  Brown, Bob  Brown, Carol  Cameron  Carr, Bob  Carr, Kim  Collins  Conroy  Crossin

Di Natale  Farrell  Faulkner  Feeney  Furner  Gallagher  Hanson-Young  Hogg  Ladlam  Ludwig

Lundy  Marshall  McEwen (Teller)  Milne  Moore  Polley  Pratt  Rhiannon  Sherry  Stiewert

Singh  Stephens  Sterle  Thistlethwaite  Urquhart  Waters  Wright

NOES, 33

Senators—

Abetz  Back  Bernardi  Birmingham  Boswell  Boyce  Brandis  Bushby  Cash

Colbeck  Cormann  Edwards  Eggleston  Fawcett  Fierravanti-Wells  Fifield  Heffernan  Humphries

Johnston  Joyce  Kroger  Macdonald  Madigan  Mason  McKenzie  Nash  Parry

Payne  Ronaldson  Ryan  Scullion  Sinodinos  Williams (Teller)
The Senate divided—

AYES, 37

Senators—

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

NOES, 34

Senators—

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

Question agreed to.

Documents: Senator Collins tabled the following documents:


4 **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 12.45 pm: Debate was interrupted while Senator Bernardi was speaking.

5 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.
Document: Senator Eggleston, by leave, tabled the following document:

Education—Indonesian language in Australian universities: Strategies for a stronger future—Report by Professor David Hill, Murdoch University, dated February 2012.

Further matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) the sitting of the Senate was suspended at 1.55 pm till 2 pm.

At 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 13 March 2012.

7 QUESTIONS

Questions without notice were answered.

8 MOTION TO TAKE NOTE OF ANSWERS

Senator Fierravanti-Wells moved—That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong), the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) and the Minister for Human Services (Senator Kim Carr) to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

9 NOTICES

Notices of motion:

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

(a) notes that:

(i) both universities and students recognise the contribution that student organisations, associations, unions and democratically elected student representatives make to the vibrancy of university culture, student life and the value of gaining a university degree for students,

(ii) under legislation passed in 2011 to restore student services on campuses via a student services and amenities fee, universities must consult with student organisations, associations, unions and democratically elected student representatives, and can develop funding agreements to pass on the fees they collect from students,
(iii) while some universities have both consulted and struck good funding agreements with these student organisations to pass on student services fees, other universities have still not made any commitment to pass on the student services fees they have collected to their student organisations,

(iv) many student organisations, associations, unions and democratically elected student representatives, which have been starved of money since the Howard Government era of voluntary student unionism, are struggling to re-establish essential student services such as subsidised day care, legal services, emergency loans and book banks, and

(v) the failure of some universities to make funding arrangements with these student organisations is causing uncertainty about the level and quality of services that can be provided to students in 2012; and

(b) calls on the Government to encourage all universities to consult with and develop funding agreements with student organisations, associations, unions and democratically elected student representatives to pass on a proportion of the student services and amenities fees collected. (general business notice of motion no. 695)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the 2011-12 additional estimates be extended to 22 March 2012. (general business notice of motion no. 696)

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 Friday, 16 March 2012, from 9.30 am, to take evidence for the committee’s inquiries into the Crimes Amendment (Fairness for Minors) Bill 2011 and the Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012. (general business notice of motion no. 697)

Senator Furner: To move on the next day of sitting—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 Friday, 16 March 2012, from 9 am, to take evidence for the committee’s inquiry into the review of Defence annual report 2010-11. (general business notice of motion no. 698)

The Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Macdonald): To move on the next day of sitting—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold a public meeting during the sitting of the Senate on Friday, 16 March 2012, from 1.30 pm, to take evidence for the committee’s inquiry into the integrity of overseas Commonwealth law enforcement operations. (general business notice of motion no. 699)
Senators Xenophon, Birmingham and Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) since late 2010 the Renmark Paringa Council has made requests of the South Australian Government for assistance to reinforce levee banks along the River Murray and its tributaries and creeks in its council area in order to minimise the risk of flooding to key infrastructure and assets, including environmental assets,

(ii) current levee banks in the Renmark Paringa Council area have not been substantially maintained since their construction in the late 1950s,

(iii) the cost of protecting the Renmark Paringa Council area from major flooding is in the vicinity of $2.8 million for capital works, which is some 50 per cent of the council’s annual revenue, and

(iv) there is some $36.6 million in South Australian Government and Australian Government infrastructure assets in the Renmark Paringa Council area that would be at risk in a major flood event; and

(b) calls on the South Australian Government to urgently address the need to undertake the capital works necessary to minimise the risk of flood damage in the Renmark Paringa Council area. (general business notice of motion no. 700)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Senate requests that, in the absence of a final report, the Committee of Privileges should provide a progress report, not later than Monday, 19 March 2012, on the matter referred to it by the Senate on 24 November 2011. (general business notice of motion no. 701)

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

(a) notes that:

(i) China’s twelfth 5-year plan is expected to introduce caps on coal use from 2015,

(ii) the price of coking coal has already dropped some 40 per cent in the past year, due in large part to a drop in China’s demand for imported coal,

(iii) China expects utility scale solar power to out-compete new coal-fired power stations by the end of the decade, while the Indian Government expects the cost crossover as soon as 2016,

(iv) India’s economic giant, Tata Power, has publicly stated that its new investments will favour renewable energy, as coal power is becoming ‘impossible’ to develop,

(v) the Australian Bureau of Resource and Energy Economics (BREE) continues to predict that coal exports will double over the next two decades, and

(vi) Australia is leaving itself economically exposed by focusing on the development of coal export infrastructure; and

(b) calls on the Government to:

(i) require BREE to review its modelling based on the current geopolitics of coal, and

(ii) reconsider Australia’s economic settings, which assume ongoing increases in the coal export market, and instead look to broaden Australia’s economic base and build a more competitive clean energy economy. (general business notice of motion no. 702)
Notice of motion withdrawn: The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell), at the request of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), withdrew government business notice of motion no. 1 standing in the name of Senator Collins for 21 March 2012, relating to the consideration of legislation.

10 POSTPONEMENT
The following item of business was 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 15 March 2012.

11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT
Senator McEwen, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Air Navigation and Civil Aviation Amendment (Aircraft Crew) Bill 2011 and the Qantas Sale Amendment (Still Call Australia Home) Bill 2011 be extended to 22 March 2012.

Question put and passed.

12 ECONOMICS REFERENCES COMMITTEE—REFERENCE
Senator Cormann, also on behalf of Senators Bushby and Williams, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—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.

Question put and passed.

13 CYBER SAFETY—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, at the request of the Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 680—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.

Question put and passed.
14 MIGRATION—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 682—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.

Question put and passed.

15 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 686—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.

Question put and passed.

16 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 681—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.

Question put and passed.

17 LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Mason) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 690—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.

Question put and passed.

18 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

The Chair of the Legal and Constitutional Affairs References Committee (Senator Wright), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 683—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.

Question put and passed.
19 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 687—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 (R18+ Computer Games) Bill 2012 be extended to 21 March 2012.

Question put and passed.

20 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 688—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.

Question put and passed.

21 **SOLAR HOT WATER REBATE BILL 2012**

Senator Kroger, at the request of Senator Birmingham and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 684—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.

Question put and passed.

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

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

Debate adjourned till the next day of sitting, Senator Kroger in continuation.
22 **ADMINISTRATION—PARLIAMENTARY LIBRARY—EFFICIENCY DIVIDEND**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 677—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.

Question put.

The Senate divided—

**AYES, 11**

Senators—

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

**NOES, 37**

Back
Bilyk
Boyce
Brown, Carol
Carr, Bob
Cash
Colbeck
Collins
Cormann
Crossin
Edwards
Faulkner
Fawcett
Feeney
Fifield
Fisher
Furner
Gallacher
Humphries
Kroger (Teller)
Ludwig
Lundy
Marshall
McEwen
McKenzie
McLucas
Moore
Nash
Parry
Polley
Pratt
Ronaldson
Stephens
Thistlethwaite
Urquhart
Williams

Question negatived.

23 **FOREIGN AFFAIRS—THIRD OPTIONAL PROTOCOL ON THE CONVENTION ON THE RIGHTS OF THE CHILD**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 689—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.

Statements by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and Senator Hanson-Young, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 35

Back
Boyce
Brown, Carol
Cameron
Cash
Colbeck
Collins
Cormann
Edwards
Faulkner
Fawcett
Feeney
Firfield
Fisher
Furner
Gallacher
Humphries
Kroger (Teller)
Ludwig
Lundy
Madigan
Marshall
McEwen
McKenzie
McLucas
Moore
Nash
Parry
Polley
Pratt
Ronaldson
Stephens
Thistlethwaite
Urquhart
Williams

Question negatived.

24 DEFENCE—AFGHANISTAN—WITHDRAWAL OF AUSTRALIAN TROOPS

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 691—That the Senate calls on the Government to begin the safe withdrawal of Australia’s troops from Afghanistan while increasing our civilian aid program.

Question put.

The Senate divided—

AYES, 10

Senators—

Brown, Bob
Di Natale
Hanson-Young
Ladlam
Milne
Rhiannon
Siewert (Teller)
Waters
Xenophon
Question negatived.

25 **DEFENCE—NUCLEAR SUBMARINES**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 692—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.

Question put.

The Senate divided—

**AYES,** 11

Senators—

Brown, Bob  
Di Natale  
Hanson-Young

Ludlam  
Madigan  
Milne  
Rhiannon  
Siewert (Teller)  
Waters  
Wright  
Xenophon

**NOES,** 32

Senators—

Back  
Boyce  
Brown, Carol  
Cameron  
Cash  
Colbeck  
Collins  
Cormann  
Edwards

Edwards  
Feeney  
Fifield  
Fisher  
Furner  
Gallacher  
Humphries  
Kroger  
Ludwig  
Lundy  
Madigan  
Marshall  
McEwen (Teller)  
McKenzie  
McLucas  
Moore  
Nash  
Parry  
Polley  
Pratt  
Ronaldson  
Stephens  
Thistlethwaite  
Urquhart  
Williams

Question negatived (but see entry no. 18, 15 March 2012).

26 **FOREIGN AFFAIRS—SYRIA**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 693—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.

Question put and passed.
27 REGIONAL AUSTRALIA—AUSTRALIAN AGRICULTURAL INDUSTRY

Senator Back, also on behalf of Senators Nash and McKenzie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 678—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.

Question put and passed.

28 EDUCATION—NON-GOVERNMENT SCHOOLS—FUNDING

Senator Humphries, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 679—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.

The Leader of the Australian Greens (Senator Bob Brown), by leave, moved the following amendment:

Omit all words after “rejects”, substitute “Opposition calls to reduce education funding by $2.8 billion”.

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

AYES, 36

Senators—

Bishop, Bob
Brown, Carol
Cameron
Carr, Bob
Collins
Conroy
Crossin
Di Natale

Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ladrham

Lundy
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt

Sherry
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Waters

Wright
NOES, 32

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Question agreed to.
Main question, as amended, put and passed.

29 **FINANCE—FUTURE FUND—APPOINTMENT OF CHAIR—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT**

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 694—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.

Question put.
The Senate divided—

AYES, 32

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NOES, 36

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Question negatived.
30 **FOREIGN AFFAIRS—LIBYA—AUSTRALIAN WAR GRAVES**

Senator Ronaldson, also on behalf of Senator Williams, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 685—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.

Question put and passed.

31 **SCRUTINY OF BILLS—STANDING COMMITTEE—3RD REPORT AND ALERT DIGEST NO. 3 OF 2012**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Fifield) tabled the following report and document:

Scrutiny of Bills—Standing Committee—


Alert Digest No. 3 of 2012, dated 14 March 2012.

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

32 **TREATIES—JOINT STANDING COMMITTEE—123RD REPORT**

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


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

Question put and passed.

33 **DOCUMENTS**

The following documents were tabled by the Clerk:

[Literal 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.]

Administrative Appeals Tribunal Act—Select Legislative Instrument 2012 No. 19—Administrative Appeals Tribunal Amendment Regulation 2012 (No. 2) [F2012L00561].

Airspace Act—Airspace Regulations—Instrument No. CASA OAR 033/12—Determination of airspace and controlled aerodromes etc Amendment Instrument 2012 (No. 1) [F2012L00559].

Aviation Transport Security Act—Select Legislative Instrument 2012 No. 30—Aviation Transport Security Amendment Regulation 2012 (No. 2) [F2012L00565].
Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directive—AD/PHZL/74 Amdt 2—Two Blade “Y” Shank Aluminium Hub [F2012L00560].
Defence (Visiting Forces) Act—Select Legislative Instrument 2012 No. 26—Defence (Visiting Forces) Amendment Regulation 2012 (No. 1) [F2012L00562].
Financial Management and Accountability Act—
   Notice under section 39A—National Breast and Ovarian Cancer Centre.
   Select Legislative Instrument 2012 No. 28—Financial Management and Accountability Amendment Regulation 2012 (No. 1) [F2012L00564].
Tobacco Plain Packaging Act—Select Legislative Instrument 2012 No. 29—Tobacco Plain Packaging Amendment Regulation 2012 (No. 1) [F2012L00563].

34 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The following document was 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—Statement of compliance—Infrastructure and Transport portfolio.

35 NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010
A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

36 INDIRECT TAX LAWS AMENDMENT (ASSESSMENT) BILL 2012
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
   Message no. 371, dated 13 March 2012—A Bill for an Act to amend the law relating to indirect taxation, and for related purposes.
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) 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 Collins moved—That this bill be now read a second time.
Document: Senator Collins tabled the following document:


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

37 Corporations Legislation Amendment (Audit Enhancement) Bill 2012

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


The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) 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 Collins moved—that this bill 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.

38 Education, Employment and Workplace Relations Legislation Committee—Proposed Reference

The Leader of the Opposition in the Senate (Senator Abetz), pursuant to notice, moved business of the Senate notice of motion no. 3—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.

Debate ensued.

Question put.

The Senate divided—

AYES, 30

Senators—

Abetz
Back
Bernardi
Birmingham
Boyce
Bushby (Teller)
Cash
Colbeck
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Fisher
Heffernan
Humphries
Johnston
Joyce
Macdonald
Mason
McKenzie
Nash
Parry
Payne

Ronaldson
Ryan
Scullion
Sinodinos
Williams
Xenophon
NOES, 35

Senators—

Bishop
Brown, Bob
Brown, Carol
Cameron
Carr, Bob
Collins
Conroy
Crossin
Di Natale
Evans
Farrell
Faulkner
Feehey
Furner
Gallacher
Hanson
Hogg
Hudson-Young
Hudson
Ludlam
Lundy
Madigan
Marshall
McLucas
Milne
Moore
Morrison
Nullette
Polley (Teller)
Pratt
Rhiannon
Siewert
Singh
Sterle
Thistlethwaite
Urquhart
Waters

Question negatived.

39 ECONOMICS LEGISLATION COMMITTEE—REPORT—CORPORATIONS AMENDMENT (FUTURE OF FINANCIAL ADVICE) BILL 2011 AND CORPORATIONS AMENDMENT (FURTHER FUTURE OF FINANCIAL ADVICE MEASURES) BILL 2011

Pursuant to order, Senator Polley, at the request of the Chair of the Economics Legislation Committee (Senator Bishop), tabled the following report and documents:


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

40 ECONOMICS LEGISLATION COMMITTEE—REPORT—MINERALS RESOURCE RENT TAX BILL 2011 AND RELATED BILLS

Pursuant to order, Senator Polley, at the request of the Chair of the Economics Legislation Committee (Senator Bishop), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Polley.
Pursuant to order, Senator Polley, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following report and documents:


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

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 7.20 pm: Debate was interrupted.

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

Debate ensued.

The Senate adjourned at 7.55 pm till Thursday, 15 March 2012 at 9.30 am.

Present, all senators except Senator Adams (on leave).

Printed by authority of the Senate