THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 99

THURSDAY, 28 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 CONSIDERATION OF LEGISLATION—ROUTINE OF BUSINESS—VARIATION
Statement by leave: The Leader of the Opposition in the Senate (Senator Abetz), by leave, made a statement relating to the routine of business for today.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Migration Legislation Amendment (The Bali Process) Bill 2012 and the Tax Laws Amendment ( Managed Investment Trust Withholding Tax) Bill 2012, and that government business have precedence until 2 pm today.

Question put and passed.

Document: Senator Collins tabled the following document:

3 MIGRATION LEGISLATION AMENDMENT (THE BALI PROCESS) BILL 2012
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 467, dated 27 June 2012—A Bill for an Act to amend the law relating to migration, and for other purposes.

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) 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 Evans moved—That this bill be now read a second time.

Explanatory memorandum: Senator Evans tabled a revised explanatory memorandum relating to the bill.

Debate ensued.

The Leader of the Australian Greens (Senator Milne), also on behalf Senator Hanson-Young, moved the following amendment:
At the end of the motion, add “but the Senate:
(a) calls on the Government to take immediate action to:
   (i) provide safe pathways for refugees to discourage people taking life threatening journeys,
   (ii) increase Australia’s humanitarian intake from 13 750 to 20 000, including additional places to be immediately allocated to targeted resettlement of 1 000 people from Indonesia and 4 000 people from Malaysia,
(iii) immediately increase funding to United Nations High Commission for Refugees by $10 million to boost the capacity of Refugee Status Determination assessments in Malaysia and Indonesia,

(iv) establish a multi-party committee, charged with developing a framework for a long-term regional solution which is underpinned by the 1951 Convention relating to the Status of Refugees and the related 1967 Protocol,

(v) enter urgent discussions between Australia and Indonesia to address the critical need for cooperation and effectiveness of intelligence sharing and resourcing between Australia and Indonesia in order to save lives at sea,

(vi) codify Australia’s Safety of Life at Sea Convention 1974 obligations across all relevant government agencies and increase Australia’s rescue capacity in Australia’s northern waters; and

(b) resolves that a message be sent to the House of Representatives immediately to acquaint it with this resolution”.

Debate ensued.
On the motion of Senator Collins the debate was adjourned.

4 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That, on Thursday, 28 June 2012:

(a) the hours of meeting shall be 9.30 am to adjournment;

(b) the routine of business for the remainder of the day shall be as follows:

(i) consideration of the following government business orders of the day relating to the:
  Migration Legislation Amendment (The Bali Process) Bill 2012,
  Tax Laws Amendment (Managed Investment Trust Withholding Tax) Bill 2012 and a related bill, and
  Social Security Legislation Amendment Bill 2011 and two related bills,

(ii) petitions,

(iii) notices of motion,

(iv) tabling and consideration of a report of the Selection of Bills Committee,

(v) postponement and rearrangement of business,

(vi) formal motions – discovery of formal business,

(vii) tabling of documents, and

(viii) government business;

(c) divisions may take place after 4.30 pm; and

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

Debate ensued.
Question put.
The Senate divided—

AYES, 47

Senators—
Bernardi          Collins          Hogg          Pratt
Bilyk           Cormann          Johnston       Scullion
Birmingham       Crossin          Kroger         Singh
Bishop           Edwards          Ludwig         Smith
Boyce            Eggleston        Lundy          Stephens
Brown            Evans            Marshall       Sterling
Bushby           Farrell          McEwen (Teller) Thistlethwaite
Cameron          Fawcett          McKenzie       Thorp
Carr, Bob        Feeney           McLucas        Urquhart
Carr, Kim        Fifield          Moore          Williams
Cash             Furner           Parry          Wong
Colbeck          Gallacher       Polley

NOES, 8

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

Question agreed to.

5  MIGRATION LEGISLATION AMENDMENT (THE BALI PROCESS) BILL 2012

Order of the day read for the adjourned debate on the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans)—That this bill be now read a second time—and on the amendment moved by the Leader of the Australian Greens (Senator Milne), also on behalf of Senator Hanson-Young (see entry no. 3).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 8

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

NOES, 53

Senators—
Abetz            Crossin          Kroger (Teller)  Pratt
Bilyk           Edwards          Ludwig         Ronaldson
Birmingham       Eggleston        Lundy          Singh
Bishop           Evans            Macdonald      Sinodinos
Boyce            Farrell          Madigan        Smith
Brandis          Faulkner         Marshall       Stephens
Brown            Fawcett          Mason          Sterling
Bushby           Feeney           McEwen         Thistlethwaite
Cameron          Fierravanti-Wells McKenzie       Thorp
Carr, Bob        Fifield          McLucas        Urquhart
Carr, Kim        Furner           Moore          Williams
Cash             Gallacher       Nash
Colbeck          Hogg            Parry
Cormann          Johnston       Polley
Main question put.
The Senate divided—

AYES, 29

Senators—

Bilyk
Bishop
Brown
Cameron
Carr, Bob
Crossin
Evans
Farrell

Senators—

Abetz
Bernardi
Birmingham
Boswell
Boyce
Brandis
Bushby
Cash
Colbeck
Cormann

NOES, 39

Senators—

Di Natale
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Hanson-Young
Heffernan
Humphries
Johnston
Marshall
McEwen (Teller)
McLucas
Moore
Polley
Singh
Madigan
McEwen (Teller)
McLucas
Moore
Polley
Singh

TAX LAWS AMENDMENT (MANAGED INVESTMENT TRUST WITHHOLDING TAX) BILL 2012
INCOME TAX (MANAGED INVESTMENT TRUST WITHHOLDING TAX) AMENDMENT BILL 2012

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

Message no. 460, dated 26 June 2012—A Bill for an Act to amend the law relating to taxation, and for related purposes.

Message no. 461, dated 26 June 2012—A Bill for an Act to increase the rate of income tax on amounts attributable to fund payments derived by foreign residents, and for related purposes.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) 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 Ludwig moved—that these bills be now read a second time.

Debate ensued.

Proposed reference to committee: Senator Cormann moved the following amendment:

At the end of the motion, add “and that these bills be referred to the Economics Legislation Committee for inquiry and report by 14 August 2012”.

Debate ensued.

Question—that the amendment be agreed to—put.
The Senate divided—

**AYES, 30**

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**NOES, 34**

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Question negatived.

Main question put.

The Senate divided—

**AYES, 34**

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Question agreed to.

Bills read a second time.

No amendments or requests for amendments to the bills were circulated and no senator required that they be considered in committee.
The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) moved—That these bills be now read a third time.

Question put.

The Senate divided—

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Question agreed to.

Bills read a third time.

7 **SOCIAL SECURITY LEGISLATION AMENDMENT BILL 2011**

**STRONGER FUTURES IN THE NORTHERN TERRITORY BILL 2012**

**STRONGER FUTURES IN THE NORTHERN TERRITORY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2011**

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

Debate resumed.

Senator Ludlam moved the following amendment in respect of the Stronger Futures in the Northern Territory Bill 2012:

> At the end of the motion, add “but the Senate recommends that, after community consultation, the Government develop a policy for the implementation of take-away alcohol-free days and a floor price for alcohol”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

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NOES, 45

Senators—


Question negatived.
Main question put and passed.

Bills read a second time.
The Senate resolved itself into committee for the consideration of the bills.

——

In the committee

SOCIAL SECURITY LEGISLATION AMENDMENT BILL 2011—

Bill taken as a whole by leave.

——

Explanatory memoranda: The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) tabled supplementary explanatory memoranda [5] relating to the government amendments to be moved to the bills, as follows:

Social Security Legislation Amendment Bill 2011—Supplementary explanatory memorandum.

Stronger Futures in the Northern Territory Bill 2012—Supplementary explanatory memorandum and further supplementary explanatory memorandum.

Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011—Supplementary explanatory memorandum and further supplementary explanatory memorandum.

——

Question—That the bill be agreed to—divided, at the request of Senator Ludlam, in respect of Schedule 1.
Schedule 1 debated.
Question—That Schedule 1 stand as printed—put.
The committee divided—

AYES, 42

Senators—
Abetz
Bernardi
Bilyk
Bishop
Boyce
Brandis
Brandis
Brown
Brown
Cameron
Carr, Bob
Carr, Kim
Colbeck
Crossin
Edwards
Eggleston
Evans
Farrell
Faulkner
Fawcett
Fierravanti-Wells
Fifield
Furner
Gallacher
Hogg
Kroger
Ludwig
Lundy
Marshall
McEwen (Teller)
McKenzie
McLucas
Moore
Nash
Payne
Polley
Singh
Smith
Stephens
Sterle
Thistlethwaite
Thorpe
Urquhart

NOES, 9

Senators—
Di Natale
Hanson-Young
Ludlam (Teller)
Madigan
Milne
Rhiannon
Waters
Whish-Wilson

Schedule agreed to.

Question—That the bill be agreed to—divided, at the request of Senator Ludlam, in respect of Schedule 1, Part 1.

Schedule 1, Part 1 debated and agreed to.

On the motion of Senator Evans the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 6, page 4 (line 4), before “The”, insert “(1)”.

Schedule 1, item 6, page 4 (after line 10), at the end of section 123TGAA, add:

Functions, powers or duties of officers or employees

(2) Before making a determination under subsection (1), the Minister must be satisfied that officers or employees of the department or part of the department, or of the body or agency, have functions, powers or duties in relation to the care, protection, welfare or safety of adults, children or families.

Appropriate review process

(3) Before making a determination under subsection (1), the Minister must be satisfied that there is an appropriate process for reviewing any decisions to give notices of the kind referred to in paragraph 123UFAA(1)(b) that could be made by officers or employees of the department or part of the department or of the body or agency if the Minister were to make the determination.

(4) In deciding whether the Minister is satisfied as mentioned in subsection (3), the Minister must have regard to the following:
(a) the cost of the review process to applicants;
(b) the timeliness of the review process;
(c) whether the review process provides that applicants are entitled to be represented and heard;
(d) the degree of independence of the review process;
(e) whether the review process provides for the use of the services of an interpreter.

This subsection does not limit the matters to which the Minister may have regard to in deciding whether the Minister is satisfied as mentioned in subsection (3).

Senator Ludlam moved the following amendments together by leave:

Schedule 1, item 15, page 6 (line 24), omit “70%”, substitute “50%”.

Schedule 1, item 15, page 6 (lines 25 to 27), omit paragraph 123XPA 3 (b), substitute:

(b) if a lower percentage is specified in a legislative instrument made by the Minister for the purposes of this paragraph—the lower percentage;

Schedule 1, item 15, page 7 (line 26), omit “100%”, substitute “50%”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Ludlam, in respect of Schedule 2.

Schedule 2 debated.

Question—That Schedule 2 stand as printed—put.

The committee divided—

AYES, 41

Senators—

Abetz
Bilyk
Bishop
Boyce
Brown
Cameron
Carr, Bob
Carr, Kim
Cash
Crossin
Edwards

Eggleston
Evans
Farrell
Fawcett
Fierravanti-Wells
Fifield
Furner
Gallacher
Hogg

Ludwig
Lundy
Marshall
McEwen (Teller)
McKenzie
McLucas
Moore
Nash
Payne

Singh
Smith
Stephens
Sterle
Thistlethwaite
Thorp
Urquhart
Williams

NOES, 8

Senators—

Di Natale
Hanson-Young

Ludlam (Teller)
Milne

Rhiannon
Waters

Whish-Wilson
Wright

Schedule agreed to.

The Senate continued to sit till midnight—

FRIDAY, 29 JUNE 2012 AM
Senator Ludlam moved the following amendment:

Schedule 2, item 8, page 15 (after line 5), after paragraph (aa), insert:

(ab) a person who is a member of the school’s Council, Board or other governing body; and

Question—That the amendment be agreed to—put and negatived.

Senator Ludlam moved the following amendments together by leave:

Schedule 2, item 11, page 15 (line 18), before “This Division”, insert “(1)”.
Schedule 2, item 11, page 15 (line 24), at the end of paragraph 124NA(b), add “having regard to guidelines made under subsection (2)”.
Schedule 2, item 11, page 15 (after line 24), at the end of section 124NA, add:

(2) The Secretary must, by legislative instrument, determine guidelines for the purposes of subsection (1).

(3) The guidelines:

(a) may make different provision in relation to schools in different areas; and

(b) must provide for relevant cultural practices and obligations to be taken into account for the purposes of subsection (1).

(4) Before determining guidelines in relation to schools in a particular area, the Secretary must consult with such persons ordinarily resident in the area as the Secretary considers appropriate.

Schedule 2, item 18, page 23 (line 14), omit “124NA(b)”, substitute “124NA(1)(b)”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Senator Ludlam moved the following amendments together by leave:

Schedule 2, item 11, page 15 (line 26), before “The Secretary”, insert “(1)”.
Schedule 2, item 11, page 16 (line 3), omit “is required”, substitute “may be required”.
Schedule 2, item 11, page 16 (line 7), at the end of section 124NB, add:

; (e) the consequences under this Division of not complying with a requirement to enter into such a school attendance plan.

Schedule 2, item 11, page 16 (after line 7), at the end of section 124NB, add:

(2) The schooling requirement person may be accompanied at the conference by no more than 2 other persons chosen by the person, and those persons are entitled to be heard at the conference.

Schedule 2, item 11, page 16 (line 12), at the end of subsection 124NC(1), add “at the conference”.

Schedule 2, item 11, page 16 (line 16), after “plan”, insert “at the conference,.”.
Schedule 2, item 11, page 16 (line 21), omit paragraph 124NC(3)(b).
Schedule 2, item 11, page 16 (lines 24 and 25), omit subsection 124NC(4).

Debate ensued.

Question—That the amendments be agreed to—put and negatived.
Senator Ludlam moved the following amendments together by leave:

Schedule 2, item 11, page 16 (line 27), after “be”, insert “in writing and”.

Schedule 2, item 11, page 17 (after line 5), at the end of section 124NC, add:

**Notifier to consider individual circumstances**

(8) In determining requirements for the purposes of subsection (7), the notifier must consider the individual circumstances of the schooling requirement person and the one or more children covered by the plan.

**Requirements of plan to be explained**

(9) The notifier must not require a schooling requirement person to enter into a school attendance plan unless the notifier is satisfied that:

(a) the requirements of the plan have been explained to the person in the person’s first language; and

(b) the person understands the requirements of the plan.

Schedule 2, item 11, page 17 (line 14), omit “124NB(a)”, substitute “124NB(1)(a)”. Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Bill, as amended, agreed to. All Australian Greens senators, by leave, recorded their votes for the noes.

**Stronger Futures in the Northern Territory Bill 2012—**

Bill taken as a whole by leave.

Senator Ludlam moved the following amendments together by leave:

Clause 3, page 3 (lines 1 and 2), omit “(which are particular areas of the Northern Territory that are prescribed by the rules (see section 27))”, substitute “(see section 27)”.

Clause 5, page 5 (lines 4 and 5), omit the definition of *alcohol protected area*, substitute:

*alcohol protected area*: see subsections 27(1) and (2).

Clause 6, page 8 (lines 6 to 8), omit “(which are particular areas of the Northern Territory that are prescribed by the rules (see section 27))”, substitute “(see section 27)”.

Clause 17, page 24 (line 26), at the end of subclause (1), add “before the end of the period of 30 days starting on the day the application is made”.

Clause 17, page 24 (line 27), omit “Note”, substitute “Note 1”.

Clause 17, page 24 (after line 28), at the end of subclause (1), add:

**Note 2:** The 30 day period is extended by the number of days in any submission period that applies under section 18 in relation to the application: see subsection 18(5).

Clause 18, page 26 (after line 16), at the end of the clause, add:

(5) The period of 30 days referred to in subsection 17(1) is extended in relation to the application by the number of days in the submission period.
Clause 27, page 31 (line 2) to page 33 (line 19), omit the clause, substitute:

27 Areas that are alcohol protected areas

Areas that are alcohol protected areas

(1) An area in the Northern Territory is an alcohol protected area if, immediately before the commencement of this section:

(a) the area was a prescribed area under section 4 of the repealed
Northern Territory National Emergency Response Act 2007; and

(b) there was not a determination in force in relation to the area
under paragraph 19(1)(b) of that Act.

Ceasing to be an alcohol protected area

(2) However, an area in the Northern Territory ceases to be an alcohol protected area when the earliest of the following events occurs:

(a) the Minister approves an alcohol management plan under
subsection 17(1) that covers the area (whether or not the plan
also covers other areas);

(b) the area is prescribed by the rules for the purposes of this
paragraph;

(c) the period of 3 years starting on the commencement of this
section ends and the area is not prescribed by the rules for the
purposes of this paragraph.

(3) A rule may only be made for the purposes of paragraph (2)(c) if the
Minister is satisfied that a majority of the people ordinarily resident in
the area to which the rule relates support the making of the rule.

(4) The Minister must make a rule revoking a rule made for the purposes
of paragraph (2)(c) in relation to an area if the Minister is no longer
satisfied as mentioned in subsection (3) in relation to the area.

When rules may be made

(5) A rule may be made for the purposes of paragraph (2)(b) or (c), or
subsection (4):

(a) on the Minister’s own initiative; or

(b) following a request made to the Minister by, or on behalf of, a
person who is ordinarily resident in the area to which the rule
relates; or

(c) following approval of an alcohol management plan relating to
the area under subsection 17(1).

Community consultation

(6) Before making a rule for the purposes of paragraph (2)(b) or (c), or
subsection (4), in relation to an area, the Minister must ensure that:

(a) information setting out:

(i) the proposal to make the rule; and

(ii) an explanation, in summary form, of the consequences of
the making of the rule;

has been made available in the area; and

(b) people living in the area have been given a reasonable
opportunity to make submissions to the Minister about:

(i) the proposal to make the rule; and

(ii) the consequences of the making of the rule; and
their circumstances, concerns and views, so far as they relate to the proposal.

(7) Subsection (6) does not apply if the rule is proposed to be made following the approval of an alcohol management plan.

Criteria for making rules

(8) In making a rule for the purposes of paragraph (2)(b) or (c), or subsection (4), in relation to an area, the Minister must have regard to the following matters:

(a) the object of this Part (see section 7);
(b) the wellbeing of people living in the area;
(c) whether there is reason to believe that people living in the area have been the victims of alcohol-related harm;
(d) the extent to which people living in the area have expressed their concerns about being at risk of alcohol-related harm;
(e) the extent to which people living in the area have expressed the view that their wellbeing will be improved if this Part applies in relation to the area;
(f) whether there is an alcohol management plan that covers the area or part of the area (whether or not the plan is approved under Division 6);
(g) any submissions of the kind referred to in paragraph (6)(b);
(h) any other matter that the Minister considers relevant.

Effect of area ceasing to be an alcohol protected area

(9) If an area ceases to be an alcohol protected area under subsection (2), then:

(a) the area can never again become an alcohol protected area after that cessation; and
(b) this Part continues to apply in relation to that area, after that cessation, in relation to things done, or omitted to be done, before that cessation.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

On the motion of Senator Payne the following amendments, taken together by leave, were debated and agreed to:

Clause 3, page 3 (line 12), omit “Aboriginal people”, substitute “the community”.
Clause 6, page 8 (line 26), omit “Aboriginal people”, substitute “the community”.
Clause 15, page 22 (line 7), omit “Aboriginal people”, substitute “the community”.

On the motion of Senator Payne the following amendments, taken together by leave, were debated and agreed to:

Clause 3, page 4 (line 14), omit “7 years”, substitute “3 years”.
Clause 111, page 95 (line 6), omit “7 years”, substitute “3 years”.
Clause 117, page 97 (line 27), omit “7 years”, substitute “3 years”.
Clause 117, page 98 (line 3), omit “8 years”, substitute “4 years”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

On the motion of Senator Payne the following amendments, taken together by leave, were debated and agreed to:

Clause 3, page 3 (line 12), omit “Aboriginal people”, substitute “the community”.
Clause 6, page 8 (line 26), omit “Aboriginal people”, substitute “the community”.
Clause 15, page 22 (line 7), omit “Aboriginal people”, substitute “the community”.

On the motion of Senator Payne the following amendments, taken together by leave, were debated and agreed to:

Clause 3, page 4 (line 14), omit “7 years”, substitute “3 years”.
Clause 111, page 95 (line 6), omit “7 years”, substitute “3 years”.
Clause 117, page 97 (line 27), omit “7 years”, substitute “3 years”.
Clause 117, page 98 (line 3), omit “8 years”, substitute “4 years”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.
Senator Ludlam moved the following amendments together by leave:

Clause 3, page 4 (line 15), omit “10 years”, substitute “5 years”.

Clause 111, page 9 (line 8), omit “10 years”, substitute “5 years”.

Clause 118, page 98 (line 9), omit “10 years”, substitute “5 years”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 8

Senators—

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

NOES, 41

Senators—

Abetz
Bilyk
Bishop
Boyce
Brown
Bushby
Cameron
Carr, Bob
Carr, Kim
Cash
Crossin
Edwards
Evans
Farrell
Faulkner
Fawcett
Fierravanti-Wells
Fifield
Furner
Gallacher
Hogg
Ludwig
Lundy
Marshall
McEwen
McKenzie
Malcom
McKenna
Moore
Nash
Payne
Policy
Singh
Smith
Stephens
Sterle
Thistlethwaite
Thorpe
Unkhardt
Williams (Teller)

Question negatived.

On the motion of Senator Evans the following amendment was debated and agreed to:

Page 4 (after line 22), after clause 4, insert:

4A The Racial Discrimination Act is not affected

This Act does not affect the operation of the Racial Discrimination Act 1975.

Senator Wright moved the following amendments together by leave:

Clause 8, page 11 (lines 9 and 10), omit the penalty, substitute:

Maximum penalty:

(c) 10 penalty units for a first offence; or
(d) 20 penalty units for a second or subsequent offence.

Clause 8, page 12 (lines 28 and 29), omit the penalty, substitute:

Maximum penalty:

(c) 10 penalty units for a first offence; or
(d) 20 penalty units for a second or subsequent offence.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

On the motion of Senator Evans the following amendments, taken together by leave, were debated and agreed to:

Clause 8, page 13 (line 31), before “alcohol”, insert “ethyl”.

Clause 8, page 14 (line 3), omit “alcohol”, substitute “liquor”.
Clause 8, page 14 (line 5), omit “alcohol”, substitute “liquor”.

On the motion of Senator Evans the following amendment was debated and agreed to:
Clause 11, page 16 (lines 14 to 20), omit the clause, substitute:

11 Modification of the NT Liquor Regulations

The NT Liquor Regulations apply, while this Act is in effect, as if:
(a) the following offences against the NT Liquor Act were police infringement offences for the purposes of those Regulations:
   (i) an offence against subsection 75B(1);
   (ii) an offence against subsection 75C(1) if the quantity of the ethyl alcohol involved in the commission of the offence is 1,350 ml or less;
   (iii) an offence against subsection 75F(1); and
(b) the reference to section 75(1) of the NT Liquor Act in Part 1 of Schedule 2 to those Regulations included a reference to subsections 75B(1), 75C(1) and 75F(1) of that Act.

Note 1: Section 8 of this Act includes sections 75B, 75C and 75F into the NT Liquor Act.
Note 2: This Act ceases to have effect at the end of 10 years after commencement: see section 118.

Senator Ludlam moved the following amendments together by leave:
Clause 3, page 4 (after line 10), insert:

Part 4A—Consultation

Part 4A is about consultation with Aboriginal people in the Northern Territory to enable them to effectively engage in matters affecting them under this Act.
Part 4A requires the Minister to make rules prescribing consultation requirements that must be complied with in making a decision or legislative instrument under this Act that is likely to affect Aboriginal people living in one or more areas in the Northern Territory.

Clause 4, page 4 (lines 19 to 22), omit the clause, substitute:

4 Objects of this Act

The objects of this Act are:
(a) to support Aboriginal people in the Northern Territory to live strong, independent lives, where communities, families and children are safe and healthy; and
(b) to enable Aboriginal people in the Northern Territory to effectively engage in matters affecting them under this Act.

Clause 27, page 32 (lines 22 and 23), omit subclause (8).
Clause 34, page 41 (lines 9 and 10), omit subclause (9).
Clause 35, page 43 (lines 9 and 10), omit subclause (5).
Clause 41, page 50 (lines 12 and 13), omit subclause (3).
Page 94 (after line 15), after Part 4, insert:

**Part 4A—Consultation**

**Division 1—Introduction**

**110A Guide to this Part**

This Part is about consultation with Aboriginal people in the Northern Territory to enable them to effectively engage in matters affecting them under this Act.

It requires the Minister to make rules prescribing consultation requirements that must be complied with in making a decision or legislative instrument under this Act that is likely to affect Aboriginal people living in one or more areas in the Northern Territory. Those rules must be consistent with principles set out in this Part.

Consultation requirements under this Part apply in addition to any other consultation requirements under this Act.

**Division 2—Consultation**

**110B Minister to make rules specifying consultation requirements**

(1) The Minister must make rules prescribing consultation requirements to be complied with in making a decision or legislative instrument under this Act (other than a rule under this section) that is likely to affect Aboriginal people living in one or more areas in the Northern Territory.

(2) Before making a rule for the purposes of subsection (1), the Minister must:

   (a) have regard to the object of this Act in paragraph 4(b); and

   (b) be satisfied that the rule is consistent with the consultation principles set out in section 110C.

(3) A consultation requirement prescribed for the purposes of subsection (1) applies in addition to any other requirement relating to consultation that applies in relation to the making of the relevant decision or legislative instrument.

(4) Rules made for the purposes of subsection (1) may prescribe different requirements in relation to:

   (a) different decisions and legislative instruments; and

   (b) different areas.

**110C Consultation principles**

(1) This section sets out the consultation principles for the purposes of paragraph 110B(2)(b).

   *Obtaining consent or agreement*

(2) The object of consultation must be to obtain the consent or agreement of the Aboriginal people likely to be affected by the proposed decision or legislative instrument, not simply to outline what is proposed.
Using feedback

(3) Consultation is a two-way process, which includes listening to the Aboriginal people likely to be affected by the proposed decision or legislative instrument, and using this feedback to influence and develop the decision or instrument.

Consensus negotiations

(4) Consultation processes must be products of, and build, consensus. Consultations must be in the nature of negotiations and the Aboriginal people being consulted must not be pressured into making a decision.

Adequate time

(5) Consultations must begin early, be ongoing (if necessary), and have adequate timeframes built into them.

Assistance to participate

(6) The Aboriginal people likely to be affected by the proposed decision or legislative instrument must have access to financial, technical and other assistance to enable them to participate in the consultation process.

Coordination across agencies

(7) Consultations that involve a number of Commonwealth, State and Territory agencies must be coordinated across those agencies.

Reaching people in places most convenient for them

(8) Consultation processes must reach the Aboriginal people likely to be affected by the proposed decision or legislative instrument, and must be held in the location that is most convenient for, and chosen by, those people.

Respecting protocols

(9) Consultation processes must respect the protocols, including the representative and decision-making structures, followed by the Aboriginal people likely to be affected by the proposed decision or legislative instrument.

Information to be given

(10) Information about the proposed decision or legislative instrument, and its potential impact, must be provided to the Aboriginal people likely to be affected by it, being information that is:
(a) full and accurate; and
(b) clear, accessible, easy to understand and otherwise in accordance with plain language principles; and
(c) in the language of the people being consulted (if necessary).

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Bill, as amended, agreed to. All Australian Greens senators, by leave, recorded their votes for the noes.
STRONGER FUTURES IN THE NORTHERN TERRITORY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2011—
Bill taken as a whole by leave.

On the motion of Senator Evans the following amendment was debated and agreed to:
Schedule 2, item 4, page 11 (line 18), omit “and at the Land Council’s expense”.

Senator Ludlam moved the following amendments together by leave:
Schedule 2, page 12 (after line 7), after item 8, insert:

8A Subsections 70(2BA) to (2BD)
Repeal the subsections.

Schedule 2, page 12 (after line 30), after item 10, insert:

10A Subsections 70(2D) and (2E)
Repeal the subsections.

Schedule 2, items 13 to 18, page 13 (lines 2 to 13), omit the items, substitute:

13 Sections 70A to 70H
Repeal the sections.

Schedule 2, page 13 (after line 17), after item 20, insert:

20A Paragraph 73(1)(ba)
Repeal the paragraph.

20B Section 74AA
Repeal the section.

Schedule 2, page 13 (after line 19), at the end of the Schedule, add:

22 Schedule 7
Repeal the Schedule.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

On the motion of Senator Evans the following amendment was agreed to:
Schedule 3, page 14 (after line 15), after item 3, insert:

3A After section 99
Insert:

99A The Racial Discrimination Act is not affected
This Part does not affect the operation of the Racial Discrimination Act 1975.

Senator Wright moved the following amendment:
Schedule 4, items 1 to 9, page 21 (line 4) to page 24 (line 10), omit the items, substitute:

1 Subsection 15AB(1)
Repeal the subsection, substitute:

(1) In determining whether to grant bail to a person charged with, or convicted of, an offence against a law of the Commonwealth, or in determining conditions to which bail granted to such a person should
be subject, a bail authority must take into consideration the potential impact of granting bail on:
(a) any person against whom the offence is, or was, alleged to have been committed; and
(b) any witness, or potential witness, in proceedings relating to the alleged offence, or offence.

2 **Subsection 15AB(2)**
Omit “subparagraph (1)(a)(i) or (ii)”, substitute “paragraph (1)(a) or (b)”.

3 **Subsection 15AB(3)**
Repeal the subsection.

4 **Subsections 16A(2A) and (2B)**
Repeal the subsections.

5 **Application of amendments**
(1) The amendments made by items 1, 2 and 3 of this Schedule apply to a proceeding relating to bail that:
(a) is initiated on or after commencement; and
(b) is not an appeal against a decision of a bail authority that was made before commencement.

(2) The amendment made by item 4 of this Schedule applies to a proceeding relating to sentencing that:
(a) is initiated on or after commencement; and
(b) is not an appeal against a sentence that was imposed before commencement.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 8**

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<td>Ludlam (Teller)</td>
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**NOES, 42**

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Question negatived.
Document: Senator Ludlam, by leave, tabled the following document:

Social Security Legislation Amendment Bill 2011 and related bills—Arena magazine—No. 118—The Australian magazine of left political, social and cultural commentary.

Bill, as amended, agreed to.

Bills to be reported with amendments.

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

On the motion of Senator Evans the report from the committee was adopted.

Senator Evans moved—that these bills be now read a third time.

Question put.

The Senate divided—

AYES, 43

Senators—

Abetz  Edwards  Kroger  Payne
Bilyk  Eggleston  Ludwig  Polley
Bishop  Evans  Lundy  Singh
Boswell  Farrell  Macdonald  Smith
Boyce  Fawcett  Marshall  Stephens
Brown  Fierravanti-Wells  McEwen (Teller)  Sterle
Bushby  Fifield  McKenzie  Thistlethwaite
Cameron  Furtner  McLucas  Thorp
Carr, Bob  Gallagher  Moore  Unquhart
Carr, Kim  Hogg  Nash  Williams
Crossin  Joyce  Parry

NOES, 9

Senators—

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

Question agreed to.

Bills read a third time.

8 Petition

The following petition, lodged with the Clerk by Senator Rhiannon, was received:

From 75 petitioners, requesting that the Senate take action to draw attention to and address the destruction of community infrastructure in the Occupied Palestinian Territories.
9 **NOTICES**

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

(a) notes that:

(i) family planning is key to achieving all Millennium Development Goals, especially Goal 5 which seeks to reduce maternal mortality by three-quarters and is the least likely goal to be achieved,

(ii) maternal mortality is a leading cause of death and illness for all women worldwide, with pregnancy the biggest killer of girls aged 15 to 19,

(iii) over 200 million married women and hundreds of millions more single and adolescent women still cannot access contraception and reproductive health services, fundamental human rights which can prevent 99 per cent of maternal deaths, and

(iv) on 11 July 2012, the United Kingdom Government and the Bill & Melinda Gates Foundation host the global Family Planning Summit in London, which aims to reduce maternal deaths by 200 000 per year and to prevent 1 million infant deaths by 2020; and

(b) calls on the Government to:

(i) continue to increase aid funding for family planning, with a special emphasis on investing in comprehensive rights-based approaches that eradicate social and cultural barriers, in the 2012-13 budget and beyond, and

(ii) support the work of the International Consortium of Sexual and Reproductive Health Rights, comprised of CARE Australia, Marie Stopes International Australia, the Burnet Institute, the International Women’s Development Agency, and Plan International Australia, and other initiatives that enable women to claim their right to decide if and when to have children. *(general business notice of motion no. 829)*

Senator McEwen: To move on 15 August 2012—That the Senate—

(a) notes that in 2012 Australia is commemorating the 70th anniversary of the War in the Pacific and acknowledging the contribution of our service personnel to the defence of Australia during that period of World War II at events and memorial services in Australia and elsewhere in the Pacific region;

(b) notes that:

(i) the 2/27th Battalion AIF was formed at Woodside in South Australia in May 1940 and disbanded in March 1946,

(ii) the 2/27th Battalion AIF fought in all the major World War II campaigns in which Australia was engaged and was awarded honours for the following battles: North Africa, Syria, The Litani, Sidon, Adloun, Damour, South West Pacific, Kokoda Track, Efogi-Menari, Buna-Gona, Gona, Ramu Valley, Shaggy Ridge, Balikpapan and Borneo,

(iii) during the campaign in New Guinea in 1942 the battalion suffered heavy casualties during the battle at Brigade Hill on 8 September and at Gona in November and December, and

(iv) the battalion continued fighting in New Guinea and was serving in Balikpapan, Borneo, when the war ended in August 1945;

(c) acknowledges the invaluable contribution of the 2/27th Battalion AIF throughout World War II;
(d) expresses its appreciation to the surviving members of the 2/27th Battalion AIF who served with courage and distinction in the Pacific War and other campaigns in World War II; and
(e) thanks all those who served in Australia’s defence forces during World War II. (general business notice of motion no. 830)

Senators Moore and Boyce: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the Australian Government’s commitment to provide $50 million in support of global polio eradication efforts over 4 years, and
   (ii) the recent declaration by the 65th World Health Assembly that the completion of polio eradication is a programmatic emergency for global public health, indicating that if polio is not successfully eradicated very soon, the consequences will be catastrophic;
(b) recognises that in February 2012, India was removed from the list of countries where polio remains endemic, proving that eradication strategies are effective when they are fully implemented and that polio can be eradicated anywhere – there has not been a single reported case of polio in India since January 2011;
(c) notes that the Global Polio Eradication Initiative currently faces a funding shortfall of US$945 million for the full implementation of its 2012-13 Emergency Action Plan, especially targeting Afghanistan, Pakistan and Nigeria and that immunisation campaigns have had to be cancelled or scaled back in 33 countries in Africa and Asia to make up for this shortfall, leaving more children vulnerable to the disease and increasing the risk of the international spread of polio; and
(d) encourages the Australian Government to support efforts to deliver a polio-free world and to encourage other countries to do likewise at the 67th session of the United Nations General Assembly. (general business notice of motion no. 831)

10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 8 OF 2012

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 8 OF 2012

1. The committee met in private session on Wednesday, 27 June 2012 at 7.39 pm.

2. The committee resolved to recommend—That—
   (a) the provisions of the Customs Amendment (Smuggled Tobacco) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2012; and
   (b) the provisions of the Military Court of Australia Bill 2012 and the provisions of the Military Court of Australia (Transitional Provisions and Consequential Amendments) Bill 2012 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee and the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2012.
3. The committee considered a proposal to refer the Tax Laws Amendment (Managed Investment Trust Withholding Tax) Bill 2012 to the Economics Legislation Committee, but was unable to reach agreement on whether the bill should be referred.

4. The committee resolved to recommend—that the following bills not be referred to committees:
   - Commonwealth Government Securities Legislation Amendment (Retail Trading) Bill 2012
   - Corporations Legislation Amendment (Financial Reporting Panel) Bill 2012
   - Customs Amendment (Anti-dumping Improvements) Bill (No. 3) 2012
   - Customs Tariff Amendment (2012 Measures No. 1) Bill 2012
   - Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012
   - Health Insurance Amendment (Extended Medicare Safety Net) Bill 2012
   - Maritime Legislation Amendment Bill 2012
   - Statute Stocktake (Appropriations) Bill (No. 1) 2012
   - Tax Laws Amendment (Investment Manager Regime) Bill 2012
   - Veterans’ Affairs Legislation Amendment Bill 2012.

   The committee considered the Financial Framework Legislation Amendment Bill (No. 3) 2012 and, noting that the bill had passed the Senate on 27 June 2012, resolved to recommend that the bill not be referred to a committee.

   The committee recommends accordingly.

5. The committee deferred consideration of the following bills to its next meeting:
   - Fisheries Legislation Amendment Bill (No. 1) 2012
   - Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
   - Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012.

Anne McEwen
Chair
28 June 2012.

Senator McEwen moved—that the report be adopted.

Question put and passed.

11 POSTPONEMENTS

The following items of business were postponed:

   - Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Greens (Senator Milne) for today, proposing a reference to the Economics References Committee, postponed till 14 August 2012.
   - General business notice of motion no. 673 standing in the name of Senator Ludlam for today, relating to Mr Julian Assange, 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 14 August 2012.
General business notice of motion no. 828 standing in the name of Senator Ryan for today, relating to standards of ministerial ethics, postponed till 14 August 2012. The Leader of the Opposition in the Senate (Senator Abetz), by leave, moved—that general business notice of motion no. 825 standing in his name for today, relating to a review of the Fair Work Act, be postponed till 14 August 2012.

Question put and passed.

12 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—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.

Question put and passed.

13 BROADCASTING SERVICES AMENDMENT (PUBLIC INTEREST TEST) BILL 2012

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 816—that the following bill be introduced:

A Bill for an Act to amend the Broadcasting Services Act 1992, and for related purposes.

Question put and passed.

Senator Ludlam presented the bill and 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 Ludlam moved—that this bill be now read a second time.

Explanatory memorandum: Senator Ludlam, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Ludlam in continuation.
14 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—NEWS ONLINE
Senator Ludlam, also on behalf of Senator Singh, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 817—
That the Senate—
(a) notes:
   (i) the online presence of the Australian Broadcasting Corporation (ABC) provides important competition in news and current affairs content, and
   (ii) the ABC is accountable to its Charter, its board and the Parliament;
(b) rejects any suggestion that the ABC should not be competing in the online environment; and
(c) supports unequivocally the right of the ABC to provide a strong online presence.
Question put and passed.

15 HEALTH—EFFECTS OF WIND FARMS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS
Senator Madigan, also on behalf of Senator Back, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 823—
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.
Question put.
The Senate divided—

AYES, 29

Senators—

Abetz
Bernardi
Birmingham
Boswell
Boyce
Bushby
Cash
Colbeck

Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Humphries
Joyce

Kroger (Teller)
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne

Ronaldson
Ryan
Sinodinos
Smith
Williams

NOES, 34

Senators—

Bilyk
Bishop
Brown
Carr, Bob
Carr, Kim
Crossin
Di Natale
Evans

Farrell
Faulkner
Furner
Hanson-Young
Hogg
Ladlam
Ludwig
Lundy

Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Rhiannon
Stephens

Sterle
Thistlethwaite
Thorpe
Urquhart
Waters
Whish-Wilson
Wright

Question negatived.

16 TAXATION—CARBON TAX—AUSTRALIAN CHARITIES

Senator Nash, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 821—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.

Question put and negatived.

17 RENEWABLE ENERGY (ELECTRICITY) AMENDMENT (EXCESSIVE NOISE FROM WIND FARMS) BILL 2012

Senator Madigan, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 824—That the following bill be introduced:

Question put and passed.
Senator Madigan presented the bill and 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 Madigan moved—That this bill be now read a second time.

Explanatory memorandum: Senator Madigan, by leave, tabled an explanatory memorandum relating to the bill.

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

18 LAW AND JUSTICE—COMMONWEALTH ANTI-DISCRIMINATION LAWS
Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 826—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.
Question put and passed.

19 FOREIGN AFFAIRS—REPUBLIC OF SOUTH SUDAN—FIRST ANNIVERSARY
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. 822—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.
Question put and passed.
20 **ADMINISTRATION—ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT—BILATERAL AGREEMENT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 827—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.

Question put and negatived.

21 **PUBLICATIONS—STANDING COMMITTEE—17TH REPORT**

Senator McEwen, at the request of the Chair of the Standing Committee on Publications (Senator Brown), tabled the following report:

PUBLICATIONS COMMITTEE

17TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 31 May 2012, recommends that the following be printed:


Senator Brown
Chair
28 June 2012.

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

22 COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES
Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Budget 2011-12 (Supplementary)—Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 10 May and 27 June 2012—Defence portfolio.

Additional estimates 2011-12—
Community Affairs Legislation Committee—Additional information received between 21 May and 27 June 2012—
Families, Housing, Community Services and Indigenous Affairs portfolio.
Health and Ageing portfolio.
Human Services portfolio.
National e-Health Transition Authority.

Economics Legislation Committee—Additional information received between 10 May and 28 June 2012—
Treasury portfolio.

Education, Employment and Workplace Relations Legislation Committee—
Additional information received between 23 March and 26 June 2012—
Education, Employment and Workplace Relations portfolio.

Environment and Communications Legislation Committee—Additional information received between 9 May and 27 June 2012—
Broadband, Communications and the Digital Economy portfolio.
Climate Change and Energy Efficiency portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 10 May and 28 June 2012—Finance and Deregulation portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 10 May and 27 June 2012—
Defence portfolio.
Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 9 May and 26 June 2012—
Attorney-General’s portfolio.
Immigration and Citizenship portfolio.
Rural and Regional Affairs and Transport Legislation Committee—Additional information received between 21 March and 27 June 2012—Agriculture, Fisheries and Forestry portfolio. Infrastructure and Transport portfolio. Regional Australia, Local Government, Arts and Sport portfolio. Budget estimates 2012-13—Finance and Public Administration Legislation Committee—Additional information received between 10 May and 28 June 2012—Finance and Deregulation portfolio.

Senator McKenzie, by leave, moved—That the Senate take note of the documents. Debate adjourned till the next day of sitting, Senator McKenzie in continuation.

23 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—ILLEGAL LOGGING PROHIBITION BILL 2011

Senator McEwen, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:


24 SENATORS’ INTERESTS—STANDING COMMITTEE—DOCUMENT

Senator Kroger, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bernardi), tabled the following document:

Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations of interests of senators lodged between 1 December 2011 and 26 June 2012, dated June 2012.

25 TRANSPORT—NATIONAL ROAD SAFETY STRATEGY—MINISTERIAL STATEMENT—DOCUMENT

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:

Transport—National Road Safety Strategy: Report on progress—Ministerial statement by the Parliamentary Secretary for Infrastructure and Transport (Ms King), dated 27 June 2012.

26 ODGERS’ AUSTRALIAN SENATE PRACTICE—13TH EDITION—DOCUMENT

The President tabled the following document:


27 DEPARTMENT OF THE SENATE—REGISTER OF SENIOR EXECUTIVE OFFICERS’ INTERESTS—DOCUMENT

The President tabled the following document:

Department of the Senate—Register of Senate senior executive officers’ interests incorporating statements of registrable interests and notifications of alterations of interests of Senate senior executive officers lodged between 1 December 2011 and 26 June 2012, dated June 2012.
28 **FAMILY AND COMMUNITY SERVICES—CHILD CARE FUNDING—PROPOSED PRODUCTIVITY COMMISSION INQUIRY—DOCUMENT**

The President tabled the following document:

Family and community services—Child care funding—Proposed Productivity Commission inquiry—Letter to the President of the Senate from the Assistant Treasurer (Mr Bradbury) responding to the resolution of the Senate of 9 May 2012, dated 26 June 2012.

29 **PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT RESPONSES OUTSTANDING**

The President tabled the following document:

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 28 June 2012.

30 **AUDITOR-GENERAL—AUDIT REPORT NO. 55 OF 2011-12—DOCUMENT**

The President tabled the following document:


31 **PUBLICATIONS—JOINT STANDING COMMITTEE—PRESIDING OFFICERS’ FURTHER RESPONSE—ELECTRONIC PARLIAMENTARY PAPERS SERIES**

The President tabled the following document:


32 **DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2011.

33 **PARLIAMENTARIANS’ EXPENDITURE ON ENTITLEMENTS—DOCUMENT**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:

Parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 July to 31 December 2011, dated June 2012.

34 **FORMER PARLIAMENTARIANS’ EXPENDITURE ON ENTITLEMENTS—DOCUMENT**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:

Former parliamentarians’ expenditure on entitlements paid by the Department of Finance and Deregulation—1 July to 31 December 2011, dated June 2012.
35 **PARLIAMENTARIANS’ OVERSEAS STUDY TRAVEL REPORTS—DOCUMENT**

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the following document:

Parliamentarians’ overseas study travel reports—1 July to 31 December 2011, dated June 2012.

36 **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.*

- Aged Care Act—
  - Aged Care (Residential Care Subsidy – Amount of Basic Daily Fee Supplement) Determination 2012 (No. 1) [F2012L01348].
  - User Rights Amendment Principles 2012 (No. 2) [F2012L01346].


- Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act—Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 3) [F2012L01336].

- Carbon Farming (Carbon Farming Initiative) Act—Carbon Farming (Quantifying Carbon Sequestration by Permanent Environmental Plantings of Native Species Using the CFI Reforestation Modelling Tool) Methodology Determination 2012 [F2012L01340].

- Civil Aviation Act—
  - Civil Aviation Regulations—Instruments Nos CASA—
    - 196/12—Direction – number of cabin attendants [F2012L01369].
    - 201/12—Direction – number of cabin attendants (Tiger Airways) [F2012L01360].
  - Civil Aviation Safety Regulations—Instrument No. 12/1654—Approval – Alternative Means of Compliance (AMOC) – FAA AD 2011-12-10 [F2012L01368].

- Commissioner of Taxation—Public Rulings—
  - Taxation Determination TD 2012/14.
  - Taxation Ruling (old series)—Notice of Withdrawal—IT 2262.
  - Taxation Rulings—
    - Addendum—TR 1999/17.

Corporations Act—ASIC Class Orders—
[CO 12/750] [F2012L01333].
[CO 12/766] [F2012L01331].
[CO 12/794] [F2012L01345].

Education Services for Overseas Students Act—Education Services for Overseas Students (Designated Authority) Determination 2012 (No. 1) [F2012L01370].

Family Law Act—Family Law (Superannuation) Regulations—Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2012 (No. 1) [F2012L01367].


Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code—Standards—
1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 6, 2012 [F2012L01344].
2.9.5 – Food for Special Medical Purposes [F2012L01347].
Food Standards (Proposal P242 – Food for Special Medical Purposes – Consequential) Variation [F2012L01341].
Food Standards (Proposal P1007 – Primary Production & Processing Requirements for Raw Milk Products) Variation [F2012L01339].


Medical Indemnity Act—Premium Support Scheme Amendment 2012 [F2012L01366].

Migration Act—
Migration Agents Regulations—Instrument IMMI 12/035—Prescribed courses and exams for applicants for registration as a migration agent [F2012L01343].
Migration Regulations—Instrument IMMI 12/054—Evidence of further funds and living costs [F2012L01350].

National Health Act—Instrument No. PB 40 of 2012—National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2012 (No. 5) [F2012L01332].

Navigation Act—Marine Order No. 6 of 2012—Marine Order 47, issue 3 (Mobile Offshore Drilling Units) [F2012L01330].

Social Security Act—
Social Security (Parenting payment participation requirements – classes of persons) (DEEWR) Amendment Specification 2012 (No. 1) [F2012L01359].
Social Security (Special Disability Trust – Discretionary Spending) (FaHCSIA) Determination 2012 [F2012L01349].

Social Security (Administration) Act—
Social Security (Administration) (Declared income management areas) Determination 2012 [F2012L01371].
Social Security (Administration) (Penalty Amount) (DEEWR) Determination 2012 (No. 1) [F2012L01338].
Social Security (Administration) (Penalty Amount) (FaHCSIA) Determination 2012 (No. 1) [F2012L01335].

Taxation Administration Act 1953—Submission of statements by first home saver account providers for the year ended 30 June 2012 in accordance with the Taxation Administration Act 1953 [F2012L01362].


Veterans’ Entitlements Act—Statements of Principles concerning—
Endometriosis No. 41 of 2012 [F2012L01355].
Endometriosis No. 42 of 2012 [F2012L01356].
Malignant Neoplasm of the Cervix No. 39 of 2012 [F2012L01353].
Malignant Neoplasm of the Cervix No. 40 of 2012 [F2012L01354].
Pes Planus No. 45 of 2012 [F2012L01361].
Pes Planus No. 46 of 2012 [F2012L01364].
Porphyria Cutanea Tarda No. 43 of 2012 [F2012L01357].
Porphyria Cutanea Tarda No. 44 of 2012 [F2012L01358].

37 COMMITTEE MEMBERSHIP
The President informed the Senate that he had received a letter requesting changes in the membership of a committee.
The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), by leave, moved—That Senator Wright replace Senator Ludlam on the Foreign Affairs, Defence and Trade Legislation Committee for the committee’s inquiry into the provisions of the Military Court of Australia Bill 2012 and a related bill, and Senator Ludlam be appointed as a participating member.
Question put and passed.

38 CORPORATIONS LEGISLATION AMENDMENT (FINANCIAL REPORTING PANEL) BILL 2012
SOCIAL SECURITY LEGISLATION AMENDMENT (FAIR INCENTIVES TO WORK) BILL 2012

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 469, dated 28 June 2012—A Bill for an Act to amend the law relating to corporations to repeal provisions relating to the Financial Reporting Panel, and for related purposes.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) 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 Ludwig 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 Ludwig moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

39 NEXT MEETING OF SENATE

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) moved—That the Senate, at its rising, adjourn till Tuesday, 14 August 2012 at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

40 LEAVE OF ABSENCE

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

41 ADJOURNMENT

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 2.53 am till Tuesday, 14 August 2012 at 12.30 pm.

42 ATTENDANCE


ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate