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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:
- National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 September 2011 to 29 February 2012.

3 SENATE—DEPARTMENTAL ITEMS—STATEMENT BY PRESIDENT
The President made a statement relating to the donation of two ornate carved walnut chairs to the Museum of Australian Democracy at Old Parliament House.

4 SUPERANNUATION LEGISLATION AMENDMENT (STRONGER SUPER) BILL 2012
ORDER OF THE DAY
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That these bills be now read a second time.
Debate resumed.

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

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

Bills read a second time.

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

Bills read a third time.
5 FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT BILL 2012

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time.

Debate resumed.

The Leader of the Opposition in the Senate (Senator Abetz) moved the following amendment:

At the end of the motion, add “but the Senate notes the Government’s failure to:

(a) establish an independent Registered Organisations Commission to:

(i) enforce and police the reporting and compliance obligations,
(ii) provide information to members of registered organisations about their rights and act as the body to receive complaints from their members,
(iii) educate registered organisations about the new obligations that apply to them, and
(iv) absorb the role of registered organisations enforcer and investigator, currently held by the General Manager of Fair Work Australia;

(b) ensure registered organisations face the same accountability and transparency measures as required of companies and their directors under the Corporations Act 2001;

(c) ensure registered organisations face the same penalties as companies and their directors under the Corporations Act 2001;

(d) express its confidence in the findings of Fair Work Australia’s investigation into the Health Services Union National Office; and

(e) conduct a Regulation Impact Statement for the bill;

and calls on the Government to conduct a review of the amendments made by the bill within 2 years after it receives the Royal Assent in accordance with Office of Best Practice Regulation practices”.

Debate ensued.

At 2 pm: Debate was interrupted.

6 QUESTIONS

Questions without notice were answered.

7 MOTIONS TO TAKE NOTE OF ANSWERS

The Leader of The Nationals in the Senate (Senator Joyce) moved—That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

Senator Waters 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 Waters today relating to the Great Barrier Reef.

Question put and passed.
8 Petitions

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

Senator Colbeck, from 46 petitioners, requesting that the Senate take action to review legislation relating to the export of kangaroo hide products.

Senator Pratt, from 283 petitioners, requesting that the Senate take action to improve medical services in Balga, Western Australia.

9 Notices

The Chair of the Select Committee on Australia’s Food Processing Sector (Senator Colbeck): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee on Australia’s Food Processing Sector be extended to 16 August 2012. (general business notice of motion no. 818)

Senators Boyce and Fifield: To move on the next day of sitting—That the Senate—

(a) recognises that:

(i) the proposal of a National Disability Insurance Scheme (NDIS) is a once-in-a-generation landmark reform that has the potential to deliver better quality of life outcomes for Australians with disabilities,

(ii) the schedule for implementation of the NDIS, as proposed by the Productivity Commission, will take 7 years, spanning the life of three Parliaments, and

(iii) the NDIS is a reform that involves the cooperation and support of state and territory governments, the disability support services sector, people with a disability and their families and carers;

(b) notes the bipartisan and cross-party support for the implementation of the NDIS; and

(c) declares its support for policy stability on the NDIS over the life of those three Parliaments and until the scheme’s full implementation. (general business notice of motion no. 819)

Senators Boyce and Fifield: To move on the next day of sitting—

(1) That a joint select committee, to be known as the Joint Select Committee on the National Disability Insurance Scheme be established to oversee the implementation of the National Disability Insurance Scheme.

(2) That the committee be subject to terms of reference and reporting dates, to be agreed upon by the Prime Minister and Leader of the Opposition and agreed to by both Houses of Parliament.

(3) That the committee consist of 10 members, two Government members and two Opposition members, two Government senators and two Opposition senators, one Australian Greens member or senator and one independent member or senator.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(5) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time, whichever is the earlier.
(6) That the committee elect as its joint chairs a Government member appointed to the committee on the nomination of the Government Whip or Whips or the Leader of the Government in the House of Representatives or the Leader of the Government in the Senate, and an Opposition member appointed to the committee on the nomination of the Opposition Whip or Whips or the Leader of the Opposition in the House of Representatives or the Leader of the Opposition in the Senate.

(7) That three members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include one Government member of either House and one Opposition member of either House.

(8) That the committee have the power to call for witnesses to attend and for documents to be produced.

(9) That the committee may conduct proceedings at any place it sees fit.

(10) That the committee have the power to adjourn from time to time and to sit during any adjournment of the House of Representatives and the Senate.

(11) That the committee report to both Houses of Parliament from time to time.

(12) That the provisions of this resolution, so far as they are inconsistent with the standing orders, shall have effect notwithstanding anything contained in the standing orders.

(13) That a message be sent to the House of Representatives acquainting it of this resolution and requesting that it concur with the action accordingly. (general business notice of motion no. 820)

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That the order of the Senate of 19 June 2012, relating to the hours of meeting and routine of business, be varied to provide that:

On Thursday, 28 June 2012:

(a) the hours of meeting shall be 9 am to 6 pm and 7 pm to adjournment;

(b) the routine of business from 9 am to 2 pm, and from 7 pm, shall be the following government business orders of the day:
   Tax Laws Amendment (Managed Investment Trust Withholding Tax) Bill 2012 and a related bill, and
   Social Security Legislation Amendment Bill 2011 and 2 related bills;

(c) the routine of business from after motions to take note of answers to not later than 4.30 pm shall be:
   (i) petitions,
   (ii) notices of motion,
   (iii) tabling and consideration of a report of the Selection of Bills Committee,
   (iv) postponement and rearrangement of business,
   (v) discovery of formal business, and
   (vi) tabling of Clerk’s documents;

(d) the order of general business shall be:
   (i) general business order of the day no. 20 (Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010), and
   (ii) orders of the day relating to government documents;
(e) divisions may take place after 4.30 pm; and

(f) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister.

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 Financial Framework Legislation Amendment Bill (No. 3) 2012, allowing it to be considered during this period of sittings.

Document: Senator Collins tabled the following document:


10 POSTPONEMENTS

The following items of business were postponed:

Government business notice of motion no. 2 standing in the name of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) for today, relating to the consideration of legislation, postponed till 27 June 2012.

General business notice of motion no. 438 standing in the name of Senator Siewert for today, relating to the North West Slope Trawl Fishery, postponed till 15 August 2012.

General business notice of motion no. 442 standing in the name of Senator Siewert for today, proposing the introduction of the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011, postponed till 15 August 2012.

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 28 June 2012.

General business notice of motion no. 815 standing in the name of Senator Rhiannon for today, relating to domestic and family violence, postponed till 27 June 2012.

11 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the order of the Senate of 19 June 2012, relating to the hours of meeting and routine of business, be varied to provide that:

On Tuesday, 26 June 2012:

(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;

(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.

Question put and passed.
12 **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. 809—That the Joint Select Committee on Cyber Safety be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 15 August 2012, from 4.30 pm to 5.30 pm.

Question put and passed.

13 **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Deputy Chair of the Education, Employment and Workplace Relations References Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 810—That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on infrastructure delivery and engineering skills shortages be extended to 12 July 2012.

Question put and passed.

14 **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. 811—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 15 August 2012, from 10.30 am to 11.30 am.

Question put and passed.

15 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 812—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the procurement procedures for defence capital projects be extended to 23 August 2012.

Question put and passed.

16 **LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 813—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 5.30 pm, as follows:

(a) on Wednesday, 27 June 2012; and
(b) on Wednesday, 22 August 2012.

Question put and passed.
17 **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—REFERENCE**

Senator Ludlam, at the request of the Leader of the Australian Greens (Senator Milne) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matters be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 1 November 2012:

(a) the adequacy of the allowance payment system for jobseekers and others, with particular reference to the adequacy of the Newstart Allowance payment as an income support payment for jobseekers and the adequacy of all other allowance payments that support a range of recipients who study or provide care;

(b) the appropriateness of the allowance payment system as a support into work, with particular reference to:

(i) the effectiveness of the payment as an incentive into work,

(ii) the effectiveness of the allowance payment system in facilitating transitions between working and other activities, such as studying, caring and retirement, or in the event of illness or disability, and in helping or hindering recipients to overcome barriers to employment, and

(iii) the impact of the differences between pensions and allowances on the transition between working and other activities; and

(c) the impact of the changing nature of the labour market, particularly the rise of insecure work and decline of unskilled jobs, on the:

(i) nature and frequency of individual interaction with the allowance payment system, and

(ii) over and underpayment of allowances to recipients.

Question put and passed.

18 **INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE**

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 814—That the Senate—

(a) notes that:

(i) Tuesday, 26 June 2012 marks the International Day in Support of Victims of Torture, and

(ii) torture is a gross violation of human rights;

(b) recognises that:

(i) victims of torture require support and assistance as they rebuild their lives and undergo the rehabilitation necessary to resume as full a life as possible, and

(ii) Australian, Mr David Hicks, experienced torture and cruel and degrading treatment during his detention in Guantanamo Bay; and

(c) calls on the Government to conduct an independent inquiry into the former Australian Government’s role in Mr Hicks’ detention, treatment and unfair trial.

Question put.
The Senate divided—

AYES, 8

Senators—

Di Natale  Ladlam (Teller)  Rhiannon  Whish-Wilson
Hanson-Young  Milne  Waters  Wright

NOES, 37

Senators—

Bilyk  Farrell  Madigan  Singh
Bishop  Faulkner  Marshall  Smith
Boyce  Fawcett  McEwen (Teller)  Stephens
Cameron  Feeney  McKenzie  Sterle
Cash  Fierravanti-Wells  McLucas  Thistlethwaite
Colbeck  Fifield  Moore  Thorp
Collins  Fumer  Nash  Urquhart
Cormann  Gallacher  Parry
Crossin  Kroger  Policy
Edwards  Landy  Pratt

Question negatived.

19 ADMINISTRATION—FAIR WORK AUSTRALIA—MR CRAIG THOMSON

The Leader of the Opposition in the Senate (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 804—that the Senate—

(a) notes findings by Fair Work Australia that Mr Craig Thomson misused 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.

Leave refused: Senator Wright sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 28

Senators—

Abetz  Cormann  Humphries  Nash
Bernardi  Edwards  Johnston  Parry
Birmingham  Eggleston  Joyce  Payne
Bowen  Fawcett  Kroger (Teller)  Ronaldson
Bushby  Fierravanti-Wells  Macdonald  Scullion
Cash  Fifield  Mason  Sinodinos
Colbeck  Heffernan  McKenzie  Smith
Question negatived.

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

The Deputy President (Senator Parry) reminded senators of the Procedure Committee’s second report of 2011 and its consideration of standing order 66 relating to procedures for dealing with formal motions and in particular, statements being made by leave which may lead to de facto debate.

Statements by leave: Senators Abetz and Wright, by leave, made statements relating to the motion.

20 TRANSPORT—OFFSHORE OIL AND GAS RESOURCES SECTOR SECURITY INQUIRY—MINISTERIAL STATEMENT—DOCUMENTS

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

Transport—Retirement of the Inspector of Transport Security and tabling of the Offshore Oil and Gas Resources Sector Security inquiry report—
Ministerial statement by the Minister for Infrastructure and Transport (Mr Albanese), dated 25 June 2012.

21 AUDITOR-GENERAL—AUDIT REPORTS NOS 51 AND 52 OF 2011-12—DOCUMENTS

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

Auditor-General—Audit reports for 2011-12—
No. 51—Financial statement audit—Interim phase of the audits of the financial statements of major general government sector agencies for the year ending 30 June 2012.
No. 52—Performance audit—Gate reviews for Defence capital acquisition projects: Department of Defence.

Senator Fawcett, by leave, moved—That the Senate take note of report no. 52.
Debate adjourned till the next day of sitting, Senator Fawcett in continuation.
22 **PROCEDURE—STANDING COMMITTEE—FIRST REPORT OF 2012**

Senator Kroger, at the request of the Chair of the Procedure Committee (Senator Parry), tabled the following report:

Procedure—Standing Committee—First report of 2012—Consideration of private senators’ bills; routine of business; consideration of non-controversial legislation; raising matters of privilege; changes to the printed Notice Paper and related matters, dated June 2012.

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

Senator Kroger, by leave, moved—That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

Question put and passed.

23 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—3RD REPORT OF 2012**

Senator Gallacher, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:


24 **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 Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 12 of 2012—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2012L01329].


Civil Aviation Act—Civil Aviation Safety Regulations— Instrument No. CASA EX90/12—Exemption – recording time-in-service; Determination – non-application of part of CAO 100.5 [F2012L01325].
Part 66 Manual of Standards Amendment Instrument 2012 (No. 2) [F2012L01328].
Part 145 Manual of Standards Amendment Instrument 2012 (No. 2) [F2012L01326].

Defence Act—Determinations under section 58B—Defence Determinations—

2012/31—Reserve health support – amendment.
2012/32—Post indexes – amendment.
Financial Management and Accountability Act—Financial Management and Accountability Determinations—

2012/21—Section 32 (Transfer of Functions from ORER to CER) [F2012L01327].
2012/23—Section 32 (Transfer of Functions from DEEWR to DIISRTE) [F2012L01321].

Higher Education Support Act—Revocation of Approval as a Higher Education Provider—Nature Care College Pty Ltd [F2012L01315].

Migration Act—Migration Regulations—Instruments IMMI—

12/017—Pass marks and pool marks in relation to applications for general skilled migration visas (classes VE, VC, VF, VB, SI, SN and SP) [F2012L01317].
12/023—Skilled occupations, relevant assessing authorities and countries for general skilled migration visas [F2012L01320].
12/041—Points for Business Innovation Stream and Investor Stream of Business Innovation and Investment (Provisional) Visa [F2012L01313].
12/065—Skilled occupations, relevant assessing authorities, countries and points for general skilled migration visas and certain other visas [F2012L01322].
12/068—Skilled occupations, relevant assessing authorities, countries and points for general skilled migration visas and certain other visas [F2012L01314].

Parliamentary Service Act—Determination No. 1 of 2012—Secretary, Department of Parliamentary Services—Remuneration and other conditions of appointment.


Superannuation Act 1990—


25 GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAWS

A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following laws:

25 June 2012—Message No. 24—

Federal Financial Relations Amendment (National Health Reform) Act 2012 (Act No. 61, 2012)
26 Legal and Constitutional Affairs References Committee—Report—Prospective Marriage Visas

Pursuant to order, the Chair of the Legal and Constitutional Affairs References Committee (Senator Wright) tabled the following report and documents:

Legal and Constitutional Affairs References Committee—Prospective marriage visa program—Report, dated June 2012, Hansard record of proceedings, additional information and submissions.

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

Senator Wright, by leave, moved—that the Senate take note of the report.

Debate ensued.

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

27 Legislation Committees—Reports—Budget Estimates 2012-13

Pursuant to order, Senator Polley, at the request of the chairs of the respective committees, tabled the following reports, dated June 2012 and documents:

Budget estimates 2012-13—

Community Affairs Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Economics Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Education, Employment and Workplace Relations Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Environment and Communications Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Finance and Public Administration Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Foreign Affairs, Defence and Trade Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Legal and Constitutional Affairs Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Rural and Regional Affairs and Transport Legislation Committee—Report and Hansard record of proceedings.

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

Senator Faulkner, by leave, moved—that the Senate take note of the reports.

Debate ensued.

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

28 Fair Work (Registered Organisations) Amendment Bill 2012

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time—and on the amendment moved by the Leader of the Opposition in the Senate (Senator Abetz) (see entry no. 5).

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

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—

Abetz               Cormann               Kroger               Ronaldson
Bernardi           Edwards               Macdonald           Ryan
Birmingham         Eggleston             Madigan             Scullion
Boswell            Fawcett               Mason                Sinodinos
Boyce              F ierravanti-Wells     McKenzie            Smith
Bushby             Fifield               Nash                Williams (Teller)
Cash               Humphries             Parry
Colbeck            Johnston              Payne

NOES, 36

Senators—

Bilyk              Evans                  Lundy                Singh
Bishop             Farrell                Marshall             Stephens
Brown              Faulkner               McEwen (Teller)      Sterle
Cameron            Feehan                McLucas              Thistlethwaite
Carr, Bob          Furner                 Milne                Thorp
Carr, Kim          Gallacher             Moore                Urquhart
Collins            Hanson-Young         Polley               Waters
Crossin            Hogg                  Pratt                Whish-Wilson
Di Natale          Laidlaw               Rhiannon            Wright

Question negatived.

