2010-12

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 106

THURSDAY, 23 AUGUST 2012

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1 **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 **HEALTH INSURANCE (DENTAL SERVICES) BILL 2012 [NO. 2]**

Order of the day read for the adjourned debate on the motion of Senator Bushby—
That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

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**NOTICES**

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

(a) notes that Monday, 10 September 2012 is World Suicide Prevention Day;

(b) recognises that:

(i) suicide is the leading cause of death in Australia for men under 44 years of age and women under 34 years of age,

(ii) the most recent data from the Australian Bureau of Statistics reports death due to suicide at 2,132 people per year, which amounts to 6 deaths by suicide a day or one every 4 hours, and

(iii) suicide remains underreported and estimates suggest that the total number of deaths could be as high as 2,500 a year; and

**Question negatived.**

*Time expired: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.*
calls on the Government to:

(i) promote increased awareness about the problem and complexity of suicide and the different ways individuals, organisations and communities can work together to reduce suicide rates and the incidence of suicidal behaviours, and

(ii) address impediments to the accurate collection of suicide data in Australia as recommended by the Community Affairs References Committee in its 2010 report, *The hidden toll: Suicide in Australia.*

(c) Senator Siewert: To move on 11 September 2012—


No. 2—That Social Security (Administration) (Vulnerable income management areas) Specification 2012, made under subsections 123UCA(3) and 123UGB(2) of the *Social Security (Administration) Act 1999*, be disallowed.


No. 4—That Social Security (Administration) (Specified income management Territory – Northern Territory) Specification 2012, made under subsections 123UCB(4) and 123UCC(4) of the *Social Security (Administration) Act 1999*, be disallowed.


The Leader of the Australian Greens (Senator Milne) and Senator Xenophon: To move on the next day of sitting—that the following matter be referred to the Economics References Committee for inquiry and report by 27 November 2012:

Allegations of corruption, bribery and maladministration in respect of the conduct of Securency International Ltd and Note Printing Australia, subsidiaries of the Reserve Bank of Australia (RBA), with particular reference to:

(a) the dates and level of knowledge of the RBA in respect of these allegations and their governance procedures for dealing with such allegations;

(b) the actions taken by the RBA once it was made aware of these allegations and whether the actions were appropriate and timely in the circumstances;

(c) the involvement of Austrade in the activities of Securency International Ltd and Note Printing Australia;

(d) Austrade’s knowledge of the allegations, including dates, and their actions thereto;

(e) the role of the Australian Securities and Investments Commission (ASIC) in investigating these allegations, and whether ASIC acted in a timely manner in relation to these matters; and

(f) any other related matters.
Senators Crossin, Brown, Marshall and Pratt: To move on the next day of sitting— That the following bill be introduced: A Bill for an Act to amend the *Marriage Act 1961* to establish marriage equality, and for related purposes. *Marriage Amendment Bill (No. 2) 2012.* (general business notice of motion no. 887)

4 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 10 OF 2012**

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

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 10 OF 2012**

1. The committee met in private session on Wednesday, 22 August 2012 at 7.01 pm.

2. The committee resolved to recommend—That—
   (a) contingent upon their introduction in the House of Representatives, the provisions of the Australian Charities and Not-for-profits Commission Bill 2012, the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012 and the Tax Laws Amendment (Special Conditions for Not-for-profit Concessions) Bill 2012 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 12 September 2012;
   (b) the Fair Work Amendment (Small Business—Penalty Rates Exemption) Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 29 November 2012; and
   (c) the provisions of the Protecting Local Jobs (Regulating Enterprise Migration Agreements) Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 29 October 2012.

3. The committee resolved to recommend—That the following bills not be referred to committees:
   International Monetary Agreements Amendment (Loans) Bill 2012

   The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   Aviation Legislation Amendment (Liability and Insurance) Bill 2012
   Broadcasting Services Amendment (Public Interest Test) Bill 2012
   Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
   Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012.

Anne McEwen
Chair
23 August 2012.

Senator McEwen moved—that the report be adopted.
Question put and passed.
5 LEAVE OF ABSENCE
Senator Kroger, by leave, moved—That leave of absence be granted to the following senators for today:
  (a) Senator Boswell, for personal reasons; and
  (b) Senator Williams, on account of parliamentary business.
Question put and passed.

6 ORDER OF BUSINESS—REARRANGEMENT
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the following government business orders of the day be considered from 12.45 pm today under the temporary order relating to non-controversial government business:

No. 2 Tax Laws Amendment (Investment Manager Regime) Bill 2012.
No. 3 Corporations Legislation Amendment (Financial Reporting Panel) Bill 2012.
No. 4 Navigation Bill 2012
  Navigation (Consequential Amendments) Bill 2012
  Marine Safety (Domestic Commercial Vessel) National Law Bill 2012
No. 5 Migration (Visa Evidence) Charge Bill 2012
  Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012.
No. 6 Australian Citizenship Amendment (Defence Families) Bill 2012.
No. 7 Maritime Legislation Amendment Bill 2012.
No. 8 Transport Safety Investigation Amendment Bill 2012.
No. 9 Legislative Instruments Amendment (Sunsetting Measures) Bill 2012.
No. 10 Statute Stocktake (Appropriations) Bill (No. 1) 2012.
Question put and passed.

