2010-12
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 100
TUESDAY, 14 AUGUST 2012

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1 **MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

- Treaties—*Bilateral*—Malaysia-Australia Free Trade Agreement done at Kuala Lumpur on 22 May 2012—Text, together with national interest analysis, regulation impact statement and annexures.

3 **DEATH OF SERGEANT BLAINE DIDDAMS**

The Leader of the Government in the Senate (Senator Evans), by leave, moved—That the Senate records its deep sorrow at the death, on 2 July 2012, of Sergeant Blaine Diddams, while on combat operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

All senators present stood in silence—

Question passed.

4 **QUESTION TIME—MODIFIED RULES—TEMPORARY ORDER**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That the temporary order of the Senate relating to modified rules for question time continue to operate as a temporary order until the end of the first sitting week in 2013.

Question put and passed.

5 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, by leave and at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron), moved—That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.

Question put and passed.
6 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and the Chair of the Community Affairs References Committee (Senator Siewert), moved—that the Community Affairs Legislation Committee and the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 12.35 pm.
Question put and passed.

7 SENATE—SENATOR FISHER—IMMINENT RETIREMENT—STATEMENT BY LEAVE
Senator Fisher, by leave, made a statement relating to her imminent retirement.

8 SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE OBLIGATIONS AND PRUDENTIAL STANDARDS) 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.
Question put and passed.
Bill read a second time.

At 2 pm—

9 QUESTIONS
Questions without notice were answered.

Document: Senator Cormann, by leave, tabled the following document:
Taxation—Minerals Resource Rent Tax—Letter from the Prime Minister (Ms Gillard) to the Leader of the Australian Greens (Senator Bob Brown).

10 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Cash moved—that the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) today relating to asylum seekers.
Debate ensued.
Question put and passed.

Senator Siewert moved—that the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Siewert today relating to a proposed development at James Price Point, Western Australia.
Question put and passed.
11 PETITIONS
The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Boswell, from 1 petitioner, requesting that the Senate take action to retain the current definition of marriage.

Senator Ronaldson, from 48 petitioners, requesting that the Senate pass legislation requiring Internet Service Providers to block all websites containing material classified as ‘Refused Classification’, regardless of where such sites are hosted.

12 NOTICES
The Chair of the Community Affairs Legislation Committee (Senator Moore): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 21 August 2012, from 12.30 pm. (general business notice of motion no. 832)

The Chair of the Community Affairs Legislation Committee (Senator Moore): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 August 2012, from 5 pm, to take evidence for the committee’s inquiry into the Low Aromatic Fuel Bill 2012. (general business notice of motion no. 833)

The Chair of the Environment and Communications Legislation Committee and Deputy Chair of the Environment and Communications References Committee (Senator Cameron): To move on the next day of sitting—That the Environment and Communications Legislation Committee and the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 16 August 2012, from 1 pm. (general business notice of motion no. 834)

Senator Brown: To move on the next day of sitting—That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 22 August 2012, from 9.30 am to 11 am, to take evidence for the committee’s inquiry into the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012. (general business notice of motion no. 835)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 August 2012, from 4.30 pm, to take evidence for the committee’s inquiry into the examination of the Foreign Investment Review Board national interest test. (general business notice of motion no. 836)

The Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Cash): To move on the next day of sitting—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate, from 11 am, as follows:

(a) on Thursday, 16 August 2012; and

(b) on Thursday, 13 September 2012. (general business notice of motion no. 837)
The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs References Committee on its inquiry into health services and medical professionals in rural areas be extended to 22 August 2012. (general business notice of motion no. 838)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 21 August 2012, from 12.30 pm. (general business notice of motion no. 839)

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

(a) notes that:

(i) Westpac’s environmental credentials have assisted it to promote the bank’s business,

(ii) Westpac was the first Australian bank to adopt the Equator Principles, agreeing not to fund projects that endanger communities or the environment, and is a signatory to the United Nations Environment Programme Finance Initiative,

(iii) the Solomon Islands is listed as having the highest percentage loss of rainforest in the Pacific,

(iv) logging in the Solomon Islands is unsustainable and has led to significant pressure on the natural environment, friction within local communities, threats to food security and breaches of human rights, including the sexual exploitation of women and children,

(v) recent investigations show Westpac has provided loans to companies in the Solomon Islands which have been involved in illegal tree-felling, hiring of illegal workers and alleged non-payment of compensation for illegal logging,

(vi) Westpac claims it has reduced lending to the forestry industry to 9 per cent of its loan book in the Solomon Islands and is taking on no new business in the Solomon Islands, yet it has recently gone guarantor for a new project to log pristine rainforest on Vella Lavella,

(vii) the Australian Greens have written to the Banksia Environmental Foundation asking it to consider withdrawing past awards to Westpac because of this involvement, and

(viii) Westpac has refused to investigate the loans it has made to those involved in illegal logging or to withdraw immediately from financing logging operations in the Solomon Islands; and

(b) calls on the Government to:

(i) approach the Banksia Environmental Foundation, which administers the Prime Minister’s Environmentalist of the Year awards with Government funding, to ask the foundation to review and consider withdrawing Westpac’s past awards,

(ii) initiate talks with Westpac seeking a commitment to immediately end links with forestry in the Solomon Islands and contribute to forest restoration, and
(iii) conduct an investigation into the collapse of the forestry industry due to illegal practices which will impact on the whole Solomon Islands’ economy and bring hardship to local people, if Westpac does not in the short-term withdraw from financing logging operations. (general business notice of motion no. 840)

The Minister for Sport (Senator Lundy): To move on the next day of sitting—That following the 30th Olympiad the Senate congratulates our Olympians on their performances in London 2012.

Senator Cormann: To move on the next day of sitting—

(1) That the Senate notes that:
   (a) on 18 March 2012, the Prime Minister promised former Senator Bob Brown, then Leader of the Australian Greens, that the Government would publish monthly updates on revenue collections from the Minerals Resource Rent Tax (MRRT); and
   (b) the MRRT legislation came into effect on 1 July 2012.

(2) That there be laid on the table by the Minister representing the Treasurer, no later than noon on the 20th day of every month, information relating to the MRRT revenue collected by the Government in the preceding calendar month, broken down by state or territory of collection and by commodity type.

(3) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President in accordance with standing order 166.

(4) This order is of continuing effect. (general business notice of motion no. 841)

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

(a) notes:
   (i) reports of a surveillance system known as TrapWire operating in the United Kingdom, Canada and cities in the United States of America, including Washington DC, Las Vegas, New York and Los Angeles, and
   (ii) TrapWire’s features are reputed to include the ability to centralise and aggregate data from public surveillance cameras and share threat information across networks; and

(b) calls on the Government to confirm:
   (i) whether the TrapWire system is deployed anywhere in Australia,
   (ii) if Australian law enforcement and intelligence agencies have access to, or have in the past used, information provided by foreign law enforcement and intelligence agencies using the TrapWire system, and
   (iii) if the Government or its law enforcement and intelligence agencies have held discussions about acquiring the TrapWire system for use by government entities here. (general business notice of motion no. 842)

Senators Wright and Ludlam: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) the week 6 August to 12 August 2012 was national Homeless Persons’ Week, and
   (ii) on any given night in Australia, approximately 105,000 people are experiencing homelessness;

(b) recognises that:
   (i) mental illness is both a cause and consequence of homelessness, and
(ii) the Australian Council of Social Service’s Community Sector Survey 2012 recently highlighted that the availability of secure and affordable housing, and care and treatment for mental illness, are the greatest areas of need for people experiencing poverty and disadvantage in Australia; and

(c) calls on the Government to consider and respond to underfunding, funding uncertainty and unmet need in the homelessness and mental health sectors.

*(general business notice of motion no. 843)*

13 **LEAVE OF ABSENCE**

Senator Kroger, by leave, moved—That leave of absence be granted to Senators Boswell and Nash for today, for personal reasons.

Question put and passed.

14 **AUSTRALIA’S FOOD PROCESSING SECTOR—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, by leave and at the request of the Chair of the Select Committee on Australia’s Food Processing Sector (Senator Colbeck), moved—That the Select Committee on Australia’s Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 15 August 2012, from noon.

Question put and passed.

15 **PRIVATE SENATORS’ BILLS—CONSIDERATION**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the following general business orders of the day be considered on Thursday, 16 August 2012 under the temporary order relating to the consideration of private senators’ bills:

- No. 86 Health Insurance (Dental Services) Bill 2012 [No. 2].
- No. 51 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

Question put and passed.

16 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT**

Senator McEwen, by leave and at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), moved—That the time for the presentation of reports of the Legal and Constitutional Affairs Legislation Committee be extended as follows:

(a) Privacy Amendment (Enhancing Privacy Protection) Bill 2012—to 11 September 2012; and

(b) Military Court of Australia Bill 2012 and a related bill—to 9 October 2012.

Question put and passed.
17 **NATIONAL BROADBAND NETWORK—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, by leave and on behalf of the Joint Standing Committee on the National Broadband Network, moved—That the Joint Standing Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate today, from 6.15 pm to 7.20 pm, to take evidence for the committee’s inquiry into the rollout of the National Broadband Network.

Question put and passed.

18 **ELECTORAL MATTERS—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, by leave and on behalf of the Joint Standing Committee on Electoral Matters, moved—That the Joint Standing Committee on Electoral Matters be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 15 August 2012, from 9.30 am.

Question put and passed.

19 **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 20 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 18 September 2012.
- General business notice of motion no. 829 standing in the name of Senator Rhiannon for today, relating to family planning, postponed till 15 August 2012.

20 **HEALTH—POLIO ERADICATION**

Senator McEwen, at the request of Senators Moore and Boyce and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 831—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.

Question put and passed.

21 Administration—Fair Work Act—Review

Senator Kroger, at the request of the Leader of the Opposition in the Senate (Senator Abetz) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 825—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.

Question put.

The Senate divided—

AYES, 32

Senators—

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<td>Fierravanti-Wells</td>
<td>Mason</td>
<td>Smith</td>
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<td>Heffernan</td>
<td>Parry</td>
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NOES, 37

Senators—

Bilyk
Bishop
Brown
Cameron
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Farrell

Faulkner
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Ludwig
Lundy
Marshall
McEwen (Teller)

McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Stewart
Singh
Stephens
Sterle

Thistlethwaite
Thorpe
Urquhart
Waters
Whish-Wilson
Wong
Wright

Question negatived.

22 PARLIAMENT—STANDARDS OF MINISTERIAL ETHICS

Senator Ryan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 828—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 table any advice he has received and relied upon regarding his compliance with the ‘Standards of Ministerial Ethics’ in this matter.


The Senate divided—

AYES, 31

Senators—

Abetz
Back
Bernardi
Birmingham
Boyce
Branis
Bushby
Cash

Colbeck
Cormann
Edwards
Eggleston
Fawcett
Ferravanti-Wells
Fifield
Heffernan

Humphries
Johnston
Joyce
Kroger (Teller)
Macdonald
Mason
McKenzie
Parry

Payne
Ronaldson
Ryan
Scullion
Sinodinos
Smith
Williams


NOES, 38

Senators—

Bilyk  Faulkner  McLucas  Thistlethwaite
Bishop  Furner  Milne  Thorp
Brown  Gallacher  Moore  Urquhart
Cameron  Hanson-Young  Polley  Waters
Carr, Kim  Hogg  Pratt  Whish-Wilson
Collins  Ladrham  Rhiannon  Wong
Conroy  Ludwig  Stiewert  Wright
Crossin  Lundy  Singh  Xenophon
Di Natale  Marshall  Stephens  —
Farrell  McEwen (Teller)  Sterle

Question negatived.

23 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 Gillard Government’s pattern of broken promises, raised expectations and unfunded commitments.

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

24 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—DOCUMENT—BUDGET ESTIMATES 2012-13

The Acting Deputy President (Senator Furner) tabled the following document received on 11 July 2012:


Document ordered to be printed on the motion of Senator Brown.

25 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—REPORT—INFRASTRUCTURE DELIVERY AND ENGINEERING SKILLS SHORTAGES

The Acting Deputy President (Senator Furner) tabled the following report and documents received on 12 July 2012:

Education, Employment and Workplace Relations References Committee—The shortage of engineering and related employment skills—Report, dated July 2012, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Brown.
26 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORTS—
COURTS LEGISLATION AMENDMENT (JUDICIAL COMPLAINTS) BILL 2012 AND
JUDICIAL MISBEHAVIOUR AND INCAPACITY (PARLIAMENTARY COMMISSIONS)
BILL 2012**

The Acting Deputy President (Senator Furner) tabled the following reports and
documents received on the dates indicated:

Legal and Constitutional Affairs Legislation Committee—Courts Legislation
Amendment (Judicial Complaints) Bill 2012 [Provisions] and Judicial
Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012
[Provisions]—
Interim report, dated 13 July 2012. [*Received 13 July 2012*]
Report, dated August 2012, Hansard record of proceedings, documents
presented to the committee, additional information and submissions. [*Received 2 August 2012*]

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

27 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—ADMINISTRATION
OF INDIGENOUS BUSINESS AUSTRALIA IN RELATION TO CERTAIN EVIDENCE GIVEN
TO THE SENATE COMMUNITY AFFAIRS COMMITTEE**

The Acting Deputy President (Senator Furner) tabled the following report received on
3 August 2012:

Community Affairs Legislation Committee—Administration of Indigenous
Business Australia in relation to certain evidence given to the Senate Community
Affairs Committee—Report, dated August 2012, including Hansard record of
proceedings and additional information.

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

28 **RURAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—GOVERNMENT
RESPONSE—ANIMAL WELFARE STANDARDS IN AUSTRALIA’S LIVE EXPORT
MARKETS AND THE LIVE ANIMAL EXPORT (SLAUGHTER) PROHIBITION BILL 2011
[NO. 2] AND LIVE ANIMAL EXPORT RESTRICTION AND PROHIBITION
BILL 2011 [NO. 2]**

The Acting Deputy President (Senator Furner) tabled the following document received
on 10 July 2012:

Rural Affairs and Transport References Committee—Report—Animal welfare
standards in Australia’s live export markets and the Live Animal Export
(Slaughter) Prohibition Bill 2011 [No. 2] and Live Animal Export Restriction and

29 **ECONOMICS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—CAPITAL
MARKETS FOR SOCIAL ECONOMY ORGANISATIONS**

The Acting Deputy President (Senator Furner) tabled the following document received
on 19 July 2012:

Economics References Committee—Report—Investing for good: The development
of a capital market for the not-for-profit sector in Australia—Government
response, dated June 2012.
30 **ECONOMICS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—TAX LAWS AMENDMENT (TEMPORARY FLOOD AND CYCLONE RECONSTRUCTION LEVY) BILL 2011 AND INCOME TAX RATES AMENDMENT (TEMPORARY FLOOD AND CYCLONE RECONSTRUCTION LEVY) BILL 2011**

The Acting Deputy President (Senator Furner) tabled the following document received on 19 July 2012:


31 **PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—GOVERNMENT RESPONSE—426TH REPORT**

The Acting Deputy President (Senator Furner) tabled the following document received on 24 July 2012:


32 **FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—GOVERNMENT RESPONSE—ADMINISTRATION OF THE PHARMACEUTICAL BENEFITS SCHEME**

The Acting Deputy President (Senator Furner) tabled the following document received on 26 July 2012:


33 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA’S BIOSECURITY AND QUARANTINE ARRANGEMENTS**

The Acting Deputy President (Senator Furner) tabled the following document received on 27 July 2012:

Rural and Regional Affairs and Transport References Committee—Report—Australia’s biosecurity and quarantine arrangements—Government response, dated June 2012.

34 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA’S ADMINISTRATION AND MANAGEMENT OF THE TORRES STRAIT**

The Acting Deputy President (Senator Furner) tabled the following document received on 9 August 2012:

Foreign Affairs, Defence and Trade References Committee—Report—The Torres Strait: Bridge and border—Government response, dated August 2012.
35 **TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—100TH REPORT**

The Acting Deputy President (Senator Furner) tabled the following document received on 9 August 2012:


36 **LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—DONOR CONCEPTION PRACTICES IN AUSTRALIA**

The Acting Deputy President (Senator Furner) tabled the following document received on 9 August 2012:


37 **GOVERNMENT DOCUMENTS**

The Acting Deputy President (Senator Furner) tabled the following documents received on the dates indicated:

- Australian Human Rights Commission—Report—An age of uncertainty—Inquiry into the treatment of individuals suspected of people smuggling offences who say that they are children, dated July 2012. [Received 27 July 2012]
- Australian National Maritime Museum—Strategic plan 2012 to 2015. [Received 2 July 2012]
- Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2012. [Received 19 July 2012]
- Migration Legislation Amendment (The Bali Process) Bill 2012—Replacement revised explanatory memorandum. [Received 2 August 2012]

38 **LAW AND JUSTICE—MURRAY DARLING BASIN DRAFT PLAN—LEGAL ADVICE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document received on 18 July 2012:

Law and justice—Murray Darling Basin draft plan—Legal advice—Statement by the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) responding to the order of the Senate of 19 June 2012.

39 **CONSIDERATION OF DOCUMENTS**

Senator Brown, by leave, moved—that consideration of the committee reports and government responses tabled earlier today (see entries nos 24 to 36) be listed on the Notice Paper as separate orders of the day.

Question put and passed.
40 **BUSINESS OF THE SENATE—1 JANUARY TO 30 JUNE 2012**—**DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Business of the Senate—1 January to 30 June 2012.

41 **WORK OF COMMITTEES**—**DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Work of committees—Financial year statistics: 1 July 2011 to 30 June 2012; and half-year statistics: 1 January to 30 June 2012.

Document ordered to be printed on the motion of Senator Brown.

42 **QUESTIONS ON NOTICE SUMMARY**—**DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Questions on notice summary—28 September 2010 to 30 June 2012.

43 **FAMILY AND COMMUNITY SERVICES—WORLD DOWN SYNDROME DAY**—**DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Family and community services—World Down Syndrome Day—Letter to the President of the Senate from the Chair of Trustees, Down Syndrome International (Ms Robertson, OAM) responding to the resolution of the Senate of 21 March 2012, dated 16 July 2012.

Senator Boyce, by leave, moved—That the Senate take note of the document. Question put and passed.

44 **ENVIRONMENT—MURRAY DARLING—INFLOWS**—**DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Environment—Murray Darling—Inflows—Letter to the President of the Senate from the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) responding to the resolution of the Senate of 9 May 2012, dated 26 June 2012.

Senator Birmingham, by leave, moved—That the Senate take note of the document. Debated ensued. Question put and passed.

45 **FOREIGN AFFAIRS—BAHRAIN—MR NABEEL RAJAB**—**DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Foreign affairs—Bahrain—Mr Nabeel Rajab—Letter to the President of the Senate from the Minister for Foreign Affairs (Senator Bob Carr) responding to the resolution of the Senate of 10 May 2012, dated 23 June 2012.
46 **WOMEN—DOMESTIC VIOLENCE—BSAFE PROGRAM—DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Women—Domestic violence—BSafe program—Letter to the President of the Senate from the Minister for Justice (Mr Clare) responding to the resolution of the Senate of 10 May 2012, dated 10 July 2012.

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

Question put and passed.

47 **FOREIGN AFFAIRS—INTERNATIONAL ARMS TRADE—DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Foreign affairs—International arms trade—Letter to the President of the Senate from the Executive Director, Oxfam International (Mr Hobbs) responding to the resolution of the Senate of 21 June 2012, dated 5 July 2012.

48 **FAMILY AND COMMUNITY SERVICES—DOMESTIC AND FAMILY VIOLENCE—DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Family and community services—Domestic and family violence—Letter to the President of the Senate from the Attorney-General (Ms Roxon) responding to the resolution of the Senate of 27 June 2012, dated 31 July 2012.

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

Question put and passed.

49 **LAW AND JUSTICE—COMMONWEALTH ANTI-DISCRIMINATION LAWS—DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Law and justice—Commonwealth anti-discrimination laws—Letter to the President of the Senate from the Attorney-General (Ms Roxon) responding to the resolution of the Senate of 28 June 2012, dated 20 July 2012.

50 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF THE RE-LISTING OF HIZBALLAH’S EXTERNAL SECURITY ORGANISATION**

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


Senator Faulkner, by leave, moved—That the Senate take note of the report.

Question put and passed.
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.]

A New Tax System (Family Assistance) Act—
Family Assistance (Clean Energy Advances in Certain Circumstances) Determination 2012 [F2012L01435].
Family Assistance (Exemption from Immunisation Requirements) (FaHCSIA) Determination 2012 [F2012L01470].
Family Assistance (Meeting the Immunisation Requirements) (FaHCSIA) Determination 2012 [F2012L01473].
Family Assistance (Vaccination Schedules) (FaHCSIA) Determination 2012 [F2012L01478].

Aged Care Act—
Aged Care (Amount of Flexible Care Subsidy – Extended Aged Care at Home – Dementia) Determination 2012 (No. 1) [F2012L01420].
Aged Care (Amount of Flexible Care Subsidy – Extended Aged Care at Home) Determination 2012 (No. 1) [F2012L01424].
Aged Care (Amount of Flexible Care Subsidy – Innovative Care Service – Congress Community Development and Education Unit Ltd) Determination 2012 (No. 1) [F2012L01422].
Aged Care (Amount of Flexible Care Subsidy – Innovative Care Services) Determination 2012 (No. 1) [F2012L01406].
Aged Care (Amount of Flexible Care Subsidy – Multi-Purpose Services) Determination 2012 (No. 1) [F2012L01426].
Aged Care (Amount of Flexible Care Subsidy – Transition Care Services) Determination 2012 (No. 1) [F2012L01408].
Aged Care (Community Care Subsidy Amount) Determination 2012 (No. 1) [F2012L01417].
Aged Care (Residential Care – Amount of Basic Subsidy) Determination 2012 (No. 1) [F2012L01410].
Aged Care (Residential Care Subsidy – Adjusted Subsidy Reduction) Determination 2012 (No. 1) [F2012L01415].
Aged Care (Residential Care Subsidy – Amount of Enteral Feeding Supplement) Determination 2012 (No. 1) [F2012L01414].
Aged Care (Residential Care Subsidy – Amount of Oxygen Supplement) Determination 2012 (No. 1) [F2012L01411].
Aged Care (Residential Care Subsidy – Amount of Viability Supplement) Determination 2012 (No. 1) [F2012L01416].
Allocation Amendment (People with Special Needs) Principles 2012 [F2012L01469].
Residential Care Subsidy Amendment Principles 2012 (No. 2) [F2012L01428].
Agricultural and Veterinary Chemicals (Administration) Act—Select Legislative Instrument 2012 No. 180—Agricultural and Veterinary Chemicals (Administration) Amendment Regulation 2012 (No. 1) [F2012L01647].
Airports Act—Select Legislative Instruments 2012 Nos—
184—Airports Amendment Regulation 2012 (No. 1) [F2012L01668].
185—Airports Amendment Regulation 2012 (No. 2) [F2012L01669].
186—Airports (Control of On-Airport Activities) Amendment Regulation 2012 (No. 1) [F2012L01665].
187—Airports (Environment Protection) Amendment Regulation 2012 (No. 1) [F2012L01664].
188—Airports Legislation Amendment Regulation 2012 (No. 1) [F2012L01663].
Australian Film, Television and Radio School Act— Determination of Degrees, Diplomas and Certificates No. 2012/1 [F2012L01620].
Australian National Registry of Emissions Units Act—Select Legislative Instrument 2012 No. 124—Australian National Registry of Emissions Units Amendment Regulation 2012 (No. 2) [F2012L01488].
Australian National University Act—
Australian National University Academic Board Statute 2012—
Academic Board (Election of Members) Order (No. 3) 2012 [F2012L01539].
Australian National University Academic Board and Committees Rules (No. 2) 2012 [F2012L01638].


Australian Prudential Regulation Authority Act—
Australian Prudential Regulation Authority (Commonwealth Costs) Determination 2012 [F2012L01595].
Australian Prudential Regulation Authority (Confidentiality) Determination No. 13 of 2012—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2012L01589].
Australian Prudential Regulation Authority Instrument Fixing Charges No. 2 of 2012—Models-based capital adequacy requirements for ADIs for the financial year 2011-12 [F2012L01409].


Australian Research Council Act—
Approval of Proposals—Determinations Nos—
100—Linkage Learned Academies Special Projects for funding commencing in 2012.
101—Discovery Projects and Discovery Early Career Researcher Award for funding commencing in 2012.
102—Future Fellowships for funding commencing in 2012.
103—Special Research Initiative for Synchrotron Science for funding commencing in 2012.
104—Linkage Projects Round 2 for funding commencing in 2012.
105—Australian Laureate Fellowships for funding commencing in 2012.

Linkage Learned Academies Special Projects (LASP) Funding Rules for funding commencing in 2010 Variation (No. 2) [F2012L01626].

Linkage Projects Funding Rules for funding commencing in 2013 [F2012L01642].

Special Research Initiative for a Science of Learning Research Centre Funding Rules for funding commencing in 2012 [F2012L01644].

Special Research Initiative for an Aboriginal and Torres Strait Islander Researchers’ Network Funding Rules for funding commencing in 2012 [F2012L01627].

Special Research Initiative in Synchrotron Science Funding Rules for funding commencing in 2012 [F2012L01625].


Authorised Non-operating Holding Companies Supervisory Levy Imposition Act—Authorised Non-operating Holding Companies Supervisory Levy Imposition Determination 2012 [F2012L01475].


Aviation Transport Security Act—Select Legislative Instrument 2012 No. 134—Aviation Transport Security Amendment Regulation 2012 (No. 4) [F2012L01480].

Broadcasting Services Act—
Broadcasting Services (Digital-Only Local Market Areas for the Remote and Regional WA TV1, Western Zone TV1 and Kalgoorlie TV1 Licence Areas) Determination (No. 1) 2012 [F2012L01566].
Broadcasting Services (Events) Notice (No. 1) 2010—
Amendment No. 10 of 2012 [F2012L01578].
Amendment No. 11 of 2012 [F2012L01612].
Licence Area Plan – Darwin Television [F2012L01495].
Variations to Licence Area Plans—
Brisbane Radio – No. 1 of 2012 [F2012L01511].

Carbon Credits (Carbon Farming Initiative) Act—
Carbon Farming ( Destruction of Methane Generated from Manure in Piggeries) Methodology Determination 2012 [F2012L01501].
Select Legislative Instrument 2012 No. 125—Carbon Credits (Carbon Farming Initiative) Amendment Regulation 2012 (No. 2) [F2012L01505].

Charter of the United Nations Act—
Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2012 (No. 1) [F2012L01636].
Select Legislative Instrument 2012 No. 163—Charter of the United Nations Legislation Amendment Regulation 2012 (No. 1) [F2012L01572].

Christmas Island Act—Utilities and Services Ordinance—Water and Sewerage Services Fees and Charges Determination 2012 [F2012L01452].

Civil Aviation Act—
Civil Aviation Regulations—Instruments Nos CASA—
190/12—Instructions – for approved use of P-RNAV procedures [F2012L01508].
194/12—Instructions – GNSS primary means navigation (A330 and B737NG aircraft) [F2012L01560].
200/12—Approval and directions – flight data recorders [F2012L01400].
205/12—Direction – number of cabin attendants for Airbus A320 and Fokker F100 aircraft [F2012L01394].
206/12—Direction – number of cabin attendants (Sunstate Airlines) [F2012L01392].
219/12—Direction – number of cabin attendants (National Jet Systems) [F2012L01591].
239/12—Direction – number of cabin attendants for Fokker F70 and Fokker F100 aircraft [F2012L01634].
240/12—Direction – number of cabin attendants in Boeing 737-800 series aircraft, Qantas Airways Limited [F2012L01632].

Civil Aviation Safety Regulations—
Airworthiness Directives—
AD/B737/197 Amdt 3—Flight Control Modules (FCM) – Replacement [F2012L01609].
AD/B737/228 Amdt 1—Honeywell Start Converter Unit [F2012L01608].
AD/B747/15 Amdt 2—Trailing Edge Flap Track Fuse Bolt – Inspection/Replacement [F2012L01540].
AD/GA8/6—Pitot Heat Wiring [F2012L01667].
AD/OH-58/8—Main Rotor Mast Cracking [F2012L01630].
Civil Aviation Order 95.33 Repeal Instrument 2012 [F2012L01506].

Instruments Nos CASA—
EX68/12—Exemption – from holding a class 2 medical certificate [F2012L01492].
EX74/12—Exemption – flight and navigation equipment [F2012L01559].
EX91/12—Exemption – solo flight training at Coffs Harbour Aerodrome using ultralight aeroplanes and weight shift controlled aeroplanes registered with the RAA [F2012L01493].
EX92/12—Exemption – public address system [F2012L01425].
EX93/12—Exemption – from standard take-off and landing minima – Jetstar [F2012L01593].
EX94/12—Exemption – from standard take-off and landing minima – Cargolux [F2012L01494].
EX97/12—Exemption – from standard take-off and landing minima – Vietnam Airlines [F2012L01393].
EX112/12—Exemption – participation in land and hold short operations [F2012L01590].
EX113/12—Exemption – recency requirements for night flying (Tiger Airways Australia Pty Limited) [F2012L01558].
EX114/12—Exemption – overweight landings [F2012L01503].
EX115/12—Exemption – from standard take-off and landing minima – Qantas [F2012L01628].
EX117/12—Exemption of DAMP organisations for collection and screening of specimens [F2012L01641].
EX118/12—Exemption – recency requirement [F2012L01633].
EX130/12—Exemption – class A aircraft used in private operations [F2012L01672].

Revocation of Airworthiness Directives—Instruments Nos CASA ADCX—
014/12 [F2012L01504].
015/12 [F2012L01546].
016/12 [F2012L01610].
017/12 [F2012L01673].

Civil Aviation Regulations and Civil Aviation Safety Regulations—Civil Aviation Order 20.91 (Instructions and directions for performance-based navigation) 2012 [F2012L01570].

Clean Energy Act—Select Legislative Instruments 2012 Nos—
126—Clean Energy Amendment Regulation 2012 (No. 4) [F2012L01403].
181—Clean Energy Amendment Regulation 2012 (No. 5) [F2012L01657].

Cocos (Keeling) Islands Act—Utilities and Services Ordinance—Water and Sewerage Services Fees and Charges Determination 2012 [F2012L01453].

Commissioner of Taxation—Public Rulings—

Class Rulings—
Addendum—CR 2009/49.

Fuel Tax Determinations—Addenda—FTD 2006/2 and FTD 2010/1.


Goods and Services Tax Rulings—
GSTR 2012/3.
Notice of Withdrawal—GSTR 2011/2.

Luxury Car Tax Determination LCTD 2012/1.

Miscellaneous Taxation Rulings—
Addenda—MT 2008/1, MT 2008/2, MT 2011/1 and MT 2012/3.
Erratum—MT 2012/3.


Taxation Determinations—
Notice of Withdrawal—TD 93/4.

Taxation Rulings—
Erratum—TR 2012/5.

TR 2012/2, TR 2012/5 and TR 2012/6.

Commonwealth Authorities and Companies Act—Finance Minister’s (CAC Act Procurement) Directions 2012 [F2012L01491].

Commonwealth Electoral Act and Referendum (Machinery Provisions) Act—Select Legislative Instrument 2012 No. 157—Electoral and Referendum Amendment Regulation 2012 (No. 1) [F2012L01487].

Competition and Consumer Act—


Select Legislative Instruments 2012 Nos—
150—Competition and Consumer Amendment Regulation 2012 (No. 2) [F2012L01413].
154—Trade Practices (Industry Codes—Oilcode) Amendment Regulation 2012 (No. 1) [F2012L01484].

Corporations Act—

Accounting Standards—
AASB 1048—Interpretation of Standards [F2012L01585].
AASB 2012-4—Amendments to Australian Accounting Standards — Government Loans [F2012L01582].

ASIC Class Orders—
[CO 12/572] [F2012L01500].
[CO 12/573] [F2012L01502].
[CO 12/574] [F2012L01517].
[CO 12/622] [F2012L01538].
[CO 12/752] [F2012L01674].

ASIC Market Integrity Rules (ASX Market) Amendment 2012 (No. 1) [F2012L01562].
ASIC Market Integrity Rules (ASX Market) Amendment 2012 (No. 2) [F2012L01573].
ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2012 (No. 1) [F2012L01569].
ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2012 (No. 2) [F2012L01574].

Auditing Standard ASA 2012-1—Amending Standard to ASA 570 Going Concern [F2012L01671].

Select Legislative Instruments 2012 Nos—
170—Corporations Amendment Regulation 2012 (No. 4) [F2012L01545].
171—Corporations Amendment Regulation 2012 (No. 5) [F2012L01548].
172—Corporations Amendment Regulation 2012 (No. 6) [F2012L01549].

Corporations (Fees) Act—Select Legislative Instrument 2012 No. 173—Corporations (Fees) Amendment Regulation 2012 (No. 1) [F2012L01551].

Currency Act—Currency (Royal Australian Mint) Determination 2012 (No. 3) [F2012L01507].

Customs Act—
CEO Instrument of Approval No. 1 of 2012—Crew Declaration [F2012L01607].

Select Legislative Instruments 2012 Nos—
118—Customs Amendment Regulation 2012 (No. 5) [F2012L01423].
119—Customs (Prohibited Exports) Amendment Regulation 2012 (No. 1) [F2012L01402].
120—Customs (Prohibited Imports) Amendment Regulation 2012 (No. 1) [F2012L01407].
176—Customs Amendment Regulation 2012 (No. 6) [F2012L01646].
177—Customs (Prohibited Exports) Amendment Regulation 2012 (No. 2) [F2012L01645].

Defence Act—
Defence Force (Superannuation) (Productivity Benefit) Amendment Determination 2012 (No. 1) [F2012L01666].

Determinations under section 58B—Defence Determinations—
2012/33—Salary, bonuses, allowances, relocation, housing and meals—amendment.
2012/34—Army – 1st Recruit Training Battalion recruit instructors scheme—amendment.
2012/35—Service residences—amendment.
2012/36—Reserve health support—amendment.
2012/37—Special assistance during removal.
2012/38—Post indexes – amendment.
2012/40—Meals, incidentals and short-term duty overseas travel costs – amendment.
2012/41—Removals – amendment.
2012/42—Additional recreation leave – amendment.
2012/43—Emergency Support for Families Scheme – amendment.
2012/44—Deployment allowance – amendment.

Determinations under section 58H—Defence Force Remuneration Tribunal Determinations Nos—

7 of 2012—Salaries – Army Pilot Pay Grade 7 – Amendment.
8 of 2012—Salaries – Combat Controller – Amendment.
9 of 2012—Salaries – Air Force Training Systems Officer – Amendment.

Defence Force Retirement and Death Benefits Act—Defence Force Retirement and Death Benefits (Family Law Superannuation) Amendment Order 2012 (No. 1) [F2012L01662].

Defence Home Ownership Assistance Scheme Act—Defence Home Ownership Assistance Scheme (Average House Price and Median Interest Rate) Amendment Determination 2012 (No. 1) [F2012L01372].

Disability Discrimination Act—Select Legislative Instrument 2012 No. 178—Disability Discrimination Amendment Regulation 2012 (No. 1) [F2012L01648].

Education Services for Overseas Students Act—

Education Services for Overseas Students (Calculation of unspent pre-paid fees – other cases) Determination 2012 (No. 1) [F2012L01378].
Education Services for Overseas Students (Calculation of unspent pre-paid fees – provider default) Determination 2012 (No. 1) [F2012L01351].
Education Services for Overseas Students (Calls on the OSTF – requirements for payments) Determination 2012 (No. 1) [F2012L01385].
Education Services for Overseas Students (Notification of student default – requirements for a notice) Determination 2012 (No. 1) [F2012L01390].
Education Services for Overseas Students (Notifying provider default – requirements for a notice) Determination 2012 (No. 1) [F2012L01387].
Education Services for Overseas Students (Provider default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1) [F2012L01388].
Education Services for Overseas Students (Student default – discharge of obligations – requirements for a notice) Determination 2012 (No. 1) [F2012L01384].
Education Services for Overseas Students (Suitable Alternative Courses) Determination 2012 (No. 1) [F2012L01381].
Education Services for Overseas Students (TPS Director to notify Immigration Secretary of payment of refunds) Determination 2012 (No. 1) [F2012L01386].
Select Legislative Instrument 2012 No. 128—Education Services for Overseas Students Amendment Regulation 2012 (No. 1) [F2012L01432].

Education Services for Overseas Students (TPS Levies) Act—Education Services for Overseas Students (TPS Levies) (Levy exemptions) Determination 2012 (No. 1) [F2012L01382].
Environment Protection and Biodiversity Conservation Act—Amendments of lists of—

Exempt native specimens—
EPBC303DC/SFS/2012/32 [F2012L01619].
EPBC303DC/SFS/2012/33 [F2012L01596].
EPBC303DC/SFS/2012/34 [F2012L01375].
EPBC303DC/SFS/2012/35 [F2012L01376].
EPBC303DC/SFS/2012/36 [F2012L01597].
EPBC303DC/SFS/2012/37 [F2012L01577].
EPBC303DC/SFS/2012/38 [F2012L01629].
EPBC303DC/SFS/2012/42 [F2012L01659].

Specimens taken to be suitable for live import—
EPBC/s.303EC/SSLI/Amend/043 [F2012L01527].

Excise Act—

Excise (Mass of CNG) Determination 2012 (No. 1) [F2012L01048]—
Explanatory statement [in substitution for explanatory statement tabled with instrument on 18 June 2012].

Select Legislative Instruments 2012 Nos—
151—Excise Amendment Regulation 2012 (No. 1) [F2012L01419].
189—Excise Amendment Regulation 2012 (No. 2) [F2012L01649].
190—Excise Amendment Regulation 2012 (No. 3) [F2012L01650].

Export Inspection (Establishment Registration Charges) Act and Export Inspection and Meat Charges Collection Act—Select Legislative Instrument 2012 No. 122—
Export Inspection Legislation Amendment Regulation 2012 (No. 1) [F2012L01397].

Fair Work Act—

Fair Work (State Declarations – employer not to be national system employer) Endorsement 2012 (No. 1) [F2012L01606].
Fair Work (State Declarations – employer not to be national system employer) Endorsement 2012 (No. 2) [F2012L01651].


Family Assistance and Other Legislation Amendment (Schoolkids Bonus Budget Measures) Act—ETR Payments Administrative Scheme (FaHCSIA) Determination 2012 [F2012L01454].

Family Law Act—Family Law (Superannuation) Regulations—
Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2012 (No. 2) [F2012L01463].
Family Law (Superannuation) (Provision of Information – SA Local Government Superannuation Scheme) Amendment Determination 2012 (No. 1) [F2012L01476].

Federal Court of Australia Act—Select Legislative Instrument 2012 No. 175—
Federal Court (Corporations) Amendment Rules 2012 (No. 1) [F2012L01631].

Federal Financial Relations Act—
Determination of the GST Revenue Sharing Relativity for 2012-13 [F2012L01516].
Federal Financial Relations (General purpose financial assistance) Determination No. 40 (July 2012) [F2012L01602].
Federal Financial Relations (National Partnership payments) Determinations—
No. 49 (June 2012) [F2012L01512].
No. 50 (June 2012) [F2012L01513].
No. 51 (June 2012) [F2012L01515].
No. 52 (July 2012) [F2012L01565].
Financial Management and Accountability Act—
Financial Management and Accountability Determinations—
2012/20—Section 32 (Transfer of Functions from HEALTH to IHPA) [F2012L01532].
2012/22—Section 32 (Transfer of Functions from ABCC to FWBII) [F2012L01568].
2012/24—Section 32 (Transfer of Functions from DCCEE to CER) [F2012L01528].
2012/25—Section 32 (Transfer of Functions from DPMC to NMHC) [F2012L01525].
2012/26—Section 32 (Transfer of Functions from DEEWR to DIISRTE) [F2012L01531].
Financial Management and Accountability Regulations—
Commonwealth Procurement Rules, dated 1 July 2012 [F2012L01481].
Retained Agency Receipts Determination 2012/01: Department of Agriculture, Fisheries and Forestry [F2012L01661].
Select Legislative Instruments 2012 Nos—
131—Financial Management and Accountability Amendment Regulation 2012 (No. 3) [F2012L01460].
164—Financial Management and Accountability Amendment Regulation 2012 (No. 4) [F2012L01556].
Financial Management and Accountability Act, Commonwealth Authorities and Companies Act, High Court of Australia Act, Aboriginal and Torres Strait Islander Act, Defence Service Homes Act and Natural Heritage Trust of Australia Act—Finance Minister’s Amendment Orders (Financial Statements for reporting periods ending on or after 1 July 2011) [F2012L01600].
Fisheries Management Act—
Northern Prawn Fishery (Closures) Direction No. 160 [F2012L01586].
Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 4 2012 [F2012L01670].
Southern and Eastern Scalefish and Shark Fishery (Minimum Gear Requirements) Direction No. 1 2012 [F2012L01518].
Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code—Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 7, 2012 [F2012L01598].
Food Standards (Application A1064 – Food derived from Herbicide-tolerant Soybean Line CV127) Variation [F2012L01537].
Food Standards (Application A1066 – Food derived from Herbicide-tolerant Corn MON87427) Variation [F2012L01536].


Health Insurance Act—
Health Insurance (Section 3C Determination) Revocation Determination 2012 [F2012L01561].

Select Legislative Instruments 2012 Nos—
138—Health Insurance Amendment Regulation 2012 (No. 1) [F2012L01477].
139—Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 2) [F2012L01431].
140—Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 3) [F2012L01479].
165—Health Insurance Amendment Regulation 2012 (No. 2) [F2012L01547].
166—Health Insurance (Pathology Services) Amendment Regulation 2012 (No. 1) [F2012L01550].
167—Health Insurance (Pathology Services Table) Amendment Regulation 2012 (No. 2) [F2012L01553].

Healthcare Identifiers Act—Select Legislative Instrument 2012 No. 160—Healthcare Identifiers Amendment Regulation 2012 (No. 1) [F2012L01401].

Higher Education Support Act—
Higher Education Provider Approvals Nos—
4 of 2012—National Art School [F2012L01592].
5 of 2012—The Centre of Academic Excellence Pty Ltd [F2012L01637].
6 of 2012—Photography Holdings Pty Ltd [F2012L01639].

Revocation of Approval as a Higher Education Provider—Cengage Education Pty Ltd [F2012L01514].

VET Provider Approvals Nos—
11 of 2012—Australian Nursing & Midwifery Federation (SA Branch) [F2012L01509].
12 of 2012—Navitas Workforce Solutions Pty Ltd [F2012L01510].


Jervis Bay Territory Acceptance Act—Administration Ordinance—
Electricity Supply Fees Determination 2012 [F2012L01468].
Water and Sewerage Services Fees Determination 2012 [F2012L01459].

Judiciary Act—Legal Services Amendment Direction 2012 (No. 2) [F2012L01652].

Lands Acquisition Act—Statement describing property acquired by agreement for specified purposes under section 125.

Legislative Instruments Act—Select Legislative Instrument 2012 No. 179—Legislative Instruments Amendment Regulation 2012 (No. 1) [F2012L01653].


Migration Act—
Migration Agents Regulations—Instrument IMMI 12/067—Prescribed continuing professional development for applicants for registration as a migration agent [F2012L01588].

Migration Regulations—Instruments IMMI—
12/015—Location of campuses and postcodes [F2012L01444].
12/039—Specification of occupations, a person or body, a country or countries [F2012L01451].
12/073—Evidence of functional English language proficiency [F2012L01447].

Select Legislative Instrument 2012 No. 133—Migration Amendment Regulation 2012 (No. 4) [F2012L01438].

Statements for period 1 January to 30 June 2012 under sections—
46A(2) [140].
48B [6].
91L [23].
91Q [2].
195A [66].
197AB [288].
351 [189].
417 [124].


National Greenhouse and Energy Reporting Act—
National Greenhouse and Energy Reporting (Measurement) Amendment Determination 2012 (No. 1) [F2012L01439].

Select Legislative Instrument 2012 No. 162—National Greenhouse and Energy Reporting Amendment Regulation 2012 (No. 2) [F2012L01575].

National Health Act—
Continence Aids Payment Scheme Variation 2012 (No. 1) [F2012L01433].

Instruments Nos PB—
39 of 2012—National Health (Highly specialised drugs programs for hospitals) Special Arrangement Amendment Instrument 2012 (No. 5) [F2012L01458].
43 of 2012—National Health (Indigenous Chronic Disease – PBS Co-payment Measure) Special Arrangement Amendment Instrument 2012 (No. 1) [F2012L01461].
44 of 2012—National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2012 (No. 6) [F2012L01605].
45 of 2012—National Health (Price and Special Patient Contribution) Amendment Determination 2012 (No. 4) [F2012L01599].
46 of 2012—Amendment determination – conditions [F2012L01601].
47 of 2012—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2012 (No. 6) [F2012L01615].
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48 of 2012—National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2012 (No. 6) [F2012L01616].
49 of 2012—National Health (Claims and under co-payment data) Amendment Rules 2012 (No. 1) [F2012L01456].
51 of 2012—National Health (Weighted average disclosed price – third transitional disclosure cycle) Amendment Determination 2012 [F2012L01604].
52 of 2012—National Health (Listed drugs on F1 or F2) Amendment Determination 2012 (No. 5) [F2012L01621].
53 of 2012—Amendment Determination under section 84AH of the National Health Act 1953 (2012) (No. 2) [F2012L01623].
54 of 2012—National Health Revocation Instrument 2012 (No. 1) [F2012L01624].
55 of 2012—National Health (Subsection 84C(7)) Amendment Determination 2012 (No. 1) [F2012L01544].
57 of 2012—National Health (Subsection 84C(7)) Amendment Determination 2012 [F2012L01526].

Select Legislative Instrument 2012 No. 141—National Health (Pharmaceutical Benefits) Amendment Regulation 2012 (No. 3) [F2012L01443].

National Health Act and National Health Amendment (Pharmaceutical Benefits Scheme) Act 2012—Select Legislative Instrument 2012 No. 166—National Health (Pharmaceutical Benefits) Amendment Regulation 2012 (No. 4) [F2012L01552].


Ozone Protection and Synthetic Greenhouse Gas Management Act—Select Legislative Instrument 2012 No. 169—Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulation 2012 (No. 2) [F2012L01555].

Personal Property Securities Act—Select Legislative Instrument 2012 No. 121—Personal Property Securities Amendment Regulation 2012 (No. 1) [F2012L01404].


Private Health Insurance Act—

Private Health Insurance (Incentives) Rules 2012 (No. 2) [F2012L01498].

Private Health Insurance (Insurer Obligations) Amendment Rule 2012 (No. 1) [F2012L01530].

Private Health Insurance (Council Administration Levy) Act—Private Health Insurance (Council Administration Levy) Amendment Rule 2012 (No. 1) [F2012L01391].

Proceeds of Crime Act—Select Legislative Instrument 2012 No. 156—Proceeds of Crime Amendment Regulation 2012 (No. 1) [F2012L01489].
Radiocommunications (Receiver Licence Tax) Act—
Radiocommunications (Receiver Licence Tax) Amendment Determination 2012 (No. 1) [F2012L01563].
Radiocommunications (Receiver Licence Tax) Amendment Determination 2012 (No. 2) [F2012L01655].

Radiocommunications (Transmitter Licence Tax) Act—
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 2) [F2012L01564].
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 3) [F2012L01656].

Renewable Energy (Electricity) Act—Select Legislative Instruments 2012 Nos—
127—Renewable Energy (Electricity) Amendment Regulation 2012 (No. 5) [F2012L01483].
182—Renewable Energy (Electricity) Amendment Regulation 2012 (No. 6) [F2012L01658].

Retirement Savings Account Providers Supervisory Levy Imposition Act—
Retirement Savings Account Providers Supervisory Levy Imposition Determination 2012 [F2012L01440].

Shipping Reform (Tax Incentives) Act—Select Legislative Instrument 2012 No. 137—Shipping Reform (Tax Incentives) Regulation 2012 [F2012L01442].

Shipping Registration Act—
Australian International Shipping Register (Minimum Compensation) Determination 2012 [F2012L01449].
Australian International Shipping Register (Minimum Wages) Determination 2012 [F2012L01467].
Select Legislative Instrument 2012 No. 158—Shipping Registration Amendment Regulation 2012 (No. 2) [F2012L01434].

Social Security Act—

Social Security (Administration) Act—
Social Security (Administration) (Declared child protection State – New South Wales, Queensland, South Australia and Victoria) Determination 2012 [F2012L01377].
Social Security (Administration) (Declared voluntary income management areas – New South Wales, Queensland, South Australia and Victoria) Determination 2012 [F2012L01374].
Social Security (Administration) (Declared voluntary income management areas –Western Australia) Amendment Determination 2012 [F2012L01611].

**Superannuation Act 1976**—
Superannuation (CSS Employees – Exclusion) Amendment Declaration 2012 (No. 1) [F2012L01541].
Superannuation (CSS Employees – Inclusion) Amendment Declaration 2012 (No. 1) [F2012L01533].

**Superannuation Act 1990**—Superannuation (PSS) Membership Inclusion Amendment Declaration 2012 (No. 1) [F2012L01535].
Superannuation Industry (Supervision) Act—Select Legislative Instrument 2012 No. 183—Superannuation Industry (Supervision) Amendment Regulation 2012 (No. 2) [F2012L01654].
Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act—Select Legislative Instrument 2012 No. 132—Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Amendment Regulation 2012 (No. 1) [F2012L01429].
Superannuation Supervisory Levy Imposition Act—Superannuation Supervisory Levy Imposition Determination 2012 [F2012L01471].

**Taxation Administration Act 1953**—
PAYG withholding—Tax table for employment termination payments [F2012L01427].
Select Legislative Instruments 2012 Nos—
152—Taxation Administration Amendment Regulation 2012 (No. 3) [F2012L01412].
153—Taxation Administration Amendment Regulation 2012 (No. 4) [F2012L01418].

Telecommunications Act—
Telecommunications (Customer Service Guarantee) Record-Keeping Rules Amendment 2012 (No. 1) [F2012L01436].
Telecommunications Numbering Plan Variation 2012 (No. 1) [F2012L01567].
Telecommunications (Consumer Protection and Service Standards) Act—Telstra Carrier Charges—Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005 (Amendment No. 1 of 2012) [F2012L01383].

Therapeutic Goods Act—
Poisons Standard Amendment No. 2 of 2012 [F2012L01660].
Select Legislative Instruments 2012 Nos—
142—Therapeutic Goods Amendment Regulation 2012 (No. 1) [F2012L01448].
143—Therapeutic Goods Amendment Regulation 2012 (No. 2) [F2012L01455].
146—Therapeutic Goods (Medical Devices) Amendment Regulation 2012 (No. 1) [F2012L01464].
147—Therapeutic Goods (Medical Devices) Amendment Regulation 2012 (No. 2) [F2012L01466].

Therapeutic Goods (Charges) Act—Select Legislative Instruments 2012 Nos—
144—Therapeutic Goods (Charges) Amendment Regulation 2012 (No. 1) [F2012L01457].
145—Therapeutic Goods (Charges) Amendment Regulation 2012 (No. 2) [F2012L01462].

Veterans’ Entitlements Act—
Amendment Statement of Principles concerning Macular Degeneration No. 47 of 2012 [F2012L01373].

Wine Australia Corporation Act—Select Legislative Instrument 2012 No. 161—Wine Australia Corporation Amendment Regulation 2012 (No. 1) [F2012L01554].

Governor-General’s Proclamations—Commencement of provisions of Acts—
Personally Controlled Electronic Health Records Act 2012—Sections 3 to 112—29 June 2012 [F2012L01395].
Stronger Futures in the Northern Territory Act 2012—Sections 3 to 120—16 July 2012 [F2012L01543].

52 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator McKenzie) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary for Defence (Senator Feeney), by leave, moved—that senators be discharged from and appointed to committees as follows:

Foreign Affairs, Defence and Trade References Committee—
Appointed—Substitute member: Senator Rhiannon to replace Senator Ludlam for the committee’s inquiry into aid to Afghanistan
Procedure—Standing Committee—
Discharged—Senator Ludlam
Appointed—Senator Siewert.

Question put and passed.

53 GOVERNOR-GENERAL’S MESSAGES—ASSENT TO LAWS
Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

26 June 2012—Message No. 25—
Personally Controlled Electronic Health Records Act 2012 (Act No. 63, 2012)
Personally Controlled Electronic Health Records (Consequential Amendments) Act 2012 (Act No. 64, 2012).

27 June 2012—Messages Nos—

26—
Appropriation Act (No. 5) 2011-2012 (Act No. 65, 2012)
Appropriation Act (No. 6) 2011-2012 (Act No. 66, 2012).

27—


30—
Corporations Legislation Amendment (Audit Enhancement) Act 2012 (Act No. 72, 2012)
Corporations Amendment (Proxy Voting) Act 2012 (Act No. 73, 2012)
Telecommunications Interception and Other Legislation Amendment (State Bodies) Act 2012 (Act No. 74, 2012).

31—

28 June 2012—Messages Nos—

32—Financial Framework Legislation Amendment Act (No. 3) 2012 (Act No. 77, 2012).

33—
Appropriation Act (No. 1) 2012-2013 (Act No. 78, 2012)
Appropriation Act (No. 2) 2012-2013 (Act No. 79, 2012)
Appropriation (Parliamentary Departments) Act (No. 1) 2012-2013 (Act No. 80, 2012).

34—
Clean Energy (Excise Tariff Legislation Amendment) Act 2012 (Act No. 81, 2012)
Financial Framework Legislation Amendment Act (No. 2) 2012 (Act No. 82, 2012)

35—

Clean Energy Legislation Amendment Act 2012 (Act No. 84, 2012)

36—

National Health Amendment (Pharmaceutical Benefits Scheme) Act 2012 (Act No. 87, 2012).

37—

Broadcasting Services Amendment (Digital Television) Act 2012 (Act No. 88, 2012)

38—

Superannuation Legislation Amendment (Stronger Super) Act 2012 (Act No. 91, 2012)
Superannuation Supervisory Levy Imposition Amendment Act 2012 (Act No. 92, 2012).

29 June 2012—Messages Nos—

39—

Fair Work (Registered Organisations) Amendment Act 2012 (Act No. 93, 2012)
Passenger Movement Charge Amendment Act 2012 (Act No. 94, 2012)

40—

Income Tax (Managed Investment Trust Withholding Tax) Amendment Act 2012 (Act No. 96, 2012)

41—

Social Security and Other Legislation Amendment (2012 Budget and Other Measures) Act 2012 (Act No. 98, 2012)

42—

Stronger Futures in the Northern Territory Act 2012 (Act No. 100, 2012)


22 July 2012—Messages Nos—

44—

National Vocational Education and Training Regulator (Charges) Act 2012 (Act No. 105, 2012)

Parliamentary Counsel and Other Legislation Amendment Act 2012 (Act No. 107, 2012)
Water Efficiency Labelling and Standards Amendment (Scheme Enhancements) Act 2012 (Act No. 108, 2012)
Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Act 2012 (Act No. 109, 2012).

24 July 2012—Message No. 46—
Electoral and Referendum Amendment (Maintaining Address) Act 2012 (Act No. 110, 2012)
Electoral and Referendum Amendment (Protecting Elector Participation) Act 2012 (Act No. 111, 2012)

54 STRONGER FUTURES IN THE NORTHERN TERRITORY BILL 2012
STRONGER FUTURES IN THE NORTHERN TERRITORY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2011
SOCIAL SECURITY LEGISLATION AMENDMENT BILL 2011

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

55 CONSUMER CREDIT LEGISLATION AMENDMENT (ENHANCEMENTS) BILL 2012

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 473, dated 14 August 2012—A Bill for an Act to amend the law relating to consumer credit and consumer protection, and for related purposes.
The Parliamentary Secretary for Defence (Senator Feeney) 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 Feeney moved—That this bill be now read a second time.

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

On the motion of Senator Feeney the debate was adjourned and the resumption of the debate made an order of the day for a later hour.
56 **COMMITTEE MEMBERSHIP**
A message from the House of Representatives was reported informing the Senate of the appointment of a member of the House of Representatives to the Joint Standing Committee on the National Broadband Network, as follows:

Message no. 474, dated 14 August 2012—Ms Rowland in place of Ms Rishworth.

57 **ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX LAWS AMENDMENT (CROSS-BORDER TRANSFER PRICING) BILL (NO. 1) 2012**
Pursuant to order, Senator McEwen, at the request of the Chair of the Economics Legislation Committee (Senator Bishop), tabled the following report and documents:


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

58 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—CUSTOMS AMENDMENT (SMUGGLED TOBACCO) BILL 2012**
Pursuant to order, Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:


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

59 **FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REPORT—MILITARY COURT OF AUSTRALIA BILL 2012 AND A RELATED BILL**
Pursuant to order, Senator McEwen, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Stephens), tabled the following report:


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

60 **SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE OBLIGATIONS AND PRUDENTIAL STANDARDS) BILL 2012**
Order of the day read for the consideration of the bill in committee of the whole.

In the committee

Bill taken as a whole by leave.

Senator Cormann moved the following amendment:

Schedule 1, item 9, page 6 (lines 1 to 20), omit paragraphs 29VN(b) and (c).

Debate ensued.

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

**AYES, 30**

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**NOES, 37**

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

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

On the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) the report from the committee was adopted.

Senator Farrell moved—that this bill be now read a third time.

Question put.

The Senate divided—

**AYES, 36**

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NOES, 31

Senators—
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Bernardi
Birmingham
Boyce
Bushby (Teller)
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Humphries

Johnston
Joyce
Kroger
Macdonald
Madigan
Mason
McKenzie
Parry

Payne
Ronaldson
Ryan
Scullion
Sinodinos
Smith
Williams

Question agreed to.
Bill read a third time.

61 AVIATION TRANSPORT SECURITY AMENDMENT (SCREENING) 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.
At 6.50 pm: Debate was interrupted while Senator Rhiannon was speaking.

62 GOVERNMENT DOCUMENTS—CONSIDERATION
The government documents tabled earlier today (see entries nos 2 and 37) were called on but no motion was moved.

63 ADJOURNMENT
The Deputy President (Senator Parry) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 8.56 pm till Wednesday, 15 August 2012 at 9.30 am.

64 ATTENDANCE
Present, all senators except Senators Boswell* and Nash* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate