THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 88

TUESDAY, 8 MAY 2012

Contents

1 Meeting of Senate ................................................................. 2386
2 Death of Senator Judith Anne Adams ........................................ 2386
3 Vacancy in the Representation of Western Australia—Choice of Dean
   Anthony Smith .......................................................................... 2386
4 Death of Senator Judith Anne Adams ........................................ 2387
5 Death of Former Member the Honourable Lionel Frost Bowen, AC .... 2387
6 Notices ...................................................................................... 2387
7 Adjournment as Mark of Respect ................................................. 2391
8 Attendance ................................................................................ 2391
1 **MEETING OF SENATE**

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

2 **DEATH OF SENATOR JUDITH ANNE ADAMS**

The President informed the Senate of the death, on 31 March 2012, of Senator Judith Anne Adams and indicated that a condolence motion would be moved at a later hour.

3 **VACANCY IN THE REPRESENTATION OF WESTERN AUSTRALIA—CHOICE OF DEAN ANTHONY SMITH**

The President advised the Senate that, pursuant to section 21 of the Constitution, he had notified the Governor of Western Australia that there was a vacancy in the representation of that state.

---

*Document:* The President tabled the following document:

Vacancy in the representation of Western Australia—Letter from the President of the Senate to the Governor of Western Australia (His Excellency Malcolm McCusker, AC, CVO, QC), dated 2 April 2012.

---

The President further announced that he had received, through the Governor-General, from the Governor of Western Australia, a copy of the certificate of the choice by the Parliament of Western Australia of Dean Anthony Smith as a senator to fill the vacancy caused by the death of Senator Adams.

The President tabled the copy of the certificate as follows:

Government House
Western Australia

His Excellency Mr Malcolm McCusker AC CVO QC
Governor of Western Australia

4 May 2012
Her Excellency Ms Quentin Bryce AC
Governor-General of the Commonwealth of Australia
Government House
Dunrossil Drive
YARRALUMLA ACT 2600
Your Excellency

I have the honour to inform you that the President of the Legislative Council of Western Australia has advised me in the following terms:

“MAY IT PLEASE YOUR EXCELLENCY

With reference to Your Excellency’s Message to Parliament enclosing copy of a notification from the Honourable the President of the Senate of the Commonwealth, that a vacancy had happened in the representation of Western Australia in the Senate of the Commonwealth, I do myself the honour to inform you that at a joint sitting of the Houses of Parliament of the state of Western Australia, held at Perth on the 2nd day of May 2012, the members of such Houses sitting and voting together, in pursuance of Section 15 of the
Commonwealth of Australia Constitution Act, did choose Mr Dean Anthony
Smith, former business partner, of 186 Seventh Avenue, Inglewood, Western
Australia to hold the place vacated by Senator Judith Adams.”

Yours sincerely
Malcolm McCusker
Governor.

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

4 DEATH OF SENATOR JUDITH ANNE ADAMS
The Leader of the Opposition in the Senate (Senator Abetz), by leave, moved—That
the Senate records its deep regret at the death, on 31 March 2012, of Senator Judith
Anne Adams, senator for Western Australia, places on record its appreciation of her
long and meritorious public service and tenders its profound sympathy to her family in
their bereavement.

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

5 DEATH OF FORMER MEMBER THE HONOURABLE LIONEL FROST BOWEN, AC
The President informed the Senate of the death, on 1 April 2012, of the Honourable
Lionel Frost Bowen, AC, a former Deputy Prime Minister, minister and member of the
House of Representatives for the division of Kingsford-Smith from 1969 to 1990.

Senator Faulkner, by leave and at the request of the Leader of the Government in the
Senate (Senator Evans), moved—That the Senate records its deep regret at the death,
on 1 April 2012, of the Honourable Lionel Frost Bowen, AC, former member for
Kingsford-Smith, 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.

6 NOTICES
The Chair of the Rural and Regional Affairs and Transport References Committee
(Senator Heffernan): To move on the next day of sitting—That the Rural and Regional
Affairs and Transport References Committee be authorised to hold a public meeting
during the sitting of the Senate on Wednesday, 9 May 2012, from 5 pm, to take
evidence for the committee’s inquiry into the Foreign Investment Review Board
national interest test. (general business notice of motion no. 744)

The Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator
Nash): To move on the next day of sitting—That the Parliamentary Joint Committee
on Law Enforcement be authorised to hold a private meeting otherwise than in
accordance with standing order 33(1), including a private briefing, during the sitting of
the Senate on 9 May 2012, from 5.30 pm to 7 pm. (general business notice of motion
no. 745)
The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 9 May 2012, from 5 pm, to take evidence for the committee’s inquiry into the approval and monitoring of Poly Implant Prothese (PIP) breast implants. (general business notice of motion no. 746)

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

(a) notes:

(i) the national significance of celebrating the foundation of the centenary of Australia’s capital city,
(ii) the opportunity for tourists and local residents to experience historic, cultural, sports and entertainment events and exhibitions throughout the 2013 calendar year, and
(iii) the funding commitments made by both the Federal and Australian Capital Territory Governments for programs planned for the centenary celebrations in 2013; and

(b) calls on the Federal Government to ensure adequate funding to the Australian Capital Territory Government and the National Capital Authority to support the programs planned for the centenary celebrations. (general business notice of motion no. 747)

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

(a) reaffirms its commitment to increase overseas development assistance (ODA) to at least 0.5 per cent of gross national income (GNI) by 2015; and
(b) calls on the Government to implement a timetable for raising ODA to 0.7 per cent of GNI, the international aid target called for by the United Nations. (general business notice of motion no. 748)

Senator Hanson-Young: To move on 10 May 2012—That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 28 June 2012:

(a) whether any Indonesian minors are currently being held in Australian prisons, remand centres or detention centres where adults are also held, and the appropriateness of that detention;
(b) what information the Australian authorities possessed or had knowledge of when it was determined that a suspect or convicted person was a minor;
(c) whether there have been cases where information that a person is a minor was not put before the court;
(d) what checks and procedures exist to ensure that evidence given to an Australian authority or department about the age of a defendant/suspect is followed up appropriately;
(e) the relevant procedures across agencies relating to cases where there is a suggestion that a minor has been imprisoned in an adult facility; and
(f) options for reparation and repatriation for any minor who has been charged (contrary to current government policy) and convicted.
Senator Hanson-Young: To move on 19 June 2012—That there be laid on the table no later than 28 June 2012 by the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, the following:

(a) any draft or final legal advice regarding the Murray Darling Basin Draft Plan obtained by the department;

(b) any legal advice regarding the Murray Darling Basin Draft Plan obtained by another party and provided to the department;

(c) any draft or final legal advice that comments on whether the Murray Darling Basin Draft Plan is consistent with the Water Act 2007;

(d) any draft or final legal advice that comments on the constitutionality of the Murray Darling Basin Draft Plan; and

(e) any draft or final legal advice that comments on the prospects of a legal challenge to the Murray Darling Basin Draft Plan by an Australian state or territory. (general business notice of motion no. 749)

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

(a) the Senate calls on the Government to direct the Productivity Commission to inquire into Commonwealth funding of early childhood education and care, including the effectiveness and eligibility of the Child Care Rebate and Child Care Benefit, and the potential productivity gains of Commonwealth funded childcare options that are affordable, flexible and accessible and of high-quality; and

(b) the inquiry should cover all Commonwealth funding options and models for various types of care, including long-day care, in-home care, occasional care, family day care, outside school hours care and care for children with special needs. (general business notice of motion no. 750)

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That, subject to introduction in the House of Representatives, the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Family Assistance and Other Legislation Amendment (Schoolkids Bonus Budget Measures) Bill 2012, allowing it to be considered during this period of sittings.

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

(1) To ensure appropriate consideration of time critical bills by Senate committees, the provisions of all bills introduced into the House of Representatives after 10 May 2012 and up to and including 31 May 2012 that contain substantive provisions commencing on or before 1 July 2012 (together with the provisions of any related bill), are referred to committees for inquiry and report by 18 June 2012.

(2) The committee to which each bill is referred shall be determined in accordance with the order of 29 September 2010, as amended on 8 February 2012, allocating departments and agencies to standing committees.

(3) A committee to which a bill has been referred may determine, by unanimous decision, that there are no substantive matters that require examination and report that fact to the Senate.
(4) This order does not apply in relation to bills which contain:
   (a) no provisions other than provisions appropriating revenue or moneys (appropriation bills); and
   (b) commencement clauses providing only for the legislation to commence on Royal Assent.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—that consideration of the business before the Senate on Monday, 18 June 2012 be interrupted at approximately 5.30 pm, but not so as to interrupt a senator speaking, to enable Senator Smith to make his first speech without any question before the chair.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—that, on Thursday, 10 May 2012:
   (a) the routine of business from not later than 12.30 pm to 1.50 pm shall be consideration of the government business order of the day relating to the Family Assistance and Other Legislation Amendment (Schoolkids Bonus Budget Measures) Bill 2012;
   (b) the bill listed in paragraph (a) be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:
       commencing at 12.30 pm until 1.50 pm; and
   (c) paragraph (b) of this order shall operate as a limitation of debate under standing order 142.

Senator Ludlam: To move on the next day of sitting—that the Senate—
   (a) notes:
       (i) Burma’s National League for Democracy (NLD) won 43 of the 45 seats contested in the April 2012 by-election,
       (ii) Daw Aung San Suu Kyi and her NLD colleagues took their seats in the parliament on 2 May 2012,
       (iii) that, out of a total of 664 seats in the Burmese Parliament, the NLD holds 7 per cent, the military 25 per cent and the military-backed Union Solidarity and Development Party more than 50 per cent,
       (iv) despite ballot irregularities and intimidations revealing the election was not entirely free and fair, sanctions on Burma were eased by the Australian Government as an incentive for further reform,
       (v) the emphasis placed by the Minister for Foreign Affairs (Senator Bob Carr) on the reversibility of relaxed sanctions should reforms not progress,
       (vi) up to 1,000 political prisoners remain in Burmese jails,
       (vii) oil and gas revenues constitute the largest source of income for the regime, amounting to US$3 billion in the 2011-12 fiscal year, and
       (viii) Australia’s total two-way trade with Burma amounted to $93 million in 2010-11; and
   (b) calls on the Australian Government to:
       (i) ensure any normalisation of Australian trade and investment in Burma is reversible, and
(ii) adopt the United States of America model of normalising trade in sectors that will create jobs, build skills and have positive benefits for ordinary Burmese while maintaining sanctions on the mining and resource sectors that simply exploit Burma’s unique natural resources, cause systematic human rights violations, loss of livelihoods and force people from their homes. (general business notice of motion no. 751)

The Chair of the Standing Committee of Senators’ Interests (Senator Bernardi): To move on the next day of sitting—That the time for the presentation of the report of the Standing Committee of Senators’ Interests on the development of a draft code of conduct for senators be extended to 27 November 2012. (general business notice of motion no. 752)

7 Adjournment as Mark of Respect
The Parliamentary Secretary for Defence (Senator Feeney) moved—That, as a mark of respect to the memory of the late Senator Judith Anne Adams, the Senate do now adjourn.

The Senate adjourned at 5.30 pm till Wednesday, 9 May 2012 at 9.30 am.

8 Attendance
Present, all senators except Senators Bishop, Boyce*, Urquhart* and Wong (* on leave).

Rosemary Laing
Clerk of the Senate