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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 101

WEDNESDAY, 15 AUGUST 2012

Contents

1 Meeting of Senate ................................................................. 2753
2 Vacancy in the Representation of South Australia ................................ 2753
3 Aviation Transport Security Amendment (Screening) Bill 2012 ............. 2753
4 Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill 2012 ..................................................... 2755
5 Matters of Public Interest .......................................................... 2755
6 Questions .................................................................................. 2755
7 Motion to Take Note of Answer ...................................................... 2755
8 Notices ..................................................................................... 2755
9 Routine of Business—Variation ...................................................... 2759
10 Postponements ......................................................................... 2759
11 Hours of Meeting and Routine of Business—Variation ......................... 2759
12 Sport—Australian Olympians ........................................................ 2760
13 Community Affairs Legislation Committee—Leave to Meet During Sittings ................................................................. 2760
14 Environment and Communications Legislation Committee—Environment and Communications References Committee—Leave to Meet During Sitting ........................................................................... 2761
15 Electoral Matters—Joint Standing Committee—Leave to Meet During Sitting ........................................................................ 2761
16 Rural and Regional Affairs and Transport References Committee—Leave to Meet During Sitting ......................................................... 2761
17 Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Leave to Meet During Sittings .............................................. 2761
18 Community Affairs References Committee—Extension of Time to Report .... 2762
19 Community Affairs References Committee—Leave to Meet During Sitting ........................................................................ 2762
20 Family and Community Services—Homelessness ................................ 2762
21 Notice of Motion Withdrawn ............................................................ 2762
22 Environment—Solomon Islands—Logging ........................................ 2763
23 Law and Justice—TrapWire Surveillance System .................................. 2764
24 Taxation—Minerals Resource Rent Tax—Proposed Order for Production of Documents ............................................................................ 2765
25 Historical Events—War in the Pacific—70th Anniversary .......................... 2766
26 Discussion of Matter of Public Importance—Immigration—Asylum Seekers... 2766
27 First Speech ................................................................................................. 2766
28 Discussion of Matter of Public Importance—Immigration—Asylum Seekers... 2767
29 Scrutiny of Bills—Standing Committee—8th Report and Alert Digest No. 8 of 2012 ........................................................................................................ 2767
30 Presiding Officers and Clerks Conference—Document ................................. 2767
31 Australian Parliamentary Delegation to UK, Spain, Germany and the United States—Document .................................................................................. 2767
32 Communications—Australia Post—Document .............................................. 2767
33 Senate—Senator Judith Anne Adams—Document ....................................... 2767
34 Documents .................................................................................................. 2767
35 Unproclaimed Legislation—Order for Production of Document—Document .. 2768
36 Committee Membership .............................................................................. 2768
37 Foreign Affairs, Defence and Trade Legislation Committee—Preliminary Report—Defence Trade Controls Bill 2011 .................................................. 2768
39 Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012 ...................................................................................... 2769
40 Adjournment ............................................................................................... 2769
41 Attendance .................................................................................................. 2770
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 **VACANCY IN THE REPRESENTATION OF SOUTH AUSTRALIA**

The President announced the resignation, on 14 August 2012, of Senator Fisher and advised the Senate that, pursuant to section 21 of the Constitution, he had notified the Governor of South Australia that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

Vacancy in the representation of South Australia—Letters from—

Senator Fisher to the President, dated 14 August 2012.

President of the Senate to the Governor of South Australia (His Excellency Rear Admiral Kevin Scarce, AC, CSC, RANR), dated 14 August 2012 [copy].

3 **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.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Rhiannon moved the following amendment:

Schedule 1, item 1, page 3 (line 18), at the end of subsection 41A(2), add:

; or (c) the procedure is a body scan and, as an alternative, the person chooses to undergo a frisk search.

Debate ensued.

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

Question—That the bill be agreed to—divided, at the request of Senator Rhiannon, in respect of Schedule 1, item 4.

Schedule 1, item 4 agreed to.

Senator Rhiannon moved the following amendment:

Schedule 1, item 3, page 3 (after line 28), after subsection 44(3A), insert:

(3AA) Body scanning equipment of a kind that has not previously been used for the screening of a person must not be used for the screening of a person unless equipment of that kind has been:

(a) tested for compliance with health standards prescribed by the regulations; and

(b) found to comply with those standards.
(3AB) Body scanning equipment that uses ionising backscatter x-ray technology must not be used for the screening of a person other than in exceptional circumstances. If such equipment is to be used for the screening of a person, the regulations must set out what those exceptional circumstances are.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 10

Senators—

Di Natale  Milne  Waters  Xenophon
Hanson-Young  Rhiannon  Whish-Wilson  Wright
Ludlam

NOES, 40

Senators—

Back (Teller)  Conroy  Joyce  Parry
Bilyk  Crossin  Ludwig  Polley
Bishop  Eggleston  Lundy  Pratt
Boyce  Evans  Madigan  Singh
Brown  Farrell  Marshall  Smith
Cameron  Feeney  Mason  Stephens
Carr, Bob  Fifield  McEwen  Sterle
Carr, Kim  Furner  McKenzie  Thistlethwaite
Colbeck  Gallacher  McLucas  Thorp
Collins  Johnston  Moore  Urquhart

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Minister for Human Services (Senator Kim Carr) the report from the committee was adopted.

Senator Kim Carr moved—That this bill be now read a third time.

Question put.

The Senate divided—

AYES, 38

Senators—

Back  Crossin  Madigan  Singh
Bilyk  Eggleston  Marshall  Smith
Bishop  Farrell  Mason  Stephens
Boyce  Feeney  McEwen  Sterle
Brown  Furner  McKenzie  Thistlethwaite
Cameron  Gallacher  McLucas  Thorp
Carr, Bob  Johnston  Moore  Urquhart
Carr, Kim  Joyce  Parry  Xenophon
Colbeck  Ladwig  Polley (Teller)
Conroy  Lundy  Pratt
NOES, 9

Senators—

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

Question agreed to.

Bill read a third time.

4 **HIGHER EDUCATION SUPPORT AMENDMENT (STUDENT CONTRIBUTION AMOUNTS AND OTHER MEASURES) BILL 2012**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and Deregulation (Senator Wong)—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm: Debate was interrupted while Senator Bernardi was speaking.*

5 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Human Services (Senator Kim Carr) the sitting of the Senate was suspended at 1.55 pm till 2 pm.

---

**At 2 pm—**

6 **QUESTIONS**

Questions without notice were answered.

7 **MOTION TO TAKE NOTE OF ANSWER**

Senator Johnston moved—That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice asked by Senator Macdonald today relating to Australian Defence Force funding.

Debate ensued.

Question put and passed.

8 **NOTICES**

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—that the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 21 August 2012, from 4.30 pm, to take evidence for the committee’s inquiry into the provisions of the Privacy Amendment (Enhancing Privacy Protection) Bill 2012. (*general business notice of motion no. 844*)

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 Thursday, 16 August 2012, from 4 pm. (*general business notice of motion no. 845*)
Senators Ludlam and Whish-Wilson: To move on the next day of sitting—That the Senate—

(a) notes:

(i) negotiation of the Trans-Pacific Partnership Agreement (TPPA) between the United States of America, Canada, Mexico, Chile, Peru, Vietnam, Malaysia, Singapore, Australia, Brunei and New Zealand is being conducted in secret,

(ii) draft texts of the agreement are selectively aired to AT&T, Verizon, Cisco, the Motion Picture Association and other industry lobbyists, but blocked from democratically-elected parliamentarians, advocacy organisations and citizens,

(iii) concern expressed by experts and citizens from countries participating in negotiating the TPPA regarding its potential impact on access to medicines, local content media rules, high-tech innovation and limitations placed on governments to make policies and regulations on health, safety and economic stability, and

(iv) reports of the latest text of the intellectual property chapter being leaked, revealing the Australian Government’s intention to defeat a proposed clause protecting domestic intellectual property laws; and

(b) calls on the Government to:

(i) make the full TPPA draft texts and negotiations available to the public,

(ii) support the proposal of New Zealand, Chile, Malaysia, Brunei and Vietnam to permit a signatory to carry forward and appropriately extend into the digital environment limitations and exceptions in its domestic laws,

(iii) reject trade agreements that put the civil liberties, environment, public health and welfare of Australians at risk, and

(iv) commit to ending the exclusionary and undemocratic process of selectively including stakeholders in trade negotiations while blocking others, by making all trade negotiations public. (general business notice of motion no. 846)

Senators Boyce, Colbeck, Macdonald and Boswell: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Gillard Government proposes to seriously damage Australia’s fishing industry and harm Australia’s tourism industry by establishing the world’s largest marine reserve without any scientific foundation,

(ii) the Gillard Government proposes to make the Coral Sea a no-go zone to Australians, but other countries, whose fishing practices are not as sustainable as Australia’s, will still be able to fish in the Coral Sea,

(iii) Australians will be deprived of a vital food source from the Coral Sea, which covers more than 989 842 square kilometres, more than half the size of Queensland,

(iv) almost 78 per cent of east coast Queensland waters will be in marine parks, almost 8 times the international benchmark,

(v) Australia’s oceans are amongst the healthiest and best managed in the world due in large part to the sustainable practices of our fishers,
(vi) scientists have agreed that fishing is not putting the Coral Sea at risk and that Green groups have also acknowledged this, and

(vii) the proposed network has nothing to do with science but everything to do with appeasing the Australian Greens politically, who keep the Labor Government in power; and

(b) calls on the Australian Government to:

(i) halt the current process of expanding marine parks to ensure that any future marine parks are based on objective scientific research and stakeholder input, and

(ii) undertake a risk assessment of the threats to Australia’s marine environment from existing and future uses to assess the need for the proposed marine parks. (general business notice of motion no. 847)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—

(a) notes, in regard to the introduction of the factory ship FV *Margiris* to the Australian Small Pelagic Fishery, the range of significant and justifiable concerns, including but not limited to:

(i) the localised depletion of fish stocks,

(ii) mammalian by-catch, including seals and dolphins,

(iii) impacts on other industries, including tourism,

(iv) the assertion that this super trawler is only economically viable because it previously received European Union subsidies and the Australian Fisheries Management Authority (AFMA) has lifted the fishery quotas,

(v) public access, transparency and scrutiny of any operational compliance data, and

(vi) the non-compliance of AFMA quota-setting processes with the *Fisheries Administration Act 1991* (the Act); and

(b) calls on the Government to:

(i) reverse the decision to lift the quota for the Small Pelagic Fishery and examine the compliance of the AFMA-led process that led to this decision with the Act,

(ii) demonstrate that it has fully examined and mitigated the impacts of localised depletion that the FV *Margiris* will have and ensure that a bioregional approach has been taken in setting the harvest strategy under which this ship would operate, and

(iii) demonstrate that 100 per cent observer coverage will be achieved on-board to ensure compliance and minimal by-catch, given that the ship will operate 24 hours a day, and ensure all compliance data will be publically available. (general business notice of motion no. 848)

Senators Ronaldson and Johnston: To move on the next day of sitting—That the Senate—

(a) commemorates the 50th anniversary, in 2012, of the arrival of the Australian Army Training Team Vietnam in South Vietnam, beginning Australia’s decade-long commitment to the Vietnam War;

(b) commemorates the 46th anniversary, on 18 August 2012, of the Battle of Long Tan, in which 18 Australian soldiers were killed and 24 were wounded in action;

(c) pays tribute to the 521 Australians killed in action in the Vietnam War and the thousands of veterans who returned home to the care of their families;
(d) acknowledges that many Vietnam War service personnel were very poorly treated by certain sections of the Australian community on their return, and that this treatment was unjust and, in many cases, affected their ability to resume life after wartime service; and

(e) welcomes the arrival in Australia of the Long Tan Cross, which will be displayed at the Australian War Memorial until April 2013. (general business notice of motion no. 849)

Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes. Fair Work Amendment (Small Business—Penalty Rates Exemption) Bill 2012. (general business notice of motion no. 850)

Senator Waters: To move on the next day of sitting—That there be laid on the table, by the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, no later than 11 September 2012, the following:

(a) documents relating to all current conditions for the operation, use, maintenance and monitoring of each current sea dumping permit issued by the Authority in the Great Barrier Reef Marine Park (GBRMP);

(b) any document that details all current sea dumping sites in the GBRMP and Great Barrier Reef World Heritage Area, including coordinates and size of the dumping area;

(c) all documents relating to the consideration or analysis of land-based disposal alternatives for each current sea dumping permit issued by the Authority in the GBRMP, including the initial consideration/analysis plus any subsequent analysis in light of additional or changed dumping requirements or new or changed information;

(d) all documents that provide a long-term analysis of the impacts of the dumping, including direct, indirect, distal and cumulative impacts for each current sea dumping permit issued by the Authority in the GBRMP; and

(e) any documents relating to breaches of conditions and responses to those breaches, including compliance measures, such as remediation, changed conditions, fines or litigation, for each current sea dumping permit issued by the Authority in the GBRMP. (general business notice of motion no. 851)

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

(a) notes the 4th anniversary of the death of Alexander Solzhenitsyn, the most influential Russian writer and dissident of the 20th century, who:

(i) was imprisoned, denied medical treatment and finally exiled from the Soviet Union for daring to expose the truth about the horrors of communism,

(ii) struggling against great obstacles managed to write and eventually publish The Gulag Archipelago, a classic of anti-totalitarian literature that drew the world’s attention to the atrocities committed by the Soviet Union against its own people,

(iii) after his deportation from the Soviet Union in 1974, continued to remind the world about the importance of rights and liberties enjoyed in the West but denied to the citizens of the Soviet Union and other communist states, and
(iv) received the Nobel Prize in Literature in 1970, as well as numerous other prizes and awards for his contribution to literature, and the fight for freedom and against tyranny and oppression; and

(b) conveys its remembrances to the people of Russia. (general business notice of motion no. 852)

9 ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That consideration of government business continue from 6.50 pm till 7.20 pm today.

Question put and passed.

10 POSTPONEMENTS

The following items of business were postponed:

General business notice of motion no. 438 standing in the name of Senator Siewert for today, relating to the North West Slope Trawl Fishery, postponed till 22 August 2012.

General business notice of motion no. 442 standing in the name of Senator Siewert for today, proposing the introduction of the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011, postponed till 22 August 2012.

General business notice of motion no. 829 standing in the name of Senator Rhiannon for today, relating to family planning, postponed till 16 August 2012.

11 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, 16 August 2012:

(a) the hours of meeting shall be 9.30 am to adjournment;
(b) consideration of general business private senators’ bills under temporary order 57(1)(d)(ia) shall not be proceeded with;
(c) the routine of business from 9.30 am for 2 hours and 20 minutes, from 12.45 pm to 2 pm, and from not later than 4.30 pm shall be government business only and that the order of the day relating to the Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012 shall be considered;
(d) consideration of non-controversial government business under temporary order 57(1)(d)(via) shall not be proceeded with;
(e) any proposal pursuant to standing order 75 shall not be proceeded with;
(f) consideration of general business and committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(g) divisions may take place after 4.30 pm; and
(h) 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, 33**

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**NOES, 9**

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

Question agreed to.

**12 SPORT—AUSTRALIAN OLYMPIANS**

The Minister for Sport (Senator Lundy), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That following the 30th Olympiad the Senate congratulates our Olympians on their performances in London 2012.

Question put and passed.

**13 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator McEwen, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 832—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.

Question put and passed.

Senator McEwen, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 833—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.

Question put and passed.
14 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—**
**ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—** **LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Environment and Communications Legislation Committee and the Deputy Chair of the Environment and Communications References Committee (Senator Cameron) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 834—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.

Question put and passed.

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

Senator McEwen, at the request of Senator Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 835—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.

Question put and passed.

16 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—** **LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 836—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.

Question put and passed.

17 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—** **LEAVE TO MEET DURING SITTINGS**

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Cash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 837—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.

Question put and passed.
18 Community Affairs References Committee—Extension of Time to Report
The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 838—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.
Question put and passed.

19 Community Affairs References Committee—Leave to Meet During Sitting
The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 839—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.
Question put and passed.

20 Family and Community Services—Homelessness
Senator Wright, also on behalf of Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 843—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.

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

21 Notice of Motion Withdrawn
Senator Ludlam withdrew general business notice of motion no. 673 standing in his name for today, relating to Mr Julian Assange.
22 Environment—Solomon Islands—Logging

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 840—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.

Question put.
The Senate divided—

**AYES, 11**

Senators—

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

**NOES, 36**

Senators—

- Back  
- Bernardi  
- Bilyk  
- Birmingham  
- Bishop  
- Bishop  
- Bristow  
- Brown  
- Bushby  
- Colbeck  
- Collins  
- Cormann  
- Faulkner  
- Feehan  
- Fifield  
- Furner  
- Gallacher  
- Humphries  
- Kroger (Teller)  
- Ludwig  
- Lundy  
- Marshall  
- McEwen  
- McKenzie  
- McLucas  
- Moore  
- Nash  
- Parry  
- Polley  
- Pratt  
- Singh  
- Smith  
- Stephens  
- Sterle  
- Thistlethwaite  
- Thorp  
- Urquhart  
- Williams

Question negatived.

23 **LAW AND JUSTICE—TrapWire Surveillance System**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 842—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.

Question put and negatived.

*Statement by leave*: Senator Ludlam, by leave, made a statement relating to the motion.

All Australian Greens senators, by leave, recorded their votes for the ayes.
24 Taxation—Minerals Resource Rent Tax—Proposed Order for Production of Documents

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 841—

(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.

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

Question put.

The Senate divided—

AYES, 30

Senators—


NOES, 33

Senators—


Question negatived.

Statements by leave: Senator Cormann and the Leader of the Australian Greens (Senator Milne), by leave, made statements relating to the motion.
25 **HISTORICAL EVENTS—WAR IN THE PACIFIC—70TH ANNIVERSARY**

Senator McEwen, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 830—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.

Question put and passed.

26 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—ASYLUM SEEKERS**

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 acceptance of the Coalition’s policy of offshore processing of asylum seekers on Nauru and Manus Island and the continuing need for the Government to implement the full suite of the Coalition’s successful policies.

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

*After 5 pm—*

27 **FIRST SPEECH**

Pursuant to order (see entry no. 2, 25 June 2012), Senator Thorp made her first speech.
28 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—ASYLUM SEEKERS**

Discussion of the matter of public importance proposed by Senator Fifield (see entry no. 26) concluded.

29 **SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 8 OF 2012**

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

- Alert Digest No. 8 of 2012, dated 15 August 2012.

Report ordered to be printed on the motion of Senator Macdonald. Senator Macdonald moved—That the Senate take note of the report.

30 **PRESIDING OFFICERS AND CLERKS CONFERENCE—DOCUMENT**

Acting Deputy President (Senator Moore) tabled the following document:

- Presiding Officers and Clerks Conference, 43rd, Honiara, Solomon Islands, communiqué, dated 26 July 2012.

31 **AUSTRALIAN PARLIAMENTARY DELEGATION TO UK, SPAIN, GERMANY AND THE UNITED STATES—DOCUMENT**

Senator Polley, by leave, tabled the following document:


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

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

32 **COMMUNICATIONS—AUSTRALIA POST—DOCUMENT**

Senator Bushby, by leave, tabled the following document:

- Communications—Australia Post—Petitioning document from 2 240 signatories relating to the installation of an Australia Post box at Kanwal Village shops, New South Wales.

33 **SENATE—SENATOR JUDITH ANNE ADAMS—DOCUMENT**

Senator Bushby, by leave, tabled the following document:

- Senate—Senator Judith Anne Adams—Collection of condolence speeches.

34 **DOCUMENTS**

The following documents were tabled by the Clerk:

- Parliamentary Service Act—Determination 2012/1—Clerk of the Senate: Remuneration and other terms and conditions of appointment.
35 Unproclaimed Legislation—Order for Production of Document—Document

The following document was tabled pursuant to standing order 139(2):

Unproclaimed legislation—Document providing details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, including statements of reasons for their non-proclamation and information relating to the timetable for their operation, as at 10 August 2012, dated August 2012.

36 Committee Membership

The Acting Deputy President (Senator Moore) informed the Senate that the President had received a letter nominating a senator to be a member of committees.

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans), by leave, moved—that Senator Birmingham be appointed to the Environment and Communications Legislation and References Committees.

Question put and passed.

37 Foreign Affairs, Defence and Trade Legislation Committee—Preliminary Report—Defence Trade Controls Bill 2011

Pursuant to order, Senator Polley, 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 Polley.

Reporting date—Reference to committee: Senator Polley, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Stephens), moved—that the Senate adopt the recommendation of the report setting a final reporting date of 31 October 2012 and referring any proposed Government amendments to the committee.

Question put and passed.


Pursuant to order, Senator Polley, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Polley.
39 **Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012**

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

Message no. 475, dated 15 August 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 Opposition in the Senate (Senator Abetz) moved the following amendment:

At the end of the motion, add “but the Senate:

(a) notes that the Government has accepted the Coalition’s policy of offshore processing of asylum seekers on Nauru and Manus Island; and

(b) calls on the Government to implement the full suite of the Coalition’s successful policies and calls on the Government to immediately:

(i) restore temporary protection visas for all offshore entry persons found to be refugees,

(ii) issue new instructions to Northern Command to commence to turn back boats where it is safe to do so,

(iii) use existing law to remove the benefit of the doubt on a person’s identity where there is a reasonable belief that a person has deliberately discarded their documentation, and

(iv) restore the Bali Process to once again focus on deterrence and border security.”

Debate ensued.

*At 7.20 pm:* Debate was interrupted while Senator Nash was speaking.

40 **Adjournment**

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

Debate ensued.

The Senate adjourned at 7.57 pm till Thursday, 16 August 2012 at 9.30 am.
41 ATTENDANCE
Present, all senators.

ROSEMARY LAING
Clerk of the Senate