THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 89

WEDNESDAY, 9 MAY 2012

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1 **MEETING OF SENATE**

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

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

- **Gene Technology Regulator**—Quarterly report for the period 1 October to 31 December 2011.
- **International Labour Organisation**—Submission report on ILO instruments: domestic workers convention, 2011 (No. 189); and domestic workers recommendation, 2011 (No. 201).
- **Medibank Private**—Statement of corporate intent 2011 to 2014.
- **Migration Act 1958**—Section 486O—Assessment of detention arrangements—Personal identifiers 674/12, 676/12, 678/12 to 680/12, 682/12, 684/12 to 686/12, 691/12 to 698/12, 700/12 to 702/12, 704/12, 705/12, 708/12, 712/12, 716/12, 719/12, 720/12, 729/12, 731/12, 743/12, 744/12, 753/12, 754/12, 762/12—Commonwealth Ombudsman’s reports.
- **Government response to Ombudsman’s reports.**
- **Treaties**—
  - **Bilateral**—Exchange of Notes, done at Canberra on 9 December 2011, constituting an Agreement between Australia and the United States of America to Amend and Extend the Agreement on Cooperation in Defense Logistics Support, done at Sydney on 4 November 1989—Text, together with national interest analysis.
- **List of multilateral treaty actions under negotiation, consideration or review by the Australian Government as at March 2012.**

3 **BUDGET STATEMENT AND DOCUMENTS 2012-13**

The Minister for Finance and Deregulation (Senator Wong) tabled the following documents:

- **The Budget 2012-13**—Statement by the Treasurer (Mr Swan), dated 8 May 2012.
- **Budget papers**—
  - No. 1—Budget strategy and outlook 2012-13.
  - No. 2—Budget measures 2012-13.
  - No. 3—Australia’s federal relations 2012-13.
  - No. 4—Agency resourcing 2012-13.
Ministerial statements—
Australia’s international development assistance program 2012-13: Helping the world’s poor: Implementing effective aid—Statement by the Minister for Foreign Affairs (Senator Bob Carr), dated 8 May 2012.
Continuing our efforts to close the gap—Statement by the Minister for Families, Community Services and Indigenous Affairs (Ms Macklin), dated 8 May 2012.
Securing a clean energy future: Implementing the Australian Government’s climate change plan—Statement by the Minister for Climate Change and Energy Efficiency (Mr Combet), dated 8 May 2012.
Stronger regions, stronger nation—Statement by the Minister for Regional Australia, Regional Development and Local Government (Mr Crean), dated 8 May 2012.

Senator Wong, by leave, moved—That the Senate take note of the statement and documents.
On the motion of Senator Wong the debate was adjourned till the next day of sitting.

4 PARTICULARS OF PROPOSED AND CERTAIN EXPENDITURE FOR 2012-13 AND PARTICULARS OF PROPOSED AND CERTAIN SUPPLEMENTARY EXPENDITURE FOR 2011-12—DOCUMENTS—REFERENCE OF ESTIMATES TO COMMITTEES

The Minister for Finance and Deregulation (Senator Wong) tabled the following documents:
Particulars of proposed expenditure in respect of the year ending on 30 June 2013.
Particulars of certain proposed expenditure in respect of the year ending on 30 June 2013.
Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2013.
Particulars of proposed supplementary expenditure in respect of the year ending on 30 June 2012.
Particulars of certain proposed supplementary expenditure in respect of the year ending on 30 June 2012.

Senator Wong, by leave, moved—That the particulars documents be referred to legislation committees for consideration of the estimates.
Question put and passed.

5 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, by leave and at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron), moved—That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 11.10 am.
Question put and passed.
6 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, by leave and on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, moved—that the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate today, from 11 am to 2 pm, to take evidence for the committee’s inquiry into the Illegal Logging Prohibition Bill 2011.

Question put and passed.

7 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (DISABILITY SUPPORT PENSION PARTICIPATION REFORMS) 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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas) the bill was read a third time.

8 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—that intervening business be postponed till after consideration of government business order of the day no. 2 (Social Security and Other Legislation Amendment (Income Support and Other Measures) Bill 2012).

Question put and passed.

9 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (INCOME SUPPORT AND OTHER MEASURES) 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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of Senator Collins the bill was read a third time.
10 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That government business notices of motion nos 1 and 2 standing in her name for today, relating to the consideration of legislation, be postponed till a later hour.

Question put and passed.

11 **ECONOMICS LEGISLATION COMMITTEE—REPORT—CORPORATIONS AMENDMENT (PHOENIXING AND OTHER MEASURES) BILL 2012**

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


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

12 **CORPORATIONS AMENDMENT (PHOENIXING AND OTHER MEASURES) 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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That this bill be now read a third time.

Question put.

The Senate divided—

**AYES, 37**

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Question agreed to.
Bill read a third time.

13 FAMILY ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL 2012
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—That this bill be now read a second time.
Debate resumed.
Question put and passed.

14 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 12.45 pm: Debate was interrupted while Senator Scullion was speaking.

15 MATTERS OF PUBLIC INTEREST
Matters of public interest were discussed.
Suspension of sitting: On the motion of the Minister for Human Services (Senator Kim Carr) the sitting of the Senate was suspended at 1.54 pm till 2 pm.

At 2 pm—

16 MINISTRY AND MINISTERIAL ARRANGEMENTS—DOCUMENT
The Leader of the Government in the Senate (Senator Evans) tabled a document showing all members of the Gillard Ministry and ministerial representation, dated 8 May 2012.
LEADER OF THE AUSTRALIAN GREENS AND DEPUTY LEADER OF THE AUSTRALIAN GREENS

Senator Milne, by leave, informed the Senate of her appointment as Leader of the Australian Greens, and the appointment of Mr Bandt, a member of the House of Representatives, as Deputy Leader of the Australian Greens.

QUESTIONS

Questions without notice were answered.

MOTIONS TO TAKE NOTE OF ANSWERS

Senator Ryan moved—That the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today relating to the 2012-13 Budget.

Debate ensued.

Question put and passed.

The Leader of the Australian Greens (Senator Milne) 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 Milne today relating to the overseas aid budget.

Question put and passed.

PETITIONS

The following 6 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Collins, from 201 petitioners, requesting that the Senate take action to amend the National Employment Standards with regard to public holidays.

Senator Humphries, from 100 petitioners, requesting that the Senate take action to amend the Marriage Act 1961 to recognise all marriages, regardless of the sex or gender of the partners concerned.

Senator Waters, 3 petitions similar in wording, from 4,537, 925 and 216 petitioners, requesting that the Senate take action to include the listing of Canis dingo within the full meaning of the Environment Protection and Biodiversity Conservation Act 1999, and declare the species as ‘threatened’.

Senator Williams, from 267 petitioners, requesting that the Senate call on the Prime Minister to hold a general election.

NOTICES

Notices of motion:

Senator Xenophon: To move on the next day of sitting—That the Senate notes the interim report of the International Observer Group on elections in Malaysia, dated 29 April 2012. (general business notice of motion no. 753)

Senator Bob Brown: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for the protection of koalas and their habitat, and for related purposes. Koala Protection Bill 2012. (general business notice of motion no. 754)
Senator Ludlam: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) on 5 May 2012, the President of the Bahrain Center for Human Rights and the Director of the Gulf Center for Human Rights, Mr Nabeel Rajab, was arrested on arrival at Manama airport from Lebanon, and

(ii) Mr Rajab has been charged with ‘cyber incitement’ essentially for promoting the culture of human rights through the online media, especially Facebook and Twitter; and

(b) calls on the Government to make direct representations to Bahraini authorities for the immediate release of Mr Rajab and for democratic reforms in Bahrain.

(general business notice of motion no. 755)

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

(a) commends:

(i) the Victorian Government on establishing a Code of Practice for the building and construction sector, and

(ii) the Council of Australian Governments for agreeing that the heads of Treasuries conduct a review into the costs associated with construction projects; and

(b) calls on the Federal Government to commit to taking the findings of any such report seriously.

(general business notice of motion no. 756)

Senators Wright and Di Natale: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) 14 May to 20 May 2012 is Schizophrenia Awareness Week, and

(ii) people with severe mental illness can, on average, die up to 25 years earlier than the rest of the community and are at a higher risk of experiencing physical illness;

(b) recognises that:

(i) diabetes occurs in approximately 15 per cent of people with schizophrenia, a rate three times higher than in the general population, and

(ii) after 5 years, 28 per cent of people with respiratory disease or chronic obstructive pulmonary disorder who also have schizophrenia have died, compared with 15 per cent of people with no serious mental health problems; and

(c) calls on the Government to show leadership in making the physical health issues of people with mental illness a national health priority.

(general business notice of motion no. 757)

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

(a) notes that:

(i) Fair Work Australia’s investigation into the Health Services Union and the Member for Dobell (Mr Thomson) has taken an unreasonably long time,

(ii) the Member for Dobell expected Fair Work Australia to conduct its investigation within 6 months,
(iii) Australians have lost faith in Fair Work Australia to conduct itself in a quick and proper manner,

(iv) under the Fair Work (Registered Organisations) Act 2009, enacted by the then Minister for Education, Employment and Workplace Relations (Ms Gillard), the provisions for accountability and transparency are far less than the standard expected of company directors, and

(v) the Coalition has a plan for better accountability and transparency for registered organisations; and

(b) calls on the Government to adopt the Coalition’s plan for better accountability and transparency for registered organisations. (general business notice of motion no. 758)

Senator Siewert: To move on the next day of sitting—That general business order of the day no. 55, relating to the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2], be discharged from the Notice Paper. (general business notice of motion no. 759)

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

(a) notes that:

(i) stromatolites are the oldest living organisms in the world,

(ii) Western Australia’s Hamelin Pool contains the most diverse range of stromatolites in the world, is one of only three places on Earth where you can see living marine stromatolites, and these stromatolites are one of the major reasons for Shark Bay’s World Heritage Listing, and

(iii) the recent decision by the Department of Sustainability, Environment, Water, Population and Communities, to allow American researchers to cut down and remove 45 stromatolites from Hamelin Pool, would have a significant impact on the heritage values of the area if carried out; and

(b) calls on the Government to reassess this decision as a matter of urgency and prevent this or any other removal of stromatolites from going ahead. (general business notice of motion no. 760)

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

(a) notes that:

(i) the Prime Minister (Ms Gillard) said in the 2010 election campaign that achieving harmonised occupational health and safety laws was her greatest achievement, and

(ii) harmonisation of occupational health and safety laws has not taken place; and

(b) calls on the Prime Minister to advise the Australian people, in light of this, if the carbon tax is now her greatest achievement. (general business notice of motion no. 761)

Senator Fifield: To move on the next day of sitting—That the Senate notes the 2012-13 Federal Budget does nothing to strengthen the Australian economy in the face of storm clouds on the global horizon, as it:

(a) fails to cut spending;

(b) increases taxes;

(c) lifts the debt ceiling to $300 billion; and

(d) imposes the world’s largest carbon tax. (general business notice of motion no. 762)
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 hours of meeting shall be 9.30 am to 6.30 pm and 8 pm to adjournment;
(b) the routine of business from 3.30 pm to not later than 4.30 pm shall be statements relating to the imminent retirement of Senator Sherry;
(c) the routine of business from 6 pm to 6.30 pm shall be the tabling and consideration of committee reports; and
(d) the routine of business from 8 pm shall be:
   (i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
   (ii) adjournment.

The Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk): To move on the next day of sitting—That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 20 June 2012, from 4.15 pm to 5.30 pm. (general business notice of motion no. 763)

The Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham): To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 18 June 2012, from 10 am to 12.30 pm. (general business notice of motion no. 764)

Senator Singh: To move on the next day of sitting—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 20 June 2012, from 10.30 am to 12.30 pm. (general business notice of motion no. 765)

Senator Thistlethwaite: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to meet during the sitting of the Senate on Wednesday, 27 June 2012, from 11.30 am to 12.15 pm, for a private briefing. (general business notice of motion no. 768)

The Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk): To move on the next day of sitting:—That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 20 June 2012, from 4.15 pm to 5.30 pm. (general business notice of motion no. 763)

The Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham): To move on the next day of sitting:—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 18 June 2012, from 10 am to 12.30 pm. (general business notice of motion no. 764)

Senator Singh: To move on the next day of sitting:—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 20 June 2012, from 10.30 am to 12.30 pm. (general business notice of motion no. 765)

Senator Thistlethwaite: To move on the next day of sitting:—That the Joint Committee of Public Accounts and Audit be authorised to meet during the sitting of the Senate on Wednesday, 27 June 2012, from 11.30 am to 12.15 pm, for a private briefing. (general business notice of motion no. 768)

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

(a) recognises:
   (i) that areas of Tasmanian forest that have been logged have the potential to recover quickly, and
   (ii) the rich biodiversity that can exist in areas of Tasmanian forest that have been logged, including waratahs, massive flowering displays, masses of birdlife, devils, quolls and wombats; and
(b) acknowledges that native forest industry based activities and vibrant, biodiverse forests are not mutually exclusive. (general business notice of motion no. 769)

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

(a) notes:

(i) the Tripa forest in Sumatra, an area covered by a 2-year moratorium on new forest-clearing concessions, is being burnt by deliberately lit fires and cleared in order to make way for palm oil concessions,

(ii) the forest is home to people and wildlife and stores massive quantities of carbon, and is also home to the largest concentration of Sumatran orang-utans,

(iii) that leading experts believe the loss of the Tripa forest could lead to the local extinction of Sumatran orang-utans by the end of 2012, and international primate experts such as Ms Jane Goodall and Mr Richard Leakey have called for the protection of the Tripa forest,

(iv) that humanitarian and conservation organisations working within the region have reported that villagers are suffering from health problems associated with the burning and have been subjected to intimidation from both palm oil companies and Indonesian police,

(v) the chair of President Yudhoyono’s task force on forests and carbon has expressed concern that ‘opening up Tripa – an area with high conservation value and home to many animals endemic to Indonesia – is a grave mistake’,

(vi) while the Indonesian Government has launched a police investigation into the criminal activity in the area, palm oil companies continue to illegally clear protected forest, a process that has destroyed countless livelihoods,

(vii) Australia is a significant consumer of palm oil from South East Asia, particularly Indonesia, as Australia imports 130 000 tonnes of palm oil each year,

(viii) the Tripa forest crisis has received major international news coverage in publications such as Time Magazine, Voice of America, the Guardian, the Australian, the Sydney Morning Herald, and the Independent; and

(ix) many conservation groups in Indonesia regard Tripa as a test case that will determine the future of the $1 billion agreement on carbon and forests between Norway and Indonesia;

(b) welcomes the Indonesian Government’s investigations of law-breaking in the Tripa forest in early May 2012; and

(c) calls on the Australian Government to request the Indonesian Government to fully enforce the law that protects this important region and cease all clearing in the Tripa forest. (general business notice of motion no. 770)

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 Health Insurance Amendment (Professional Services Review) Bill 2012, allowing it to be considered during this period of sittings.
Document: Senator Collins tabled the following document:


Notices of motion withdrawn: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) withdrew business of the Senate notice of motion no. 2 and government business notice of motion no. 2 standing in her name for today.

22 Private Senators’ Bills—Consideration

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—that the following general business orders of the day be considered on Thursday, 10 May 2012 under the temporary order relating to the consideration of private senators’ bills:

No. 65 Air Navigation and Civil Aviation Amendment (Aircraft Crew) Bill 2011.
No. 67 Qantas Sale Amendment (Still Call Australia Home) Bill 2011.
No. 46 Foreign Acquisitions Amendment (Agricultural Land) Bill 2010.

Question put and passed.

23 Leave of Absence

Senator McEwen, by leave, moved—that leave of absence be granted to the following senators for personal reasons:

(a) Senator Urquhart from 8 May to 10 May 2012;
(b) Senator Bishop for 9 May and 10 May 2012; and
(c) Senator Xenophon for 9 May 2012.

Question put and passed.

Senator Kroger, by leave, moved—that leave of absence be granted to Senator Boyce from 8 May to 10 May 2012, for personal reasons.

Question put and passed.

24 Rural and Regional Affairs and Transport Legislation Committee—Extension of Time to Report

Senator McEwen, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), moved—that the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Aviation Transport Security Amendment (Screening) Bill 2012 be extended to 18 May 2012.

Question put and passed.
25 **GAMBLING REFORM—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, by leave and on behalf of the Joint Select Committee on Gambling Reform, moved—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, 10 May 2012, from 11 am.

Question put and passed.

26 **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 private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 May 2012, from 10 am to 11 am.

Question put and passed.

27 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, by leave and on behalf of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, moved—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold a private meeting otherwise than in accordance with standing order 33(1), followed by an in camera hearing, during the sitting of the Senate on Thursday, 10 May 2012, from 11 am.

Question put and passed.

28 **POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Boswell for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 18 June 2012.

General business notice of motion no. 27 standing in the name of Senator Bob Brown for today, proposing the introduction of the Food Standards Amendment (Truth in Labelling Laws) Bill 2010, postponed till 26 June 2012.

General business notice of motion no. 438 standing in the name of Senator Siewert for today, relating to the North West Slope Trawl Fishery, postponed till 26 June 2012.

General business notice of motion no. 442 standing in the name of Senator Siewert for today, proposing the introduction of the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011, postponed till 26 June 2012.

General business notice of motion no. 606 standing in the name of Senator Madigan for today, proposing the introduction of the Fair Work Amendment (Arbitration) Bill 2012, postponed till 22 August 2012.

General business notice of motion no. 607 standing in the name of Senator Madigan for today, proposing the introduction of the Treaties (Parliamentary Approval) Bill 2012, postponed till 22 August 2012.
General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe program, postponed till 10 May 2012.

General business notice of motion no. 673 standing in the name of Senator Ludlam for today, relating to Mr Julian Assange, postponed till 28 June 2012.

General business notice of motion no. 716 standing in the name of Senator Bob Brown for today, relating to reimbursement of legal expenses, postponed till 18 June 2012.

General business notice of motion no. 739 standing in the name of Senator Xenophon for today, relating to River Murray extraction caps, postponed till 10 May 2012.

General business notice of motion no. 743 standing in the names of Senators Di Natale and Rhiannon for today, relating to funding of midwifery practices, postponed till 10 May 2012.

29 COMMITTEES—REFERENCES
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—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.

Question put and passed.

30 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECH
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 4—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.

Question put and passed.
Senator Kroger, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 744—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.

Question put and passed.

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 745—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.

Question put and passed.

Senator Kroger, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bernardi) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 752—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.

Question put and passed.

The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 746—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.

Question put and passed.

Senator Bob Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 747—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.

Question put and passed.

36 FAMILY AND COMMUNITY SERVICES—CHILD CARE FUNDING—PROPOSED PRODUCTIVITY COMMISSION INQUIRY

Senator Hanson-Young amended general business notice of motion no. 750 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that—

(a) the Senate calls on the Government to direct the Productivity Commission to inquire into the affordability, flexibility, accessibility and quality of early childhood education and care; 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.

Question put and passed.

37 COMMUNICATIONS—ATTORNEY-GENERAL’S DEPARTMENT—MEETING—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 722—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.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.
38 FOREIGN AFFAIRS—OVERSEAS DEVELOPMENT ASSISTANCE

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 748—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.

Question put.
The Senate divided—

AYES, 9

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

NOES, 38

Senators—
Back
Bernardi
Bilyk
Brown, Carol
Cameron
Carr, Kim
Cash
Collins
Cormann
Edwards
Farrell
Faulkner
Feeney
Fifield
Fisher
Furner
Gallacher
Joyce
Kroger
Ladwig
Ladwig
Macdonald
Madigan
Marshall
Mason
McEwen (Teller)
McKenzie
McLucas
Moore
Nash
Parry
Polley
Pratt
Sherry
Singh
Stephens
Sterle
Thistlethwaite
Williams

Question negatived.

39 FOREIGN AFFAIRS—BURMA

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 751—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.

Question put and negatived.

40 ENVIRONMENT—MURRAY DARLING—INFLOWS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of The Nationals in the Senate (Senator Joyce), also on behalf of Senator Birmingham, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 740—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 17 May 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.
Leave refused: Senator Hanson-Young sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

The question was divided—

Question—That the motion in respect of paragraph (a) be agreed to—put.

The Senate divided—

AYES, 30

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NOES, 33

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Question negatived.

Question—That the motion in respect of paragraph (b) be agreed to—put and passed.

Question—That the motion in respect of paragraph (c) be agreed to—put.

The Senate divided—

AYES, 30

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NOES, 34

Senators—

Bilyk
Brown, Bob
Brown, Carol
Cameron
Carr, Bob
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Ludlam
Ludwig
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Sherry

Siewert
Singh
Stephens
Sterle
Thistlethwaite
Waters
Wright

Question negatived.

41 ROUTINE OF BUSINESS—VARIATION

Motion determined as not formal: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) requested that government business notice of motion no. 1 standing in her name for today, relating to the routine of business for 10 May 2012, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Suspension of standing orders: Senator Collins, at the request of the Leader of the Government in the Senate (Senator Evans) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Evans moving a motion relating to the consideration of a matter, namely a motion to give precedence to government business notice of motion no. 1.

Debate ensued.

Question put.

The Senate divided—

AYES, 34

Senators—

Bilyk
Brown, Bob
Brown, C (Teller)
Cameron
Carr, Bob
Carr, Kim
Collins
Crossin
Di Natale
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Ludlam
Ludwig
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Sherry

Siewert
Singh
Stephens
Sterle
Thistlethwaite
Waters
Wright

NOES, 29

Senators—

Abetz
Back
Bernardi
Birmingham
Boswell
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fierravanti-Wells
Fifield
Fisher
Heffernan
Humphries
Johnston
Macdonald
Madigan
Mason
McKenzie
Nash
Parry

Payne
Scullion
Sinodinos
Smith
Williams (Teller)

Question agreed to.
Senator Collins, at the request of Senator Evans, moved—That government business notice of motion no. 1 may be moved immediately and have precedence over all other business today till determined.

Debate ensued.

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

Question—That the question be now put—put.

The Senate divided—

AYES, 34

Senators—

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

Di Natale  Farrell  Faulkner  Feeney  Furner  Gallaicher  Hanson-Young  Hogg  Ludlam

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

Siewert  Singh  Stephens  Sterle  Thistlethwaite  Waters  Wright

NOES, 30

Senators—


Joyce  Macdonald  Madigan  Mason  McKenzie  Nash  Parry  Payne

Ronaldson  Ryan  Scullion  Sinodinos  Smith  Williams

Question agreed to.

Question put and passed.

Senator Collins moved—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 commence 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.

Debate ensued.

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

Question—That the question be now put—put.
The Senate divided—

AYES, 35

Senators—

Bilyk
Brown, Bob
Brown, Carol
Cameron
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Evans
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Lundy
Marshall
McEwen
McLucas
Milne
Moore
Polley (Teller)
Pratt
Rhiannon

NOES, 29

Senators—

Abetz
Back
Bernardi
Birmingham
Boswell
Brandis
Bushby (Teller)
Cash
Colbeck
Cormann
Edwards
Eggleston
Fierravanti-Wells
Fifield
Fisher
Humprhies
Joyce
Macdonald
Mason
McKenzie
Nash
Parry
Payne

Question agreed to.

Question—That the motion be agreed to—put.

The Senate divided—

AYES, 36

Senators—

Bilyk
Brown, Bob
Brown, Carol
Cameron
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Evans
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Lundy
Marshall
McEwen
Milne
Moore
Polley (Teller)
Pratt
Rhiannon

NOES, 28

Senators—

Abetz
Back
Bernardi
Birmingham
Boswell
Brandis
Bushby (Teller)
Cash
Colbeck
Cormann
Edwards
Eggleston
Fierravanti-Wells
Fifield
Fisher
Humprhies
Joyce
Macdonald
Mason
McKenzie
Nash
Parry
Payne

Question agreed to.
Document: Senator Collins tabled the following document:
Consideration of legislation—Statement of reasons for introduction and passage of the Family Assistance and Other Legislation Amendment (Schoolkids Bonus Budget Measures) Bill 2012 in the 2012 Budget sittings.

42 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BUDGET 2012-13
The President informed the Senate that Senator Fifield had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Gillard Government’s Budget comprising cooked books, a carbon tax and more debt.

The proposal was supported by four senators and the matter was discussed.

43 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Crossin) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary for Defence (Senator Feeney), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—
   Appointed—Senator Smith

Community Affairs References Committee—
   Appointed—Senator Smith

Economics Legislation Committee—
   Appointed—
   Substitute members:
   Senator Sherry to replace Senator Bishop for the consideration of the 2012-13 Budget estimates from 28 May to 1 June 2012
   Senator Gallacher to replace Senator Urquhart for the consideration of the 2012-13 Budget estimates from 28 May to 30 May 2012, and on 1 June 2012
   Senator Furner to replace Senator Urquhart for the consideration of the 2012-13 Budget estimates on 31 May 2012
   Participating member: Senator Smith

Economics References Committee—
   Appointed—Participating member: Senator Smith

Education, Employment and Workplace Relations Legislation Committee—
   Appointed—Participating member: Senator Smith

Education, Employment and Workplace Relations References Committee—
   Appointed—Participating member: Senator Smith

Environment and Communications Legislation Committee—
   Appointed—Participating member: Senator Smith

Environment and Communications References Committee—
   Appointed—Participating member: Senator Smith

Finance and Public Administration Legislation Committee—
   Appointed—Participating member: Senator Smith

Finance and Public Administration References Committee—
   Appointed—Participating member: Senator Smith
Foreign Affairs, Defence and Trade Legislation Committee—
Appointed—
Substitute members:
Senator Singh to replace Senator Bishop for the consideration of the 2012-13 Budget estimates from 28 May to 31 May 2012
Senator Cameron to replace Senator Stephens for the consideration of the 2012-13 Budget estimates from 28 May to 31 May 2012
Participating member: Senator Smith

Foreign Affairs, Defence and Trade References Committee—
Appointed—Participating member: Senator Smith

Law Enforcement—Joint Statutory Committee—
Discharged—Senator Wright

Legal and Constitutional Affairs Legislation Committee—
Appointed—Participating member: Senator Smith

Legal and Constitutional Affairs References Committee—
Appointed—Participating member: Senator Smith

Procedure—Standing Committee—
Appointed—Senator Kroger

Public Accounts and Audit—Joint Statutory Committee—
Appointed—Senator Smith

Rural and Regional Affairs and Transport Legislation Committee—
Appointed—
Substitute member: Senator McEwen to replace Senator Urquhart till 30 June 2012
Participating members: Senators Smith and Urquhart

Rural and Regional Affairs and Transport References Committee—
Appointed—Participating member: Senator Smith

Selection of Bills—Standing Committee—
Appointed—Senator Bushby

Senators’ Interests—Standing Committee—
Appointed—Senator Kroger

Treaties—Joint Standing Committee—
Appointed—Senator Smith.

Question put and passed.

At 6.50 pm—

44 Government Documents—Consideration
The government documents tabled earlier today (see entry no. 2) were called on but no motion was moved.
45 **ADJOURNMENT**
The Acting Deputy President (Senator Crossin) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.33 pm till Thursday, 10 May 2012 at 9.30 am.

46 **ATTENDANCE**
Present, all senators except Senators Bishop*, Boyce*, Urquhart* and Xenophon* (* on leave).

**ROSEMARY LAING**
Clerk of the Senate

Printed by authority of the Senate