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1 MEETING OF SENATE
The Senate met at 11 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:

Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for the period 1 September 2010 to 31 August 2011.


Australian Postal Corporation (Australia Post)—Statement of corporate intent 2011-12 to 2013-14.


Treaty—Multilateral—Fifth Agreement to Extend the 1987 Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology, done at Bali on 15 April 2011—Text, together with national interest analysis.

3 TELECOMMUNICATIONS UNIVERSAL SERVICE MANAGEMENT AGENCY BILL 2011
TELECOMMUNICATIONS LEGISLATION AMENDMENT (UNIVERSAL SERVICE REFORM) BILL 2011
TELECOMMUNICATIONS (INDUSTRY LEVY) BILL 2011
Order of the day read for the consideration of the bills in committee of the whole.

In the committee

Bills, taken together and as a whole by leave, debated.

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

The following amendments and requests for amendments in respect of the Telecommunications Universal Service Management Agency Bill 2011 circulated by the Government were agreed to:

Amendments:

Clause 4, page 8 (after line 22), after the definition of telecommunications industry, insert:

Telecommunications Industry Ombudsman has the same meaning as in the Telecommunications (Consumer Protection and Service Standards) Act 1999.

Clause 38, page 30 (line 2), omit paragraph (2)(d), substitute:
(d) consumer affairs;
Heading to clause 122, page 73 (line 3), omit “the ACMA and the ACCC”, substitute “certain bodies or persons”.

Clause 122, page 73 (line 5), omit “authorities”, substitute “bodies or persons”.

Clause 122, page 73 (lines 6 and 7), omit “authority to perform or exercise any of its functions or powers”, substitute “body or person to perform or exercise any of the functions or powers of the body or person”.

Clause 122, page 73 (line 9), at the end of subclause (1), add:

; (c) the Telecommunications Industry Ombudsman;
(d) the Regional Telecommunications Independent Review Committee;
(e) the Secretary of the Department.

Requests:
That the House of Representatives be requested to make the following amendments:

Clause 4, page 9 (after line 2), after the definition of vacancy, insert:

voice customer migration policy objective means the policy objective set out in paragraph 11(e), in so far as that objective relates to either or both of the following:
(a) customer information programs;
(b) customer cabling installation programs.

Page 25 (after line 26), after Division 4, insert:

Division 4A—Facilitation of the voice customer migration policy objective

Subdivision A—Access to information or documents held by a carriage service provider

29A Access to information or documents held by a carriage service provider

Scope

(1) This section applies to a carriage service provider if TUSMA believes on reasonable grounds that the carriage service provider has information or a document that is relevant to the achievement of the voice customer migration policy objective.

Requirement

(2) TUSMA may, by written notice given to the carriage service provider, require the carriage service provider:
(a) to give to TUSMA, within the period and in the manner and form specified in the notice, any such information; or
(b) to produce to TUSMA, within the period and in the manner specified in the notice, any such documents; or
(c) to make copies of any such documents and to produce to TUSMA, within the period and in the manner specified in the notice, those copies.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.
Compliance

(4) A carriage service provider must comply with a requirement under subsection (2) to the extent that the carriage service provider is capable of doing so.

(5) A carriage service provider commits an offence if:
   (a) TUSMA has given a notice to the carriage service provider under subsection (2); and
   (b) the carriage service provider engages in conduct; and
   (c) the carriage service provider’s conduct contravenes a requirement in the notice.

   Penalty for contravention of this subsection: 50 penalty units.

29B Copying documents—compensation

A carriage service provider is entitled to be paid by TUSMA reasonable compensation for complying with a requirement covered by paragraph 29A(2)(c).

29C Copies of documents

(1) TUSMA may:
   (a) inspect a document or copy produced under subsection 29A(2); and
   (b) make and retain copies of, or take and retain extracts from, such a document.

(2) TUSMA may retain possession of a copy of a document produced in accordance with a requirement covered by paragraph 29A(2)(c).

29D TUSMA may retain documents

(1) TUSMA may take, and retain for as long as is necessary, possession of a document produced under subsection 29A(2).

(2) The carriage service provider otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by TUSMA to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, TUSMA must, at such times and places as TUSMA thinks appropriate, permit the carriage service provider otherwise entitled to possession of the document, or a person authorised by that carriage service provider, to inspect and make copies of, or take extracts from, the document.

29E Law relating to legal professional privilege not affected

This Subdivision does not affect the law relating to legal professional privilege.

Subdivision B—Disclosure of information

29F Disclosure of information

Scope

(1) This section applies to information that:
   (a) was obtained by TUSMA under section 29A; or
(b) is contained in a document, or a copy of a document, that was produced to TUSMA under section 29A.

Disclosure

(2) TUSMA may disclose the information to a carriage service provider if the disclosure is for a purpose relating to the achievement of the voice customer migration policy objective.

Subdivision C—Consent to customer contact

29G Consent to customer contact

Scope

(1) This section applies to a carriage service provider if:

(a) TUSMA believes on reasonable grounds that, if the carriage service provider were to consent to another person (the third person) contacting:

(i) the carriage service provider’s customers; or
(ii) customers included in a particular class of the carriage service provider’s customers;

for a purpose relating to the achievement of the voice customer migration policy objective, that consent would be likely to facilitate the achievement of the voice customer migration policy objective; and

(b) the carriage service provider is not a contractor in relation to a section 13 contract entered into for a purpose relating to the achievement of the voice customer migration policy objective; and

(c) the carriage service provider is not a grant recipient in relation to a section 13 grant made for a purpose relating to the achievement of the voice customer migration policy objective.

Requirement

(2) TUSMA may, by written notice given to the carriage service provider, require the carriage service provider:

(a) to consent to the third person contacting:

(i) if subparagraph (1)(a)(i) applies—the carriage service provider’s customers; or
(ii) if subparagraph (1)(a)(ii) applies—customers included in a specified class of the carriage service provider’s customers;

for a purpose relating to the achievement of the voice customer migration policy objective; and

(b) to do so within the period and in the manner specified in the notice.

(3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Compliance

(4) A carriage service provider must comply with a requirement under subsection (2).
A carriage service provider commits an offence if:

(a) TUSMA has given a notice to the carriage service provider under subsection (2); and

(b) the carriage service provider engages in conduct; and

(c) the carriage service provider’s conduct contravenes a requirement in the notice.

Penalty for contravention of this subsection: 50 penalty units.

The following amendment in respect of the Telecommunications Legislation Amendment (Universal Service Reform) Bill 2011 circulated by the Government was agreed to:

Schedule 1, page 8 (after line 27), after item 28, insert:

28A Section 284 (heading)
Repeal the heading, substitute:

284 Assisting the ACMA, the ACCC, the Telecommunications Industry Ombudsman or TUSMA

28B At the end of section 284
Add:

(4) Sections 276 and 277 do not prohibit a disclosure by a person of information or a document if:

(a) the disclosure is made to, or to a member of the staff of, TUSMA; and

(b) the information or document may assist TUSMA to carry out its functions or powers.

28C Section 299 (heading)
Repeal the heading, substitute:

299 Assisting the ACMA, the ACCC, the Telecommunications Industry Ombudsman or TUSMA

28D At the end of section 299 (before the note)
Add:

(4) If information or a document is disclosed to a person as permitted by subsection 284(4) or this subsection, the person must not disclose or use the information or document except for the purpose of, or in connection with, the carrying out of TUSMA’s functions and powers.

28E Section 299 (note)
Omit “or the Telecommunications Industry Ombudsman”, substitute “, the Telecommunications Industry Ombudsman or TUSMA”.

Question—That the Telecommunications Universal Service Management Agency Bill 2011, as amended, subject to requests, the Telecommunications Legislation Amendment (Universal Service Reform) Bill 2011, as amended, and the Telecommunications (Industry Levy) Bill 2011 be agreed to—put and passed.

The Telecommunications Universal Service Management Agency Bill 2011 to be reported with amendments and requests for amendments, the Telecommunications Legislation Amendment (Universal Service Reform) Bill 2011 to be reported with amendments and the Telecommunications (Industry Levy) Bill 2011 to be reported without requests for amendments.
The Deputy President (Senator Parry) resumed the chair and the Chair of Committees reported accordingly.

Question—That the remaining stages of these bills be agreed to and these bills be now passed, subject to requests to the Telecommunications Universal Service Management Agency Bill 2011—put and passed.


4 BUILDING AND CONSTRUCTION INDUSTRY IMPROVEMENT AMENDMENT (TRANSITION TO FAIR WORK) BILL 2012

Order of the day read for the adjourned debate on the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans)—That this bill be now read a second time.

Debate resumed.

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

5 QUESTIONS

Questions without notice were answered.

6 MOTION 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 ministers to all questions without notice asked today.

Debate ensued.

Question put and passed.

7 MATTER OF PRIVILEGE—PERSONAL EXPLANATION

Senator Brandis, by leave, made a personal explanation relating to remarks made by the Leader of the Australian Greens (Senator Bob Brown) during debate on the 150th report of the Committee of Privileges on 19 March 2012.

Document: Senator Brandis, by leave, tabled the following document:

Matter of privilege—Letter from Senator Brandis to the Chair of the Standing Committee of Privileges (Senator Johnston) relating to the committee’s inquiry into whether there was any improper influence in relation to political donations made by Mr Graeme Wood and questions without notice asked by Senator Bob Brown and Senator Milne, dated 10 February 2012.

Leave refused: Senator Bob Brown sought leave to make a statement relating to the matter.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Bob Brown, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Bob Brown making a statement.
Debate ensued.

Closure: The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) moved—That the question be now put.

Question—That the question be now put—put and passed.

Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 9

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

NOES, 37

Senators—
Abetz
Back
Bernardi
Bilyk
Boswell
Boyce
Brandis
Brown, Carol
Cameron
Cash
Colbeck
Collins
Edwards
Evans
Farrell
Faulkner
Fifield
Fisher
Gallacher
Johnston
Kroger (Teller)
Lundy
Macdonald
Madigan
Marshall
McEwen
McKenzie
Moore
Nash
Pullen
Ryan
Singh
Stephens
Thistlethwaite
Urquhart
Williams

Question negatived.

8 Notices

The Leader of the Australian Greens (Senator Bob Brown): To move on 22 March 2012—That the Senate endorse the payment of the legal expenses of Senator Bob Brown and Senator Milne in the matter of the referral by Senator Kroger to the Committee of Privileges after receipt of and accreditation of those expenses by the President. (general business notice of motion no. 716)

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

(a) notes the findings by Andrew Kirkham, AM, RFD, QC into the ‘ADFA Skype affair’, in particular his finding that the Commandant of the Australian Defence Force Academy, Commodore Bruce Kafer, AM, CSC, RAN, made no error of judgement in his decisions to commence and conclude the disciplinary proceedings against the female officer cadet;

(b) expresses confidence in Commodore Kafer’s performance in his duties as Commandant of ADFA; and

(c) calls on the Minister representing the Minister for Defence (Senator Evans) to explain why the government took 85 days to release the findings of the Kirkham Inquiry. (general business notice of motion no. 717)

Senators Boyce, Carol Brown, Siewert and Fifield: To move on the next day of sitting—That the Senate—

(a) notes that 21 March 2012 marks the 7th anniversary of World Down Syndrome Day and the first time that day has been acknowledged under the auspices of the United Nations (UN);
(b) congratulates Down Syndrome International, Down Syndrome associations in Australia and the hundreds of thousands of people who campaigned for World Down Syndrome Day to be officially recognised by the UN;

(c) notes that the UN resolution to recognise World Down Syndrome Day was proposed by Brazil and co-sponsored by 78 UN member states, including Australia;

(d) recognises that Down Syndrome is the most prevalent genetic cause of intellectual disability and that the characteristics of Down Syndrome have been known for centuries;

(e) acknowledges:
   (i) that barriers faced by people with Down Syndrome can be overcome through the shared vision for an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens, and
   (ii) the multi-partisan support for a national disability insurance scheme and encourages the Australian Government to continue to push forward with the implementation of such a scheme to give Australians with Down Syndrome and other disabilities the opportunity to live fulfilling lives; and

(f) supports the celebration of UN World Down Syndrome Day by people with Down Syndrome, their families, friends and carers, and the wider community. (general business notice of motion no. 718)

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

(a) notes that:
   (i) on 13 February 2012 the then Minister for Foreign Affairs, Mr Rudd, issued a media release in response to the Sri Lankan Lessons Learned and Reconciliation Commission (LLRC) final report, stating ‘The LLRC report contains constructive proposals for advancing reconciliation and reconstruction, including through reducing the presence of security forces in the North, care of internally displaced persons and media freedoms’,
   (ii) the Australian Government has consistently urged Sri Lanka to investigate all allegations of crimes committed by both sides of the conflict, including those raised in the United Nations (UN) Secretary-General’s Panel of Experts on Sri Lanka report, and
   (iii) in light of the report’s failure to comprehensively address such allegations, the Government continues to call on Sri Lanka for all such allegations to be investigated in a transparent and independent manner; and

(b) calls on the Australian Government to, as a minimum, support efforts to secure a United States initiated resolution on Sri Lanka at the 19th Session of the UN Human Rights Council through the Australian permanent representative in Geneva. (general business notice of motion no. 719)

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

(a) notes a current report by The Australia Institute, which finds:
   (i) the mining boom in Queensland is likely to destroy one non-mining job for every two mining jobs it creates, with the loss of at least 20 000 jobs should all 39 resource projects analysed proceed, and
the reality of the mining boom for the 99 per cent of Queenslanders who do not work in the mining industry is higher housing costs, higher mortgage interest rates and fewer jobs in tourism, manufacturing and agriculture;

(b) further notes the statements of the National Secretary of the CFMEU [Construction, Forestry, Mining and Energy Union] on 19 March 2012 to the effect that:
   (i) the strength of the mining industry is driving up the Australian dollar to unprecedented levels and across the country Australia’s manufacturing sector is under too much strain, and thousands of jobs are being lost in the finance sector too, and
   (ii) Australians outside the mining industry are doing it tough because of the impact of the mining industry on the economy, causing a lot of unhappiness; and

(c) calls on the Government to:
   (i) assess the real impacts of the mining boom on Queensland communities and the state’s economy, and
   (ii) reassess its decision to use proceeds of the Minerals Resource Rent Tax to fund infrastructure which will benefit the mining industry instead of benefiting Queenslanders through investment in initiatives such as national dental care, education funding, national disability insurance scheme, high speed rail and a sovereign wealth fund.

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

(a) notes that:
   (i) Medicare has completed audits of 89 dentists who accessed the Chronic Disease Dental Scheme,
   (ii) a further 540 audits are still underway,
   (iii) of the completed audits, only 12 were found to be for the non-provision of claimed services,
   (iv) of the remaining audits found to be non-compliant, non-compliance is in most cases of a technical and administrative nature, whereby the practitioner failed to provide a written quote to the patient or a treatment summary to the referring doctor in a timely fashion, and
   (v) claims for full repayment of services delivered under Medicare to the community may result in undue hardship to dental practitioners who acted in good faith; and

(b) calls on the Government to waive its right to the repayment of debts incurred by dental practitioners as a result of a Medicare audit where:
   (i) all services claimed were rendered properly and in good faith to eligible patients, and
   (ii) the nature of the non-compliance was purely administrative in nature.

(General business notice of motion no. 721)
Senator Ludlam: To move on the next day of sitting—That there be laid on the table by the Minister representing the Attorney-General, no later than noon on Thursday, 22 March 2012, information relating to the most recent meeting convened by the Secretary of the Attorney-General’s Department, Mr Roger Wilkins, with Internet service providers and representatives of the film, television and music industries, including but not limited to:

(a) a list of invitees;
(b) a list of attendees;
(c) notes arising from the meeting;
(d) minutes arising from the meeting;
(e) any documentation issued to attendees;
(f) any internal departmental correspondence regarding the meeting; and
(g) any documents relating to future meetings. (general business notice of motion no. 722)

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

(a) expresses confidence in the President’s handling of the recent privileges issue for which Senator Kroger sought precedence; and
(b) notes with dismay the criticisms by the Leader of the Australian Greens (Senator Bob Brown) of the President, both in the Senate chamber on 19 March 2012 and at the Senate doors on 20 March 2012. (general business notice of motion no. 723)

Senator Cormann: To move on the next day of sitting—That the Corporations Amendment (Phoenixing and Other Measures) Bill 2012 be referred to the Economics Legislation Committee for inquiry and report by 8 May 2012.

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the Chair of the Committee of Privileges report to the Senate on why the letter to the committee requesting the recusal of Senator Brandis, SC, dated 22 December 2011, was not circulated to committee members before February 2012. (general business notice of motion no. 724)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That recognising the Indigenous people of Australia be the first matter for the Senate each day, as it is in the House of Representatives. (general business notice of motion no. 725)

Senator Boswell: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 9 June 2012:

The effect of the implementation of the Marine Bioregional Parks policy on recreational and commercial fishing trawling, and associated industries, including:

(a) the scientific basis on which the marine bioregions have been developed, including the location of closures, and the development of a management policy for these parks;
(b) the policy underpinning the restrictions on fishing trawlers in the green, multiple-use, general purpose and special purpose zones, and the subsequent impact on fishing licences;
the cost of buying out existing fishing licences, as a result of the Marine Bioregional Parks policy, and the development of a compensation framework for fishermen, allied seafood businesses (such as processors, wholesalers and retailers) and tourism operators who have been adversely affected by the Marine Bioregional Parks policy; and

(d) any other related matter.

9 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Ludwig for 21 March and 22 March 2012, on account of parliamentary business.

Question put and passed.

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

Question put and passed.

10 POSTPONEMENTS

The following items of business were postponed:

- General business notice of motion no. 27 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the introduction of the Food Standards Amendment (Truth in Labelling Laws) Bill 2010, postponed till 9 May 2012.

- General business notice of motion no. 706 standing in the name of Senator Fierravanti-Wells for today, proposing an order for the production of documents by the Leader of the Government in the Senate, postponed till 21 March 2012.

- General business notice of motion no. 710 standing in the name of Senator Bushby for today, proposing the introduction of the Health Insurance (Dental Services) Bill 2012, postponed till 21 March 2012.

11 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. 711—That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 9 May 2012, from 4.15 pm.

Question put and passed.

12 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. 712—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 Thursday, 22 March 2012, from 10.30 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationship with Japan and the Republic of Korea.

Question put and passed.
13 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. 713—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 9 May 2012, from 10.30 am. Question put and passed.

14 ENVIRONMENT—COAL SEAM GAS EMISSIONS—STUDY—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 715—that the Senate—

(a) notes:

(i) that there is uncertainty about the level of leakage, flaring and venting of methane during coal seam gas prospecting, extraction, transport and processing, and

(ii) an accurate measurement of these ‘fugitive’ emissions is necessary to assess the claims of the coal seam gas industry that electricity production fuelled by coal seam gas is substantially less emission intensive than electricity production fuelled by coal; and

(b) orders that there be laid on the table, by 22 March 2012, the study by George Wilkenfeld and Associates Pty Ltd titled Updated scope 3 emissions factors for natural gas consumed in Australia, based on NGERS data, redacting where necessary any aspects of the study that are commercially sensitive.

Question put.
The Senate divided—

    AYES, 11

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

    NOES, 27

    Abetz
    Back
    Bilyk
    Boyce
    Brown, Carol
    Bushby (Teller)
    Cameron
    Cash
    Colbeck
    Collins
    Edwards
    Faulkner
    Einfeld
    Gallacher
    Marshall
    McEwen
    McKenzie
    Moore
    Nash
    Parry
    Polley
    Singh
    Stephens
    Thistlethwaite
    Williams

Question negatived.

15 AUDITOR-GENERAL—AUDIT REPORT NO. 27 OF 2011-12—DOCUMENT

The Deputy President (Senator Parry) tabled the following document:

Auditor-General—Audit report no 27 of 2011-12—Performance audit—Establishment, implementation and administration of the bike paths component of the Local Jobs Stream of the Jobs Fund: Department of Regional Australia, Local Government, Arts and Sport; Department of Infrastructure and Transport.
The Leader of the Opposition in the Senate (Senator Abetz), by leave, moved—That the Senate take note of the document.

Debate ensued.

Declaration of interest: Senator Macdonald declared an interest in relation to the matter under discussion.

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

16 **STRONGER FUTURES IN THE NORTHERN TERRITORY BILL 2012 AND STRONGER FUTURES IN THE NORTHERN TERRITORY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2011—EXPLANATORY MEMORANDA**

The Minister for Sport (Senator Lundy) tabled the following documents:

- Stronger Futures in the Northern Territory Bill 2012—Replacement revised explanatory memorandum.

17 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—75TH ANNUAL REPORT**

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


Senator Polley, by leave, moved—That the Senate take note of the report.

Debate ensued.

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

18 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—2ND REPORT OF 2012**

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


Senator Cash, by leave, moved—That the Senate take note of the report.

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

19 **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.]

- Airspace Act—Airspace Regulations—Instrument No. CASA OAR 038/12—Determination of airspace and controlled aerodromes etc Amendment Instrument 2012 (No. 2) [F2012L00595].

Defence Act—Determinations under section 58B—Defence Determinations—
2012/13—Disturbance and motor vehicle allowance – amendment.
2012/14—Post indexes – amendment.
2012/15—Deployment payment.

No. 44 (February 2012) [F2012L00592].
No. 45 (March 2012) [F2012L00593].


Radiocommunications Act—Radiocommunications (Communication with Space Object) Class Licence Variation 2012 (No. 1) [F2012L00596].

Social Security Act—Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 3) [F2012L00594].

20 ROAD SAFETY REMUNERATION BILL 2012
ROAD SAFETY REMUNERATION (CONSEQUENTIAL AMENDMENTS AND RELATED PROVISIONS) BILL 2012

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

Message no. 376, dated 19 March 2012—A Bill for an Act to make provision in relation to remuneration-related matters to improve safety in the road transport industry, and for related purposes.

Message no. 377, dated 19 March 2012—A Bill for an Act to make consequential amendments and provide for other matters in connection with the Road Safety Remuneration Act 2011, and for related purposes.

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

Question put and passed.

Bills read a first time.

Senator Ludwig moved—That these bills be now read a second time.

Documents: Senator Ludwig tabled the following documents:


On the motion of Senator Ludwig the debate was adjourned and the resumption of the debate made an order of the day for a later hour.
21 **INSURANCE CONTRACTS AMENDMENT BILL 2012**

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


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

Question put and passed.

Bill read a first time.

Senator Ludwig moved—that this bill be now read a second time.

Documents: Senator Ludwig tabled the following documents:

- Revised explanatory memorandum relating to the bill.

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

22 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT (R 18+ COMPUTER GAMES) BILL 2012**

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


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

Question put and passed.

Bill read a first time.

Senator Ludwig moved—that this bill be now read a second time.

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.

23 **COMMITTEE MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of the appointment of a member of the House of Representatives to the Joint Standing Committee on the National Broadband Network, as follows:

Message no. 378, dated 19 March 2012—Mrs D’Ath, participating member.
24 Legislation Committees—Reports—Additional Estimates 2011-12

Pursuant to order, Senator Polley, at the request of the chairs of the respective committees, tabled the following reports, dated March 2012, and documents:

Additional estimates 2011-12—
- Economics Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
- Education, Employment and Workplace Relations Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.
- Environment and Communications Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
- Finance and Public Administration Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.
- Foreign Affairs, Defence and Trade Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
- Legal and Constitutional Affairs Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Reports ordered to be printed on the motion of Senator Polley.
Senator Faulkner, by leave, moved—That the Senate take note of the reports.
Debate ensued.
Question put and passed.

25 Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012

Order of the day read for the adjourned debate on the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans)—That this bill be now read a second time.
Debate resumed.

Limitation of debate: The time allotted for the consideration of this bill expired.

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

The Senate divided—

AYES, 36

Senators—

Bilyk
Bishop
Brown, Carol
Cameron
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Evans
Farrell
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ladlam
Ladwig
Lundy
Madigan
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Waters
Wright
Question agreed to.

Bill read a second time.

The following amendment circulated by the Opposition was considered:

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

2. Schedule 1, items 1 to 93
   A day or days to be fixed by Proclamation.
   However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

2A. Schedule 1, items 94 and 94A
   1 January 2014.

2B. Schedule 1, items 95 to 104
   A day or days to be fixed by Proclamation.
   However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Abetz
Back
Bernardi
Boswell
Boyce
Brandis
Bushby (Teller)
Cash

Colbeck
Cormann
Edwards
Eggleston
Fifield
Fisher
Heffernan
Humphries

Joyce
Kroger
Macdonald
Mason
McKenzie
Nash
Parry
Payne

Ronaldson
Ryan
Scullion
Sinodinos
Williams
Xenophon

Senators—

Abetz
Back
Bernardi
Boswell
Boyce
Brandis
Bushby
Cash

Colbeck
Cormann
Edwards
Eggleston
Fifield
Fisher
Heffernan
Humphries

Joyce
Kroger
Macdonald
Mason
McKenzie
Nash
Parry
Payne

Ronaldson
Ryan
Scullion
Sinodinos
Williams
Xenophon
2316

No. 85—20 March 2012

NOES, 35

Senators—

Bilyk
Bishop
Brown, Carol
Cameron
Collins
Conroy
Crossin
Di Natale
Evans

Farrell
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludham
Ludwig
Lundy

Madigan
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon

Siewert
Singh
Stephens
Sterle
Thistlethwaite
Unquhart
Waters
Wright

Question negatived.

The following amendment circulated by the Opposition was considered:

Schedule 1, items 94 and 94A, page 48 (line 19) to page 50 (line 10), omit the items, substitute:

94 Sections 73 and 73A

Repeal the sections.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 29

Senators—

Abetz
Back
Bernardi
Boswell
Boyce
Brandis
Bushby
Cash

Colbeck
Edwards
Eggleston
Fifield
Fisher
Heffernan
Humphries
Joyce

Kroger
Macdonald
Mason
McKenzie
Nash
Parry
Payne
Ronaldson

Ryan
Scullion
Sinodinos
Williams (Teller)
Xenophon

NOES, 35

Senators—

Bilyk
Bishop
Brown, Carol
Cameron
Collins
Conroy
Crossin
Di Natale
Evans

Farrell
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludham
Ludwig
Lundy

Madigan
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon

Siewert
Singh
Stephens
Sterle
Thistlethwaite
Unquhart
Waters
Wright

Question negatived.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.
No. 85—20 March 2012

The Senate divided—

**AYES, 35**

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**NOES, 29**

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Question agreed to.

Bill read a third time.

**26 HIGHER EDUCATION SUPPORT AMENDMENT BILL (NO. 1) 2012**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time.

Debate resumed.

*Limitation of debate:* The time allotted for the consideration of this bill expired.

Question—that this bill be now read a second time—put and passed.

Bill read a second time.

Question—that Schedule 1, items 2 and 4 stand as printed—put.

The Senate divided—

**AYES, 36**

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Items agreed to.

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

Bill read a third time.

27 ROAD SAFETY REMUNERATION BILL 2012
ROAD SAFETY REMUNERATION (CONSEQUENTIAL AMENDMENTS AND RELATED PROVISIONS) 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, 40

Senators—

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

Di Natale Evans Farrell Faulkner Feeney Furner Gallacher Hanson-Young Hogg Laidlam

Lundy Madigan Marshall McEwen McLucas Milne Moore Polley (Teller) Pratt Rhiannon

Sherry Siewert Singh Stephens Sterle Thistlethwaite Urquhart Waters Wright

NOES, 32

Senators—

Abetz Back Bernardi Boswell Boyce Brandis Bushby Cash

Colbeck Cormann Edwards Eggleston Fawcett Fierravanti-Wells Fifield Fisher

Heffernan Humphries Kroger Joyce Macdonald Mason McKenzie

Nash Parry Johnston Payne Ronaldson Ryan Scullion Sinodinos Williams

Question agreed to.

Bills read a second time.
Question—That the remaining stages of these bills be agreed to and these bills be now passed—put.

The Senate divided—

AYES, 40

Senators—

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Question agreed to.

Bills read a third time.

28 CRIMES LEGISLATION AMENDMENT (POWERS AND OFFENCES) BILL 2012

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Defence (Senator Feeney)—That this bill be now read a second time.

Debate resumed.

Limitation of debate: The time allotted for the consideration of this bill expired.

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

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

Bill read a third time.

After 10.30 pm—

29 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 11.12 pm till Wednesday, 21 March 2012 at 9.30 am.
30 ATTENDANCE
Present, all senators except Senators Adams* and Birmingham* (* on leave).

ROSEMARY LAING
Clerk of the Senate