**JOURNALS OF THE SENATE**

No. 98

**WEDNESDAY, 27 JUNE 2012**

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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.

TEMPORARY CHAIR OF COMMITTEES
The President tabled a warrant, dated 27 June 2012, nominating Senator Sinodinos as an additional temporary chair of committees.

ROUTINE OF BUSINESS—VARIATION
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—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 Wednesday, 27 June 2012:
(a) the hours of meeting shall be 9.30 am to 8 pm;
(b) consideration of matters of public interest shall not be called on and instead the Financial Framework Legislation Amendment Bill (No. 3) 2012 shall be called on, have precedence over all business, be considered under a limitation of time and the time for the remaining stages commence at 12.45 pm until 1.50 pm;
(c) paragraph (b) shall operate as a limitation of debate under standing order 142;
(d) divisions may take place between 12.45 pm and 2 pm; and
(e) the question for the adjournment of the Senate shall be proposed at 7.20 pm.

Debate ensued.
Senator Fifield moved the following amendment:
Omit paragraphs (b) and (c), substitute:
(b) consideration of matters of public interest shall not be called on and instead the Financial Framework Legislation Amendment Bill (No. 3) 2012 shall be called on;

Debate ensued.
Question—That the amendment be agreed to—put and passed.
Debate continued.
Main question, as amended, put and passed.

PAID PARENTAL LEAVE AND OTHER LEGISLATION AMENDMENT (DAD AND PARTNER PAY 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.
5 **Passenger Movement Charge Amendment Bill 2012**

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

Debate resumed.

*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.

6 **Tax Laws Amendment (2012 Measures No. 2) Bill 2012**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Deregulation (Senator Wong)—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, 33**

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**NOES, 27**

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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            | Feeney          | McLucas         |
| Bishop           | Funder          | Milne           |
| Brown            | Gallacher       | Moore           |
| Cameron          | Hanson-Young    | Polley          |
| Carr, Kim        | Hogg            | Pratt           |
| Collins          | Laddam          | Rhiannon        |
| Crossin          | Ludwig          | Singh           |
| Di Natale        | Marshall        | Stephens        |
| Faulknner        | McEwen (Teller) | Thistlethwaite  |

| NOES, 27 |
|------------------|-----------------|-----------------|
| Bernardi         | Colbeck         | Johnston        |
| Birmingham       | Cormann         | Kroger (Teller)|
| Boswell          | Edwards         | Macdonald       |
| Boyce            | Eggleston       | Mason           |
| Brandis          | Fawcett         | McKenzie        |
| Bushby           | Fifield         | Nash            |
| Cash             | Humphries       | Parry           |

Question agreed to.

Bills read a third time.

7 **FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 3) 2012**

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

Message no. 462, dated 26 June 2012—A Bill for an Act to amend the law relating to finance, and for other purposes.

The Minister for Finance and Deregulation (Senator Wong) 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 Wong moved—that this bill be now read a second time.

Debate ensued.

The Leader of the Australian Greens (Senator Milne) moved the following amendment:

At the end of the motion, add “but the Senate considers that the National School Chaplaincy and Student Welfare Program should be replaced with a program offering genuine counselling and other assistance to students by professionals with appropriate tertiary qualifications”.

Debate ensued.

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

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"At 2 pm—"
8 **QUESTIONS**

Questions without notice were answered.

9 **MOTION TO TAKE NOTE OF ANSWER**

Senator Johnston moved—That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice asked by Senator Ronaldson today relating to Defence Force Retirement and Death Benefits recipients and the carbon tax.

Debate ensued.

Question put and passed.

10 **MINISTERIAL CODE OF CONDUCT—PERSONAL EXPLANATION**

The Minister for Foreign Affairs (Senator Bob Carr), by leave, made a personal explanation relating to the ministerial code of conduct and his appointment as a minister.

11 **DEATH OF FORMER MEMBER DR HAROLD (HARRY) RAYMOND EDWARDS**

The Deputy President (Senator Parry) informed the Senate of the death, on 26 June 2012, of Dr Harold (Harry) Raymond Edwards, a member of the House of Representatives for the division of Berowra from 1972 to 1993.

12 **NOTICES**

Notices of motion:

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

(a) notes that:

(i) Australian charities, including the Royal Society for the Prevention of Cruelty to Animals (RSPCA), face significantly higher electricity and other costs as a result of the Government’s carbon tax,

(ii) the RSPCA faces up to $180 000 in increased costs because of the carbon tax and that the Chief Executive Officer of its Australian Capital Territory branch, Mr Linke, has stated that services to help animals could be cut, and

(iii) the Government’s Low Carbon Communities program will be of no assistance to thousands of charitable organisations across the nation facing carbon tax-related cost increases; and

(b) condemns the Government for imposing major extra cost burdens on charitable organisations like the RSPCA, forcing them to cut services, including to save helpless and injured animals. (*general business notice of motion no. 821*)

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

(a) notes the Speaker of the Southern Sudan Legislative Assembly, the Right Honourable James Wani Igga, announced the Declaration of Independence Act for South Sudan on 9 July 2011; and

(b) congratulates the world’s newest state, the Republic of South Sudan, on its first anniversary on 9 July 2012. (*general business notice of motion no. 822*)
Senator Rhiannon: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 31 December 2012:

The administration, management and objectives of Australia’s overseas development programs in Afghanistan in the context of the ‘Transition Decade’, including:

(a) an evaluation of Australia’s bilateral aid program to date in Afghanistan;
(b) an evaluation of the interaction and effectiveness of Australia’s bilateral aid, multilateral aid, the Afghanistan Reconstruction Trust Fund and other Australian government departments delivering aid;
(c) the means to most effectively address the Millennium Development Goals in Afghanistan;
(d) how to guarantee the safety of all workers involved in the delivery of Australian aid programs in Afghanistan; and
(e) any other related matters.

Senators Madigan and Back: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Saturday, 23 June 2012, marked the anniversary of the tabling of the final report by the Community Affairs References Committee, *The social and economic impact of rural wind farms*,

(ii) this report made seven recommendations, including recommendations calling for studies on the effects of wind farms on human health,

(iii) on 7 February 2012, the Senate passed a motion calling on the Government to immediately act on the seven recommendations of the report,

(iv) 12 months after the tabling of the report, and more than 4 months since the Senate called on the Government to immediately act on the recommendations, the Government has failed to respond to the Senate’s call, and

(v) Mr Lane Crockett, board member of the Clean Energy Council and General Manager of Pacific Hydro, one of the leading wind farm corporations in Australia, has called on the Government to launch a national review into the health effects of all forms of power generation, including wind power; and

(b) orders that there be laid on the table by the Minister representing the Minister for Health, no later than noon on Tuesday, 14 August 2012, information detailing the actions being taken by the Government to act on the recommendations calling for studies on the effects of wind farms on human health. *(general business notice of motion no. 823)*

Senators Madigan and Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Renewable Energy (Electricity) Act 2000*, and for related purposes. *Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012*. *(general business notice of motion no. 824)*
The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting— That the Senate—

(a) notes:

(i) advice from the Department of Finance and Deregulation released under Freedom of Information laws that the review of the *Fair Work Act 2009* (the Act) should have included productivity, for example, a look at the costs incurred through bargaining, disputes, training and delays,

(ii) that the Minister for Employment and Workplace Relations (Mr Shorten) revised the terms of reference drafted by the Department of Education, Employment and Workplace Relations to:

(A) delete references to flexibility and balancing the needs of employees and employers in the opening paragraph,

(B) delete any reference to how the Act has reduced the compliance burden on business, and

(C) delete surveys of employers on their experiences in bargaining and agreement making under the Act and a survey of employees to measure their views and experiences under the Act, and

(iii) the view of departmental officers that the Minister’s terms of reference were too narrow; and

(b) expresses concern that the terms of reference for the review were not broader. *(general business notice of motion no. 825)*

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

(a) notes that:

(i) in September 2011, the Government released a public discussion paper seeking community views on the consolidation of Commonwealth anti-discrimination laws, and

(ii) approximately 270 submissions were received;

(b) recognises that the Government has committed to introducing new protections against discrimination on the basis of sexual orientation and gender identity; and

(c) calls on the Government to introduce, as a matter of priority, legislation that ensures Commonwealth anti-discrimination laws are consistent with Australia’s international human rights obligations. *(general business notice of motion no. 826)*

Senator Waters: To move on the next day of sitting— That there be laid on the table by the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, no later than 14 August 2012, any documents, including correspondence, created since 1 January 2009 in the possession or control of the Minister, his office, or the department, regarding:

(a) the adequacy of relevant Queensland Government departments’ administration of their responsibilities under the current or former assessment bilateral agreement established under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act); or

(b) the capacity and likelihood of relevant Queensland Government departments to effectively administer the EPBC Act if an approvals bilateral agreement were to be entered into under the EPBC Act. *(general business notice of motion no. 827)*
Senator Ryan: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Senator Bob Carr’s electorate office in Bligh House, Sydney, also served as the principal place of business of R.J. Carr Pty Ltd, his former lobbying company, until 24 May 2012,

(ii) on 24 May 2012, Senator Ryan raised this issue at the 2012-13 Budget estimates hearing of the Finance and Public Administration Legislation Committee,

(iii) on 24 May 2012, the principal place of business of R.J. Carr Pty Ltd was transferred to an address in Burwood,

(iv) on 30 May 2012, Senator Bob Carr told the 2012-13 Budget estimates hearing of the Foreign Affairs, Defence and Trade Legislation Committee that the ‘process of excising that reference from the record of ASIC is a matter between my business accountant and ASIC’ and ‘just an office detail’, and

(v) clause 2.9 of the Prime Minister’s ‘Standards of Ministerial Ethics’, dated September 2010 requires ‘that Ministers divest themselves of investments and other interests in any public or private company or business’; and

(b) calls on Senator Bob Carr to explain to the Senate forthwith why he has retained his shareholding in R.J. Carr Pty Ltd in contravention of the Prime Minister’s ‘Standards of Ministerial Ethics’. (general business notice of motion no. 828)

Notice of motion withdrawn: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) withdrew government business notice of motion no. 3 standing in her name for today, relating to the hours of meeting and routine of business for 28 June 2012.

13 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Conroy for 27 June and 28 June 2012, for personal reasons.

Question put and passed.

14 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 817 standing in the name of Senator Ludlam for today, relating to ABC news online, postponed till 28 June 2012.

15 AUSTRALIA’S FOOD PROCESSING SECTOR—SELECT COMMITTEE—EXTENSION OF TIME TO REPORT

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. 818—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.

Question put and passed.
16 FAMILY AND COMMUNITY SERVICES—NATIONAL DISABILITY INSURANCE SCHEME

Senator Fifield, also on behalf of Senator Boyce, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 819—

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.

Question put and passed.

17 NATIONAL DISABILITY INSURANCE SCHEME—JOINT SELECT COMMITTEE—PROPOSED APPOINTMENT

Senator Fifield, also on behalf of Senator Boyce, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 820—

(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.

Statements by leave: The Parliamentary Secretary to the Prime Minister (Senator McLucas) and Senators Ludlam and Fifield, by leave, made statements relating to the motion.

Leave refused: Senator Boyce sought leave to make a statement relating to motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 30

Senators—

Bernardi
Birmingham
Boswell
Boyce
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Ferravanti-Wells
Fifield
Heffernan
Humphries

Kroger (Teller)
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne

Ronaldson
Ryan
Scullion
Sinodinos
Smith
Williams

NOES, 35

Senators—

Bilyk
Bishop
Brown
Cameron
Carr, Bob
Carr, Kim
Collins
Crossin
Di Natale
Farnell
Faulkner
Feeley
Furner
Gallacher
Hanson-Young
Hogg
Ludlam

Marshall
McEwen (Teller)
McLucas
Milne
Moore
Policy
Pratt
Rhiannon
Singh

Stephens
Sterle
Thistlethwaite
Thorpe
Urquhart
Waters
Whish-Wilson
Wright
18 **IMMIGRATION—MIGRANT WORKERS**

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 808—That the Senate—
(a) notes that:
(i) temporary and migrant workers make a significant contribution to the Australian economy and Australian society,
(ii) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by a resolution of the United Nations General Assembly on 18 December 1990, and
(iii) the Convention’s provisions protect the human rights of migrant workers and shield them from unconscionable exploitation; and
(b) calls on the Government to:
(i) ensure that temporary migrant workers who come to Australia receive settlement assistance, language training and culturally appropriate services,
(ii) institute a rigorous program of inspection and enforcement to ensure that the conditions and pay migrant workers receive are fair and meet the legal requirements, and
(iii) show its commitment to leading the world in the protection of the rights of migrant workers by immediately ratifying the Convention.

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 and negatived.

19 **FAMILY AND COMMUNITY SERVICES—DOMESTIC AND FAMILY VIOLENCE**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 815—That the Senate—
(a) notes that:
(i) two-thirds of women in Australia affected by domestic violence are in some form of paid employment,
(ii) violence against women and children will cost the Australian economy $15.6 billion by 2022 unless effective action is taken to prevent it,
(iii) domestic violence can have a significant impact on the employment of women who are subjected to it, due to lost productivity as a result of distraction in the workplace, absenteeism due to physical and psychological injuries, disrupted work histories as victims frequently change jobs, and lower personal incomes and reduced hours of work, and
(iv) it is common for victims and survivors of domestic and family violence to be denied leave to attend to violence-related matters, such as attending court or moving into a shelter; and
(b) calls on the Government to:
(i) consider introducing domestic and family violence as a separate ground of discrimination,
(ii) consider making discrimination related to domestic and family violence unlawful in the workplace, and
(iii) urge all private companies and public sectors to include domestic violence clauses in their enterprise agreements.

Question put and passed.

20 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—GILLARD GOVERNMENT**

The Deputy President (Senator Parry) informed the Senate that Senator Fifield had proposed that the following matter of public importance be submitted to the Senate for discussion:

The failure during the 2 years of the Gillard Prime Ministership to honour the commitment to fix the climate change, mining tax and border protection policy disasters.

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

21 **SCRUTINY OF BILLS—STANDING COMMITTEE—7TH REPORT AND ALERT DIGEST NO. 7 OF 2012**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Macdonald) tabled the following report and document:

Scrutiny of Bills—Standing Committee—
7th report of 2012, dated 27 June 2012.
Alert Digest No. 7 of 2012, dated 27 June 2012.

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

Senator Macdonald moved—that the Senate take note of the report.

Question put and passed.

22 **FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—INTERIM REPORT—PERFORMANCE OF THE DEPARTMENT OF PARLIAMENTARY SERVICES**

The Chair of the Finance and Public Administration Legislation Committee (Senator Polley) tabled the following report and documents:


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

*Reporting date:* Senator Polley, by leave, moved—that the final report of the Finance and Public Administration Legislation Committee on the performance of the Department of Parliamentary Services be presented by 28 November 2012.

Question put and passed.

Senator Polley moved—that the Senate take note of the report.

Debate ensued.

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

_____

*After 5 pm—*

23 **FIRST SPEECH**

Pursuant to order (see entry no. 4, 19 June 2012), Senator Whish-Wilson made his first speech.
24 Treaties—Joint Standing Committee—126th Report

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


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

Debate ensued.

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

25 Auditor-General—Audit Reports Nos 53 and 54 of 2011-12—Documents

The Acting Deputy President (Senator Fawcett) tabled the following documents:

Auditor-General—Audit reports for 2011-12—

No. 53—Performance audit—Records management in the Australian Public Service.

No. 54—Performance audit—The engagement of external debt collection agencies: Australian Taxation Office.

26 Education, Employment and Workplace Relations References Committee—Government Response—Primary Schools for the 21st Century Program

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


27 Rural and Regional Affairs and Transport References Committee—Government Response—Public Passenger Transport Infrastructure and Services

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

Rural and Regional Affairs and Transport References Committee—Report—Investment of Commonwealth and state funds in public passenger transport infrastructure and services—Government response.

Senator Ludlam, by leave, moved—That the Senate take note of the document.

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

28 Document

The following document was tabled by the Clerk:

29 **PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—**
**PRESIDENT’S REPORT ON GOVERNMENT RESPONSES**
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:

Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 25 November 2011, dated 27 June 2012.

30 **COMMITTEE MEMBERSHIP**
The Acting Deputy President (Senator Fawcett) informed the Senate that the President had received a letter requesting changes in the membership of committees.
The Minister for Finance and Deregulation (Senator Wong), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Appropriations and Staffing—Standing Committee**—
Appointed—Senator Singh

**Corporations and Financial Services—Joint Statutory Committee**—
Appointed—Senator Urquhart

**Gambling Reform—Joint Select Committee**—
Appointed—
  Senator Thistlethwaite
  Participating members: Senators Bilyk, Brown, Cameron, Faulkner, Furner, Gallacher, Marshall, McEwen, Moore, Polley, Singh, Stephens and Sterle

**Public Accounts and Audit—Joint Statutory Committee**—
Appointed—Senator Pratt

**Rural and Regional Affairs and Transport Legislation Committee**—
Discharged—Senator Urquhart
Appointed—
  Senator Thorp
  Participating member: Senator Urquhart

**Rural and Regional Affairs and Transport References Committee**—
Discharged—Senator Urquhart
Appointed—
  Senator Thorp
  Participating member: Senator Urquhart.

Question put and passed.

31 **LEGISLATIVE INSTRUMENTS AMENDMENT (SUNSETTING MEASURES) BILL 2012**
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 463, dated 26 June 2012—A Bill for an Act to amend the *Legislative Instruments Act 2003*, and for related purposes.
The Minister for Finance and Deregulation (Senator Wong) 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 Wong moved—That this bill be now read a second time.

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

32 HIGHER EDUCATION SUPPORT AMENDMENT (STUDENT CONTRIBUTION AMOUNTS AND OTHER MEASURES) BILL 2012
STATUTE STOCKTAKE (APPROPRIATIONS) BILL (NO. 1) 2012
TAX LAWS AMENDMENT (INVESTMENT MANAGER REGIME) BILL 2012

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

Message no. 466, dated 27 June 2012—A Bill for an Act to amend the law relating to taxation, 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.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Wong moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

33 NATIONAL BROADCASTING LEGISLATION AMENDMENT BILL 2010

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:


34 PROCEDURE—STANDING COMMITTEE—FIRST REPORT OF 2012—CONSIDERATION

Order of the day read for the consideration of the Procedure Committee’s first report of 2012.

Senator Parry moved—That the recommendations of the Procedure Committee in its first report of 2012, be adopted as follows:

(1) That the temporary order relating to the consideration of private senators’ bills, agreed to on 22 November 2010, be extended till the end of the first sitting week in 2013.

(2) That the following amendment of standing order 57(1)(d) operate as a temporary order from the first sitting week in August 2012 till the end of the first sitting week in 2013:

After subparagraph 57(1)(d)(vi), insert:

(via) At 12.45 pm, non-controversial government business only.
(3) That standing order 74(3) be amended as follows, with effect from the first sitting day in 2013:

(3) The reply to a question on notice shall be given by delivering it to the Clerk, a copy shall be supplied to the senator who asked the question, and the publication of the reply is then authorised, and the question and reply shall be printed in Hansard.

(4) That the order of the Senate of 6 October 2005 be amended as follows:

**Storage of Senate documents**

The Senate authorises the storage outside Parliament House by the National Archives of Australia of documents laid before the Senate, provided that the storage of those documents is under the control of the Department of the Senate and microfilm or digital copies of them are available within Parliament House.

Debate ensued.

Question put and passed.

### 35 **FINANCIAL FRAMEWORK LEGISLATION AMENDMENT BILL (NO. 3) 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—and on the amendment moved by the Leader of the Australian Greens (Senator Milne) (see entry no. 7).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 8**

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

**NOES, 40**

- Bilyk
- Bishop
- Boyce
- Brandis
- Brown
- Bushby (Teller)
- Cameron
- Carr, Kim
- Cash
- Colbeck
- Collins
- Crossin
- Edwards
- Evans
- Farrell
- Fawcett
- Fierravanti-Wells
- Fifield
- Furner
- Gaullacher
- Heffernan
- Kroger
- Lundy
- Macdonald
- Madigan
- Marshall
- McEwen
- McKenzie
- McLucas
- Moore
- Parry
- Payne
- Pratt
- Singh
- Smith
- Stephens
- Thistlethwaite
- Thorp
- Urquhart
- Wong

Question negatived.

Main question put and passed.

Bill read a second time.

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

**In the committee**

Bill taken as a whole by leave.
Senator Brandis moved the following amendment:

Schedule 1, item 2, page 5 (after line 15), at the end of Division 3B, add:

32F Sunset provision

This Division ceases to have effect on 1 January 2013.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 31

Senators—

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

NOES, 37

Senators—

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

Question negatived.

Senator Wright moved the following amendments together by leave:

Schedule 1, item 2, page 3 (line 26), omit “the regulations”, substitute “an Act, or the regulations if those regulations are made before 1 January 2013”.

Schedule 1, item 2, page 3 (line 28), omit “the regulations”, substitute “an Act, or the regulations if those regulations are made before 1 January 2013”.

Schedule 1, item 2, page 3 (lines 29 and 30), omit “the regulations”, substitute “an Act, or the regulations if those regulations are made before 1 January 2013”.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

Di Natale Ladlam (Teller) Rhiannon Whish-Wilson
Hanson-Young Milne Waters Wright
NOES, 45

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Question negatived.
Bill agreed to.
Bill to be reported without amendment.

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

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

36 CONSIDERATION OF LEGISLATION

The Minister for Finance and Deregulation (Senator Wong), at the request of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and pursuant to notice, moved government business notice of motion no. 2—

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.

Debate ensued.

At 7.20 pm: Debate was interrupted while Senator Macdonald was speaking.

37 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8 pm till Thursday, 28 June 2012 at 9.30 am.

38 ATTENDANCE


ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate