THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

THURSDAY, 21 JUNE 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 VACANCIES IN THE REPRESENTATION OF TASMANIA—CHOICE OF THE HONOURABLE LIN ESTELLE THORP AND PETER STUART WHISH-WILSON
The President informed the Senate that he had received, through the Governor-General, from the Governor of Tasmania, a copy of the certificate of the choice by the Parliament of Tasmania of the Honourable Lin Estelle Thorp and Peter Stuart Whish-Wilson to fill the vacancies caused by the resignations of Senator Sherry and Senator Bob Brown.

The President tabled the copy of the certificate as follows:

Government House
Tasmania

His Excellency the Governor
The Honourable Peter Underwood AC
20th June 2012

Her Excellency Ms Quentin Bryce AC CVO
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency,
I have the honour to inform you that, pursuant to Section 15 of the Constitution of the Commonwealth of Australia, a Joint Sitting of the Legislative Council and the House of Assembly was held on 20th June 2012 to fill two vacancies in the representation of the State of Tasmania in the Senate that arose from the resignations of Senator Nicholas John Sherry and Senator Robert James Brown.

Based on the advice I have received from the Speaker of the House of Assembly who was the Presiding Officer at the Joint Sitting, I certify that the Honourable Lin Estelle Thorp has been chosen to hold the place in the Senate rendered vacant through the said resignation of Nicholas John Sherry, and Mr Peter Stuart Whish-Wilson has been chosen to hold the place in the Senate rendered vacant through the said resignation of Robert James Bob Brown.

Yours sincerely,
Peter Underwood
Governor.

Senators sworn: Senators Thorp and Whish-Wilson, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the affirmation of allegiance at the table.

3 HEALTH INSURANCE (DENTAL SERVICES) BILL 2012 [NO. 2]
Order of the day read for the adjourned debate on the motion of Senator Bushby—That this bill be now read a second time.
Debate resumed.
Time expired: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.

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

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

Senator Boswell, from 55 361 petitioners, requesting that the Senate take action to improve, and support more active community involvement in, the Australia-Vietnam Human Rights Dialogue.

Senator Di Natale, from 229 petitioners, requesting that the Senate take action to amend the National Employment Standards with regard to public holidays.

Document: The Leader of the Australian Greens (Senator Milne), by leave, tabled the following document:


5 Notices
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That consideration of the business before the Senate on Wednesday, 15 August 2012, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Thorp to make her first speech without any question before the chair.

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

(a) notes findings by Fair Work Australia that Mr Craig Thomson misused $500 000 of Health Services Union members’ funds for sexual services, personal travel and entertainment and to secure a seat in the Federal Parliament; and

(b) condemns the misuse of union members’ funds as found by Fair Work Australia. (general business notice of motion no. 804)

Senators Cormann and Johnston: To move on the next day of sitting—That there be laid on the table by the Minister representing the Assistant Treasurer, by noon on Thursday, 28 June 2012, all documents, including all correspondence and emails, between the Australian Securities and Investments Commission and the Financial Ombudsman Service, in relation to the changes in the terms of reference of the Financial Ombudsman Service which came into force on 1 January 2012. (general business notice of motion no. 805)
The Leader of the Australian Greens (Senator Milne): To move on 28 June 2012—
That the following matter be referred to the Economics References Committee for
inquiry and report by 23 August 2012:
The causes of electricity bill increases and options to moderate future increases, with
particular reference to:
(a) identification of the key causes of electricity price increases over recent years
and in future projections;
(b) whether the current electricity market objectives, and governance and
regulation structures, have been and will continue to be effective at moderating
costs and serving their intended purposes;
(c) the accuracy of past electricity demand projections, the impact of declining
wholesale electricity prices and the role of energy efficiency;
(d) barriers to reform created by the National Electricity Market institutions,
including state-based regulators, the Australian Energy Market Operator, the
Australian Energy Market Commission and the Australian Energy Regulator
(AER), and whether the reach of the AER is unnecessarily restricted;
(e) the difference in cost drivers between private and government-owned
transmission and distribution businesses and the significant decline in the
productivity of these businesses;
(f) the impact of state and federal government measures to reduce greenhouse gas
emissions and support renewable energy and energy efficiency in light of
market externalities, broader social and economic benefits and whether market
objectives should be reconsidered in light of these benefits;
(g) whether or not network reliability standards are unnecessarily high, and
whether there are benefits of moving to a more sophisticated probabilistic
approach to reliability standards, including more appropriate metrics of value of
unserved energy and value of customer reliability;
(h) the effects of the imposition of obligations on electricity distributors for
minimum targeted levels of ‘demand management’ and consumer energy
efficiency schemes;
(i) the benefits of decoupling the profits of electricity distributors from the volume
of energy supplied;
(j) the materiality of ‘merit order’ based price reductions in the wholesale energy
market from increasing levels of distributed generation;
(k) regulatory and other barriers relating to the connection processes for embedded
generators;
(l) the potential to shift from an energy-only market to markets in both energy and
capacity, to restrain price volatility, ensure resource adequacy, and foster the
development of a broad, competitive mix of generation and demand-side
resources;
(m) the potential for increased funding of, and capacity for, consumer advocacy to
reduce bills through countering the lobbying of market participants and
networks;
(n) the need for a government agency to coordinate and promote energy savings,
demand management and distributed generation;
(o) barriers to reform of the energy markets and systems in Western Australia and
the Northern Territory; and
(p) any related matters.
No. 94—21 June 2012

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 Tax Laws Amendment (Managed Investment Trust Withholding Tax) Bill 2012, allowing it to be considered during this period of sittings.

Document: Senator Collins tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the Tax Laws Amendment (Managed Investment Trust Withholding Tax) Bill 2012 in the 2012 winter sittings.

6 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 7 OF 2012

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 7 OF 2012

1. The committee met in private session on Wednesday, 20 June 2012 at 7.14 pm.
2. The committee resolved to recommend—That—
   (a) the Government Investment Funds Amendment (Ethical Investments) Bill 2011 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 22 August 2012;
   (b) the provisions of the Greenhouse and Energy Minimum Standards Bill 2012 and the provisions of the Greenhouse and Energy Minimum Standards (Registration Fees) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 15 August 2012; and
   (c) the provisions of the Maritime Powers Bill 2012 and the provisions of the Maritime Powers (Consequential Amendments) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 August 2012.
3. The committee resolved to recommend—That the following bill not be referred to a committee:
   Financial Framework Legislation Amendment Bill (No. 2) 2012.

The committee recommends accordingly.
4. The committee deferred consideration of the following bills to its next meeting:
   Customs Tariff Amendment (2012 Measures No. 1) 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
Statute Stocktake (Appropriations) Bill (No. 1) 2012.

Anne McEwen
Chair
21 June 2012.

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

7 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 800 standing in the name of Senator Cormann relating to the carbon tax; and
(b) orders of the day relating to government documents.
Question put and passed.

8 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, 28 June 2012 under the temporary order relating to the consideration of private senators’ bills:
No. 86 Health Insurance (Dental Services) Bill 2012 [No. 2].
No. 51 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.
Question put and passed.

9 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senators Brown, Kim Carr, Conroy and Lundy for 22 June 2012, on account of parliamentary business.
Question put and passed.

Senator Kroger, by leave, moved—That leave of absence be granted to the following senators:
(a) Senators Back, Bernardi, Birmingham, Cormann, Nash, Ronaldson, Scullion, Sinodinos and Williams, for 22 June 2012, on account of parliamentary business; and
(b) Senator Fisher from 20 June to 22 June 2012, for personal reasons.
Question put and passed.
10 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, by leave and at the request of the Chair of the Economics Legislation Committee (Senator Bishop), moved—that the Economics 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 Friday, 22 June 2012, from 2 pm.
Question put and passed.

11 POSTPONEMENTS
The following items of business were postponed:
General business notice of motion no. 781 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012, postponed till 26 June 2012.
General business notice of motion no. 799 standing in the names of Senators Rhiannon and Moore for today, relating to the 110th anniversary of women’s suffrage in Australia, postponed till 25 June 2012.

12 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS
Senator McEwen, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 787—that the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate as follows:
(a) on Wednesday, 15 August 2012, from 11 am to 11.45 am, followed by a private briefing till 1 pm; and
(b) on Wednesday, 22 August 2012, from 11 am to 11.30 am, followed by private briefings till 1 pm.
Question put and passed.

13 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 788—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 on Thursday, 21 June 2012, from 1 pm.
Question put and passed.
14  **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 789—That the Education, Employment and Workplace Relations Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 22 June 2012, from 9.30 am to 1 pm, to take evidence for the committee’s inquiry into the provisions of the Fair Work (Registered Organisations) Amendment Bill 2012.

Question put and passed.

15  **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Community Affairs Legislation Committee and 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. 790—That the Community Affairs Legislation Committee and the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 26 June 2012, from 12.30 pm.

Question put and passed.

16  **HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of Senator Stephens and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 791—That the Parliamentary Joint Committee on Human Rights be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 June 2012, from 5 pm to 7 pm.

Question put and passed.

17  **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Boyce) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 792—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, 28 June 2012, from 10 am.

Question put and passed.
Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Boyce) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 793—that the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate on Friday, 22 June 2012, from 9.30 am. Question put and passed.

18 **AUSTRALIA’S FOOD PROCESSING SECTOR—SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Kroger, at the request of the Chair of the Select Committee on Australia’s Food Processing Sector (Senator Colbeck) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 794—that the Select Committee on Australia’s Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Monday, 25 June 2012, from 4 pm, and on Wednesday, 27 June 2012, from 11.30 am. Question put and passed.

19 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT**

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. 795—that the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended to 12 September 2012, as follows:

(a) management of the Murray-Darling Basin; and
(b) Foreign Investment Review Board national interest test.

Question put and passed.

20 **FOREIGN AFFAIRS—SOCIALIST REPUBLIC OF VIETNAM—HUMAN RIGHTS DIALOGUE**

Senator Boswell, also on behalf of Senator Furner, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 796—that the Senate—

(a) notes that:

(i) since 2002, Australia and the Socialist Republic of Vietnam (SRV) have held nine rounds of the Australia-Vietnam Human Rights Dialogue, and

(ii) the Australian Government, through the Department of Foreign Affairs and Trade, considers the improvements in human rights in the SRV ‘a high priority of the Australian government’; and

(b) calls on the Australian Government to:

(i) encourage the Minister for Foreign Affairs to ensure parliamentary supervision of the Australia-Vietnam Human Rights Dialogue by appointing members to take part in the Dialogue,

(ii) encourage more active community awareness of the work of the Dialogue,
(iii) ensure Australia’s overseas development aid to the SRV includes a focus on promoting human rights, and
(iv) improve the effectiveness of the initiative by encouraging a more whole of government approach.

Question put and passed.

Statements by leave: Senators Boswell and Furner, by leave, made statements relating to the motion.

21 LAW AND JUSTICE—COMMUNITY LEGAL SERVICES

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 797—That the Senate—

(a) notes that:
   (i) 2012 marks the 40th anniversary of community legal centres, which started with the establishment of the Fitzroy Legal Service in Melbourne, and
   (ii) there are over 200 community legal centres currently operating throughout Australia;

(b) recognises that:
   (i) community legal centres, and the passionate and committed lawyers and advocates working for them, provide essential legal assistance services and advocacy to some of the most marginalised and disadvantaged members of our community, and
   (ii) community legal centres remain under-resourced and continue to struggle to meet the rising demand for affordable and effective access to justice; and

(c) calls on the Government to conduct a comprehensive investigation of levels of demand and supply of legal assistance services, unmet need and gaps in service delivery, with a view to directing the improved use and funding of legal assistance services and consequently advancing access to justice.

Question put and passed.

22 LAW AND JUSTICE—GUN LAWS

Senator Rhiannon, also on behalf of Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 798—That the Senate—

(a) notes that:
   (i) uniform gun laws were introduced across all states and territories following the ground-breaking work undertaken by the former Prime Minister, Mr Howard, in the aftermath of the Port Arthur massacre,
   (ii) the New South Wales Government has sponsored a two-day ‘Shot Expo’ that promotes guns, knives and pistols, in conjunction with firearm manufacturers, including Beretta, a weapons supplier to the former Gaddafi regime, and
   (iii) the New South Wales Government has given its support to a longstanding Shooter and Fishers Party plan to allow recreational hunting with firearms in designated New South Wales national parks;

(b) condemns the New South Wales Government’s plans to allow recreational hunting with firearms in its national parks; and
(c) calls on:

(i) the Federal Government to support the adoption of a global arms trade treaty at the United Nations, and

(ii) the Attorney-General (Ms Roxon) to take the steps required to strengthen uniformity of Australian gun laws.

Statements by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and Senator Rhiannon, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 7

Senators—

Di Natale — Ludlam (Teller) — Rhiannon — Whish-Wilson — Wright

Hanson-Young

NOES, 35

Senators—

Back — Edwards — Madigan — Pratt

Bilyk — Feehey — Marshall — Singh

Boswell — Fifield — Mason — Smith

Boyce — Furner — McEwen — Sterle

Brown — Gallacher — McKenzie — Thistlethwaite

Cameron — Hogg — McLucas — Thorp

Colbeck — Humphries — Moore — Urquhart

Collins — Kroger (Teller) — Parry — Williams

Crossin — Macdonald — Polley

Question negatived.

23 ENVIRONMENT—FOSSIL FUEL SUBSIDIES

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. 802—

That the Senate—

(a) notes that:

(i) more than a million people have signed a petition to governments convening at the Rio+20 summit calling on them to end fossil fuel subsidies,

(ii) the Rudd Government agreed at the G20 meeting in Pittsburgh in 2009 to phase-out inefficient fossil fuel subsidies that cause wasteful consumption,

(iii) similar language is being inserted into negotiating text at the Rio conference, and

(iv) the Government has acknowledged that fossil fuel producers benefit from economy or sector-wide concessions; and

(b) calls on the Government to explain how providing concessions to fossil fuel producers is consistent with pricing greenhouse gas pollution, efforts to tackle global warming, the G20 agreement, the intent of the Rio+20 negotiating text, and measures to build a clean energy economy.

Statement by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, made a statement relating to the motion.
Question put.
The Senate divided—

AYES, 7

Senators—

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NOES, 34

Senators—

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Question negatived.

24 LAW AND JUSTICE—MR JULIAN ASSANGE—CONSULAR SERVICES

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 801—That the Senate—

(a) notes that inconsistent or selective application of the Consular Services Charter leaves Australian citizens in doubt about the level of assistance they may receive if facing difficulties overseas; and

(b) calls on the Prime Minister (Ms Gillard) to:

(i) ensure that the Government’s efforts and engagement on behalf of Mr Julian Assange are consistent with the highest level of support provided to other Australians in difficulty overseas, and

(ii) retract prejudicial statements regarding the illegality of Wikileaks’ publishing endeavours, found to be groundless by the Australian Federal Police, which have the potential to seriously jeopardise the potential for any fair trial or hearing for Mr Assange.

Question put and passed.

25 FOREIGN AFFAIRS—INTERNATIONAL ARMS TRADE

Senator Hanson-Young, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 803—That the Senate—

(a) notes that international trade in arms, when undertaken irresponsibly, or diverted to illicit markets, contributes to unlawful armed violence, violations of international human rights law and international humanitarian law, acts of genocide and other crimes against humanity, forced displacement, terrorist attacks, patterns of organised and violent crime and corrupt practices;

(b) affirms that an effective arms trade treaty would strengthen the rule of law, peace and peace-building processes, human security, poverty reduction initiatives and prospects for sustainable socio-economic development;
(c) acknowledges:

(i) that a robust arms trade treaty would assist to reduce the extensive loss of human life and livelihoods caused by illegal weapons while at the same time not impeding the operation of the legitimate global arms trade as carried out with full respect for the rule of law and international legal obligations and standards, and

(ii) the important role that Australia has played as a co-author of every United Nations resolution on an arms trade treaty since 2006 and can continue to play as a champion of a robust, comprehensive and legally binding instrument;

(d) calls on states to adopt a treaty:

(i) at the United Nations in July 2012, whereby international transfers of arms will not be authorised if there is a substantial risk that the weapons will be used to commit or facilitate serious violations of international human rights law or international humanitarian law, or will seriously impair poverty reduction or socio-economic development,

(ii) that covers a comprehensive scope of conventional arms, including ammunition, small arms and light weapons, as well as a wide range of trade activities, including transfers and transhipments, and

(iii) that includes mechanisms to ensure full implementation, including transparent reporting, international cooperation, compliance and accountability; and

(e) notes the important contribution of non-government organisations, including Amnesty International, Oxfam and the International Committee of the Red Cross, in working towards the achievement of an effective and robust global arms trade treaty.

Question put and passed.

26 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—REPORT—HIGHER EDUCATION AND SKILLS TRAINING FOR AGRICULTURE AND AGribusiness

Pursuant to order, the Chair of the Education, Employment and Workplace Relations References Committee (Senator Back) tabled the following report and documents:

Education, Employment and Workplace Relations References Committee—Higher education and skills training to support agriculture and agribusiness in Australia—Report, dated June 2012, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Back moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.
27 **TREATIES—J OINT STANDING COMMITTEE—1 25TH REPORT**

Senator Birmingham, on behalf of the Joint Standing Committee on Treaties, tabled the following report:

Treaties—Joint Standing Committee—125th report—Treaties tabled on 7 and 28 February 2012, dated June 2012.

Senator Birmingham moved—That the Senate take note of the report.

Question put and passed.

28 **APPROPRIATION BILL (NO. 5) 2011-2012**  
**APPROPRIATION BILL (NO. 6) 2011-2012**

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

Message no. 443, dated 20 June 2012—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 444, dated 20 June 2012—A Bill for an Act to appropriate additional money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) 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 Farrell moved—That these bills be now read a second time.

On the motion of Senator Farrell the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

29 **APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2012-2013**  
**APPROPRIATION BILL (NO. 1) 2012-2013**  
**APPROPRIATION BILL (NO. 2) 2012-2013**

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

Message no. 445, dated 20 June 2012—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 441, dated 20 June 2012—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 442, dated 20 June 2012—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) 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 Farrell moved—That these bills be now read a second time.
On the motion of Senator Farrell the debate was adjourned till the next day of sitting.

30 BROADCASTING SERVICES AMENDMENT (IMPROVED ACCESS TO TELEVISION SERVICES) BILL 2012
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 446, dated 20 June 2012—A Bill for an Act to amend the Broadcasting Services Act 1992, and for other purposes.
The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) 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 Farrell moved—That this bill be now read a second time.
On the motion of Senator Farrell the debate was adjourned till the next day of sitting.

31 AUSTRALIAN HUMAN RIGHTS COMMISSION AMENDMENT (NATIONAL CHILDREN’S COMMISSIONER) BILL 2012
PASSenger MOVEMENT CHARGE AMENDMENT BILL 2012
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 449, dated 21 June 2012—A Bill for an Act to provide for a National Children’s Commissioner, and for related purposes.
The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) 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 Farrell moved—That these bills be now read a second time.

Explanatory memorandum: Senator Farrell tabled a revised explanatory memorandum relating to the Passenger Movement Charge Amendment Bill 2012.

On the motion of Senator Farrell the debate was adjourned till the next day of sitting.
Consideration of legislation: Senator Farrell moved—That the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.
32 **PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS BILL 2011**  
**PERSONALLY CONTROLLED ELECTRONIC HEALTH RECORDS (CONSEQUENTIAL AMENDMENTS) BILL 2011**  
Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:  

33 **ELECTORAL AND REFERENDUM AMENDMENT (MAINTAINING ADDRESS) BILL 2011**  
**ELECTORAL AND REFERENDUM AMENDMENT (PROTECTING ELECTOR PARTICIPATION) 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 these bills be now read a second time.  
Debate resumed.  
*At 2 pm:* Debate was interrupted while Senator Fifield was speaking.

34 **QUESTIONS**  
Questions without notice were answered.

35 **MOTIONS TO TAKE NOTE OF ANSWERS**  
Senator Birmingham moved—That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Birmingham today relating to the media.  
Debate ensued.  
Question put and passed.  
Senator Di Natale moved—That the Senate take note of the answer given by the Minister for Finance and Deregulation (Senator Wong) to a question without notice asked by Senator Di Natale today relating to the carbon tax.  
Question put and passed.

36 **SOCIAL ISSUES—HOMELESSNESS—MINISTERIAL STATEMENT—DOCUMENT**  
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:  
Social issues—Homelessness—Ministerial statement by the Minister for Housing and Minister for Homelessness (Mr O’Connor), dated 20 June 2012.  
Senator Payne, by leave, moved—that the Senate take note of the document.  
Question put and passed.
37 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCE COMMITTEE—GOVERNMENT RESPONSE—COMPENSATION FOR WHEAT GROWERS**

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


38 **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

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


39 **GAMBLING REFORM—JOINT SELECT COMMITTEE—GOVERNMENT RESPONSE—INTERACTIVE AND ONLINE GAMBLING AND GAMBLING ADVERTISING AND INTERACTIVE GAMBLING AND BROADCASTING AMENDMENT (ONLINE TRANSACTIONS AND OTHER MEASURES) BILL 2011**

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

Gambling Reform—Joint Select Committee—Report—Interactive and online gambling and gambling advertising and Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011—Government response.

40 **HEALTH—SCHIZOPHRENIA AWARENESS WEEK—DOCUMENTS**

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

Health—Schizophrenia Awareness Week—Letter to the President of the Senate from the Minister for Mental Health and Ageing (Mr Butler) responding to the resolution of the Senate of 10 May 2012, dated 18 June 2012 and attachment.

41 **DEFENCE—DEFENCE FORCE DISCIPLINE ACT 1982—REPORTS FOR 2011**

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

*Defence Force Discipline Act 1982—Reports for 2011—*

Director of Military Prosecutions.

Judge Advocate General.

42 **DOCUMENTS**

The following documents were tabled by the Clerk:

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

Airspace Act—Airspace Regulations—Instrument No. CASA OAR 079/12—Determination of conditions for use of air routes [F2012L01258].
Civil Aviation Act—
   Civil Aviation Regulations—Instrument No. CASA 178/12—Direction – number of cabin attendants (Virgin Australia Airlines) [F2012L01259].

Energy Efficiency Opportunities Act—Select Legislative Instrument 2012 No. 108—Energy Efficiency Opportunities Amendment Regulation 2012 (No. 1) [F2012L01249].

Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens—
   EPBC303DC/SFS/2012/30 [F2012L01214].
   EPBC303DC/SFS/2012/31 [F2012L01241].

Excise Act—Excise (Blending exemptions) Determination 2012 (No. 2) [F2012L01262].

Export Control Act—Export Control (Orders) Regulations—
   Export Control (Fees) Amendment Order 2012 (No. 1) [F2012L01265].
   Export Control (Fish and Fish Products) Amendment Order 2012 (No. 1) [F2012L01266].
   Export Control (Prescribed Goods – General) Amendment Order 2012 (No. 1) [F2012L01247].

Family Law Act—Select Legislative Instrument 2012 No. 97—Family Law (Superannuation) Amendment Regulation 2012 (No. 1) [F2012L01251].

Fisheries Management Act—Select Legislative Instrument 2012 No. 98—Fisheries Management (International Agreements) Amendment Regulation 2012 (No. 1) [F2012L01240].

Health Insurance Act—
   Health Insurance (Accredited Pathology Laboratories – Approval) Amendment Principles 2012 (No. 1) [F2012L01268].
   Health Insurance (Allied Health Services) Amendment Determination 2012 (No. 2) [F2012L01267].

Migration Act—Select Legislative Instrument 2012 No. 106—Migration Legislation Amendment Regulation 2012 (No. 3) [F2012L01244].

National Health Act—Instrument No. PB 52 of 2012—National Health (Remote Aboriginal Health Services Program) Special Arrangements Amendment Instrument 2012 (No. 1) [F2012L01261].


Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2012 No. 110—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulation 2012 (No. 1) [F2012L01257].

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

Message no. 447, dated 21 June 2012—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 440, dated 20 June 2012—A Bill for an Act to impose a tax on directors, and associates of directors, of companies that do not comply with their Pay as you go (PAYG) withholding obligations, and for related purposes.

The Minister for Finance and Deregulation (Senator Wong) 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 Wong moved—that these bills be now read a second time.
Explanatory memorandum: Senator Wong tabled a revised explanatory memorandum relating to the bills.

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

General business was called on.

44 ECONOMICS—CARBON TAX

Senator Cormann, pursuant to notice, moved general business notice of motion no. 800—That the Senate condemns the Labor Government for imposing the world’s biggest carbon tax on the Australian economy at the worst possible time, when the Prime Minister (Ms Gillard) promised before the 2010 election that there would be no carbon tax under a government she leads and when it will:

(a) push up the cost of living;
(b) push up the cost of doing business;
(c) make Australia less competitive internationally;
(d) cost jobs;
(e) result in lower real wages and cause a cumulative reduction in Australia’s gross domestic product in the order of $1 trillion between now and 2050, according to the Government’s own Treasury modelling; and
(f) shift economic activity and emissions overseas, therefore doing nothing to help reduce global emissions.

Debate ensued.

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

Question—That the question be now put—put.

The Senate divided—

AYES, 26

Senators—

NOES, 32

Senators—

Question negatived.
After 6 pm: Debate was interrupted.

General business concluded.

45 **Electoral and Referendum Amendment (Maintaining Address) Bill 2011**

**Electoral and Referendum Amendment (Protecting Elector Participation) 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 these bills be now read a second time.

Debate resumed.

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

Question—That these bills be now read a second time—put.

The Senate divided—

**AYES, 32**

Bilyk
Bishop
Cameron
Collins
Crossin
Di Natale
Evans
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Marshall
McEwen (Teller)
Milne
Moore
Polley
Pratt
Rhiannon
Singh
Stephens
Sterle
Thistlethwaite
Thorpe
Urqhart
Whish-Wilson

**NOES, 27**

Abetz
Boswell
Boyce
Brandis
Busby
Cash
Colbeck
Edwards
Eggleston
Fawcett
Fieravanti-Wells
Fifield
Johnston
Joyce
Kroger (Teller)
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ryan
Scullion
Smith
Williams

Question agreed to.

Bills read a second time.

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

The Senate divided—

**AYES, 33**

Bilyk
Bishop
Cameron
Collins
Crossin
Di Natale
Evans
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Singh
Stephens
Sterle
Thistlethwaite
Thorpe
Urqhart
Whish-Wilson
Wong
Wright

NOES, 26

Senators—

Abetz
Boswell
Boyce
Brandis
Bushby
Cash
Colbeck
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Johnston
Joyce
Kroger (Teller)
Macdonald
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ryan
Scullion
Smith
Williams

Question agreed to.

Bills read a third time.

46 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received a letter 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:

Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—
Discharged—Senator Brown
Appointed—Senator Thorp

Community Affairs Legislation and References Committees—
Appointed—Participating member: Senator Thorp

Economics Legislation and References Committees—
Appointed—Participating member: Senator Thorp

Education, Employment and Workplace Relations Legislation and References Committees—
Appointed—Participating member: Senator Thorp

Environment and Communications Legislation and References Committees—
Appointed—Participating member: Senator Thorp

Finance and Public Administration Legislation and References Committees—
Appointed—Participating member: Senator Thorp

Foreign Affairs, Defence and Trade Legislation and References Committees—
Appointed—Participating member: Senator Thorp

Gambling Reform—Joint Select Committee—
Discharged—Senator Crossin
Appointed—

Senator Pratt
Participating members: Senators Crossin and Thorp

Legal and Constitutional Affairs Legislation and References Committees—
Appointed—Participating member: Senator Thorp

National Broadband Network—Joint Standing Committee—
Discharged—Senator Brown
Appointed—

Senator Thorp
Participating member: Senator Brown
Privileges—Standing Committee—
   Appointed—Senator Stephens

Regulations and Ordinances—Standing Committee—
   Discharged—Senator Marshall
   Appointed—Senator Pratt

Rural and Regional Affairs and Transport Legislation and References Committees—
   Appointed—Participating member: Senator Thorp

Scrutiny of Bills—Standing Committee—
   Discharged—Senator Marshall
   Appointed—Senator Thorp

Treaties—Joint Standing Committee—
   Discharged—Senator Urquhart
   Appointed—Senator Thorp.

Question put and passed.

47 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING—VARIATION
   Senator McEwen, by leave and at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), moved—That the order of the Senate agreed to earlier today (see entry no. 14) authorising the Education, Employment and Workplace Relations Legislation Committee to hold a public meeting during the sitting of the Senate be varied by omitting “to 1 pm”.
   Question put and passed.

48 CONSIDERATION OF LEGISLATION—STATEMENT BY LEAVE
   Senator Fifield, by leave, made a statement relating to the consideration of legislation.

49 ADJOURNMENT
   The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the Senate do now adjourn.
   Debate ensued.
   The Senate adjourned at 10.25 pm till Friday, 22 June 2012 at 9.30 am.

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

ROSEMARY LAING
  Clerk of the Senate

Printed by authority of the Senate