Senator Collins moved—That the order of general business for consideration today be as follows:
  (a) general business order of the day no. 14 (Marriage Equality Amendment Bill 2010); and
  (b) orders of the day relating to government documents.
Question put and passed.

7 COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT
Senator McEwen, at the request of the Chair of the Community Affairs References Committee (Senator Siewert) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 871—That the time for the presentation of the report of the Community Affairs References Committee on palliative care in Australia be extended to 19 September 2012.
Question put and passed.
8 COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of the Chair of the Community Affairs References Committee (Senator Siewert) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 872—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, 11 September 2012, from 12.30 pm.

Question put and passed.

9 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McEwen, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 873—that the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on the procurement procedures for defence capital projects be extended to 30 August 2012.

Question put and passed.

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

Senator McEwen, at the request of the Deputy Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 874—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, 23 August 2012, from 4.30 pm, to take evidence for the committee’s inquiry into the management of the Murray-Darling Basin.

Question put and passed.

11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator McEwen, at the request of the Deputy Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 875—that the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the management of the Murray-Darling Basin be extended to 1 November 2012.

Question put and passed.

12 HEALTH—FRED HOLLOWS FOUNDATION

Senator Crossin, also on behalf of Senators Moore, Boyce, Nash, Siewert and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 876—that the Senate—

(a) notes that September 2012 marks the 20th anniversary of the Fred Hollows Foundation;
(b) recognises the work of the late Professor Fred Hollows, AC, and the clinicians, administrators and volunteers who have followed in his footsteps over the past 2 decades;

(c) commends the Fred Hollows Foundation for its achievements, including:
   (i) producing millions of intraocular lenses at factories in Eritrea and Nepal and exporting those lenses to more than 75 countries,
   (ii) training tens of thousands of clinical and support staff, including ophthalmologists, nurses and community workers,
   (iii) building or renovating more than 10,000 health facilities, and
   (iv) reducing the cost of cataract operations to just $25 in many developing countries; and

(d) endorses the ongoing mission of the Fred Hollows Foundation to give local communities the skills and tools to eradicate avoidable blindness and improve lives in Australia and around the world.

Question put and passed.

13 **FOREIGN AFFAIRS—INTERNATIONAL BLACK RIBBON DAY**

Senator Kroger, at the request of Senators Mason and Cormann and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 877—That the Senate

   (a) notes that 23 August is the European Day of Remembrance for Victims of Stalinism and Nazism (also known as International Black Ribbon Day), which:
      (i) commemorates the tens of millions of those who were murdered by fascist and communist totalitarianism in the 20th century, as well as those imprisoned, deported and persecuted by fascist and communist regimes,
      (ii) is the anniversary of the Ribbentrop-Molotov Pact, the non-aggression treaty signed on 23 August 1939 by Nazi Germany and the Soviet Union, which partitioned Eastern Europe between them and gave a green light to the commencement of World War II,
      (iii) was first held in 1986 as a day of protest and remembrance around the world, including in Australia, before spreading to the Baltic states where, in 1989, two million Latvians, Lithuanians and Estonians formed a human chain to protest the continuing Soviet occupation of their countries, and
      (iv) was adopted by the European Parliament in 2009 and is commemorated in many European Union countries, including Great Britain, as well as in Canada and Georgia; and

   (b) joins in remembering all the victims of Nazism and Stalinism.

Question put and passed.

14 **INDIGENOUS AUSTRALIANS—KIMBERLEY GIRL PROGRAM**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 878—That the Senate—

   (a) notes the success of the Kimberley Girl Program in improving the lives of Aboriginal and Torres Strait Islander women, their families and communities;
(b) notes that:
   (i) since Kimberley Girl commenced in 2004, the program has provided 219 young women with personal development training, including public speaking,
   (ii) one-third of these participants have experienced five of the seven socio-economic disadvantage factors, 45 per cent have experienced four or more and 65 per cent have experienced three or more disadvantage factors,
   (iii) 90 per cent of these women said that they benefitted from the skills acquired during the program and half said that their life is better now than it was before they did Kimberley Girl, and
   (iv) due to the success of Kimberley Girl, there have been a number of requests to roll the program out to other regions of Australia;

(c) recognises the importance of long-term funding to support this and other programs for Aboriginal and Torres Strait Islander women, families and communities;

(d) welcomes the Government’s support of $479 000 for the Kimberley Girl Program since 2008; and

(e) calls on the Government to commit to funding the program over the next 3 to 5 years.

Question put and passed.

15 HEALTH—WORLD HEPATITIS DAY

Senator Pratt, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 885—That the Senate—

(a) notes that:
   (i) 28 July was World Hepatitis Day,
   (ii) the event is one of only 4 official world disease awareness days endorsed by the World Health Organization,
   (iii) chronic hepatitis C is a large and growing health problem in Australia with more than 200 000 people living with the disease,
   (iv) left untreated, hepatitis C can possibly lead to liver damage, cancer and death,
   (v) hepatitis C has now eclipsed HIV/AIDS as the number one viral killer in Australia,
   (vi) hepatitis C can be cured with the appropriate treatment,
   (vii) needle and syringe programs have proven effective in relation to preventing transmission of hepatitis B and hepatitis C as well as HIV, and
   (viii) hepatitis C disproportionately impacts on the Indigenous community with Indigenous people representing less than 3 per cent of the total Australian population but more than 8 per cent of the Australian population infected with hepatitis C; and

(b) welcomes scientific and treatment advances that greatly increase the chance of curing patients with the most common and hardest to treat strain of hepatitis C.

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

Question put and passed.
16 **WOMEN—AFFORDABLE HOUSING**

Senator Rhiannon, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 881—

That the Senate—

(a) notes that:

(i) the impact of the lack of affordable housing is felt disproportionately by women due to the high number of women in low-paid jobs, women heading single parent families and higher rates of poverty among older women living alone,

(ii) research indicates that, in coming years, there will be a significant increase in older women facing homelessness, and

(iii) a key priority of the Australian Social Inclusion Board for 2012-13 is to provide advice to government on the best responses to the growing issue of older women and homelessness; and

(b) calls on the Government to:

(i) support continued efforts to include a gendered perspective in the development of affordable housing measures, and

(ii) publish information on how women are impacted by the affordable housing shortage, such as gender disaggregated data on the outcomes of the National Affordable Housing Agreement, National Partnership Agreements, National Rental Affordability Scheme and Social Housing Initiative.

Question put and passed.

17 **TRADE—CARBON PERMITS—ORDER FOR PRODUCTION OF DOCUMENT**

Senator Kroger, at the request of Senator Cormann and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 884—That there be laid on the table by the Minister representing the Minister for Climate Change and Energy Efficiency, no later than noon on 10 September 2012, details of how many Australian export businesses:

(a) have received free carbon permits since 1 July 2012; and

(b) are expected to receive free carbon permits in 2012-13, 2013-14, 2014-15 and 2015-16.

Question put and passed.

18 **LAW AND JUSTICE—INEQUALITY**

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 880—That the Senate—

(a) recognises that discrimination and inequality are alive and well in Australia, for example, in August 2010, women earned 16.9 per cent less than men on average per week, with the total earnings gap increasing to 34.8 per cent per week when taking into account part time and casual work; and

(b) calls on the Government to:

(i) seize the opportunity to introduce a stand-alone Federal Equality Act that adopts global best-practice standards and brings Australian law into line with our international human rights obligations, and
(ii) ensure that new equality legislation includes, among other things, a specific duty to promote equality and eliminate discrimination, prohibits discrimination in all areas of public life and removes arbitrary and blanket exemptions.

Question put.
The Senate divided—

**AYES, 9**

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Question negatived.

19 **LAW AND JUSTICE—RESERVE BANK OF AUSTRALIA—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Xenophon, also on behalf of 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. 882—That there be laid on the table, no later than 17 September 2012:

(a) any documents or information from Securency International Ltd and Note Printing Australia to the Reserve Bank of Australia (RBA) pertaining to allegations of corruption and bribery at these subsidiaries, prior to the exposure of the allegations in the media in May 2009;

(b) any internal RBA documents discussing the receipt of any documents or information pertaining to such allegations;

(c) any written advice or information provided to the Government by the RBA pertaining to these allegations;

(d) the Freehills report into Note Printing Australia’s agency arrangements, including the terms of reference for this report and any information provided to Freehills; and

(e) the Note Printing Australia audit report into these allegations.

Question put.
The Senate divided—

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Question negatived.

20 Finance—Horizontal Fiscal Equalisation

Leave refused: Senator Brown sought leave to amend general business notice of motion no. 879, relating to Horizontal Fiscal Equalisation.

An objection was raised and leave was not granted.

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 879—That the Senate—

(a) recognises the significance of goods and services tax (GST) receipts to state governments;

(b) acknowledges the commitment given by the Federal Labor Government to Horizontal Fiscal Equalisation (HFE);

(c) notes that:

(i) HFE is the distribution method that underpins the concept of federalism in this country and spreads Australia’s wealth fairly across all states and territories,

(ii) HFE is vitally important to the Federation and this long-standing principle of equalisation has served Australia well, and that this has long been a bipartisan position of successive Labor and Liberal Commonwealth Governments, and

(iii) a move to per capita distribution of the GST would have disastrous consequences for the budgets of smaller states and territories in the Commonwealth, whose residents would consequently receive a significantly inferior level of key services such as health and education; and

(d) endorses HFE and calls on all sides of politics to support the principle that HFE be maintained into the future.

Question put and passed.

Statement by leave: The Leader of the Opposition in the Senate (Senator Abetz), by leave, made a statement relating to the motion.
21 **ENVIRONMENT—Bald Hills Wind Farm**

Senator Madigan amended general business notice of motion no. 883 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate—

(a) notes that:

(i) development of the Bald Hills wind farm in South Gippsland has been approved and will include construction of 52 wind turbines of up to 135 metres in height in the middle of a significant wetlands and flora conservation area on the South Gippsland coast,

(ii) some 296 recorded bird species reportedly live around the area of the wind farm, of which:

(A) 21 are threatened species in the Cape Liptrap area,

(B) 31 are listed species under the Victorian *Flora and Fauna Guarantee Act* 1988,

(C) 97 are listed as migratory under the *Environment Protection and Biodiversity Conservation Act* 1999 of which 2 are listed as endangered, including one critically endangered,

(D) 40 are listed under the Chinese-Australian Migratory Bird Agreement (CAMBA),

(E) 45 are listed under the Japanese-Australian Migratory Bird Agreement (JAMBA), and

(F) 3 are listed under the Bonn Convention on Migratory Species,

(iii) government approval of the Bald Hills wind farm is potentially causing Australia to breach the international obligations to protect migratory species listed under JAMBA, CAMBA and the Bonn Convention on Migratory Species, and

(iv) objectors to the development of the Bald Hills wind farm have included hundreds of individuals, as well as over a dozen organisations, including the National Trust of Australia, Victorian National Parks Association, Parks Victoria West Gippsland District, South Gippsland Conservation Society and the South Gippsland Shire Council; and

(b) calls on the Minister for Sustainability, Environment, Water, Population and Communities to remove Commonwealth approval for the construction of the Bald Hills wind farm and bring Australia into compliance with our international obligations.

The question was divided—

Question—that the motion in respect of paragraph (a) be agreed to—put and negatived.

Question—that the motion in respect of paragraph (b) be agreed to—put and negatived.

Statement by leave: Senator Madigan, by leave, made a statement relating to the motion.
22 ELECTRICITY PRICES—SELECT COMMITTEE—APPOINTMENT

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), at the request of the Minister for Finance and Deregulation (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—

(1) That a select committee, to be known as the Select Committee on Electricity Prices be established to inquire into and report on:

(a) identification of the key causes of electricity price increases over recent years and those likely in the future;

(b) legislative and regulatory arrangements and drivers in relation to network transmission and distribution investment decision making and the consequent impacts on electricity bills, and on the long term interests of consumers;

(c) options to reduce peak demand and improve the productivity of the national electricity system;

(d) investigation of mechanisms that could assist households and business to reduce their energy costs, including:

(i) the identification of practical low cost energy efficiency opportunities to assist low income earners reduce their electricity costs,

(ii) the opportunities for improved customer advocacy and representation arrangements bringing together current diffuse consumer representation around the country,

(iii) the opportunities and possible mechanisms for the wider adoption of technologies to provide consumers with greater information to assist in managing their energy use,

(iv) the adequacy of current consumer information, choice, and protection measures, including the benefits to consumers and industry of uniform adoption of the National Energy Customer Framework,

(v) the arrangements to support and assist low income and vulnerable consumers with electricity pricing, in particular relating to the role and extent of dividend redistribution from electricity infrastructure,

(vi) the arrangements for network businesses to assist their customers to save energy and reduce peak demand as a more cost effective alternative to network infrastructure spending, and

(vii) the improved reporting by electricity businesses of their performance in assisting customers to save energy and reduce bills; and

(e) investigation of opportunities and barriers to the wider deployment of new and innovative technologies, including:

(i) direct load control and pricing incentives,

(ii) storage technology,

(iii) energy efficiency, and

(iv) distributed clean and renewable energy generation.

(2) That the committee present its final report on or before 1 November 2012.
(3) That the committee consist of 8 senators as follows:
   (a) 4 to be nominated by the Leader of the Government in the Senate;
   (b) 3 to be nominated by the Leader of the Opposition in the Senate;
   (c) 1 to be nominated by the Leader of the Australian Greens in the Senate.

(4) That the committee may proceed to the dispatch of business notwithstanding
    that all members have not been duly nominated and appointed and
    notwithstanding any vacancy.

(5) That the committee elect as chair one of the members nominated by the Leader
    of the Government in the Senate.

(6) That, in the event of an equality of voting, the chair has a casting vote.

(7) That the committee has the power to send for and examine persons and
    documents, to move from place to place, to sit in public or in private,
    notwithstanding any prorogation of the Parliament or dissolution of the House
    of Representatives, and have leave to report from time to time its proceedings
    and the evidence taken and such interim recommendations as it may deem fit.

(8) That the committee be provided with all necessary staff, facilities and resources
    and be empowered to appoint persons with specialist knowledge for the
    purposes of the committee with the approval of the President.

(9) That the committee be empowered to print from day to day such papers and
    evidence as may be ordered by it, and a daily Hansard be published of such
    proceedings as take place in public.

Senator Xenophon, by leave, moved the following amendment:

After paragraph (3), insert:
(3A) That:
   (a) participating members may be appointed to the committee on the
       nomination of the Leader of the Government in the Senate, the Leader
       of the Opposition in the Senate or any minority party or independent
       senator;
   (b) participating members may participate in hearings of evidence and
       deliberations of the committee, and have all the rights of members of the
       committee, but may not vote on any questions before the committee; and
   (c) a participating member shall be taken to be a member of the committee
       for the purpose of forming a quorum of the committee if a majority of
       members of the committee is not present.

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

Senator Fifield, by leave, moved the following amendment:

After paragraph (1)(e), insert:
(f) any related matter.

Statement by leave: Senator Fifield, by leave, made a statement relating to the matter.

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

Main question, as amended, put and passed.
23 PUBLICATIONS—STANDING COMMITTEE—18TH REPORT
Senator McEwen, at the request of the Chair of the Standing Committee on Publications (Senator Brown), tabled the following report:

PUBLICATIONS COMMITTEE
18TH REPORT

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

The Committee, having considered documents presented to the Parliament since 28 June 2012, recommends that the following be printed:


Senator Carol Brown
Chair
23 August 2012.

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

24 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—REPORT—SOCIAL SECURITY LEGISLATION AMENDMENT (FAIR INCENTIVES TO WORK) BILL 2012
Pursuant to order, Senator McEwen, at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), tabled the following report and documents:


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

25 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—GOVERNMENT INVESTMENT FUNDS AMENDMENT (ETHICAL INVESTMENTS) BILL 2011
Pursuant to order, Senator McEwen, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following report and documents:


Report ordered to be printed on the motion of Senator McEwen.
26 COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES

Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2011-12—Finance and Public Administration Legislation Committee—Additional information received between 29 June and 22 August 2012—Parliamentary departments.

Additional estimates 2011-12—
  - Treasury portfolio.
- Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 28 June and 22 August 2012—Defence portfolio.

Budget estimates 2012-13—
- Economics Legislation Committee—Additional information received between 1 June and 23 August 2012—Industry, Innovation, Science, Research and Tertiary Education portfolio.
  - Resources, Energy and Tourism portfolio.
  - Treasury portfolio.
- Environment and Communications Legislation Committee—Additional information received between 28 June and 23 August 2012—Broadband, Communications and the Digital Economy portfolio.
  - Climate Change and Energy Efficiency portfolio.
  - Sustainability, Environment, Water, Population and Communities portfolio.
- Finance and Public Administration Legislation Committee—Additional information received between 29 June and 22 August 2012—
  - Finance and Deregulation portfolio.
  - Parliamentary departments.
  - Prime Minister and Cabinet portfolio.
- Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 28 June and 22 August 2012—
  - Defence portfolio.
  - Foreign Affairs and Trade portfolio.

27 CYBERCRIME LEGISLATION AMENDMENT BILL 2011

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


28 CUSTOMS AMENDMENT (SMUGGLED TOBACCO) BILL 2012
TAX LAWS AMENDMENT (2012 MEASURES NO. 4) BILL 2012

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

Message no. 491, dated 22 August 2012—A Bill for an Act to amend the Customs Act 1901, and for related purposes.

Message no. 493, dated 23 August 2012—A Bill for an Act to amend the law relating to taxation, and for related purposes.
The Parliamentary Secretary for Defence (Senator Feeney) moved—That these bills may proceed without formalities, may be taken together and be now read a first time. Question put and passed.

Bills read a first time.

Senator Feeney moved—That these bills be now read a second time.

Explanatory memorandum: Senator Feeney tabled a revised explanatory memorandum relating to the Tax Laws Amendment (2012 Measures No. 4) Bill 2012.

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

Consideration of legislation: Senator Feeney moved—That the bills be listed on the Notice Paper as separate orders of the day. Question put and passed.

29 **INTERNATIONAL MONETARY AGREEMENTS AMENDMENT (LOANS) BILL 2012**

**STATUTE LAW REVISION BILL 2012**

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


The Parliamentary Secretary for Defence (Senator Feeney) moved—That these bills may proceed without formalities, may be taken together and be now read a first time. Question put and passed.

Bills read a first time.

Senator Feeney moved—That these bills be now read a second time.

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

Senator Feeney moved—That the bills be listed on the Notice Paper as separate orders of the day. Question put and passed.

30 **SMALL PELAGIC FISHERY TOTAL ALLOWABLE CATCH (QUOTA SPECIES) DETERMINATION—PROPOSED DISALLOWANCE**


Debate resumed.
At 12.45 pm: Debate was interrupted while the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) was speaking.

31 **TAX LAWS AMENDMENT (INVESTMENT MANAGER REGIME) 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the bill was read a third time.

32 **CORPORATIONS LEGISLATION AMENDMENT (FINANCIAL REPORTING PANEL) BILL 2012**

Order of the day read for the adjourned debate on the motion of the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the bill was read a third time.

33 **NAVIGATION BILL 2012**

**NAVIGATION (CONSEQUENTIAL AMENDMENTS) BILL 2012**

**MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW BILL 2012**

**MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW (CONSEQUENTIAL AMENDMENTS) BILL 2012**

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

Debate resumed.

Explanatory memorandum: The Parliamentary Secretary for Defence (Senator Feeney) tabled a replacement explanatory memorandum relating to the Marine Safety (Domestic Commercial Vessel) National Law Bill 2012.

Question put and passed.

Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of Senator Feeney the bills were read a third time.

34 Migration (Visa Evidence) Charge Bill 2012
Migration (Visa Evidence) Charge (Consequential Amendments) Bill 2012
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the bills were read a third time.

35 Australian Citizenship Amendment (Defence Families) Bill 2012
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the bill was read a third time.

36 Maritime Legislation Amendment Bill 2012
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.
At 2 pm: Debate was interrupted.

37 Questions
Questions without notice were answered.

38 Motions to Take Note of Answers
Senator Bernardi moved—that the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Opposition senators today.
Debate ensued.
Question put and passed.
Senator Rhiannon 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 Rhiannon today relating to detention centres and the aid budget.
Question put and passed.

39 ENVIRONMENT—BALD HILLS WIND FARM—DOCUMENT
The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled the
following document:
Environment—Bald Hills Wind Farm—Bat and Avifauna management plan, dated
June 2012.

40 APPROPRIATIONS AND STAFFING—STANDING COMMITTEE—ANNUAL REPORT
The Acting Deputy President (Senator Furner) tabled the following report:
Appropriations and Staffing—Standing Committee—Annual report for 2011-12,
dated August 2012.
Report ordered to be printed on the motion of Senator McEwen.

41 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE UNITED STATES OF
AMERICA—DOCUMENT
The Acting Deputy President (Senator Furner) tabled the following document:
United States of America—Report of the Australian parliamentary delegation,
September to October 2011, dated August 2012.

42 PRESIDENT OF THE SENATE—OFFICIAL VISIT TO PERU—DOCUMENT
The Acting Deputy President (Senator Furner) tabled the following document:
Official visit to Peru—Report on the visit by the President of the Senate,
24 September to 26 September 2011.

43 FOREIGN AFFAIRS—SOCIALIST REPUBLIC OF VIETNAM—HUMAN RIGHTS—
DOCUMENT
The Acting Deputy President (Senator Furner) tabled the following document:
Foreign affairs—Socialist Republic of Vietnam—Human rights—Letter to the
President of the Senate from the Minister for Foreign Affairs (Senator Bob Carr)
responding to the resolution of the Senate of 21 June 2012, dated 21 August 2012.

44 LEGISLATIVE INSTRUMENTS AMENDMENT (SUNSETTING MEASURES) BILL 2012—
EXPLANATORY MEMORANDUM—CORRECTION
The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) tabled a
correction to the explanatory memorandum relating to the Legislative Instruments
Amendment (Sunsetting Measures) Bill 2012.
45 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—431ST AND 432ND REPORTS AND EXECUTIVE MINUTES AND RESPONSES TO THE COMMITTEES RECOMMENDATIONS IN REPORTS NOS 417, 426 AND 428

Senator McEwen, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following reports and documents:

Public Accounts and Audit—Joint Statutory Committee—
432nd report—APS – Fit for service: Australian Public Service annual update, dated August 2012.

Executive minutes and responses to the committee recommendations in reports—
No. 426—Ninth biannual hearing with the Commissioner of Taxation.

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

46 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—
DOCUMENT—GOVERNMENT INVESTMENT FUNDS AMENDMENT (ETHICAL INVESTMENTS) BILL 2011

Senator McEwen, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following document:


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

47 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.]

Civil Aviation Act—
Civil Aviation Regulations—Civil Aviation Order 2018 Amendment Instrument 2012 (No. 1) [F2012L01739].

Civil Aviation Safety Regulations—
Instrument No. CASA EX123/12—Exemption – from Circular Error of Position Tolerance 7NM for RNAV GNSS, RNP APCH and RNP AR APCH; Exemption – Airservices Australia Operations Manual [F2012L01741].

Corporations Act—ASIC Class Order [CO 12/1110] [F2012L01736].
Judiciary Act—High Court of Australia—Rule of Court, dated 20 August 2012 [F2012L01740].
Lands Acquisition Act—Statement describing property acquired by agreement for specified purposes under section 125.
National Greenhouse and Energy Reporting Act—National Greenhouse and Energy Reporting (Audit) Amendment Determination (No. 1) [F2012L01738].
National Health Act—Instruments Nos PB—
58 of 2012—National Health (Weighted average disclosed price—interim supplementary disclosure cycle) Determination 2012 [F2012L01731].
63 of 2012—Amendment determination—conditions [F2012L01732].
66 of 2012—National Health (Growth Hormone Program) Special Arrangement Amendment Instrument 2012 (No. 2) [F2012L01733].
69 of 2012—Amendment determination—pharmaceutical benefits—early supply [F2012L01737].

48 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2011-12—Letter of advice—Treasury portfolio.

49 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Furner) informed the Senate that the President had received letters nominating senators to be members of committees.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), by leave, moved—that senators be appointed to committees as follows:

Corporations and Financial Services—Joint Statutory Committee—
Appointed—Senator Siewert

Electricity Prices—Select Committee—
Appointed—Senator Milne.

Question put and passed.
50 SMALL PELAGIC FISHERY TOTAL ALLOWABLE CATCH (QUOTA SPECIES) DETERMINATION—PROPOSED DISALLOWANCE

Order of the day read for the adjourned debate on the motion of Senator Whish-Wilson (see entry no. 36).

Debate resumed.

Question put.

A division was called for.

Pursuant to standing order 57(3), consideration of the matter was adjourned till the next day of sitting.

General business was called on.

51 MARRIAGE EQUALITY AMENDMENT BILL 2010

Order of the day read for the adjourned debate on the motion of Senator Hanson-Young—That this bill be now read a second time.

Debate resumed.

At 6 pm: Debate was interrupted while Senator Waters was speaking.

52 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:


Wet Tropics Management Authority and State of the Wet Tropics—Reports for 2010-11. Motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas) to take note of document called on. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

Australian Institute of Marine Science—Report for 2010-11. Motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas) to take note of document called on. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

Tourism Australia—Report for 2010-11. Motion of Senator Macdonald to take note of document agreed to.

Torres Strait Regional Authority—Report for 2010-11. Motion of Senator Bushby to take note of document called on. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

Australian Fisheries Management Authority—Report for 2010-11. Motion of Senator Bushby to take note of document called on. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

Great Barrier Reef Marine Park Authority—Report for 2010-11. Motion of Senator Bushby to take note of document called on. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

Australian Customs and Border Protection Service—Report for 2010-11—Correction. Motion of Senator Macdonald to take note of document agreed to.


Australian Law Reform Commission—Report no. 118—Classification – Content regulation and convergent media: Summary report, dated February 2012. Motion to take note of document moved by Senator Bushby. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.


Australian Postal Corporation (Australia Post)—Statement of corporate intent 2011-12 to 2013-14. Motion to take note of document moved by Senator Bushby. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

Northern Land Council—Report for 2010-11. Motion to take note of document moved by Senator Bushby. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

Australian Institute of Health and Welfare—Australia’s health 2012—Thirteenth biennial report. Motion to take note of document moved by Senator Boyce. Debate was adjourned till Thursday at general business, Senator Boyce in continuation.

Department of Defence—Special purpose flights—Schedule for the period 1 July to 31 December 2011. Motion to take note of document moved by Senator Bushby. Debate was adjourned till Thursday at general business, Senator Bushby in continuation.

General business orders of the day nos 11 to 14, 18 to 20, 22 to 54, 56 to 59 and 61 to 63 relating to government documents were called on but no motion was moved.

*General business concluded.*

### 53 COMMITTEE MEMBERSHIP

The Deputy President (Senator Parry) informed the Senate that the President had received letters requesting changes in the membership of committees.

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

**Community Affairs Legislation Committee**—

Appointed—Substitute members:

- Senator Polley to replace Senator Furner on 4 September 2012
- Senator Bilyk to replace Senator Furner on 19 October 2012

**Electricity Prices—Select Committee**—

Appointed—

- Senators Gallacher, McEwen, Thistlethwaite and Thorp

Participating members: Bilyk, Bishop, Brown, Cameron, Crossin, Faulkner, Furner, Marshall, Moore, Polley, Pratt, Stephens, Sterle and Urquhart.

Question put and passed.
The following orders of the day relating to committee reports and government responses were considered:

Corporations and Financial Services—Joint Statutory Committee—Report—Statutory oversight of the Australian Securities and Investments Commission. Motion of Senator Williams to take note of report debated and agreed to.


Community Affairs References Committee—Report—The factors affecting the supply of health services and medical professionals in rural areas. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.


Australia’s Food Processing Sector—Select Committee—Report—Inquiry into Australia’s food processing sector. Motion of the chair of the committee (Senator Colbeck) to take note of report debated and agreed to.


Community Affairs Legislation Committee—Report—Administration of Indigenous Business Australia in relation to certain evidence given to the Senate Community Affairs Committee. Motion to take note of report moved by Senator Back. Debate adjourned till the next day of sitting, Senator Back in continuation.
Education, Employment and Workplace Relations References Committee—Report—The shortage of engineering and related employment skills. Motion to take note of report moved by Senator Back. Debate adjourned till the next day of sitting, Senator Back in continuation.

Rural and Regional Affairs and Transport References Committee—Report—Investment of Commonwealth and state funds in public passenger transport infrastructure and services—Government response. Motion of Senator Ludlam to take note of document agreed to.


Finance and Public Administration Legislation Committee—Interim report—The performance of the Department of Parliamentary Services. Motion of the chair of the committee (Senator Polley) to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Report—Prospective marriage visa program. Motion of Senator Wright to take note of report agreed to.

Legislation Committees—Reports—Budget estimates 2012-13, dated June 2012. Motion of Senator Faulkner to take note of reports agreed to.

Legal and Constitutional Affairs Legislation Committee—Report—Marriage Equality Amendment Bill 2010. Motion of the chair of the committee (Senator Crossin) to take note of report agreed to.


Rural and Regional Affairs and Transport—Standing Committee—Final report—Australia’s future oil supply and alternative transport fuels—Government response. Motion of Senator Nash to take note of document agreed to.

Corporations and Financial Services—Joint Statutory Committee—Final report—Inquiry into the collapse of Trio Capital. Motion to take note of report moved by Senator Back. Debate adjourned till the next day of sitting, Senator Back in continuation.

Gambling Reform—Joint Select Committee—First report—The design and implementation of a mandatory pre-commitment system for electronic gaming machines—Government response. Motion to take note of document moved by Senator Macdonald. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.


Rural and Regional Affairs and Transport References Committee—Interim (2) and final reports—Australia’s biosecurity and quarantine arrangements. Motion to take note of reports moved by Senator Back. Debate adjourned till the next day of sitting, Senator Back in continuation.
Law Enforcement—Joint Statutory Committee—Report—Inquiry into Commonwealth unexplained wealth legislation and arrangements. Motion of Senator Parry to take note of report agreed to.

Privileges—Standing Committee—151st report—Possible imposition of a penalty on, or interference with, a witness before the Rural Affairs and Transport References Committee. Motion of Senator Faulkner—that the Senate endorse the findings at paragraph 1.73 of the report and the conclusion, at paragraph 1.74, that a contempt should not be found in regard to the matter referred—agreed to.


National Broadband Network—Joint Standing Committee—First report—Review of the rollout of the National Broadband Network—Government response. Motion of Senator Birmingham to take note of document called on. On the motion of Senator Back the debate was adjourned till the next day of sitting.

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Report—Examination of the annual report of the Integrity Commissioner 2010-11. Motion of Senator Macdonald to take note of report agreed to.

Community Affairs References Committee—Final report—Inquiry into Commonwealth funding and administration of mental health services. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Back the debate was adjourned till the next day of sitting.

Orders of the day nos 8 to 10, 12, 13, 17, 19, 27, 29 to 35, 39 to 41, 43 to 46 and 48 to 52 relating to committee reports and government responses were called on but no motion was moved.

55 AUDITOR-GENERAL’S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Performance audit—Audit reports nos—
28 of 2011-12—Quality on line control for Centrelink payments—Department of Human Services
29 of 2011-12—Administration of the Australia Network tender process—Department of Foreign Affairs and Trade; Department of Broadband, Communications and the Digital Economy; Department of the Prime Minister and Cabinet
30 of 2011-12—Fighting terrorism at its source—Australian Federal Police
31 of 2011-12—Establishment and use of procurement panels—Australian Securities and Investments Commission; Department of Broadband, Communications and the Digital Economy; Department of Foreign Affairs and Trade
32 of 2011-12—Management of complaints and other feedback by the Department of Veterans’ Affairs—Department of Veterans’ Affairs
—Motion of Senator Macdonald to take note of documents agreed to.
Auditor-General—Audit report no. 44 of 2011-12—Performance audit—Administration of the Primary Care Infrastructure Grants program—Department of Health and Ageing. Motion of Senator Kroger to take note of document agreed to.
Auditor-General—Performance audit—Audit reports nos—
45 of 2011-12—Administration of the Health and Hospitals Fund—Department of Health and Ageing
46 of 2011-12—Administration of the Northern Australia Quarantine Strategy—Department of Agriculture, Fisheries and Forestry
—Motion of Senator Williams to take note of documents agreed to.
Auditor-General—Audit report no. 48 of 2011-12—Performance audit—Administration of Mental Health Initiatives to Support Younger Veterans—Department of Veterans’ Affairs. Motion to take note of document moved by Senator Smith and agreed to.
Auditor-General—Audit report no. 52 of 2011-12—Performance audit—Gate reviews for defence capital acquisition projects—Department of Defence. Motion of Senator Fawcett to take note of document agreed to.
Orders of the day nos 2 to 13, 16, 18 to 20 and 22 to 25 relating to reports of the Auditor-General were called on but no motion was moved.

56 ADJOURNMENT
The Deputy President (Senator Parry) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.22 pm till Monday, 10 September 2012 at 10 am.

57 ATTENDANCE
Present, all senators except Senators Bilyk*, Boswell* and Williams* (* on leave).

ROSEMARY LAING
Clerk of the Senate

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