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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 ASSISTING VICTIMS OF OVERSEAS TERRORISM BILL 2012
Order of the day read for the adjourned debate on the motion of Senator Brandis—That this bill be now read a second time.
Debate resumed.

Proposed reference to committee: Senator Wright moved the following amendment:
At the end of the motion, add “and the bill be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 8 May 2012”.
Debate ensued.

Time expired: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.
Debate adjourned till the next day of sitting, Senator Fisher in continuation.

3 PETITION
The following petition, lodged with the Clerk by Senator Scullion, was received:
From 35 petitioners, requesting that the Senate take action to ensure that the Northern Land Council issues 99 year leases to Baniyala families.

4 NOTICES
Senator Crossin: To move on the next day of sitting—That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 20 March 2012, from 4 pm, followed by an in camera hearing. (general business notice of motion no. 703)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs References Committee on health services and medical professionals in rural areas be extended to 27 June 2012. (general business notice of motion no. 704)

Senator Fisher: To move on the next day of sitting—That the following matter be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 10 May 2012:

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) there are less than 12 500 Australian sea lions left in Australian waters and that the 2 000 left in Western Australian waters are extremely vulnerable,
(ii) one of the greatest threats to the survival of Australian sea lions is gillnets,
(iii) the Western Australian Department of Fisheries has failed to meet the Government’s conditions to put an observer program in place on boats within its gillnet fisheries to establish how many sea lions and dolphins are killed each year,

(iv) without observers, the number of Australian sea lions and dolphins dying in gillnets is likely to be grossly under-reported, given that the example from the South Australian shark gillnet fishery demonstrated that few deaths were reported until observer-based studies identified up to 374 sea lions and 56 dolphins were dying every 18 months,

(v) the South Australian shark gillnet fishery now has compulsory video or observer coverage on every vessel, as well as new rules to protect Australian sea lions, and

(vi) the Western Australian Department of Fisheries is currently re-applying to the Department of Sustainability, Environment, Water, Population and Communities for export approval for Western Australia’s Temperate Demersal Gillnet and Demersal Longline Fisheries;

(b) is concerned that, before any re-approval of export licensing, the Western Australian Department of Fisheries should identify its impact on sea lions and safeguard vulnerable and protected marine life from the fishery’s impacts; and

(c) calls on the Government to refuse the grant of the export licence for this fishery until an observer program is put in place and designated buffer zones are created around sea lion breeding colonies. (general business notice of motion no. 705)

The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—That the provisions of the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011 be referred to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 10 May 2012.

Senator Fierravanti-Wells: To move on the next day of sitting—That the Senate—

(a) notes:

(i) on 20 May 2009, Mr Craig Thomson MP wrote to the then Minister for Employment Participation (Mr O’Connor) supporting Central Coast Group Training’s (CCGT) proposal for the construction of a new Youth Skills and Employment Centre for the Central Coast, New South Wales,

(ii) an Australian Labor Party statement, dated 20 July 2010, by the Minister for Infrastructure and Transport (Mr Albanese) and Mr Thomson concerning funding for the centre,

(iii) on 5 April 2011, the Minister for School Education, Early Childhood and Youth (Mr Garrett) wrote to Mr Thomson stating that the Government was providing $2.7 million in funding towards the centre under the Community Infrastructure Grants Program,

(iv) on 16 June 2011, Wyong Council wrote to the Minister for Infrastructure and Transport, asking about confirmation or progress of the funding for the centre,

(v) on 8 July 2011, the Department of Education, Employment and Workplace Relations (DEEWR) wrote to CCGT regarding the centre,
(vi) an extract from one of the documents provided under freedom of information (FOI) states that, on 20 July 2011 ‘Mr Craig Thomson wrote to Minister Garrett raising concerns about interaction between…and DEEWR’;

(vii) on 25 August 2011, Senator Fierravanti-Wells submitted a FOI request to DEEWR requesting inter alia copies of all representations and advice between Mr Thomson and ministers, their offices and departments on applications for funding a jobs incubator (the Youth Skills and Employment Centre) at Wyong proposed by CCGT, including secondary references to such representations or advice,

(viii) that while documents were provided in response to that request, they were almost all in a redacted form with large portions of the documents exempted, and

(ix) that the documents were not disclosed inter alia because they contained “unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct”; and

(b) orders that there be laid on the table by the Leader of the Government in the Senate, no later than 5 pm on Monday, 19 March 2012, in an unredacted form:

(i) all documents pertaining to “unsubstantiated allegations” made by Mr Thomson to the Minister for School Education, Early Childhood and Youth and the former Minister for Employment Participation regarding CCGT, and

(ii) copies of all representations and advice between Mr Thomson and ministers, their offices and departments on applications for funding a jobs incubator (the Youth Skills and Employment Centre) at Wyong as proposed by CCGT, including secondary references to such representations or advice, including but not limited to the following:

(A) letter from Mr Thomson to the then Minister for Employment Participation dated 20 May 2009 re. CCGT, and

(a) letter from Mr Thomson to the Minister for School Education, Early Childhood and Youth dated 20 July 2011 re. CCGT and attachments thereto. (general business notice of motion no. 706)

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Stephens): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 March 2012, from 5.30 pm, to take evidence for the committee’s inquiry into the provisions of the Defence Trade Controls Bill 2011. (general business notice of motion no. 707)

Senator Hanson-Young: To move on the next day of sitting—That there be laid on the table, no later than 22 March 2012, by the Minister representing the Minister for Immigration and Citizenship (Senator Lundy), the following documents:

(a) Serco Induction Training Course Student Manual 2011;

(b) Serco Induction Training Course Teaching Materials 2011;

(c) Serco Staff Refresher Training Manual 2011;

(d) Serco Induction Training Course Student Manual 2012;

(e) Serco Induction Training Course Teaching Materials 2012; and

(f) Serco Staff Refresher Training Manual 2012. (general business notice of motion no. 708)
5 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 3 OF 2012
The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 3 OF 2012

1. The committee met in private session on Wednesday, 14 March 2012 at 7.19 pm.
2. The committee resolved to recommend—that the following bills not be referred to committees:
   Corporations Legislation Amendment (Audit Enhancement) Bill 2012
   Indirect Tax Laws Amendment (Assessment) Bill 2012

   The committee recommends accordingly.

3. The committee deferred consideration of the following bills to its next meeting:
   Courts Legislation Amendment (Judicial Complaints) Bill 2012
   Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012
   Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012
   Low Aromatic Fuel Bill 2012
   Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
   Solar Hot Water Rebate Bill 2012
   Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012.

   Anne McEwen
   Chair
   15 March 2012.

   Senator McEwen moved—that the report be adopted.
   Question put and passed.

6 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, 22 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.
7 **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 19 March 2012.

Question put and passed.

8 **LEAVE OF ABSENCE**

Senator Kroger, by leave, moved—That leave of absence be granted to the following senators on account of parliamentary business:

(a) Senator Boswell for today; and
(b) Senator Parry for 16 March 2012.

Question put and passed.

9 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 696—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.

Question put and passed.

10 **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. 697—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.

Question put and passed.

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

Senator McEwen, at the request of Senator Furner and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 698—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.

Question put and passed.
12 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 699—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.

Question put and passed.

13 **ENVIRONMENT—RIVER MURRAY—LEEVE BANKS**

Senator Xenophon, also on behalf of Senators Birmingham and Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 700—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.

Question put and passed.

14 **SENATE—PRIVILEGES—STANDING COMMITTEE—PROGRESS REPORT**

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. 701—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.

Question put and negatived.
15 EDUCATION—HIGHER EDUCATION—STUDENT SERVICES FEES

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 695—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.

Question put.
The Senate divided—

AYES, 11

Senators—

Brown, Bob
Di Natale
Hanson-Young

Ladlam
Madigan
Milne

Rhiannon (Teller)
Siewert (Teller)
Waters

Wright
Xenophon

NOES, 35

Senators—

Bilyk
Birmingham
Boyece
Cameron
Colbeck
Collins
Crossin
Edwards

Farrell
Feehey
Erfeld
Fisher
Furner
Gallacher
Hogg
Johnston

Joyce
Ludwig
Lundy
Marshall
McEwen
McKenzie
McLucas
Moore

Kroger (Teller)
Payne
Polley
Pratt
Sherry
Stephens
Thistlethwaite
Nash
Parry

Question negatived.
16 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—that the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 22 August 2012:

(a) the economic, social and environmental impacts of Australia’s domestic and export coal seam gas (CSG)/liquid natural gas (LNG) industry on:

(i) surface and groundwater and future water licensing arrangements,

(ii) agricultural land and food production,

(iii) the coast and marine environments, including impacts on the Great Barrier Reef World Heritage Area and industries relying on these environments, including impacts from pipelines, ports, dredging and shipping,

(iv) the property rights and values of landholders,

(v) rural, regional and urban communities, and the effective management of relationships between mining and other interests, and

(vi) other related matters, including health impacts;

(b) the greenhouse gas emission intensity of Australia’s domestic and export CSG/LNG industry across its lifecycle, and the adequacy of accounting, monitoring and compliance of greenhouse impacts;

(c) the potential impacts of other unconventional gas industries developing rapidly across Australia, including shale and tight gas;

(d) the adequacy of existing and proposed state, territory and Commonwealth regulatory regimes to manage the above issues, including cumulative impacts and the appropriateness of ‘adaptive management’ in regulating the industry; and

(e) any other related matter.

Statements by leave: The Leader of The Nationals in the Senate (Senator Joyce) and Senator Waters, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 11**

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Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 702—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) rethink 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.

Question put.

The Senate divided—

AYES, 10

Senators—

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

Wright

NOES, 35

Back
Bernardi
Bilyk
Birmingham
Boyce
Cameron
Colbeck
Collins
Crossin
Edwards
Farrell
Fawcett
Feeney
Fifield
Fisher
Furner
Gallacher
Hogg
Joyce
Kroger (Teller)
Ludwig
Lundy
Marshall
McEwen
McKenzie
McLucas
Moore

Parry
Payne
Polley
Pratt
Sherry
Stephens
Thistlethwaite
NOES, 35

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Question negatived.

18 **DEFENCE—NUCLEAR SUBMARINES**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) asked that the question on general business notice of motion no. 692 be put again (see entry no. 25, 14 March 2012).

Leave was granted for the question to be put again.

Question—That the motion be agreed to—put and passed.

19 **LEAVE OF ABSENCE**

Senator McEwen, by leave, moved—That leave of absence be granted to the following senators:

(a) Senators Evans, Farrell and Feeney for 16 March 2012, on account of parliamentary business; and

(b) Senators Carol Brown, Sherry, Sterle and Urquhart for 16 March 2012, for personal reasons.

Question put and passed.

20 **HIGHER EDUCATION SUPPORT AMENDMENT BILL (NO. 1) 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.

________
Document: Senator Collins tabled the following document:

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

21 Legislation Committees—Reports—Annual Reports
Pursuant to order, Senator McEwen, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2012, dated March 2012—
  Community Affairs Legislation Committee.
  Economics Legislation Committee.
  Education, Employment and Workplace Relations Legislation Committee.
  Environment and Communications Legislation Committee.
  Finance and Public Administration Legislation Committee.
  Foreign Affairs, Defence and Trade Legislation Committee.
  Legal and Constitutional Affairs Legislation Committee.
  Rural and Regional Affairs and Transport Legislation Committee.

Reports ordered to be printed on the motion of Senator McEwen.

22 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 2 pm: Debate was interrupted while Senator Macdonald was speaking.

23 Questions
Questions without notice were answered.

24 Motions to Take Note of Answers
The Leader of The Nationals in the Senate (Senator Joyce) moved—That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Senators Sinodinos and Cormann today relating to the ministerial code of conduct and to the appointment of the next chair of the Future Fund.

Debate ensued.

Question put and passed.
Senator Siewert 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 Siewert today relating to disability reform. Question put and passed.

25 DEATH OF FORMER SENATOR THE HONOURABLE DOUGLAS BARR SCOTT

The President informed the Senate of the death, on 12 March 2012, of the Honourable Douglas Barr Scott, a senator for the state of New South Wales in 1970 and from 1974 to 1985, and during this time a chairman of committees and acting President of the Senate.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That the Senate records its deep regret at the death, on 12 March 2012, of the Honourable Douglas Barr Scott, former senator for New South Wales in 1970 and from 1974 to 1985, former Deputy President of the Senate from 1978 to 1979 and former federal Minister for Special Trade Representations from 1979 to 1980, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—Question passed.

At 3.45 pm—

26 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.

Limitation of debate: The time allotted for the consideration of these bills expired.

Question—That these bills be now read a second time—put.

The Senate divided—

AYES, 34

Senators—

Bilyk
Bishop
Brown, Bob
Cameron
Carr, Bob
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Farrell
Furner
Gallacher
Hanson-Young
Hogg
Ladlan
Ludwig
Lundy
Marshall
McEwen (Teller)
McLucas
Moore
Policy
Pratt
Rhiannon
Sherry

Siewert
Singh
Stephens
Thistlethwaite
Urquhart
Waters
Wright
Question agreed to.

Bills read a second time.

The following amendments in respect of the Fairer Private Health Insurance Incentives Bill 2012 circulated by Senator Xenophon were considered:

Schedule 1, page 16 (after line 11), after item 17, insert:

17A Section 169-5 (heading)

Repeal the heading, substitute:

169-5 Information to be given annually to the Council and the Productivity Commission

17B After subsection 169-5(1)

Insert:

(1A) A private health insurer must, within 3 months after the end of each financial year, or within such further time as the Productivity Commission allows, give to the Productivity Commission such information (including financial accounts and statements) in respect of that year as the Productivity Commission requires to be given for use in preparing the report referred to in section 333-1A.

17C Subsection 169-5(2)

Omit “such accounts or statements”, substitute “accounts or statements referred to in subsection (1) or (1A)”.

Schedule 1, page 20 (after line 9), after item 21, insert:

21A Before section 333-1

Insert:

333-1A Annual report by Productivity Commission

(1) The Productivity Commission must, as soon as practicable after 30 September in each year, give the Minister a report, for presentation to the Parliament, relating to changes in the composition of the persons insured under insurance policies issued by each private health insurer during the financial year ending on 30 June in that year.

Note: See also section 34C of the Acts Interpretation Act 1901, which contains extra rules about periodic reports.

(2) The report must include:

(a) information about the number of persons who have ceased to be insured, and the number of persons who have downgraded their level of insurance, under insurance policies that *cover* hospital treatment during that financial year; and
(b) information about the number of persons who have ceased to be insured, and the number of persons who have downgraded their level of insurance, under insurance policies that cover 'general treatment during that financial year; and

c) information about the age and income tax bracket of those persons who have ceased to be insured, or who have downgraded their level of insurance, under insurance policies that cover hospital treatment or general treatment during that financial year; and

d) any recommendations from the Productivity Commission for addressing:

(i) reductions in the number of persons insured under insurance policies that cover hospital treatment or general treatment; and

(ii) people electing to downgrade their level of insurance under insurance policies that cover hospital treatment or general treatment.

(3) However, the report must not include any information that would enable an individual to be identified.

(4) The Minister must publish on the Department’s website the report, and a written response to the report, within 60 days after the first day on which the report is laid before a House of the Parliament in accordance with section 34C of the Acts Interpretation Act 1901.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 30

Abetz
Back
Bernardi
Birmingham
Bushby (Teller)
Cash
Colbeck
Cormann

Edwards
Eggleston
Fawcett
Ferravanti-Wells
Fifield
Fisher
Heffernan
Humphries

Johnston
Kroger
Macdonald
Maddigan
Mason
McKenzie
Nash
Payne

Ronaldson
Ryan
Scullion
Sinodinos
Williams
Xenophon

NOES, 34

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

Di Natale
Farrell
Furner
Gallacher
Hanson-Young
Hogg
Ladlam
Ludwig
Lundy

Marshall
McEwen (Teller)
McLucas
Milne
Moore
Policy
Pratt
Rhiannon
Sherry

Siewert
Singh
Stephens
Thistlethwaite
Urquhart
Waters
Wright

Question negatived.

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

AYES, 34

Senators—

Bilyk
Bishop
Brown, Bob
Cameron
Carr, Bob
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Farrell
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Ludwig
Lundy
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Rhiannon
Siewert
Singh
Stephens
Thistlethwaite
Waters
Wright

NOES, 30

Senators—

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

Question agreed to.

Bills read a third time.

27 MINERALS RESOURCE RENT TAX BILL 2011
MINERALS RESOURCE RENT TAX (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2011
MINERALS RESOURCE RENT TAX (IMPOSITION—GENERAL) BILL 2011
MINERALS RESOURCE RENT TAX (IMPOSITION—CUSTOMS) BILL 2011
MINERALS RESOURCE RENT TAX (IMPOSITION—EXCISE) BILL 2011
PETROLEUM RESOURCE RENT TAX ASSESSMENT AMENDMENT BILL 2011
PETROLEUM RESOURCE RENT TAX (IMPOSITION—GENERAL) BILL 2011
PETROLEUM RESOURCE RENT TAX (IMPOSITION—CUSTOMS) BILL 2011
PETROLEUM RESOURCE RENT TAX (IMPOSITION—EXCISE) BILL 2011
TAX LAWS AMENDMENT (STRONGER, FAIRER, SIMPLER AND OTHER MEASURES) BILL 2011
SUPERANNUATION GUARANTEE (ADMINISTRATION) AMENDMENT BILL 2011

Order of the day read for the adjourned debate on the motion—That these bills be now read a second time.

Debate resumed.

Senator Cormann moved the following amendment in respect of the Minerals Resource Rent Tax Bill 2011:

At the end of the motion, add “but the Senate:

(a) notes that the Government has not complied with:

(i) the order of the Senate made on 1 November 2011, ordering the production of information relating to the cost of all measures attached to the mining tax over the current forward estimates, and

(ii) a number of other outstanding orders in relation to mining tax revenue estimates and related assumptions; and
(b) declines to consider the bill further until:

(i) the Government publicly releases all information it holds relating to:

(A) the commodity price and production volume assumptions it has used in respect of its mining tax revenue estimates,

(B) the updated estimates of the cost of all measures associated with the mining tax over the forward estimates,

(C) the cost estimate of its commitment to credit all state and territory royalties against the resource rent tax liabilities, and

(D) the cost estimate of the upfront tax deductions able to be claimed by mining projects subject to the Minerals Resource Rent Tax on the basis of the market valuation method, and

(ii) the Senate has passed a resolution that the bills may be listed for debate”.

Debate ensued.

At 10.30 pm: Debate was interrupted while Senator Humphries was speaking.

28 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.07 pm till Friday, 16 March 2012 at 9 am.

29 ATTENDANCE

Present, all senators except Senators Adams* and Boswell* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate