THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 86

WEDNESDAY, 21 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 DOCUMENT**

The following document was tabled:


3 **POLITICS—AUSTRALIAN GREENS—PROPOSED SUSPENSION OF STANDING ORDERS**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent him moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to comments concerning the Australian Greens.

_Closure_: The Leader of the Opposition in the Senate (Senator Abetz) moved—that the question be now put.

Question—that the question be now put—put.

The Senate divided—

**AYES, 44**

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**NOES, 9**

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Question agreed to.

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

The Senate divided—

**AYES, 9**

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NOES, 36

Senators—
Back Edwards Lundy Ronaldson
Bernardi Fawcett Macdonald Ryan
Boswell Feeney Madigan Scullion
Brandis Fifield McEwen (Teller) Sherry
Bushby Furner McKenzie Singh
Cameron Gallacher Moore Sinodinos
Cash Johnston Nash Stephens
Collins Joyce Parry Thistlethwaite
Cormann Kroger Pratt Urquhart

Question negatived.

4 INDIRECT TAX LAWS AMENDMENT (ASSESSMENT) BILL 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 the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

5 FAIR WORK AMENDMENT (TEXTILE, CLOTHING AND FOOTWEAR INDUSTRY) BILL 2011 [2012]
Order of the day read for the adjourned debate on the motion of the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)—That this bill be now read a second time.

Debate resumed.

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, 38

Senators—
Bilyk Farrell Marshall Singh
Bishop Faulkner McEwen Stephens
Brown, Bob Feeney McLucas Sterle
Brown, C (Teller) Furner Milne Thistlethwaite
Cameron Gallacher Moore Urquhart
Carr, Bob Hanson-Young Polley Waters
Collins Hogg Pratt Wright
Conroy Ladam Rhiannon Xenophon
Crossin Lundy Sherry
Di Natale Madigan Siewert
NOES, 30

Senators—
Abetz
Back
Bernardi
Birmingham
Boswell
Boyce
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fifield
Fisher
Heffernan
Humphries
Johnston
Kroger
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ryan
Sinodinos
Williams (Teller)

Question agreed to.
Bill read a second time.

Explanatory memorandum: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

The following amendments circulated by the Opposition were negatived:

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

2. Schedule 1
1 January 2013.

Schedule 1, item 61, page 25 (after line 12), at the end of Division 5 of Part 6-4A, add:

789EB  TCF outworkers not to be worse off

(1) This Part applies in relation to a TCF outworker only to the extent to which, in a particular respect, the outworker would not be worse off.

(2) A reference in subsection (1) to this Part includes a reference to any regulations made for the purposes of this Part.

(3) The regulations may prescribe:
(a) what a particular respect is for the purposes of subsection (1); or
(b) the circumstances in which a TCF outworker would or would not be worse off for the purposes of subsection (1).

The following amendments circulated by the Government were agreed to:

Schedule 1, page 3 (after line 25), after item 4, insert:

4A Section 12

Insert:

apparent indirectly responsible entity: see subsection 789CC(2).

Schedule 1, item 61, page 14 (line 15), omit “engaged”, substitute “engages”.

Schedule 1, item 61, page 14 (lines 25 and 26), omit “for the purpose of a contract for the provision of services (rather than as an employee)”, substitute “other than as an employee”.

Schedule 1, item 61, page 16 (line 19), omit “instrument; and”, substitute “instrument.”.

Schedule 1, item 61, page 16 (lines 20 and 21), omit paragraph 789CA(1)(d).
Schedule 1, item 61, page 17 (line 27), omit “Subject to subsection (2), each”, substitute “Each”.

Schedule 1, item 61, page 17 (lines 30 to 33), omit subsection 789CB(2).

Schedule 1, item 61, page 18 (line 4), omit “subsection (5)”, substitute “subsection 789CE(1A)”.

Schedule 1, item 61, page 18 (lines 6 to 14), omit subsection 789CB(5).

Schedule 1, item 61, page 18 (line 15) to page 20 (line 3), omit sections 789CC and 789CD, substitute:

789CC Demand for payment from an apparent indirectly responsible entity

(1) The TCF outworker, or a person acting on behalf of the outworker, may give an apparent indirectly responsible entity a written demand for payment of the amount that the outworker reasonably believes the entity is liable for under section 789CB.

(2) An entity is an apparent indirectly responsible entity in relation to the TCF work if the TCF outworker reasonably believes that the entity is an indirectly responsible entity in relation to the TCF work.

(3) The demand must:
   (a) specify the amount, and identify the responsible person; and
   (b) include particulars of the TCF work to which the amount relates, and why the amount is payable by the entity to which the demand is given; and
   (c) state that if the specified amount is not paid by a specified time, proceedings may be commenced against the entity under section 789CD.

(4) The time specified for the purpose of paragraph (3)(c) must not be less than 14 days after the demand is given to the indirectly responsible entity.

789CD Court order for entity to pay amount demanded

(1) If:
   (a) in accordance with section 789CC, an apparent indirectly responsible entity has been given a demand for payment of a specified amount; and
   (b) the amount has not been paid in full by the time specified in the demand;
   a person or organisation specified in subsection (2) (the applicant) may commence proceedings for an order requiring the entity to pay the specified amount.

(2) The proceedings may be commenced:
   (a) by the TCF outworker; or
   (b) on the TCF outworker’s behalf, by:
      (i) an organisation that is entitled to represent the industrial interests of the outworker; or
      (ii) an inspector.

(3) The proceedings may be commenced in:
   (a) the Federal Court; or
   (b) the Federal Magistrates Court; or
   (c) an eligible State or Territory court.
Subject only to subsections (5) and (6), the court may make an order requiring the entity to pay, to the outworker or to another person on the outworker’s behalf, the specified amount (or so much of that amount as the applicant alleges is still owing).

The court must not make an order under subsection (4) if the entity satisfies the court that the entity is not liable under section 789CB to pay any of the specified amount.

If the entity satisfies the court that the amount of the entity’s liability under section 789CB is less than the specified amount (or is less than so much of that amount as the applicant alleges is still owing), the court must not make an order under subsection (4) requiring the entity to pay more than that lesser amount.

In making the order, the court must, on application, include an amount of interest in the sum ordered, unless good cause is shown to the contrary.

Without limiting subsection (7), in determining the amount of interest, the court must take into account the period between the day when the unpaid amount was due for payment by the responsible person and the day when the order is made.

Proceedings cannot be commenced under this section more than 6 years after the time when the unpaid amount became due for payment by the responsible person.

Schedule 1, item 61, page 20 (lines 4 and 5), omit the heading to section 789CE, substitute:

789CE Effect of payment by entity (including entity’s right to recover from responsible person)

Schedule 1, item 61, page 20 (lines 6 to 9), omit subsection 789CE(1), substitute:

(1) This section applies if an entity pays an amount in discharge of a liability of the entity under section 789CB, or pursuant to an order under section 789CD.

(1A) The payment discharges the liability of the responsible person for the unpaid amount, to the extent of the payment. This does not affect any right that the entity has to recover an equivalent amount from the responsible person (under this section or otherwise) or from another person, or to be otherwise indemnified in relation to the making of the payment.

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

Bill read a third time.

6 Broadcasting Services Amendment (Regional Commercial Radio) Bill 2011 [2012]

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

Debate resumed.

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.

The following amendments circulated by the Government were agreed to:
  Schedule 1, page 3 (line 4), omit the heading.
  Schedule 1, item 1, page 3 (lines 5 to 17), omit the item.
  Schedule 1, items 10 to 12, page 6 (line 30) to page 8 (line 9), omit the items.

Question—That the remaining stages of this bill be agreed to and this bill, as amended, be now passed—put and passed.
Bill read a third time.

7 **INSURANCE CONTRACTS AMENDMENT 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 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.

8 **EXCISE AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011**
**CUSTOMS AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011**
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 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 and passed.
Bills read a second time.

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

9 **TELECOMMUNICATIONS UNIVERSAL SERVICE MANAGEMENT AGENCY BILL 2011**
A message from the House of Representatives was reported indicating that the House had made the amendments requested by the Senate to the following bill:

On the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) the bill was read a third time.

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*At 12.45 pm—*
10 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

11 QUESTIONS

Questions without notice were answered.

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

Environment—Murray River—Graph of historical water diversions from 1920 to 2010.

Further questions without notice were answered.

12 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 Cormann, Joyce and Edwards today relating to the carbon tax.

Debate ensued.

Question put and passed.

Senator Ludlam moved—That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice asked by Senator Ludlam today relating to United States of America marines and training exercises in Australia.

Question put and passed.

13 PETITION

The following petition, lodged with the Clerk by Senator Kroger, was received:

From 658 petitioners, requesting that the Senate call on the Prime Minister to hold a general election.

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

14 NOTICES

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Broadcasting Services Act 1992, and for other purposes. *Broadcasting Services Amendment (Anti-siphoning) Bill 2012.*

The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the National Water Commission Act 2004, and for related purposes. *National Water Commission Amendment Bill 2012.*

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

(a) notes:

(i) that a crackdown by over 6 000 police on non-violent anti-nuclear power protestors, including arrests for sedition and the prohibition on people congregating, occurred at the construction site of a nuclear reactor near the fishing village of Koodankulam in south India on 19 March and 20 March 2012,

(ii) that 20 000 people gathered on 20 March 2012 with thousands on an indefinite hunger strike until the non-violent protestors are released,

(iii) a growing mass movement in India opposed to nuclear power includes protests in Jaitapur, Maharashtra and Gorakhpur, Haryana,

(iv) the sale of uranium to India while that country refuses to sign the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) would be illegal under the Treaty of Rarotonga, signed by the Australian Government in 1985,

(v) the 1998 United Nations Security Council resolution 1172 ‘encourages all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect’, and

(vi) the Nuclear Security Summit will be held on 26 March and 27 March 2012 in South Korea; and

(b) calls on the Government to utilise all diplomatic channels to:

(i) protest the Indian Government’s unprecedented deployment of police around Koodankulam and the harassment of peaceful protestors as inconsistent with the democratic right to peaceful protest,

(ii) caution the Indian Government against loading uranium fuel rods into the reactor at Koodankulam without conducting any safety or evacuation drills, mandatory exercises under the Indian Atomic Energy Regulatory Board rules,

(iii) promote the independence of nuclear regulators from industry and government as best international practice, and

(iv) not sell uranium to countries that stand outside the NPT and its associated safeguards system. (general business notice of motion no. 726)
Senator Singh: To move on the next day of sitting—That the Senate—

(a) affirms its support for:

(i) the goal of a world free of nuclear weapons, and
(ii) the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the essential foundation for the achievement of nuclear disarmament and the cornerstone of the nuclear non-proliferation regime;

(b) notes:

(i) ratification by the United States and Russia of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms [New START] on 5 February 2011,
(ii) unilateral nuclear arsenal reductions announced by France and the United Kingdom,
(iii) the strong working relationship between Australia and Japan on issues of non-proliferation and disarmament, including more recently by establishing the Non-Proliferation and Disarmament Initiative to take forward the 2010 NPT Review Conference outcomes, and
(iv) the unanimous views presented by the Joint Standing Committee on Treaties in Report 106: Nuclear Non-Proliferation and Disarmament; and

(c) calls for:

(i) further cuts in all categories of nuclear weapons and a continuing reduction of their roles in national security policies,
(ii) states outside the NPT to join the treaty as non-nuclear weapon states,
(iii) ratification of the Comprehensive Nuclear-Test-Ban Treaty by all states yet to do so,
(iv) the immediate commencement and early conclusion of negotiations for a verifiable treaty banning the production of fissile material for weapons purposes,
(v) stronger international measures to address serious NPT non-compliance issues,
(vi) Iran, Syria and the Democratic People’s Republic of Korea to cooperate fully with the International Atomic Energy Agency (IAEA) and to comply with United Nations Security Council resolutions,
(vii) political and financial support for a strengthened IAEA safeguards regime, including universalisation of the Additional Protocol,
(viii) further investigation of the merits and risks of nuclear fuel cycle multilateralisation,
(ix) exploration of legal frameworks for the abolition of nuclear weapons, including the possibility of a nuclear weapons convention, as prospects for multilateral disarmament improve,
(x) efforts to establish a Middle East zone free from weapons of mass destruction and their delivery systems, freely arrived at by all regional states, and
(xi) efforts to reduce the threat of nuclear terrorism within the framework of the IAEA and the Nuclear Security Summits. (general business notice of motion no. 727)
Senator Siewert: To move on the next day of sitting—That the Senate—

(a) notes that in 2008 the Government and the Aboriginal and Torres Strait Islander peoples of Australia signed the Closing the Gap Statement of Intent; and

(b) acknowledges that it is too early to accurately measure progress but calls on all parties to reaffirm commitment to its objectives:

(i) To developing a comprehensive, long-term plan of action, that is targeted to need, evidence-based and capable of addressing the existing inequities in health services, in order to achieve equality of health status and life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians by 2030.

(ii) To ensuring primary health care services and health infrastructure for Aboriginal and Torres Strait Islander peoples which are capable of bridging the gap in health standards by 2018.

(iii) To ensuring the full participation of Aboriginal and Torres Strait Islander peoples and their representative bodies in all aspects of addressing their health needs.

(iv) To working collectively to systematically address the social determinants that impact on achieving health equality for Aboriginal and Torres Strait Islander peoples.

(v) To building on the evidence base and supporting what works in Aboriginal and Torres Strait Islander health, and relevant international experience.

(vi) To supporting and developing Aboriginal and Torres Strait Islander community-controlled health services in urban, rural and remote areas in order to achieve lasting improvements in Aboriginal and Torres Strait Islander health and wellbeing.

(vii) To achieving improved access to, and outcomes from, mainstream services for Aboriginal and Torres Strait Islander peoples.

(viii) To respect and promote the rights of Aboriginal and Torres Strait Islander peoples, including by ensuring that health services are available, appropriate, accessible, affordable, and of good quality.

(ix) To measure, monitor, and report on our joint efforts, in accordance with benchmarks and targets, to ensure that we are progressively realising our shared ambitions. (general business notice of motion no. 728)

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

(a) recognises that Buckingham Palace has issued two official portraits to mark the Diamond Jubilee of the ascension to the throne of Her Majesty Queen Elizabeth II, Queen of Australia;

(b) is concerned that these portraits are not available for members and senators of the Australian Parliament to distribute to organisations in their electorates under the Department of Finance and Deregulation’s Constituents’ Request Program; and
calls on the Government to expand the Constituents’ Request Program to include access to these official portraits of Her Majesty and the Duke of Edinburgh in their Diamond Jubilee year, and to so enable members and senators of the Australian Parliament to share with organisations in their community images of Australia’s Head of State. (general business notice of motion no. 729)

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

(a) notes that:

(i) up to 90 per cent of marine life within the Great Australian Bight is found nowhere else on Earth,
(ii) the Great Australian Bight is an important feeding and migration area to approximately 30 species of whales and dolphins, including sperm whales, beaked whales, southern right whales and the critically endangered blue whale, and
(iii) less than 1 per cent of this area is protected from oil and gas operations;

(b) recognises that:

(i) over the past 3 years, the Government has progressively opened up more areas in the Great Australian Bight to oil and gas exploration,
(ii) BP holds four oil and gas exploration leases in the Great Australian Bight, the boundaries of which overlap with the Great Australian Bight Marine Park,
(iii) BP is currently conducting seismic testing in marine park areas to explore for oil and gas, and such testing is moving into known whale feeding regions,
(iv) grave concerns have been expressed by a number of environmental groups about the risks associated with seismic testing occurring too close to whales, including organ and lung damage, hearing damage and haemorrhaging, which can result in death, and
(v) the Great Australian Bight is an iconic and globally significant area for marine life and its unique ecology and environment must be protected and preserved for the benefit of future generations; and

(c) calls on the Government to:

(i) prioritise the protection and preservation of marine life in the Great Australian Bight by creating a network of large marine sanctuaries,
(ii) impose a moratorium on the issuing of oil and gas leases in the Great Australian Bight until after final decisions have been made regarding the establishment of marine sanctuaries in the Great Australian Bight through the Commonwealth marine bioregional planning process, and
(iii) prohibit night-time seismic testing and require the mandatory use of passive acoustic technology when conducting such testing in the Great Australian Bight. (general business notice of motion no. 730)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Access to Justice (Federal Jurisdiction) Amendment Bill 2011 be extended to 29 March 2012. (general business notice of motion no. 731)
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 Thursday, 22 March 2012, from 5 pm. (general business notice of motion no. 732)

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

(a) notes that in the past 6 months since the Greens motion for a moratorium on coal seam gas mining was first defeated in the Senate, the urgent concerns of farmers, landholders and regional communities regarding the risks posed by the runaway coal seam gas industry have not been addressed;

(b) notes that the recent Senate inquiry into the impacts of coal seam gas mining in the Murray Darling Basin heard compelling evidence that regional communities are suffering many negative impacts from the operations of coal seam gas mining companies; and

(c) calls on the Government to implement an immediate moratorium on any new coal seam gas approvals until the long-term impacts of the industry on groundwater, agriculture, rural communities, threatened species, the climate and the Great Barrier Reef are known. (general business notice of motion no. 733)

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

(a) notes that:

(i) a recent Galaxy poll found 88 per cent of Queenslanders oppose offshore dumping of dredge spoil in the Great Barrier Reef World Heritage Area, and

(ii) the Government has approved offshore dumping of over 22 million cubic metres of dredge spoil in the Great Barrier Reef World Heritage Area in the past 5 years; and

(b) calls on the Government to stop approving offshore dumping in the Great Barrier Reef World Heritage Area. (general business notice of motion no. 734)

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

(a) notes that:

(i) 22 March 2012 is World Water Day – a day to acknowledge that the world has now met the Millennium Development Goal target for drinking water, and 2 billion people have gained access to drinking water since 1990,

(ii) around 800 million people still live without access to drinking water and that 2.5 billion people, which is 37 per cent of the world’s population, still live without access to basic sanitation,

(iii) the Millennium Development Goal target for sanitation will not be met,

(iv) 2.5 million children die each year as a result of unclean water and poor sanitation, and that diarrhoea is the leading cause of death in Africa and the second leading cause of child death globally,

(v) access to clean water and sanitation are the foundation for progress on other development outcomes, especially child health and education, and

(vi) the high level meeting of the Sanitation and Water for All partnership will take place on 20 April 2012 in Washington; and
calls on the Government to:

(i) continue and increase aid funding for water and sanitation, with a special emphasis on investing in sanitation, in the 2012-13 budget and beyond, and

(ii) support the work of the Sanitation and Water for All partnership and other initiatives to bring an end to this global crisis. (general business notice of motion no. 735)

Senator Rhiannon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Export Control Act 1982 to prohibit the export of live animals for slaughter, and for related purposes. Live Animal Export (Slaughter) Prohibition Bill 2012. (general business notice of motion no. 736)

The Leader of The Nationals in the Senate (Senator Joyce) and Senators Nash, Scullion, Boswell, McKenzie and Williams: To move on the next day of sitting—That the Senate notes:

(a) Wednesday, 28 March 2012 marks 100 years since the formation of the Farmers and Settlers’ Association in Western Australia;

(b) the Farmers and Settlers’ Association formed the Country Party, which in turn became the National Party;

(c) the party has served on the Federal Government benches longer than any other political party in Australia’s history;

(d) that the party has produced three Prime Ministers in Sir Earle Page, Sir Arthur Fadden and Sir John McEwen; and

(e) The Nationals have an outstanding record of delivery for regional Australia. (general business notice of motion no. 737)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): 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 References Committee on operational issues in export grain networks be extended to 12 April 2012. (general business notice of motion no. 738)

Senator Xenophon: To move on the next day of sitting—That the Senate notes that South Australia has substantially adhered to River Murray extraction caps since 1968, whereas other states in the Murray Darling Basin have increased extractions by at least 3 000 gigalitres. (general business notice of motion no. 739)

The Leader of The Nationals in the Senate (Senator Joyce) and Senator Birmingham: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Murray-Darling Basin Authority (MDBA) has modelled the average annual inflows into the Murray Darling Basin (MDB) at 31 599 gigalitres,

(ii) the modelling of these inflows covers a 114 year period from 1895 to 2009,

(iii) the MDBA has not used the past 2 years of data on inflows in calculating the average inflows into the MDB as listed in the draft basin plan,

(iv) the past 2 years have seen record rainfall in the Murray Darling,
(v) the MDBA has acknowledged that including the 2010-12 river inflow data would change inflow calculations by 0.13 per cent or 32 gigalitres of water, and

(vi) the MDBA has stated that ‘long term average inflows do not simply translate into estimates of sustainable diversion limits’;

(b) calls on the Government to ensure that the final basin plan is based on the most up-to-date data and the best available science consistent with the requirements of the Water Act 2007; and

(c) orders that there be laid on the table by 16 April 2012:

(i) annual data on the modelled inflows into the Murray Darling from 1895 to 2011,

(ii) any MDBA advice and assessments about how this data is used to calculate sustainable diversion limits,

(iii) any MDBA advice about how historical usage in different regions has been used to calculate sustainable diversion limits, and

(iv) any other information held by the Government which explains the methodology used in formulating modelled inflows. (general business notice of motion no. 740)

Senators Di Natale, Madigan and Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the regulation of poker machines to reduce the harm of problem gambling, and for related purposes. 

Poker Machine Harm Reduction (S1 Bets and Other Measures) Bill 2012. (general business notice of motion no. 741)

The Chair of the Standing Committee for the Scrutiny of Bills (Senator Macdonald): To move on the next day of sitting—That the time for the presentation of the report of the Standing Committee for the Scrutiny of Bills on the future direction and role of the committee be extended to 9 May 2012. (general business notice of motion no. 742)

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012
Family Assistance and Other Legislation Amendment Bill 2012
Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012
Social Security and Other Legislation Amendment (Disability Support Pension Participation Reforms) Bill 2012.

Documents: Senator Collins tabled the following documents:

15 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on biosecurity and quarantine arrangements be extended to 4 April 2012.

Question put and passed.

16 **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, by leave and on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, moved—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm.

Question put and passed.

17 **POSTPONEMENTS**

The following items of business were postponed:

- Business of the Senate notice of motion no. 1 standing in the name of Senator Cormann for today, proposing a reference to the Economics Legislation Committee, postponed till 22 March 2012.
- Business of the Senate notice of motion no. 2 standing in the name of Senator Boswell for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 22 March 2012.

18 **HEALTH INSURANCE (DENTAL SERVICES) BILL 2012 [NO. 2]**

Senator Bushby, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 710—That the following bill be introduced:

A Bill for an Act to provide for equity in relation to the provision of certain dental services, and for related purposes.

Question put and passed.

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

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

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Debate adjourned till the next day of sitting, Senator Bushby in continuation.
19 **FAMILY AND COMMUNITY SERVICES—WORLD DOWN SYNDROME DAY**
Senator Boyce, also on behalf of Senators Carol Brown, Siewert and Fifield, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 718—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.

Question put and passed.

20 **FOREIGN AFFAIRS—SRI LANKA**
Senator Rhiannon, also on behalf of Senator Humphries and the Minister for Foreign Affairs (Senator Bob Carr), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 719—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.

Question put and passed.

21 HEALTH—CHRONIC DISEASE DENTAL SCHEME

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 721—That the Senate—

(a) notes that:
   (i) Medicare has completed audits of 89 dentists who accessed the Chronic Disease Dental Scheme,
   (ii) of the completed audits, only 12 were found to be for the non-provision of claimed services,
   (iii) 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.

Statements by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), Senator Di Natale and the Leader of the Opposition in the Senate (Senator Abetz), by leave, made statements relating to the motion.

Question put and passed.

22 EMPLOYMENT—CENTRAL COAST GROUP TRAINING—YOUTH SKILLS AND EMPLOYMENT CENTRE—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Fierravanti-Wells, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 706—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 Thursday, 22 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

(b) letter from Mr Thomson to the Minister for School Education, Early Childhood and Youth dated 20 July 2011 re. CCGT and attachments thereto.

Question put.
The Senate divided—

AYES, 31

Senators—

Abetz
Back
Bernardi
Birmingham
Boswell
Boyce
Brandis
Buahby

Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield

Johnston
Joyce
Kroger (Teller)
Macdonald
Madigan
Mason
McKenzie
Nash

Parry
Payne
Ronaldson
Ryan
Scullion
Williams
Xenophon

NOES, 35

Senators—

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

Farrell
Faulkner
Feeley
Furner
Gallacher
Hanson-Young
Hogg
Ladlam
Lundy

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

Siewert
Singh
Stephens
Sterle
Thistlethwaite
Urquhart
Waters
Wright

Question negatived.

Proposed suspension of standing orders: Senator Fierravanti-Wells, at the request of the Leader of the Opposition in the Senate (Senator Abetz) and pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent Senator Abetz moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the Government’s failure to provide documents concerning the construction of a new Youth Skills and Employment Centre for the Central Coast.

At 4 pm: Pursuant to order, debate was interrupted while Senator Fierravanti-Wells was speaking.

23 Australian Research Council Amendment Bill 2011

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.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

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

Question—that the bill be agreed to—put and passed.

Bill to be reported without amendment.
The Deputy President (Senator Parry) resumed the chair and the Chair of Committees reported accordingly.

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.

24 **FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 1) 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.

Question put and passed.

Bill read a second time.

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

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**In the committee**

Bill, taken as a whole by leave, debated.

Question—That the bill be agreed to—divided, at the request of Senator Cormann, in respect of Schedule 4, items 10 and 13.

Question—That Schedule 4, items 10 and 13 stand as printed—put.

The committee divided—

**AYES, 35**

Senators—

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**NOES, 30**

Senators—

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Items agreed to.

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

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

Bill to be reported without amendment.
The Deputy President (Senator Parry) resumed the chair and the Chair of Committees reported accordingly.

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

The Senate divided—

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Question agreed to.
Bill read a third time.

25 **APPROPRIATION BILL (NO. 3) 2011-2012**

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 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 and passed.

Bills read a second time.

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

Bills read a third time.
26 **ISSUES FROM THE ADVANCES UNDER THE ANNUAL APPROPRIATION ACTS— REPORT FOR 2010-11**

Order of the day read for the consideration of the issues from the advances in committee of the whole.

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*In the committee*

The Parliamentary Secretary to the Prime Minister (Senator McLucas) moved—That the committee approves the issues from the advances under the annual Appropriation Acts as a final charge for the year ended 30 June 2011.

Question put and passed. Resolution to be reported.

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

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

27 **SOCIAL SECURITY LEGISLATION AMENDMENT BILL 2011
STRONGER FUTURES IN THE NORTHERN TERRITORY BILL 2012
STRONGER FUTURES IN THE NORTHERN TERRITORY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2011**

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 these bills be now read a second time.

Debate resumed.  
*At 7.20 pm: Debate was interrupted while Senator Moore was speaking.*

28 **ADJOURNMENT**

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

The Senate adjourned at 7.58 pm till Thursday, 22 March 2012 at 9.30 am.

29 **ATTENDANCE**

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

Rosemary Laing  
Clerk of the Senate

Printed by authority of the Senate