JOURNALS OF THE SENATE

No. 104

TUESDAY, 21 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:
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2012.
National Health and Medical Research Council—Review of the implementation of the strategic plan 2010 to 2012.
Treaties—Multilateral—Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (Tokyo 11 November 2004)—Text, together with national interest analysis.

3 ORDER OF BUSINESS—REARRANGEMENT
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That government business order of the day no. 3 (Corporations Legislation Amendment (Financial Reporting Panel) Bill 2012) be postponed till the next day of sitting.
Question put and passed.

4 CRIMINAL CODE AMENDMENT (CLUSTER MUNITIONS PROHIBITION) BILL 2010
Order of the day read for the further consideration of the bill in committee of the whole.

In the committee
Consideration resumed of the bill.
Bill further debated.
Senator Ludlam moved the following amendment:
Schedule 1, item 1, page 3 (line 28), omit paragraph 72.38(2)(c), substitute:
(c) the first person knew or should have known that the act would be done.
Debate ensued.
Question—That the amendment be agreed to—put and negatived.
Senator Ludlam moved the following amendment:
Schedule 1, item 1, page 3 (after line 29), after subsection 72.38(2), insert:
(2A) An entity regulated by the Australian Securities and Investments Commission or by the Australian Prudential Regulation Authority commits an offence if it directly or indirectly:
(a) provides funds to a person or an entity; or
(b) invests funds in an entity;
involved in the development or production of cluster munitions or explosive submunitions.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 10

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 4 (lines 18 and 19), omit “to acquire or retain specified cluster munitions”, substitute “to acquire or retain the minimum number of cluster munitions absolutely necessary”.

Debate ensued.

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

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 5 (after line 7), at the end of section 72.39, add:

(6) The Minister must submit an annual report to the Secretary-General of the United Nations for each calendar year during which cluster munitions are retained or acquired under subsection (2) or transferred under subsection 72.40(1).

(7) A report under subsection (6) must include, but is not limited to, information on:

(a) in the case of cluster munitions retained or acquired under subsection (2):

(i) the proposed purpose or purposes for which the cluster munitions have been acquired or retained;
(ii) the type, quantity and lots numbers of cluster munitions that have been acquired or retained;
(iii) if the cluster munitions have been used for a purpose—the purpose for which the cluster munitions have been used; and

(b) in the case of cluster munitions transferred under subsection 72.40(1):

(i) the name of the party to which the cluster munitions have been transferred;
(ii) the type, quantity and lots numbers of cluster munitions that have been transferred.

(8) A report under subsection (6) must be submitted by 30 April of the following year.

Debate ensued.

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

Senator Ludlam moved the following amendment:

Schedule 1, item 1, page 6 (lines 7 to 31), omit section 72.41, substitute:

72.41 Defence—participation by Australians in military cooperation with countries not party to Convention on Cluster Munitions

A person who is an Australian citizen, is a member of the Australian Defence Force or is performing services under a Commonwealth contract does not commit an offence against section 72.38 by merely participating in military cooperation or operations with a foreign country that is not a party to the Convention on Cluster Munitions.

Note 1: A defendant bears an evidential burden in relation to the matter in this section: see subsection 13.3(3).

Note 2: The expression offence against section 72.38 is given an extended meaning by subsections 11.2(1) and 11.2A(1), section 11.3 and subsection 11.6(2).

Note 3: This section relates to paragraphs 3 and 4 of Article 21 of the Convention on Cluster Munitions.

Debate ensued.

At 2 pm: The President resumed the chair and the Chair of Committees (Senator Parry) reported progress.

5 QUESTIONS

Questions without notice were answered.

6 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Birmingham moved—That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) and the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to questions without notice asked by Senators Birmingham, Edwards and Back today relating to the carbon tax and to the live export of cattle to Indonesia.

Debate ensued.

Question put and passed.

Senator Waters moved—That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Waters today relating to the protection of koalas.

Question put and passed.
7 PETITIONS
The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Parry, from 30 petitioners, requesting that the Senate take action to uphold the definition of marriage as defined in the Marriage Act 1961.

Senator Pratt, from 220 petitioners, requesting that the Senate take action to prevent the habitat loss of the Sumatran Elephant resulting from the destruction of the Tesso Nilo National Park in Indonesia.

8 NOTICES
The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 27 March 2013: Australia’s domestic response to the World Health Organization’s (WHO) Commission on Social Determinants of Health report, Closing the gap within a generation, including the:

(a) Government’s response to other relevant WHO reports and declarations;
(b) impacts of the Government’s response;
(c) extent to which the Commonwealth is adopting a social determinants of health approach through:
   (i) relevant Commonwealth programs and services,
   (ii) the structures and activities of national health agencies, and
   (iii) appropriate Commonwealth data gathering and analysis; and
(d) scope for improving awareness of social determinants of health:
   (i) in the community,
   (ii) within government programs, and
   (iii) amongst health and community service providers.

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, 11 September 2012, from 12.30 pm. (general business notice of motion no. 865)

The Chair of the Economics Legislation Committee (Senator Bishop): To move on the next day of sitting—That the Economics 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 Thursday, 23 August 2012, from 3.30 pm. (general business notice of motion no. 866)

The Chair of the Education, Employment and Workplace Relations References Committee (Senator Back): To move on the next day of sitting—That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on its inquiry into the allowance payment system be extended to 29 November 2012. (general business notice of motion no. 867)

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

(a) notes the Treasurer’s promise in the 2011-12 Budget to create half a million new jobs over the next 2 years; and
(b) calls on the Government to keep its promise to create half a million new jobs by 1 June 2013. *(general business notice of motion no. 868)*

Senator Birmingham: To move on the next day of sitting—That the Senate—
(a) believes a free press is central to accountability and transparency in government; and
(b) rejects proposals for new government-appointed arbiters of news media content or government-imposed fines on news media content. *(general business notice of motion no. 869)*

Senator Siewert: To move on the next day of sitting—That the Senate calls on the Government to:
(a) examine the new evidence presented by Dr Salisbury, that there are archaeologically and culturally significant but insufficiently documented dinosaur footprint trails right along the Dampier Peninsula coastline, including at the site of the proposed James Price Point gas hub precinct;
(b) commission further science that will identify the extent of the dinosaur footprint fossils in the proposed James Price Point gas hub precinct and the impact that construction of a gas hub would have on these fossils; and
(c) undertake a full environmental, social and heritage impact assessment of the James Price Point gas hub precinct proposal. *(general business notice of motion no. 870)*

9 POSTPONEMENT
The following item of business was postponed:
Business of the Senate notice of motion no. 1 standing in the name of Senator Whish-Wilson for today, proposing the disallowance of the Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination 2012, postponed till 22 August 2012.

10 CONSIDERATION OF LEGISLATION
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), at the request of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the government business orders of the day relating to the Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2011, the Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2012 and the Customs Tariff (Anti-Dumping) Amendment Bill (No. 1) 2012 may be taken together for their remaining stages. Question put and passed.

11 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING Sittings
Senator McEwen, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 856—That the Joint Committee of Public Accounts and Audit be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 12 September 2012, from 11 am, followed by a public hearing to take evidence for the committee’s inquiry into the review of Auditor-General’s reports. Question put and passed.
Senator McEwen, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 857—That the Joint Committee of Public Accounts and Audit be authorised to hold a private meeting otherwise than in accordance with standing order 33(1), including a private briefing, during the sitting of the Senate on Wednesday, 19 September 2012, from 11 am to 12.15 pm, followed by a public hearing to take evidence for the committee’s inquiry into the review of Auditor-General’s reports.

Question put and passed.

12 **CYBER SAFETY—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator McEwen, at the request of the Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 858—That the Joint Select Committee on Cyber Safety be authorised to hold public meetings to take evidence for the committee’s inquiry into cyber-safety for senior Australians during the sittings of the Senate, from 4.15 pm, as follows:

(a) on Wednesday, 22 August 2012; and
(b) on Wednesday, 12 September 2012.

Question put and passed.

13 **TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator McEwen, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 859—That the Joint Standing Committee on Treaties be authorised to hold public meetings to take evidence for the committee’s ongoing review of tabled treaties during the sittings of the Senate, from 10 am to 1 pm, as follows:

(a) on Monday, 10 September 2012; and
(b) on Monday, 17 September 2012.

Question put and passed.

14 **FOREIGN AFFAIRS—RUSSIA—FREEDOM OF EXPRESSION**

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 860—That the Senate—

(a) notes that:

(i) on Friday, 17 August 2012, Ms Yekaterina Samutsevich, Ms Nadezhda Tolokonnikova and Ms Maria Alyokhina, members of the Russian band Pussy Riot, were each sentenced to 2 years in jail after being found guilty by a Russian court of ‘hooliganism motivated by religious hatred’ following a performance which was critical of President Vladimir Putin in Moscow’s Christ the Saviour Cathedral,

(ii) the Russian Orthodox Church described what the women did as ‘sacrilege’ but also requested clemency be shown to the convicted women, and

(iii) Amnesty International has stated that, while the women’s protest may have been offensive, their sentence was a ‘bitter blow to freedom of expression’; and
(b) expresses its concern at the severity of the sentence and the seeming intolerance of freedom of expression in Russia.

Question put and passed.

15 **INDIGENOUS AUSTRALIANS—HEARING HEALTH—OTITIS MEDIA**

Senator Siewert amended general business notice of motion no. 862 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) acknowledges that the week beginning 19 August 2012 is Hearing Awareness Week and recognises that poor hearing health outcomes are a significant challenge to ‘Closing the Gap’ for Aboriginal and Torres Strait Islander peoples;

(b) notes that otitis media is a serious childhood disease that disproportionately affects Aboriginal and Torres Strait Islander children and, left unaddressed, can lead to poor life outcomes; and

(c) calls on the Government to:
   (i) take a cross-disciplinary approach to otitis media in young people,
   (ii) commit to tackling otitis media and its associated educational and social impacts as a national problem and working collaboratively with the states on a holistic, sustained, cross-disciplinary approach to addressing this issue and its effects, and
   (iii) facilitate the interaction between health, education and family support programs that address the impacts of otitis media and focus funding toward programs that foster cross-disciplinary action.

Question put and passed.

16 **SPORT—MR PETER NORMAN**

Senator Di Natale amended general business notice of motion no. 861 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) recognises the achievements of Mr Peter Norman who won the silver medal in the 200 metre sprint at the 1968 Mexico City Olympics;

(b) acknowledges his brave action in the cause of racial equality by wearing an Olympic Project for Human Rights badge during the medal ceremony as African-American athletes Mr Tommie Smith and Mr John Carlos famously gave the ‘black power’ salute; and

(c) apologises to Mr Norman and his family for the failure to acknowledge his brave act and the failure to invite him as an official guest to the Sydney Olympic Games.

Question put and passed.

*Statement by leave:* Senator Di Natale, by leave, made a statement relating to the motion.
FOREIGN AFFAIRS—RUSSIA—FREEDOM OF EXPRESSION

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 863—That the Senate—

(a) notes:

(i) three members of the Russian group Pussy Riot have been sentenced to 2 years imprisonment for ‘hooliganism’ and ‘homosexual propaganda’ following a non-violent performance,

(ii) the Governments of the United States of America, Britain, France and Germany have denounced the sentences as disproportionate,

(iii) several laws recently passed in Russia restrict freedom of expression, severely punish dissent, ban pride marches and restrict gay rights, and

(iv) several Russian opposition leaders, including Mr Garry Kasparov and Mr Sergei Udaltsov, have been arrested for rallying in defence of Pussy Riot; and

(b) calls on the Government to express its concerns to the Russian Government regarding the intimidation and prosecution of opposition activists and the disproportionate sentence given to Pussy Riot.

Question put and passed.

IMMIGRATION—HUMANITARIAN PROGRAM

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 864—That the Senate—

(a) calls on the Government to immediately:

(i) increase the Humanitarian Program to 20 000 as recommended by the Report of the expert panel on asylum seekers (Houston report), dated August 2012, in recommendation 2, and

(ii) make available an additional $70 million to fund programs in support of a regional framework for improved protections, registration, processing, integration, resettlement and returns as per recommendation 3; and

(b) calls for immediate disclosure of the Government’s implementation timeframe for the remaining Houston report recommendations.

Question put.
The Senate divided—

AYES, 10

Senators—

Di Natale  Milne  Waters  Wright
Hanson-Young  Rhiannon  Whish-Wilson  Xenophon
Ludlam  Siewert (Teller)
19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION—SCHOOLS FUNDING

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 Gonski school funding model which threatens to slash funding to one in three Australian schools and its continuing failure to provide education certainty for students and parents.

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

20 AUDITOR-GENERAL—AUDIT REPORT NO. 1 OF 2012-13—DOCUMENT

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


21 AUSTRALIAN PARLIAMENTARY DELEGATION TO EUROPEAN PARLIAMENT AND INSTITUTIONS AND BILATERAL VISIT TO ISRAEL—DOCUMENT

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

European parliament and institutions, and bilateral visit to Israel—Report of the Australian parliamentary delegation, 20 April to 4 May 2012, dated August 2012.

22 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—STATUTORY OVERSIGHT OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Senator Williams, on behalf of the Joint Committee on Corporations and Financial Services, tabled the following report:


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

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

Debate adjourned till the next day of sitting, Senator Williams in continuation.
23 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—AUSTRALIA’S HUMAN RIGHTS DIALOGUES WITH CHINA AND VIETNAM**

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


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

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

24 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—4TH REPORT OF 2012**

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

Public Works—Joint Statutory Committee—4th report of 2012—Referrals made May 2012: Proposed integrated fit-out of new leased premises for the Australian Taxation Office at the site known as 913 Whitehorse Road, Box Hill, Victoria; Proposed development and construction of housing for Defence members and their families at Lindfield, NSW; Proposed development and construction of housing for Defence members and their families at Weston Creek, ACT, dated August 2012.

25 **DOCUMENTS**

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 14 of 2012—Information provided by life insurers and friendly societies under Reporting Standard LRS 100.0, LRS 120.0, LRS 210.0, LRS 300.0, LRS 310.0, LRS 330.0, LRS 340.0, LRS 400.0, LRS 420.0 and LRS 430.0 [F2012L01705].

Autonomous Sanctions Act—Select Legislative Instrument 2012 No. 204—Autonomous Sanctions Amendment Regulation 2012 (No. 1) [F2012L01707].

Customs Act—Select Legislative Instrument 2012 No. 196—Customs (Prohibited Imports) Amendment Regulation 2012 (No. 2) [F2012L01711].

Fair Work Act—Select Legislative Instrument 2012 No. 197—Fair Work Amendment Regulation 2012 (No. 2) [F2012L01708].

Fisheries Management Act—Bass Strait Central Zone Scallop Fishery (Closures) Direction No. 1 2012 [F2012L01713].

National Consumer Credit Protection Act—Select Legislative Instrument 2012 No. 201—National Consumer Credit Protection Amendment Regulation 2012 (No. 2) [F2012L01706].

National Health Act—Instrument No. PB 59 of 2012—National Health (Residential Medication Chart) Amendment Determination 2012 (No. 1) [F2012L01715].
Retirement Savings Accounts Act—Select Legislative Instrument 2012 No. 202—Retirement Savings Accounts Amendment Regulation 2012 (No. 2) [F2012L01709].
Road Safety Remuneration Act—Select Legislative Instrument 2012 No. 198—Road Safety Remuneration Regulation 2012 [F2012L01712].
Superannuation Industry (Supervision) Act—Select Legislative Instrument 2012 No. 203—Superannuation Industry (Supervision) Amendment Regulation 2012 (No. 3) [F2012L01710].
Tobacco Advertising Prohibition Act—Select Legislative Instrument 2012 No. 199—Tobacco Advertising Prohibition Amendment Regulation 2012 (No. 1) [F2012L01714].

26 COMMITTEE MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on the National Capital and External Territories, as follows:
Message no. 484, dated 20 August 2012—Mrs Griggs in place of Mr Secker.

27 GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAW

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

28 CRIMINAL CODE AMENDMENT (CLUSTER MUNITIONS PROHIBITION) BILL 2010

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee
Consideration resumed of the bill—and of the amendment moved by Senator Ludlam (see entry no. 4).
Debate resumed.
Question—that the amendment be agreed to—put.
The committee divided—

AYES, 10

Senators—
Di Natale
Hanson-Young
Ludlam
Milne
Rhiannon
Siewert (Teller)
Waters
Whish-Wilson
Wright
Xenophon
NOES, 31

Senators—
Bishop  Fieravanti-Wells  McKenzie  Smith  
Brown  Furner  McLucas  Stephens  
Bushby (Teller)  Gallacher  Moore  Sterle  
Cameron  Ludwig  Parry  Thistlethwaite  
Crossin  Lundy  Polley  Thorp  
Farrell  Madigan  Pratt  Urquhart  
Faulkner  Marshall  Scullion  Williams  
Feeney  McEwen  Singh  

Question negatived.

Question—That the bill be agreed to—divided, at the request of Senator Ludlam, in respect of Schedule 1, item 1, section 72.42.

Schedule 1, item 1, section 72.42 debated.

Question—That Schedule 1, item 1, section 72.42 stand as printed—put.

The committee divided—

AYES, 28

Senators—
Back  Farrell  Marshall  Pratt  
Boyce  Faulkner  McEwen  Scullion  
Brown  Furner  McKenzie  Smith  
Bushby  Gallacher  McLucas  Sterle  
Cameron  Kroger  Moore  Thistlethwaite  
Cash  Ludwig  Parry  Thorp  
Edwards  Madigan  Polley (Teller)  Urquhart  

NOES, 10

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

Section agreed to.

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 Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) the report from the committee was adopted.

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

Question put.
The Senate divided—

AYES, 29

Senators—

Bishop
Boyce
Brandis
Brown
Bushby
Cameron
Cash
Edwards
Farrell
Faulkner
Furner
Gallacher
Kroger
Ludwig
Madigan
Marshall
McEwen
McKee
McLusky
Moore
Parry
Polley (Teller)
Pratt
Scullion
Sterle
Thistlethwaite
Thorp
Urquhart

NOES, 10

Senators—

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

Question agreed to.

Bill read a third time.

29 CYBERCRIME LEGISLATION AMENDMENT BILL 2011

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Kim Carr)—That this bill be now read a second time.

Debate resumed.

Senator Ludlam moved the following amendment:

At the end of the motion, add “but that the Senate calls on the Government to initiate an independent review to consider whether the Telecommunications Act 1997 and the Telecommunications (Interception and Access) Act 1979 continue to be effective in light of technological developments (including technological convergence), changes in the structure of communication industries and changing community perceptions and expectations about communication technologies, in particular, the review should consider:

(a) whether the Acts continue to regulate effectively communication technologies and the individuals and organisations that supply communication technologies and communication services;

(b) how these two Acts interact with each other and with other legislation;

(c) the extent to which the activities regulated under the Acts should be regulated under general communications legislation or other legislation;

(d) the roles and functions of the various bodies currently involved in the regulation of the telecommunications industry, including the Australian Communications and Media Authority, the Attorney-General’s Department, the Office of the Privacy Commissioner, the Telecommunications Industry Ombudsman, and Communications Alliance; and

(e) whether the Telecommunications (Interception and Access) Act 1979 should be amended to provide for the role of a public interest monitor”.

Debate ensued.

At 6.50 pm: Debate was interrupted while Senator Xenophon was speaking.
30 **GOVERNMENT DOCUMENTS—CONSIDERATION**

The government documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

31 **ADJOURNMENT**

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

Debate ensued.

Documents: Senator Madigan, by leave, tabled the following documents:

Environment—Wind farms—National conservation areas—

Letter from the Field Management Officer, Phillip Island, Ministry for Conservation, Fisheries and Wildlife Division (Mr Nancarrow) to the Shire Secretary, Shire of Woorayl (Mr Stanley), dated 6 September 1982.

List of bird species living around Bald Hills, Anderson’s Inlet, Cape Liptrap and Waratah Bay, prepared by Andrew Chapman.

Debate continued.

The Senate adjourned at 9.12 pm till Wednesday, 22 August 2012 at 9.30 am.

32 **ATTENDANCE**

Present, all senators except Senators Bilyk* and Heffernan (* on leave).

**ROSEMARY LAING**

Clerk of the Senate

Printed by authority of the Senate