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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 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

Australian Human Rights Commission—Reports—

No. 49—Cherkupalli v Commonwealth of Australia (Department of Immigration and Citizenship).

No. 50—Campbell v Black & White Cabs Pty Ltd and Tighe.

No. 51—Brown v Commonwealth of Australia (Department of Immigration and Citizenship).

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2012.

Australian River Co. Limited—Report for the period 1 December 2010 to 30 November 2011.


*Surveillance Devices Act 2004*—Commonwealth Ombudsman’s reports on inspections of surveillance device records for the period 1 July to 31 December 2011—Australian Crime Commission and Australian Federal Police for the period 1 July to 31 December 2010; and Victoria Police Special Projects Unit for the period 1 July 2010 to 30 June 2011.

*Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 January to 31 March 2012.


Treaties—Bilateral—Text, together with national interest analysis—

Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Location of a Republic of Singapore Air Force Helicopter Squadron at the Australian Army Aviation Centre Oakey, done at Singapore on 1 June 2012.

3 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), by leave, moved—That the Legal and Constitutional Affairs 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 1.50 pm.

Question put and passed.

4 **DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice, moved government business notice of motion no. 1—That—

1. On Tuesday, 19 June, Thursday, 21 June, and Tuesday, 26 June 2012, any proposal pursuant to standing order 75 shall not be proceeded with.

2. On Wednesday, 20 June and 27 June 2012, consideration of government documents shall not be proceeded with, and instead the routine of business shall be government business only.

3. Divisions may take place on:
   a. Thursday, 21 June and 28 June 2012, after 4.30 pm; and

4. On Tuesday, 19 June and 26 June 2012:
   a. the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 10.40 pm;
   b. the routine of business from not later than 7.30 pm shall be government business only; and
   c. the question for the adjournment of the Senate shall be proposed at 10 pm.

5. On Thursday, 21 June 2012:
   a. the hours of meeting shall be 9.30 am to 6 pm and 7 pm to 10.40 pm;
   b. the routine of business from not later than 7 pm shall be government business only; and
   c. the question for the adjournment of the Senate shall be proposed at 10 pm.

6. The Senate shall sit on Friday, 22 June 2012, and:
   a. the hours of meeting shall be 9.30 am to 3.40 pm;
   b. the routine of business shall be:
      i. notices of motion, and
      ii. government business only; and
   c. the question for the adjournment of the Senate shall be proposed at 3 pm.

7. On Wednesday, 27 June 2012, consideration of the business before the Senate shall be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Whish-Wilson to make his first speech without any question before the chair.
(8) The following government business orders of the day shall have precedence over all government business, be called on in the following order and be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:

<table>
<thead>
<tr>
<th>Bill Description</th>
<th>Time Range</th>
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</thead>
<tbody>
<tr>
<td>Personally Controlled Electronic Health Records Bill 2011 and a related bill</td>
<td>commencing from not later than 4.10 pm until 8 pm on 19 June 2012</td>
</tr>
<tr>
<td>Skills Australia Amendment (Australian Workforce and Productivity Agency) Bill 2012</td>
<td>commencing immediately after the preceding item until 9 pm on 19 June 2012</td>
</tr>
<tr>
<td>Corporations Amendment (Future of Financial Advice) Bill 2012 and a related bill</td>
<td>commencing immediately after the preceding item until noon on 20 June 2012</td>
</tr>
<tr>
<td>Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2012</td>
<td>commencing immediately after the preceding item until 12.40 pm on 20 June 2012</td>
</tr>
<tr>
<td>National Broadcasting Legislation Amendment Bill 2010</td>
<td>commencing immediately after the preceding item, or not later than 5.30 pm, whichever is the earlier, until 6.20 pm on 20 June 2012</td>
</tr>
<tr>
<td>National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2012</td>
<td>commencing immediately after the preceding item until 7 pm on 20 June 2012</td>
</tr>
<tr>
<td>Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and a related bill</td>
<td>commencing from not later than 7 pm until 9.30 pm on 21 June 2012</td>
</tr>
<tr>
<td>Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011</td>
<td>commencing not later than 9.40 am until 10.30 am on 22 June 2012</td>
</tr>
<tr>
<td>Appropriation Bill (No. 5) 2011-2012 and a related bill</td>
<td>commencing immediately after the preceding item until 11.20 am on 22 June 2012</td>
</tr>
<tr>
<td>Parliamentary Counsel and Other Legislation Amendment Bill 2012</td>
<td>commencing immediately after the preceding item until 12.20 pm on 22 June 2012</td>
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<tr>
<td>National Vocational Education and Training Regulator (Charges) Bill 2012</td>
<td>commencing immediately after the preceding item until 1 pm on 22 June 2012</td>
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<tr>
<td>Broadcasting Services Amendment (Digital Television) Bill 2012</td>
<td>commencing immediately after the preceding item until 1.50 pm on 22 June 2012</td>
</tr>
<tr>
<td>Financial Framework Legislation Amendment Bill (No. 2) 2012</td>
<td>commencing immediately after the preceding item until 2.50 pm on 22 June 2012</td>
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<td>Bill Title</td>
<td>Commencement Times</td>
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<tr>
<td>Australian Human Rights Commission Amendment (National Children’s Commissioner) Bill 2012</td>
<td>commencing from not later than 10.10 am until 11 am on 25 June 2012</td>
</tr>
<tr>
<td>Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012</td>
<td>commencing immediately after the preceding item until 11.50 am on 25 June 2012</td>
</tr>
<tr>
<td>Clean Energy Finance Corporation Bill 2012</td>
<td>commencing immediately after the preceding item until 5.30 pm, whichever is the earlier, until 8.20 pm on 25 June 2012</td>
</tr>
<tr>
<td>Clean Energy Legislation Amendment Bill 2012 and two related bills</td>
<td>commencing immediately after the preceding item until 8.40 pm on 25 June 2012</td>
</tr>
<tr>
<td>Appropriation (Parliamentary Departments) Bill (No. 1) 2012-2013 and two related bills</td>
<td>commencing immediately after the preceding item until 9.30 pm on 25 June 2012</td>
</tr>
<tr>
<td>Superannuation Legislation Amendment (Stronger Super) Bill 2012 and a related bill</td>
<td>commencing immediately after the preceding item, or not later than 12.30 pm, whichever is the earlier, until 1.20 pm on 26 June 2012</td>
</tr>
<tr>
<td>Fair Work (Registered Organisations) Amendment Bill 2012</td>
<td>commencing immediately after the preceding item, or not later than 5 pm, whichever is the earlier, until 8 pm on 26 June 2012</td>
</tr>
<tr>
<td>Social Security and Other Legislation Amendment (2012 Budget and Other Measures) Bill 2012</td>
<td>commencing immediately after the preceding item until 9 pm on 26 June 2012</td>
</tr>
<tr>
<td>Water Efficiency Labelling and Standards Amendment (Scheme Enhancements) Bill 2012</td>
<td>commencing immediately after the preceding item until 9.50 pm on 26 June 2012</td>
</tr>
<tr>
<td>Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Bill 2012</td>
<td>commencing at 9.30 am until 10.15 am on 27 June 2012</td>
</tr>
<tr>
<td>Passenger Movement Charge Amendment Bill 2012</td>
<td>commencing immediately after the preceding item until 11 am on 27 June 2012</td>
</tr>
<tr>
<td>Tax Laws Amendment (2012 Measures No. 2) Bill 2012 and two related bills</td>
<td>commencing immediately after the preceding item until 12.40 pm on 27 June 2012</td>
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(9) Paragraph (8) 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, 33**

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<tr>
<th>Senators—</th>
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**NOES, 26**

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<td>Mason</td>
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Question agreed to.

Question—That the motion be agreed to—put.

The Senate divided—

**AYES, 32**

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**NOES, 27**

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Question agreed to.
5 NOTICE OF MOTION WITHDRAWN

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) withdrew government business notice of motion no. 2 standing in her name for today, relating to the days and hours of meeting and routine of business.

6 PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS BILL 2011
PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS (CONSEQUENTIAL AMENDMENTS) 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 2 pm: Debate was interrupted while Senator Di Natale was speaking.

7 QUESTIONS

Questions without notice were answered.

8 MOTION TO TAKE NOTE OF ANSWERS

Senator Colbeck 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 Opposition senators today.

Debate ensued.

Question put and passed.

9 PETITIONS

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Boswell, from 2,436 petitioners, requesting that the Senate take action to facilitate the granting of an additional pharmacy licence in Proserpine, Queensland.

Senator Cash, from 490 petitioners, requesting that the Senate take action to improve communications facilities across the central southwest inland area of Western Australia.

10 NOTICES

Notices of motion:

Senator Cameron: To move on the next day of sitting—That the Joint Standing Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 26 June 2012, from 6 pm to 8 pm, to take evidence for the committee’s inquiry into the review of the rollout of the NBN. (general business notice of motion no. 782)

Senator Crossin: To move on the next day of sitting—That the Joint Select Committee on Gambling Reform be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 26 June 2012, from 4 pm, to take evidence for the committee’s inquiry into the prevention and treatment of problem gambling, followed by a private meeting otherwise than in accordance with standing order 33(1). (general business notice of motion no. 783)
The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Pratt): To move on the next day of sitting—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 27 June 2012, from 12.30 pm to 1.45 pm, to take evidence for the committee’s inquiry into the review of the Department of Sustainability, Environment, Water, Population and Communities annual report 2010-11. (general business notice of motion no. 784)

Senator Smith: To move on the next day of sitting—That the Senate notes that:

(a) the coronation of Queen Elizabeth II occurred on 2 June 1953;
(b) the Diamond Jubilee of Queen Elizabeth II was celebrated between 2 June and 5 June 2012;
(c) during this period, Australians expressed their respect and affection for Her Majesty and their thanks for the longevity of her reign as Queen of Australia; and
(d) 3 February 2014 will mark the 60th anniversary of the first arrival of Queen Elizabeth II in Australia. (general business notice of motion no. 785)

Senators Hanson-Young and Lundy: To move on the next day of sitting—That the Senate—

(a) notes that Wednesday, 20 June 2012 is World Refugee Day, recognising the importance of international commitment to worldwide protection of refugees under the 1951 Convention and 1967 Protocol Relating to the Status of Refugees;
(b) notes that the 2012 theme of World Refugee Day is ‘Refugees Have No Choice: You Do’, which acknowledges the tragic conflicts and deadly persecution that lead people to seek protection in countries that are not their own, leaving behind their history, property and loved ones in search of a safe new life; and
(c) calls on the Government to reaffirm Australia’s commitments under the 1951 Convention. (general business notice of motion no. 786)

Notices of motion withdrawn:

Senator Hanson-Young withdrew general business notice of motion no. 780 standing in her name for today, relating to civil partnership legislation in Queensland.

Senator Kroger, at the request of Senator Colbeck and pursuant to notice of intention given on 18 June 2012, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Colbeck for the next day of sitting for the disallowance of the Fishing Levy Regulations 2011, as contained in Select Legislative Instrument 2011 No. 241 and made under the Fishing Levy Act 1991 and the Fisheries Management Act 1991.

11 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 6 OF 2012

The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 6 OF 2012

1. The committee met in private session on Monday, 18 June 2012 at 8.19 pm.
2. The committee resolved to recommend—That—
   (a) the provisions of the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 25 June 2012;
   (b) the Clean Energy Finance Corporation Bill 2012 be referred immediately to the Economics Legislation Committee for inquiry and report by 25 June 2012;
   (c) the provisions of the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 13 September 2012;
   (d) the provisions of the Fair Work (Registered Organisations) Amendment Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 25 June 2012;
   (e) the provisions of the Privacy Amendment (Enhancing Privacy Protection) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2012;
   (f) the provisions of the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 22 August 2012; and
   (g) the provisions of the Tax Laws Amendment (Cross-Border Transfer Pricing) Bill (No. 1) 2012 be referred immediately to the Economics Legislation Committee for inquiry and report by 14 August 2012.
3. The committee resolved to recommend—That the following bills not be referred to committees:
   Australian Citizenship Amendment (Defence Families) Bill 2012
   Australian Human Rights Commission Amendment (National Children’s Commissioner) Bill 2012
   Broadcasting Services Amendment (Digital Television) Bill 2012
   Clean Energy Legislation Amendment Bill 2012
   Clean Energy (Customs Tariff Amendment) Bill 2012
   Clean Energy (Excise Tariff Legislation Amendment) Bill 2012
   Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill 2012
   Legislative Instruments Amendment (Sunsetting Measures) Bill 2012
   Malabar Headland Protection Bill 2012
   Marine Safety (Domestic Commercial Vessel) National Law Bill 2012
   Marine Safety (Domestic Commercial Vessel) National Law (Consequential Amendments) Bill 2012
   Migration (Visa Evidence) Charge Bill 2012
   Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012
   National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2012
   Navigation Bill 2012
   Navigation (Consequential Amendments) Bill 2012
   Parliamentary Counsel and Other Legislation Amendment Bill 2012
   Passenger Movement Charge Amendment Bill 2012
Social Security and Other Legislation Amendment (2012 Budget and Other Measures) Bill 2012
Superannuation Legislation Amendment (Stronger Super) Bill 2012
Superannuation Supervisory Levy Imposition Amendment Bill 2012
Tax Laws Amendment (2012 Measures No. 2) Bill 2012
Income Tax (Managed Investment Trust Withholding Tax) Amendment Bill 2012
Pay As You Go Withholding Non-compliance Tax Bill 2012
Tax Laws Amendment (2012 Measures No. 3) Bill 2012
Income Tax (Seasonal Labour Mobility Program Withholding Tax) Bill 2012
Tax Laws Amendment (Income Tax Rates) Bill 2012
Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2012
Water Efficiency Labelling and Standards Amendment (Scheme Enhancements) Bill 2012.

The committee considered the Corporations Amendment (Proxy Voting) Bill 2012 and, noting that the bill had passed the Senate on 18 June 2012, resolved to recommend that the bill not be referred to a committee.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   Financial Framework Legislation Amendment Bill (No. 2) 2012
   Greenhouse and Energy Minimum Standards Bill 2012
   Greenhouse and Energy Minimum Standards (Registration Fees) Bill 2012
   Maritime Powers Bill 2012
   Maritime Powers (Consequential Amendments) Bill 2012
   Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
   Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012.

Anne McEwen
Chair
19 June 2012.

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

12 ACTING AUSTRALIAN GREENS WHIP—APPOINTMENT
The Leader of the Australian Greens (Senator Milne), by leave, informed the Senate that, during the absence of Senator Siewert, Senator Ludlam would be acting Australian Greens Whip.
13 **NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, by leave and on behalf of the Joint Standing Committee on the National Capital and External Territories, moved—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 20 June 2012, from 12.30 pm to 1.45 pm, to take evidence for the committee’s inquiry into the National Capital Authority annual report 2010-11.

Question put and passed.

14 **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 20 June 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 20 June 2012.

15 **CYBER SAFETY—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 772—That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 27 June 2012, from 4.15 pm to 5.30 pm.

Question put and passed.

16 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Deputy Chair of the Community Affairs References Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 776—That the time for the presentation of the report of the Community Affairs References Committee on health services and medical professionals in rural areas be extended to 15 August 2012.

Question put and passed.

17 **MIGRATION—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 777—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 27 June 2012, from 10.30 am to 12.30 pm.

Question put and passed.
18 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 779—that the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 21 June 2012, from 3.45 pm.

Question put and passed.

19 **TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING Sittings**

Senator Kroger, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 773—that the Joint Standing Committee on Treaties be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 19 June 2012, from 8.15 pm to 9.30 pm.

Question put and passed.

Senator Kroger, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 774—that the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 25 June 2012, from 10 am to noon.

Question put and passed.

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

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Cash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 775—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) during the sitting of the Senate on Thursday, 21 June 2012, from 11 am.

Question put and passed.

21 **LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

The Chair of the Legal and Constitutional Affairs References Committee (Senator Wright), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 778—that the time for the presentation of the report of the Legal and Constitutional Affairs References Committee on the detention of minors be extended to 19 September 2012.

Question put and passed.
22 **LAW AND JUSTICE—MURRAY DARLING BASIN DRAFT PLAN—LEGAL ADVICE—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 749—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 of the Murray Darling Basin Draft Plan by an Australian state or territory.

Question put and passed.

23 **ECONOMICS—GLOBAL ECONOMY—MINISTERIAL STATEMENT—DOCUMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) tabled the following document:

Economics—The global economy—Ministerial statement by the Treasurer (Mr Swan), dated 18 June 2012.

24 **STANDING ORDER 37(3)—ACCESS TO COMMITTEE DOCUMENTS—DOCUMENT**

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

Standing order 37(3)—Access to committee documents—Senate Select Committee on Civil Rights of Migrant Australians (1973-74)—Report to the Senate.

25 **AUDITOR-GENERAL—AUDIT REPORTS NOS 43 AND 44 OF 2011-12—DOCUMENTS**

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

Auditor-General—Audit reports for 2011-12—

No. 43—Performance audit—National Partnership Agreement on Remote Service Delivery: Department of Families, Housing, Community Services and Indigenous Affairs.

No. 44—Performance audit—Administration of the Primary Care Infrastructure Grants Program: Department of Health and Ageing.

Senator Kroger, by leave, moved—That the Senate take note of report no. 44.

Debate adjourned till the next day of sitting, Senator Kroger in continuation.
26 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF ADMINISTRATION AND EXPENDITURE NO. 9—AUSTRALIAN INTELLIGENCE AGENCIES**

Senator Faulkner, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:


Senator Faulkner, by leave, moved—that the Senate take note of the report. Debate ensued.

Question put and passed.

27 **MIGRATION—JOINT STANDING COMMITTEE—REPORT—MIGRATION (VISA EVIDENCE) CHARGE BILL 2012 AND MIGRATION (VISA EVIDENCE) CHARGE (CONSEQUENTIAL AMENDMENTS) BILL 2012**

Senator Kroger, on behalf of the Joint Standing Committee on Migration, tabled the following report:


Senator Kroger, by leave, moved—that the Senate take note of the report. Question put and passed.

28 **AUSTRALIAN PARLIAMENTARY DELEGATION TO VIETNAM, THAILAND AND SINGAPORE—DOCUMENT**

Senator McEwen, by leave, tabled the following document:


29 **DOCUMENTS**

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Australian Communications and Media Authority Act—Broadcasting (Charges) Amendment Determination 2012 (No. 1) [F2012L01229].

Telecommunications (Charges) Determination 2012 [F2012L01231].


Undergraduate Awards Rules 2012 [F2012L01218].

Australian Prudential Regulation Authority Act—Select Legislative Instrument 2012 No. 113—Australian Prudential Regulation Authority Amendment Regulation 2012 (No. 1) [F2012L01219].

Clean Energy Act—Select Legislative Instrument 2012 No. 100—Clean Energy Amendment Regulation 2012 (No. 3) [F2012L01230].
Corporations Act—ASIC Class Order [CO 12/749] [F2012L01235].
Insurance Contracts Act—Select Legislative Instrument 2012 No. 116—Insurance Contracts Amendment Regulation 2012 (No. 1) [F2012L01232].
Migration Act—Select Legislative Instrument 2012 No. 105—Migration Amendment Regulation 2012 (No. 3) [F2012L01223].
National Consumer Credit Protection Act—Select Legislative Instrument 2012 No. 117—National Consumer Credit Protection Amendment Regulation 2012 (No. 1) [F2012L01233].
Navigation Act—Marine Order No. 4 of 2012—Marine Orders Part 31 Amendment 2012 (No. 1) (Ship Surveys and Certification) [F2012L01221].
Telecommunications (Carrier Licence Charges) Act—
Telecommunications (Carrier Licence Application Charge) Determination 2012 [F2012L01234].
Telecommunications (Consumer Protection and Service Standards) Act—
Universal Service Subsidies (2011-12 Contestable Areas) Determination (No. 1) 2012 [F2012L01225].
Universal Service Subsidies (2011-12 Default Area) Determination (No. 1) 2012 [F2012L01227].
Universal Service Subsidies (2011-12 Extended Zones) Determination (No. 1) 2012 [F2012L01224].

30 COMMITTEE MEMBERSHIP
The Deputy President (Senator Parry) informed the Senate that the President had received letters requesting changes in the membership of committees.
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics Legislation Committee—
Appointed—
Substitute member: Senator Milne to replace Senator Xenophon for the committee’s inquiry into the Clean Energy Finance Corporation Bill 2012
Participating member: Senator Xenophon
Legal and Constitutional Affairs Legislation Committee—

   Appointed—
   Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the provisions of the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012
   Participating member: Senator Wright

   Procedure—Standing Committee—
   Discharged—Senator Siewert
   Appointed—Senator Ludlam.

Question put and passed.

31 EQUAL OPPORTUNITY FOR WOMEN IN THE WORKPLACE AMENDMENT BILL 2012

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


The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

32 SUPERANNUATION LEGISLATION AMENDMENT (STRONGER SUPER) BILL 2012

SUPERANNUATION SUPERVISORY LEVY IMPOSITION AMENDMENT BILL 2012

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

   Message no. 429, dated 18 June 2012—A Bill for an Act to amend the law relating to superannuation, and for other purposes.


The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

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

On the motion of Senator Collins the debate was adjourned till the next day of sitting.
33 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MIGRATION LEGISLATION AMENDMENT (STUDENT VISAS) BILL 2012**

Pursuant to order, Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:


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

34 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—PASSENGER MOVEMENT CHARGE AMENDMENT BILL 2012**

Pursuant to order, Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:


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

35 **PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS BILL 2011**

**PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS (CONSEQUENTIAL AMENDMENTS) 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.

Question put and passed.

Bills read a second time.

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

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In the committee

Bills taken together and as a whole by leave.

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*Explanatory memorandum:* The Parliamentary Secretary to the Prime Minister (Senator McLucas) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bills.

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On the motion of Senator McLucas the following amendments in respect of the Personally Controlled Electronic Health Records Bill 2011, taken together by leave, were debated and agreed to:

Clause 5, page 8 (line 15), omit “amended.”, substitute “amended; or”.

Clause 5, page 8 (after line 15), at the end of the definition of Ministerial Council, add:

(c) if that Agreement is not in force—the COAG council (however described) responsible for health matters.

Clause 5, page 11 (line 1), before “System”, insert “performance of functions under this Act by the”.

Clause 9, page 17 (line 26) to page 18 (line 3), omit subclause (3), substitute:

(3) Each of the following is identifying information of an individual, other than an individual in the capacity of a healthcare provider:

(a) if applicable, the Medicare number of the individual;
(b) if applicable, the Veterans’ Affairs Department file number of the individual;
(c) the name of the individual;
(d) the address of the individual;
(e) the date of birth, and the date of birth accuracy indicator, of the individual;
(f) the sex of the individual;
(g) if the individual was part of a multiple birth—the order in which the individual was born;

Example: The second of twins.
(h) if applicable, the date of death, and the date of death accuracy indicator, of the individual.

Page 18 (after line 25), at the end of Part 1, add:

13A System Operator may arrange for use of computer programs to make decisions

(1) The System Operator may arrange for the use, under the System Operator’s control, of computer programs for any purposes for which the System Operator may make decisions under this Act.

(2) A decision made by the operation of a computer program under an arrangement made under subsection (1) is taken to be a decision made by the System Operator.

Clause 15, page 21 (after line 5), after paragraph (m), insert:

(ma) to prepare and provide de-identified data for research or public health purposes;

Clause 38, page 32 (after line 20), at the end of the clause, add:

(3) The health information referred to in subsection (2) in relation to a consumer may include the name of one or more healthcare providers that have provided healthcare to the consumer.

Clause 44, page 35 (line 30), after “provider”, insert “organisation”.

Clause 51, page 40 (lines 9 to 12), omit subclause (2), substitute:

Cancellation or suspension if consumer no longer eligible, etc.

(2) The System Operator may, in writing, decide to cancel or suspend the registration of a consumer if:

(a) the System Operator is no longer satisfied that the consumer is eligible to be registered; or
(b) the System Operator is no longer satisfied, having regard to the matters (if any) specified in the PCEHR Rules, that the identity of the consumer has been appropriately verified; or

(c) the System Operator is satisfied that, unless the registration of the consumer is cancelled, the security or integrity of the PCEHR system may be compromised, having regard to the matters (if any) prescribed by the PCEHR Rules; or

(d) the System Operator is satisfied that the consent referred to in subsection 41(3) in relation to the consumer has been withdrawn; or

(e) the System Operator is satisfied that the consent referred to in subsection 41(3) in relation to the consumer was given by an authorised representative or nominated representative of the consumer, and:

(i) the authorised representative or nominated representative who gave the consent ceases to be an authorised representative or nominated representative of the consumer; and

(ii) the System Operator requests the consumer to give consent of the kind referred to in subsection 41(3); and

(iii) the consumer does not, within a reasonable period, give the consent.

Heading to subclause 51(4), page 40 (line 26), omit “whether consumer eligible”, substitute “action in relation to consumer’s registration”.

Clause 51, page 40 (line 29), omit “whether a consumer is eligible to be registered”, substitute “whether to take action under subsection (2) in relation to the consumer’s registration”.

Heading to subclause 51(5), page 41 (line 1), omit “whether other entity eligible, etc.”, substitute “action in relation to entity’s registration”.

Clause 51, page 41 (lines 3 to 8), omit all the words from and including “consumer” to and including “registration”, substitute “consumer while the System Operator investigates whether to take action under subsection (3) in relation to the entity’s registration”.

Clause 58, page 46 (line 9), omit “has applied”, substitute “is applying, or has applied.”.

Clause 58, page 46 (lines 29 and 30), omit “has applied”, substitute “is applying, or has applied.”.

Clause 73, page 57 (lines 6 to 15), omit the clause and note, substitute:

73 Contravention of this Act is an interference with privacy

(1) An act or practice that contravenes this Act in connection with health information included in a consumer’s PCEHR or a provision of Part 4 or 5, or would contravene this Act but for a requirement relating to the state of mind of a person, is taken to be:

(a) for the purposes of the Privacy Act 1988, an interference with the privacy of a consumer; and

(b) covered by section 13 or 13A of that Act.
(2) The respondent to a complaint under the Privacy Act 1988 about an act or practice, other than an act or practice of an agency or organisation, is the individual who engaged in the act or practice.

(3) In addition to the Information Commissioner’s functions under the Privacy Act 1988, the Information Commissioner has the following functions in relation to the PCEHR system:

(a) to investigate an act or practice that may be an interference with the privacy of a consumer under subsection (1) and, if the Information Commissioner considers it appropriate to do so, to attempt by conciliation to effect a settlement of the matters that gave rise to the investigation;

(b) to do anything incidental or conducive to the performance of those functions.

(4) The Information Commissioner has power to do all things that are necessary or convenient to be done for or in connection with the performance of his or her functions under subsection (3).

Note: An act or practice that is an interference with privacy may be the subject of a complaint under section 36 of the Privacy Act 1988.

Page 57 (after line 16), at the end of Division 4, add:

73A Information Commissioner may disclose details of investigations to System Operator

The Information Commissioner is authorised to disclose to the System Operator any information or documents that relate to an investigation the Information Commissioner conducts because of the operation of section 73, if the Information Commissioner is satisfied that to do so will enable the System Operator to monitor or improve the operation or security of the PCEHR system.

Page 57, after proposed clause 73A, insert:

73B Obligations of System Operator in relation to correction, etc.

(1) The System Operator may, in order to meet its obligations under the Privacy Act 1988 in relation to the correction and alteration of records:

(a) request a participant in the PCEHR system to correct personal information contained in a record included in the PCEHR system and, if the participant does so, to upload the corrected record to the PCEHR system; and

(b) if the participant refuses to do so—direct the participant to attach to the record a note prepared by the consumer in relation to personal information included in the record, and to upload the record and note to the PCEHR system.

(2) A participant in the PCEHR system who is given a direction under paragraph (1)(b) must comply with the direction.

Clause 74, page 58 (line 9), after “provider”, insert “organisation”.

Clause 76, page 60 (line 10), after “provider”, insert “organisation”.

Clause 77, page 60 (line 16), before “The”, insert “(1)”.

Clause 77, page 60 (after line 29), at the end of the clause, add:

(2) Despite subsection (1), the System Operator is authorised, for the purposes of the operation or administration of the PCEHR system:
(a) to hold and take such records outside Australia, provided that the records do not include:
(i) personal information in relation to a consumer or a participant in the PCEHR system; or
(ii) identifying information of an individual or entity; and
(b) to process and handle such information outside Australia, provided that the information is neither of the following:
(i) personal information in relation to a consumer or a participant in the PCEHR system; and
(ii) identifying information of an individual or entity.

(3) This section does not limit the operation of section 99.

Clause 97, page 73 (line 28), after “must”, insert “take such steps as are reasonably necessary in the circumstances to”.

Clause 99, page 76 (line 17), after “provider”, insert “organisation”.

Clause 105, page 80 (line 9), omit “operator”, substitute “organisation”.

Clause 105, page 80 (line 12), omit “provider operator”, substitute “provider organisation”.

Clause 108, page 84 (after line 2), after subclause (4), insert:

(4A) Without limiting the matters to be covered by the review, the review must consider the following matters:
(a) the identity of the System Operator;
(b) alternative governance structures for the PCEHR system;
(c) the opt-in nature of the PCEHR system, including the feasibility and appropriateness of a transition to an opt-out system.

Heading to subclause 109(2), page 85 (line 7), omit “jurisdictional advisory committee”, substitute “committee and council”.

Clause 109, page 85 (line 9), after “committee”, insert “and the independent advisory council”.

Clause 109, page 85 (line 10), after “committee”, insert “or the independent advisory council”.

Clause 109, page 85 (after line 30), after subclause (4), insert:

PCEHR Rules may relate to agreements

(4A) The PCEHR Rules may specify that a person must enter into a specified kind of agreement in order to be, and remain, a registered healthcare provider organisation, registered repository operator, registered portal operator or registered contracted service provider.

Clause 109, page 86 (after line 27), after subclause (7), insert:

PCEHR Rules may relate to research

(7A) The PCEHR Rules may specify requirements with which the System Operator and other entities must comply in relation to the preparation and provision of de-identified data for research or public health purposes.
On the motion of Senator McLucas the following amendments in respect of the Personally Controlled Electronic Health Records (Consequential Amendments) Bill 2011, taken together by leave, were agreed to:

Schedule 1, item 16, page 5 (lines 14 and 15), omit “to disclose a healthcare identifier to the PCEHR System Operator”, substitute “to use, and to disclose to the PCEHR System Operator, a healthcare identifier”.

Schedule 1, item 16, page 5 (line 21), omit “, of a healthcare recipient”.

Schedule 1, item 16, page 5 (line 24), omit “, of a healthcare recipient”.

Schedule 1, item 17, page 6 (lines 9 and 10), omit the item, substitute:

17 Subsection 20(1)

Omit “is authorised to disclose an identified healthcare provider’s healthcare identifier to an entity”, substitute “or a registration authority is authorised to use, and disclose to an entity, an identified healthcare provider’s healthcare identifier and identifying information”.

Schedule 1, item 21, page 6 (line 28), omit “has applied”, substitute “is applying, or has applied,”.

Schedule 1, item 21, page 7 (after line 10), at the end of section 22A, add:

(3) If the healthcare recipient has an authorised representative or a nominated representative, the PCEHR System Operator is authorised:

(a) to collect identifying information of the authorised representative or nominated representative from the service operator; and

(b) to collect the healthcare identifier of the authorised representative or nominated representative; and

(c) to use and disclose the identifying information and healthcare identifier;

for the purpose of verifying the identity of the authorised representative or nominated representative and for other purposes of the PCEHR system, subject to the Personally Controlled Electronic Health Records Act 2012.

Schedule 1, item 21, page 7 (lines 11 and 12), omit “and registered repository operator”, substitute “, registered repository operator or registered portal operator”.

Schedule 1, item 21, page 7 (line 13), omit “The”, substitute “(1) The PCEHR”.

Schedule 1, item 21, page 7 (line 14), omit “registration authority”, substitute “registered portal operator”.

Schedule 1, item 21, page 7 (after line 10), at the end of section 22B, add:

(2) The PCEHR System Operator, a registered repository operator or a registered portal operator is authorised to adopt the healthcare identifier of an authorised representative or a nominated representative of a healthcare recipient as its own identifier of the authorised representative or nominated representative, so far as is reasonably necessary for the purposes of the PCEHR system.

Schedule 1, item 21, page 7 (line 23), after “provider”, insert “, or an authorised representative or nominated representative of a healthcare recipient”.
Schedule 1, item 21, page 8 (after line 30), at the end of section 22D, add:

(4) Despite paragraphs (2)(b) and (3)(b), the consent of the healthcare recipient is not required for the uploading of information by the Chief Executive Medicare in accordance with paragraph 38(2)(a) of the Personally Controlled Electronic Health Records Act 2012.

Schedule 1, item 21, page 8 (line 34), after “recipient”, insert “, a healthcare provider, an authorised representative of a healthcare recipient or a nominated representative of a healthcare recipient”.

Schedule 1, item 21, page 9 (line 1), after “recipient”, insert “, a healthcare provider, an authorised representative of a healthcare recipient or a nominated representative of a healthcare recipient”.

Schedule 1, page 10 (after line 28), after item 29, insert:

29A At the end of section 46E

Add:

(4) Despite paragraphs (1)(ba) and (bb), the consent of the consumer is not required for the uploading of information by the Chief Executive Medicare in accordance with paragraph 38(2)(a) of the Personally Controlled Electronic Health Records Act 2012.

Schedule 1, item 32, page 11 (line 8), omit “Guidelines”, substitute “guidelines”.

Question—That the Personally Controlled Electronic Health Records (Consequential Amendments) Bill 2011, as amended, be agreed to—divided, at the request of Senator McLucas, in respect of Schedule 1, item 18.

Question—That Schedule 1, item 18 stand as printed—put and negatived.

Bills, as amended, agreed to.

Bills to be reported with amendments.

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

On the motion of Senator McLucas the report from the committee was adopted and the bills read a third time.

36 SKILLS AUSTRALIA AMENDMENT (AUSTRALIAN WORKFORCE AND PRODUCTIVITY AGENCY) BILL 2012

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Deregulation (Senator Wong)—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.
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.

Senator Cormann moved the following amendment:

At the end of the motion, add “but that further consideration of these bills be an order of the day for the first sitting day after the Government has tabled, for these bills, a regulatory impact statement which has been assessed by the Office of Best Practice Regulation as compliant with its requirements”.

Debate ensued.

Explanatory memoranda: The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) tabled supplementary explanatory memoranda [2] relating to the government amendments to be moved to the bills.

Debate continued.

At 10 pm: Debate was interrupted.

38 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.35 pm till Wednesday, 20 June 2012 at 9.30 am.

39 ATTENDANCE

Present, all senators except Senators Bob Carr*, Fisher*, Heffernan, Siewert*, Waters* and Xenophon* (* on leave).

ROSEMARY LAING
Clerk of the Senate