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

The following amendments circulated by the Opposition were considered:

Schedule 1, page 4 (after line 6), after item 4, insert:

4A After section 288

Insert:

288A Good faith, use of position and use of information—criminal offences

Good faith—officers

(1) An officer of an organisation or a branch commits an offence if he or she:
   (a) is reckless; or
   (b) is intentionally dishonest;
and fails to exercise his or her powers and discharge his or her duties:
   (c) in good faith in the best interests of the organisation; or
   (d) for a proper purpose.
Penalty: Imprisonment for 5 years or 2,000 penalty units, or both.

Use of position—officers and employees

(2) An officer or employee of an organisation or a branch commits an offence if he or she uses his or her position dishonestly:
   (a) with the intention of directly or indirectly gaining an advantage for himself or herself, or someone else, or causing detriment to the organisation; or
(b) reckless as to whether the use may result in himself or herself, or someone else, directly or indirectly gaining an advantage, or in causing detriment to the organisation.

Penalty: Imprisonment for 5 years or 2,000 penalty units, or both.

Use of information—officers and employees

(3) A person who obtains information because he or she is, or has been, an officer or employee of an organisation or a branch commits an offence if he or she uses the information dishonestly:

(a) with the intention of directly or indirectly gaining an advantage for himself or herself, or someone else, or causing detriment to the organisation; or

(b) reckless as to whether the use may result in himself or herself, or someone else, directly or indirectly gaining an advantage, or in causing detriment to the organisation.

Penalty: Imprisonment for 5 years or 2,000 penalty units, or both.

4B Subsection 289(1)

Omit “or 288”, substitute “, 288 or 288A”.

4C Section 290

Omit “or 288”, substitute “, 288 or 288A”.

Schedule 1, item 8, page 4 (lines 15 and 16), omit the item, substitute:

8 Paragraph 306(1)(b)

Repeal the paragraph, substitute:

(b) in the case of an officer of an organisation—200 penalty units; or
(c) in any other case—60 penalty units.

Schedule 1, item 9, page 4 (line 24), omit paragraph (1A)(b), substitute:

(b) in the case of an officer of an organisation—100 penalty units; or
(c) in any other case—30 penalty units.

Schedule 1, page 8 (after line 18), after item 23, insert:

23A At the end of section 336

Add:

Referral to include relevant evidence and information

(6) If the General Manager refers the matter to the Director of Public Prosecutions, the Australian Federal Police or the police force of a State or Territory, the referral must include all the relevant evidence and information that has been acquired in the performance of functions or exercise of powers under this Act.

(7) The evidence and information must be given in such a form as to enable it to be used to consider whether to institute a prosecution, or take any other action, in relation to the matter.

Note: The evidence and information should be set out in the same way as a brief of evidence, or in a way that facilitates converting it to a brief of evidence.
Schedule 1, item 36, page 11 (line 25) to page 12 (line 9), omit all the words from and including “delegated to” to the end of subsection (3A), substitute “delegated to a member of the staff of FWA who is an SES employee or an acting SES employee”.

Schedule 1, page 29 (after line 6), at the end of the Schedule, add:

62 After paragraph 230(1)(c)
Insert:

(ca) records of all disclosures made in accordance with rules required by Division 3A of Part 2 of Chapter 5 (rules relating to disclosures);

63 Paragraph 233(1)(b)
After “(c)”, insert “, (ca)”.

64 Subsection 233(2)
After “(c)”, insert “, (ca)”.

Schedule 1, item 32, page 11 (line 11), omit paragraph 343A(2)(ib).

Schedule 1, page 11 (after line 14), after item 33, insert:

33A At the end of subsection 343A(2)
Add:

; (l) section 343B.

Schedule 1, item 35, page 11 (lines 20 and 21), after “subsection 337K(4)”, insert “or section 343B”.

Schedule 1, page 14 (after line 10), at the end of Part 1, add:

39A After section 343A
Insert:

343B Disclosure of information

(1) This section applies to information acquired in the performance of functions or exercise of powers under this Act. 

Disclosure that is necessary or appropriate, or likely to assist administration or enforcement

(2) The General Manager may disclose, or authorise the disclosure of, the information if the General Manager reasonably believes:

(a) that it is necessary or appropriate to do so in the course of performing functions, or exercising powers, under this Act; or

(b) that the disclosure is likely to assist in the administration or enforcement of a law of the Commonwealth, a State or a Territory.

Obligation to disclose information relevant to commission of offence

(3) If a member of the staff of FWA reasonably believes that the information is relevant to the commission, or possible commission, of an offence against a law of the Commonwealth, a State or a Territory, the member of staff must disclose the information to the General Manager.
(4) If the General Manager reasonably believes that the information is relevant to the commission, or possible commission, of an offence against a law of the Commonwealth, a State or a Territory, the General Manager must disclose, or authorise the disclosure of, the information:
   (a) for an offence against a law of the Commonwealth—to the Australian Federal Police; or
   (b) for an offence against a law of a State or Territory—to the police force of the State or Territory.

Information may be disclosed despite inquiry or investigation under this Act

(5) To avoid doubt, if the information relates to a matter that is the subject of an inquiry or investigation under Part 4 of Chapter 11, a person need not wait until the conclusion of the inquiry or investigation before disclosing, or authorising the disclosure of, the information under subsection (2), (3) or (4) of this section.

39B Application—disclosure of information

The amendment made by item 39A applies in relation to information acquired before, on or after the commencement of that item.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 30

Abetz
Bernardi
Birmingham
Boswell
Boyce
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Humphries
Johnston
Kroger
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ryan
Scullion
Sinodinos
Smith
Williams (Teller)

NOES, 36

Bilyk
Bishop
Brown
Cameron
Carr, Bob
Carr, Kim
Collins
Crossin
Di Natale
Evans
Farrell
Faulkner
Feeley
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Lundy
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Singh
Stephens
Sterle
Thistlethwaite
Thorp
Urquhart
Waters
Whish-Wilson
Wright

Question negatived.

Question—That Schedule 1, item 15, section 335C and item 18 stand as printed—put.
No. 97—26 June 2012

The Senate divided—

AYES, 36

Senators—

Bilyk  Evans  Lundy  Singh
Bishop  Farrell  Marshall  Stephens
Brown  Faulkner  McEwen (Teller)  Sterle
Cameron  Feeney  McLucas  Thistlethwaite
Carr, Bob  Furner  Milne  Thorp
Carr, Kim  Gallagher  Moore  Urquhart
Collins  Hanson-Young  Polley  Waters
Crossin  Hogg  Pratt  Whish-Wilson
Di Natale  Ludlam  Rhiannon  Wright

NOES, 30

Senators—

Abetz  Cormann  Kroger  Ronaldson
Bernardi  Edwards  Macdonald  Ryan
Birmingham  Eggleston  Madigan  Scullion
Boswell  Fawcett  Mason  Sinodinos
Boyce  Fierravanti-Wells  McKenzie  Smith
Bushby  Fifield  Nash  Williams (Teller)
Cash  Humphries  Parry  
Colbeck  Johnston  Payne  

Section and item agreed to.

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.

29 SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (2012 BUDGET AND OTHER MEASURES) 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.

30 WATER EFFICIENCY LABELLING AND STANDARDS AMENDMENT (SCHEME ENHANCEMENTS) BILL 2012

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—That this bill be now read a second time.

Debate resumed.
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.

31 ADJOURNMENT
The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) moved—That the Senate do now adjourn.
Debate ensued.

Declaration of interest: Senator Nash declared an interest in relation to the matter under discussion.

Debate continued.

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

Debate continued.

The Senate continued to sit till midnight—
WEDNESDAY, 27 JUNE 2012 AM

Debate continued.
The Senate adjourned at 12.23 am till Wednesday, 27 June 2012 at 9.30 am.

32 ATTENDANCE
Present, all senators except Senators Back*, Fisher*, Siewert* and Xenophon (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate