2010-12

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 107

MONDAY, 10 SEPTEMBER 2012

Contents

1 Meeting of Senate .............................................................. 2891
2 Vacancy in the Representation of South Australia—Choice of Anne Ruston ... 2891
3 Death of Lance Corporal Stjepan Milosevic, Sapper James Thomas Martin, Private Robert Hugh Frederick Poate, Lance Corporal Mervyn John McDonald and Private Nathanael John Aubrey Galagher ..................... 2891
4 Rural and Regional Affairs and Transport References Committee—Leave to Meet During Sitting............................................................. 2892
5 Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012....................................................... 2892
6 Questions............................................................................. 2894
7 Ministry and Ministerial Arrangements—Document ................................ 2894
8 Motions to Take Note of Answers.................................................. 2894
9 Notices.................................................................................. 2895
10 Legal and Constitutional Affairs Legislation Committee—Leave to Meet During Sitting.............................................................. 2901
11 Private Senators’ Bills—Consideration........................................... 2901
12 Routine of Business—Variation....................................................... 2902
13 Leave of Absence..................................................................... 2902
14 Postponement.......................................................................... 2902
15 Foreign Affairs—Indonesia—Tripa Forest ........................................ 2902
16 Social Issues—World Suicide Prevention Day..................................... 2904
17 Marriage Amendment Bill (No. 2) 2012 ............................................. 2904
18 Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination—Proposed Disallowance ............................................ 2905
19 Discussion of Matter of Public Importance—Trade—Live Animal Export .... 2905
20 Foreign Affairs, Defence and Trade References Committee—Report— Procurement Procedures for Defence Capital Projects .......................... 2906
21 Legal and Constitutional Affairs Legislation Committee—Report— Passenger Movement Charge Amendment Bill 2012—Correction............. 2906
22 Government Documents ............................................................ 2906
<table>
<thead>
<tr>
<th>No.</th>
<th>Document Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Auditor-General—Audit Report No. 2 of 2012-13—Document</td>
<td>2906</td>
</tr>
<tr>
<td>24</td>
<td>Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents</td>
<td>2907</td>
</tr>
<tr>
<td>25</td>
<td>Departmental and Agency Contracts—Order for Production of Documents—Documents</td>
<td>2907</td>
</tr>
<tr>
<td>26</td>
<td>Consideration of Documents</td>
<td>2907</td>
</tr>
<tr>
<td>27</td>
<td>Women—110th Anniversary—Women’s Suffrage in Australia—Document</td>
<td>2908</td>
</tr>
<tr>
<td>28</td>
<td>Historical Event—Vietnam War—Document</td>
<td>2908</td>
</tr>
<tr>
<td>29</td>
<td>Primary Industries—Fishing Trawler FV <em>Margiris</em>—Document</td>
<td>2908</td>
</tr>
<tr>
<td>31</td>
<td>Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents</td>
<td>2913</td>
</tr>
<tr>
<td>32</td>
<td>Trade—Carbon Permits—Order for Production of Document—Document</td>
<td>2913</td>
</tr>
<tr>
<td>33</td>
<td>Committee Membership</td>
<td>2914</td>
</tr>
<tr>
<td>34</td>
<td>Greenhouse and Energy Minimum Standards Bill 2012</td>
<td>2914</td>
</tr>
<tr>
<td>35</td>
<td>Greenhouse and Energy Minimum Standards (Registration Fees) Bill 2012</td>
<td>2914</td>
</tr>
<tr>
<td>36</td>
<td>Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012</td>
<td>2915</td>
</tr>
<tr>
<td>37</td>
<td>Superannuation Legislation Amendment (MySuper Core Provisions) Bill 2012</td>
<td>2916</td>
</tr>
<tr>
<td>38</td>
<td>Aviation Legislation Amendment (Liability and Insurance) Bill 2012</td>
<td>2916</td>
</tr>
<tr>
<td>39</td>
<td>Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012</td>
<td>2916</td>
</tr>
<tr>
<td>40</td>
<td>Adjournment</td>
<td>2922</td>
</tr>
<tr>
<td></td>
<td>Attendance</td>
<td>2922</td>
</tr>
</tbody>
</table>
1 MEETING OF SENATE
The Senate met at 10 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—CHOICE OF ANNE RUSTON
The President informed the Senate that he had received, through the Governor-General, from the Governor of South Australia, a copy of the certificate of the choice by the Parliament of South Australia of Anne Ruston to fill the vacancy caused by the resignation of Senator Fisher.

The President tabled the certificate as follows:

Government House
Adelaide
Wednesday 5th September 2012
Your Excellency,
I have the honour to inform Your Excellency that the President of the Legislative Council in this State reports that, in accordance with Section 15 of the Constitution of the Commonwealth of Australia, a Joint Sitting of the Houses of Parliament was held today and Ms Anne Ruston was duly chosen to be a Senator to fill the vacancy in the representation of South Australia in the Senate of the Commonwealth caused by the resignation of Senator Mary Josephine Fisher.

Yours aye,
Rear Admiral Kevin Scarce AC CSC RANR
GOVERNOR OF SOUTH AUSTRALIA
Her Excellency Ms Quentin Bryce AC
Governor-General of the Commonwealth of Australia
Government House, Canberra
Dunrossil Drive
YARRALUMLA ACT 2600.

Senator sworn: Senator Ruston, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

3 DEATH OF LANCE CORPORAL STJEPAN MILOSEVIC, SAPPER JAMES THOMAS MARTIN, PRIVATE ROBERT HUGH FREDERICK POATE, LANCE CORPORAL MERVYN JOHN MCDONALD AND PRIVATE NATHANIEL JOHN AUBREY GALAGHER
The Leader of the Government in the Senate (Senator Evans), by leave, moved—

(1) That the Senate records its deep sorrow at the death, on 29 August 2012, of Lance Corporal Stjepan Milosevic, during operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

(2) That the Senate records its deep sorrow at the death, on 29 August 2012, of Sapper James Thomas Martin, during operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

(3) That the Senate records its deep sorrow at the death, on 29 August 2012, of Private Robert Hugh Frederick Poate, during operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.
(4) That the Senate records its deep sorrow at the death, on 30 August 2012, of Lance Corporal Mervyn John McDonald, in a helicopter crash while on combat operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

(5) That the Senate records its deep sorrow at the death, on 30 August 2012, of Private Nathanael John Aubrey Galagher, in a helicopter crash while on combat operations in Afghanistan, places on record its appreciation of his service to our country, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

All senators present stood in silence—

Question passed.

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

Senator Kroger, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), moved—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate today, from 3.15 pm, to take evidence for the committee’s inquiry into the management of the Murray-Darling Basin.

Question put and passed.

5 **ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (INDEPENDENT EXPERT SCIENTIFIC COMMITTEE ON COAL SEAM GAS AND LARGE COAL MINING DEVELOPMENT) 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.

*Explanatory memorandum:* The Parliamentary Secretary for Defence (Senator Feeney) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.
On the motion of Senator Feeney the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 2 (cell at table item 2, column 2), omit the cell, substitute:

A single day to be fixed by Proclamation.
However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

Schedule 1, item 4, page 4 (line 30), after “qualifications”, insert “or expertise”.

Bill, as amended, debated.

Senator Waters moved the following amendments together by leave:

Schedule 1, item 4, page 4 (line 29), omit “(other than the Chair)”. Schedule 1, item 4, page 5 (line 9), at the end of subsection 505C(6), add:

; (e) public health.

Debate ensued.
Question—That the amendments 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, 30

Senators—

Back
Bilyk
Bushby
Cameron
Colbeck
Conroy
Cormann
Crossin
Edwards
Farrell
Furner
Gallacher
Hogg
Kroger (Teller)
Ludwig
Landy
Macdonald
Madigan
Marshall
McKenzie
Moore
Pratt
Ruston
Singh
Smith
Stephens
Sterle
Thistlethwaite
Urquhart
Williams

Question negatived.

Senator Waters moved the following amendments together by leave:

Schedule 1, item 4, page 5 (line 13), before “within”, insert “on its own initiative or”.

Schedule 1, item 4, page 5 (line 18), before “within”, insert “on its own initiative or”.

Schedule 1, item 4, page 5 (lines 24 to 32), omit paragraph 505D(1)(c), substitute:

(c) on its own initiative or at the request of the Environment Minister—to provide advice to the Environment Minister about:

(i) how bioregional assessments should be conducted in areas where coal seam gas development or large coal mining development is being carried out or is proposed; and
(ii) priority areas in which bioregional assessments should be undertaken; and

(ca) at the request of the Environment Minister—to provide advice to the Environment Minister about bioregional assessments commissioned by the Minister;

Schedule 1, item 4, page 5 (line 33), before “at”, insert “on its own initiative or”.
Schedule 1, item 4, page 6 (line 22), before “at”, insert “on its own initiative or”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

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

NOES, 26

Back
Bilyk
Brown (Teller)
Bushby
Cameron
Colbeck
Conroy
Crossin
Edwards
Farrell
Fifield
Gallacher
Ladwig
Lundy
Marshall
McKenzie
Moore
Pratt
Ruston
Singh
Smith
Stephens
Sterle
Thistlethwaite
Thorp
Urquhart

Question negatived.

Bill, as amended, further debated.

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

6 QUESTIONS

Questions without notice were answered.

7 MINISTRY AND MINISTERIAL ARRANGEMENTS—DOCUMENT

The Leader of the Government in the Senate (Senator Evans) tabled a document showing all members of the Gillard Ministry and ministerial representation, dated 7 September 2012.

8 MOTIONS TO TAKE NOTE OF ANSWERS

The Leader of The Nationals in the Senate (Senator Joyce) 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 Senators Brandis, Cormann and Edwards today.

Debate ensued.

Question put and passed.
The Leader of the Australian Greens (Senator Milne) 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 Milne today relating to a proposed gas hub at James Price Point, Western Australia. Question put and passed.

9 NOTICES

The Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk): To move on the next day of sitting—That the Joint Select Committee on Cyber Safety be authorised to hold public meetings during the sittings of the Senate to take evidence for the committee’s inquiry into cyber-safety for senior Australians, from 4.15 pm to 6 pm, as follows:

(a) on Wednesday, 19 September 2012;
(b) on Wednesday, 10 October 2012;
(c) on Wednesday, 31 October 2012; and
(d) on Wednesday, 28 November 2012. (general business notice of motion no. 888)

Senator Bishop: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) on Wednesday, 10 October 2012, from 11 am, followed by a private briefing; and

(b) on Wednesday, 31 October 2012, from 11 am, followed by a private briefing. (general business notice of motion no. 889)

Senator Bishop: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 October 2012, from noon, to take evidence for the committee’s inquiry into the review of Auditor-General’s reports. (general business notice of motion no. 890)

The Chair of the Environment and Communications Legislation Committee and Deputy Chair of the Environment and Communications References Committee (Senator Cameron): To move on the next day of sitting—That the Environment and Communications Legislation Committee and the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 13 September 2012, from 1 pm. (general business notice of motion no. 891)

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin): To move on the next day of sitting—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Privacy Amendment (Enhancing Privacy Protection) Bill 2012 be extended to 20 September 2012. (general business notice of motion no. 892)

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

(a) on Thursday, 11 October 2012;
(b) on Thursday, 1 November 2012; and
(c) on Thursday, 29 November 2012. (general business notice of motion no. 893)

Senator Fawcett: To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold public meetings during the sittings of the Senate to take evidence for the committee’s inquiry into the ongoing review of tabled treaty actions, from 1 pm, as follows:
(a) on Monday, 29 October 2012; and
(b) on Monday, 26 November 2012. (general business notice of motion no. 894)

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, 18 September 2012, from 12.35 pm. (general business notice of motion no. 895)

Senator Moore: To move on the next day of sitting—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 October 2012, from 1 pm to 2 pm, to take evidence for the committee’s inquiry into slavery, slavery like conditions and people trafficking. (general business notice of motion no. 896)

The Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash): To move on the next day of sitting—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 5.30 pm, as follows:
(a) on Wednesday, 19 September 2012;
(b) on Wednesday, 10 October 2012;
(c) on Wednesday, 31 October 2012; and
(d) on Wednesday, 28 November 2012. (general business notice of motion no. 897)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs References Committee on palliative care in Australia be extended to 10 October 2012. (general business notice of motion no. 898)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 18 September 2012, from 12.35 pm. (general business notice of motion no. 899)

Senator Xenophon: To move on the next day of sitting—That the Joint Select Committee on Gambling Reform be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 4 pm, as follows:
(a) on Tuesday, 18 September 2012;
(b) on Tuesday, 9 October 2012;
(c) on Tuesday, 30 October 2012; and
(d) on Tuesday, 27 November 2012. (general business notice of motion no. 900)
Senators Back and McKenzie: To move on the next day of sitting—That the following matter be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 21 March 2013:

Teaching and learning – maximising our investment in Australian schools, with particular reference to:

(a) the effectiveness of current classroom practices in assisting children to realise their potential in Australian schools;
(b) the structure and governance of school administration – local and central – and its impact on teaching and learning;
(c) the influence of family members in supporting the rights of children to receive a quality education;
(d) the adequacy of tools available for teachers to create and maintain an optimal learning environment;
(e) factors influencing the selection, training, professional development, career progression and retention of teachers in the Australian education system; and
(f) other related matters.

The Leader of the Opposition in the Senate (Senator Abetz): To move on the next day of sitting—That the Senate—

(a) notes that the Supreme Court of Victoria twice declared the blockade of Grocon’s Emporium site on Lonsdale Street in Melbourne to be illegal; and
(b) condemns the Construction, Forestry, Mining and Energy Union’s blockade of this site, contrary to the rule of law. (general business notice of motion no. 901)

The Leader of the Opposition in the Senate (Senator Abetz) and the Leader of The Nationals in the Senate (Senator Joyce): To move on the next day of sitting—That the Senate—

(a) notes that:

(i) there is bipartisan support for foreign investment, provided that the particular foreign investment is not contrary to the national interest,

(ii) the Treasurer (Mr Swan) has approved the potential sale of Cubbie Station to a consortium 80 per cent owned by Shandong RuYi Scientific and Technological Group Co Ltd,

(iii) the Treasurer has failed to explain why the potential sale to a majority foreign-owned consortium of one of Australia’s most valuable irrigation properties, with a water licence equal to 6 per cent of the water use in the northern Murray-Darling Basin, is not contrary to the national interest, and

(iv) Annex II of the Treasurer’s own policy on foreign investment requires him to consider the effect of the proposal on:

(A) the quality and availability of Australia’s agricultural resources, including water,

(B) land access and use,

(c) agricultural production and productivity,

(d) Australia’s capacity to remain a reliable supplier of agricultural production both to the Australian community and our trading partners,

(e) biodiversity, and

(f) employment and prosperity in Australia’s local and regional communities;
(b) calls on the Treasurer to provide a statement detailing:
   (i) how the Treasurer determined the ownership and control of the consortium, particularly in the context of the national interest,
   (ii) why the Treasurer did not publish an interim order to extend the period of consideration by 90 days as required by Australia’s Foreign Investment Policy, and
   (iii) why the sale is not contrary to the national interest and release the advice to the Treasurer from the Foreign Investment Review Board (FIRB) and associated documents, including what, if any, other options were considered; and

(c) calls on the Government to ensure that foreign investment transactions are transparent by:
   (i) establishing a publicly available national register of all foreign acquisitions of Australian agricultural land,
   (ii) reducing the financial threshold for the FIRB examination of foreign acquisitions of Australian agricultural land, and
   (iii) ensuring that at least one member of the FIRB has experience in agricultural management. (general business notice of motion no. 902)

Senators Bernardi and Fifield: To move on the next day of sitting—That the Senate—

(a) congratulates:
   (i) the Australian Paralympic Team on its performance at the London 2012 Paralympic Games,
   (ii) Mr Matthew Cowdrey for his achievement on becoming Australia’s most successful paralympic athlete with 13 career gold medals, and
   (iii) Ms Jacqueline Freney for winning eight gold medals and being the highest-ranked medallist for the London 2012 Paralympic Games; and

(b) acknowledges:
   (i) the dedication and effort of the Australian athletes, coaches and support staff in representing our country, and
   (ii) that the success of the Australian Paralympic Team is an inspiration to all Australians. (general business notice of motion no. 903)

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

(a) notes evidence provided at Senate Estimates on 28 May 2012 by the Secretary of the Department of Defence (Mr Lewis), regarding the 2013 Defence White Paper process not including a community consultation process, but instead engaging peak organisations, industry groups and think tanks; and

(b) calls on the Government to:
   (i) detail which peak organisations, industry groups and think tanks will be afforded the opportunity to provide input into the 2013 Defence White Paper and the criteria for their selection,
   (ii) state the reasons for not incorporating a public consultation component into the development of the paper, and
   (iii) advise the Senate whether the Government is interested in hearing from the Australian public on the development of the paper, and if so, how. (general business notice of motion no. 904)
Senator Waters: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013, and

(ii) that the Queensland Premier (Mr Newman) is ready to sacrifice the Great Barrier Reef for mining and development; and

(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places. (general business notice of motion no. 905)

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

(1) That the Senate:

(a) notes that:

(i) there continues to be serious doubt about the revenue the Minerals Resource Rent Tax (MRRT) will raise,

(ii) the Government has steadfastly refused to release the key Mining Tax revenue assumptions they have used, such as commodity price and production volume assumptions,

(iii) in order to secure Australian Greens’ support for the MRRT legislation in the Senate despite that lack of transparency, the Prime Minister (Ms Gillard) promised on 18 March 2012 that monthly updates on revenue collections from the MRRT would be published,

(iv) the MRRT legislation commenced on 1 July 2012,

(v) still no monthly updates of the revenue collected from the MRRT have been published by the Government, and

(vi) when the Government was previously questioned about its failure to publish monthly updates of revenue collections from the Mining Tax as promised, the Leader of the Australian Greens, Senator Milne, stated in the Senate on 15 August 2012 that the undertaking from the Government was that Treasury will make that material publicly available, and that will occur, yet it still has not; and

(b) calls on the Government to explain its continuing failure to provide monthly updates of the MRRT revenue collections as promised.

(2) That there be laid on the table by the Minister representing the Treasurer, no later than noon on the 30th 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 under standing order 166.

(4) This order is of continuing effect. (general business notice of motion no. 906)

Senator Siewert: To move on the next day of sitting—That the Senate calls on the Government to ban all super trawlers from Australian waters. (general business notice of motion no. 907)
Senator Hanson-Young: To move on the next day of sitting—that the Senate calls on the Government to:

(a) halt the sale of Cubbie Station;

(b) release the written advice provided by the Foreign Investment Review Board to the Treasurer (Mr Swan) regarding the proposed sale of Cubbie Station announced on Friday, 31 August 2012; and

(c) complete and release a national audit of foreign ownership of water entitlements. (general business notice of motion no. 908)

Senators Hanson-Young and Di Natale: To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend the Migration Act 1958, and for related purposes. Migration Amendment (Health Care for Asylum Seekers) Bill 2012. (general business notice of motion no. 909)

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—that the Marriage Amendment Bill (No. 2) 2012 be listed on the Notice Paper as a government business order of the day.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—that, on Tuesday, 18 September 2012:

(a) the hours of meeting shall be from 12.30 pm to 6.30 pm and 7.30 pm to adjournment;

(b) the routine of business from not later than 7.30 pm shall be consideration of the government business order of the day relating to the Marriage Amendment Bill (No. 2) 2012, and

(c) the question for the adjournment of the Senate shall be proposed at 10 pm.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—that the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

International Monetary Agreements Amendment (Loans) Bill 2012

Documents: Senator Collins tabled the following documents:


Document: Senator Collins tabled the following document:

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That, for the purposes of section 198AB of the Migration Act 1958, the Senate approves the designation of the Republic of Nauru as a regional processing country, by instrument made on 10 September 2012. [F2012L01851]

Documents: Senator Collins tabled the following documents:

Migration Act—Section 198AC—
Instrument IMMI 12/100—Instrument of designation of the Republic of Nauru as a regional processing country [F2012L01851] and explanatory statement.
Memorandum of Understanding between the Republic of Nauru and the Commonwealth of Australia, relating to the transfer to and assessment of persons in Nauru, and related issues, dated 29 August 2012.
Statement about arrangements that are in place, or are to be put in place, in Nauru for the treatment of persons taken to Nauru.
Statement about the Minister’s consultations with the office of the United Nations High Commissioner for Refugees (UNHCR) in relation to the designation of Nauru as a regional processing country, including the nature of those consultations.
Statement of reasons for thinking that it is in the national interest to designate Nauru to be a regional processing country, dated 10 September 2012.
Summary of advice—Letter from the United Nations High Commissioner for Refugees (Mr Antonio Guterres) to the Minister for Immigration and Citizenship (Mr Bowen), dated 5 September 2012.

10 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), by leave, moved—That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 5 pm, to take evidence for the committee’s inquiry into the Maritime Powers Bill 2012 and a related bill.
Question put and passed.

11 PRIVATE SENATORS’ BILLS—CONSIDERATION

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the following general business orders of the day be considered on Thursday, 13 September 2012 under the temporary order relating to the consideration of private senators’ bills:

No. 20 Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010.
No. 78 Government Investment Funds Amendment (Ethical Investments) Bill 2011.

Question put and passed.
12 ROUTINE OF BUSINESS—VARIATION
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—that the vote deferred on 23 August 2012 relating to a motion of disallowance of the Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination 2012 be taken after the discovery of formal business today (see entry no. 50, 23 August 2012).
Question put and passed.

13 LEAVE OF ABSENCE
Senator Brown, by leave, moved—that leave of absence be granted to the following senators:
(a) Senator McEwen from 10 September to 13 September 2012, for personal reasons;
(b) Senator McLucas for 10 September and 11 September 2012, on account of parliamentary business; and
(c) Senator Polley from 10 September to 13 September 2012, on account of parliamentary business.
Question put and passed.
Senator Kroger, by leave, moved—that leave of absence be granted to the following senators:
(a) Senator Birmingham from 10 September to 21 September 2012, for personal reasons;
(b) Senator Boyce for 10 September 2012, for personal reasons; and
(c) Senator Parry from 10 September to 13 September 2012, on account of parliamentary business.
Question put and passed.

14 POSTPONEMENT
The following item of business was postponed:
Business of the Senate notice of motion no. 1 standing in the names of the Leader of the Australian Greens (Senator Milne) and Senator Xenophon for today, proposing a reference to the Economics References Committee, postponed till 12 September 2012.

15 FOREIGN AFFAIRS—INDONESIA—TRIPA FOREST
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. 770—that the Senate—
(a) notes:
   (i) the Tripa forest in Sumatra, an area covered by a 2-year moratorium on new forest-clearing concessions, is being burnt by deliberately lit fires and cleared in order to make way for palm oil concessions,
   (ii) the forest is home to people and wildlife and stores massive quantities of carbon, and is also home to the largest concentration of Sumatran orang-utans,
(iii) that leading experts believe the loss of the Tripa forest could lead to the local extinction of Sumatran orang-utans by the end of 2012, and international primate experts such as Ms Jane Goodall and Mr Richard Leakey have called for the protection of the Tripa forest,

(iv) that humanitarian and conservation organisations working within the region have reported that villagers are suffering from health problems associated with the burning and have been subjected to intimidation from both palm oil companies and Indonesian police,

(v) the chair of President Yudhoyono’s task force on forests and carbon has expressed concern that ‘opening up Tripa – an area with high conservation value and home to many animals endemic to Indonesia – is a grave mistake’,

(vi) while the Indonesian Government has launched a police investigation into the criminal activity in the area, palm oil companies continue to illegally clear protected forest, a process that has destroyed countless livelihoods,

(vii) Australia is a significant consumer of palm oil from South East Asia, particularly Indonesia, as Australia imports 130 000 tonnes of palm oil each year,

(viii) the Tripa forest crisis has received major international news coverage in publications such as Time Magazine, Voice of America, the Guardian, the Australian, the Sydney Morning Herald, and the Independent, and

(ix) many conservation groups in Indonesia regard Tripa as a test case that will determine the future of the $1 billion agreement on carbon and forests between Norway and Indonesia;

(b) welcomes the Indonesian Government’s investigations of law-breaking in the Tripa forest in early May 2012; and

(c) calls on the Australian Government to request the Indonesian Government to fully enforce the law that protects this important region and cease all clearing in the Tripa forest.

Question put.
The Senate divided—

AYES, 10

Senators—

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

NOES, 31

Senators—

Back
Bernardi
Bilyk
Cameron
Colbeck
Cormann
Crossin
Edwards
Farrell
Faulkner
Feehey
Fierravanti-Wells
Fifield
Furner
Gallacher
Kroger (Teller)
Madigan
McKenzie
Moore
Nash
Pratt
Ruston
Ryan
Singh
Smith
Stephens
Sterle
Thistlethwaite
Thorp
Unquhart
Williams

Question negatived.
16 **SOCIAL ISSUES—WORLD SUICIDE PREVENTION DAY**

Senator Wright, also on behalf of Senator Fierravanti-Wells, amended general business notice of motion no. 886 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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

(c) calls on all governments 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*.

Question put and passed.

17 **MARRIAGE AMENDMENT BILL (NO. 2) 2012**

Senator Crossin, also on behalf of Senators Brown, Marshall and Pratt, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 887—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.

Question put and passed.

Senator Crossin presented the bill and moved—that this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Crossin moved—that this bill be now read a second time.

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

Debate adjourned till the next day of sitting, Senator Crossin in continuation.
18 SMALL PELAGIC FISHERY TOTAL ALLOWABLE CATCH (QUOTA SPECIES) DETERMINATION—PROPOSED DISALLOWANCE

Pursuant to the order of the Senate agreed to earlier today (see entry no. 12), the motion of Senator Whish-Wilson—That the Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination 2012, made under subsection 17(6)(aa) of the Fisheries Management Act 1991 and under section 17 of the Small Pelagic Fishery Management Plan 2009, be disallowed—was called on for the question to be put.

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

Question put.
The Senate divided—

AYES, 10

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

NOES, 30

Senators—
 Back
 Bernardi
 Brown
 Bushby
 Cameron
 Colbeck
 Collins
 Cormann
 Crossin
 Edwards
 Faulkner
 Feeney
 Fifield
 Furner
 Gallacher
 Kroger (Teller)
 Marshall
 McKenzie
 Moore
 Nash
 Pratt
 Ruston

Question negatived.

19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TRADE—LIVE ANIMAL EXPORT

The Acting Deputy President (Senator Moore) informed the Senate that, at 8.30 am today, Senator Fifield and Senator Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, the Acting Deputy President (Senator Moore) informed the Senate that Senator Siewert had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Gillard Government’s failure to properly regulate and monitor the live export trade via the Exporter Supply Chain Assurance System and ensure animal welfare concerns are properly addressed.

The proposal was supported by 4 senators and the matter was discussed.
20 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REPORT—PROCUREMENT PROCEDURES FOR DEFENCE CAPITAL PROJECTS**

The Acting Deputy President (Senator Ludlam) tabled the following report and documents received on 30 August 2012:
- Foreign Affairs, Defence and Trade References Committee—Procurement procedures for Defence capital projects—Report, dated August 2012, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

21 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—PASSENGER MOVEMENT CHARGE AMENDMENT BILL 2012—CORRECTION**

The Acting Deputy President (Senator Ludlam) tabled the following document received on 3 September 2012:

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

22 **GOVERNMENT DOCUMENTS**

The Acting Deputy President (Senator Ludlam) tabled the following documents received on the dates indicated:
- Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2012. [Received 28 August 2012]
- Military Superannuation and Benefits Scheme (MSBS), Defence Force Retirement and Death Benefits Scheme (DFRDB) and Defence Forces Retirement Benefits Scheme (DFRB)—Report on long-term costs prepared by the Australian Government Actuary using data to 30 June 2011. [Received 29 August 2012]

23 **AUDITOR-GENERAL—AUDIT REPORT NO. 2 OF 2012-13—DOCUMENT**

The Acting Deputy President (Senator Ludlam) tabled the following document received on 30 August 2012:
24 Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents

Pursuant to the order of the Senate of 30 May 1996, as amended, the Acting Deputy President (Senator Ludlam) tabled the following documents received on the dates indicated:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2012—Statements of compliance—

- Agriculture, Fisheries and Forestry portfolio. [Received 28 August 2012]
- Australian Public Service Commission. [Received 28 August 2012]
- Fair Work Ombudsman. [Received 28 August 2012]

25 Departmental and Agency Contracts—Order for Production of Documents—Documents

Pursuant to the order of the Senate of 20 June 2001, as amended, the Acting Deputy President (Senator Ludlam) tabled the following documents received on the dates indicated:

Departmental and agency contracts for 2011-12—Letters of advice—

- Agriculture, Fisheries and Forestry portfolio. [Received 28 August 2012]
- Attorney-General’s portfolio. [Received 29 August 2012]
- Climate Change and Energy Efficiency portfolio. [Received 30 August 2012]
- Defence portfolio. [Received 28 August 2012]
- Department of Human Services. [Received 31 August 2012]
- Families, Housing, Community Services and Indigenous Affairs portfolio. [Received 28 August 2012]
- Health and Ageing portfolio [2]. [Received 5 September and 6 September 2012]
- Industry, Innovation, Science, Research and Tertiary Education portfolio. [Received 5 September 2012]
- Infrastructure and Transport portfolio. [Received 31 August 2012]
- Prime Minister and Cabinet portfolio. [Received 30 August 2012]
- Sustainability, Environment, Water, Population and Communities portfolio. [Received 6 September 2012]
- Treasury portfolio [2]. [Received 28 August and 31 August 2012]
- Veterans’ Affairs portfolio. [Received 28 August 2012]

26 Consideration of Documents

Senator Furner, by leave, moved—That consideration of the committee report and document tabled earlier today (see entries nos 20 and 21) be listed on the Notice Paper as separate orders of the day.

Question put and passed.
27 **WOMEN—110TH ANNIVERSARY—WOMEN'S SUFFRAGE IN AUSTRALIA—**
**DOCUMENT**
The Acting Deputy President (Senator Bishop) tabled the following document:
Women—110th anniversary—Women’s suffrage in Australia—Letter to the President of the Senate from the Acting Director, Museum of Australian Democracy (Mr Fox) responding to the resolution of the Senate of 25 June 2012, dated 27 August 2012.

Senator Cash, by leave, moved—that the Senate take note of the document.

Question put and passed.

28 **HISTORICAL EVENT—VIETNAM WAR—DOCUMENT**
The Acting Deputy President (Senator Bishop) tabled the following document:

Historical event—Vietnam War—Letter to the President of the Senate from the National President of the Returned and Services League of Australia (Rear Admiral Ken Doolan, AO, RAN (Retd)) responding to the resolution of the Senate of 16 August 2012, dated 27 August 2012.

Senator Ronaldson, by leave, moved—that the Senate take note of the document.

Question put and passed.

29 **PRIMARY INDUSTRIES—FISHING TRAWLER FV MARGIRIS—DOCUMENT**

Senator Brown, by leave, tabled the following document:
Primary industries—Fishing trawler FV Margiris—Petitioning document from 72,816 signatories relating to the fishing trawler, FV Margiris.

30 **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—**
**REPORT—AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION BILL 2012**
**AND RELATED BILLS**

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

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

31 **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.]


Aboriginal and Torres Strait Islander Act—Aboriginal and Torres Strait Islander Commission (Misbehaviour) Revocation Determination 2012 [F2012L01780].
Acts Interpretation Act—Select Legislative Instrument 2012 No. 207—Acts Interpretation (Registered Relationships) Amendment Regulation 2012 (No. 2) [F2012L01814].

Anti-Money Laundering and Counter-Terrorism Financing Act—Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2012 (No. 4) [F2012L01838].

Appropriation Act (No. 2) 2008-2009, Appropriation Act (No. 1) 2010-2011, Appropriation Act (No. 2) 2010-2011 and Appropriation Act (No. 3) 2010-2011—Determination to Reduce Appropriations (No. 1 of 2012-2013) [F2012L01764].

AusCheck Act—Select Legislative Instrument 2012 No. 208—AusCheck Amendment Regulation 2012 (No. 1) [F2012L01823].


Australian Communications and Media Authority Act—Radiocommunications (Charges) Amendment Determination 2012 (No. 2) [F2012L01821].

Australian Film, Television and Radio School Act—Determination of Degrees, Diplomas and Certificates No. 2012/2 [F2012L01772].

Australian National University Act—Fees Statute 2006—Tuition Fees Order (No. 2) [F2012L01773].

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 15 of 2012—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard 320.0 [F2012L01782].

Autonomous Sanctions Act—


Autonomous Sanctions (Sanction Law) Amendment Declaration 2012 [F2012L01766].

Broadcasting Services Act—Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 12 of 2012) [F2012L01756].

Civil Aviation Act—

Civil Aviation Regulations—Instruments Nos CASA—

240/12—Direction - number of cabin attendants in Boeing 737-800 series aircraft, Qantas Airways Limited [F2012L01632]—Explanatory statement [in substitution for explanatory statement tabled with instrument on 14 August 2012].

244/12—Direction under regulation 209 – conduct of parachute training operations [F2012L01836].

270/12—Revocation of instrument CASA 285/11 – instructions for RNAV (GNSS) approaches by Virgin Australia International B777 aircraft [F2012L01829].

Civil Aviation Safety Regulations—

Airworthiness Directives—

AD/GA200/1—Wing Strut Bolt [F2012L01755].

AD/JABIRENG/1—Piston Circclips [F2012L01835].

Civil Aviation Order 95.4 Amendment Instrument 2012 (No. 1) [F2012L01831].
Instruments Nos CASA—
EX127/12—Exemption – from standard take-off and landing minima – Virgin Australia Airlines (NZ) [F2012L01806].
EX135/12—Exemption – solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Camden Aerodrome [F2012L01842].
EX138/12—Exemption – use of ADS-B in aircraft operated by PT Garuda Indonesia [F2012L01834].
EX140/12—Exemption – from standard take-off minima – Jetstar [F2012L01807].
Revocation of Airworthiness Directives—Instruments Nos CASA ADCX—
019/12 [F2012L01828].
020/12 [F2012L01845].
Select Legislative Instrument 2012 No. 213—Civil Aviation Amendment Regulation 2012 (No. 1) [F2012L01819].
Classification (Publications, Films and Computer Games) Act—Classification (R 18+ Computer Games) Amendment Determination 2012 (No. 1) [F2012L01786].
Commissioner of Taxation—Public Rulings—
Class Rulings—
Addendum—CR 2010/27.
Goods and Services Tax Rulings—
GSTR 2012/4.
Miscellaneous Taxation Ruling—Addendum—MT 2006/1.
Product Rulings—
Notice of Withdrawal—PR 2011/17.
Taxation Ruling—Addendum—TR 2010/1.
Currency Act—
Currency (Royal Australian Mint) Determination 2012 (No. 4) [F2012L01815].
Currency (Royal Australian Mint) Determination 2012 (No. 5) [F2012L01816].
Customs Act—
CEO Instruments of Approval Nos—
9 of 2010 [2012]—Incoming passenger card (Japanese) [F2012L01751].
2 of 2012—Incoming passenger card (Arabic) [F2012L01754].
3 of 2012—Incoming passenger card (simplified Chinese) [F2012L01747].
4 of 2012—Incoming passenger card (traditional Chinese) [F2012L01749].
5 of 2012—Incoming passenger card (French) [F2012L01750].
6 of 2012—Incoming passenger card (Vietnamese) [F2012L01745].
7 of 2012—Incoming passenger card (Indonesian) [F2012L01746].
8 of 2012—Incoming passenger card (Thai) [F2012L01753].
10 of 2012—Incoming passenger card (Korean) [F2012L01757].
11 of 2012—Incoming passenger card (Malay) [F2012L01758].
12 of 2012—Incoming passenger card (Spanish) [F2012L01760].
13 of 2012—Incoming passenger card (English) [F2012L01762].
Customs By-law No. 1228133 [F2012L01763].
Select Legislative Instrument 2012 No. 209—Customs (R 18+ Computer Games) Legislation Amendment Regulation 2012 (No. 1) [F2012L01817].
Director of Public Prosecutions Act—Director of Public Prosecutions – Attorney-General’s Direction 2012, dated 27 August 2012.
Environment Protection and Biodiversity Conservation Act—
Amendments of lists of—
Exempt native specimens—
EPBC303DC/SFS/2012/43 [F2012L01800].
EPBC303DC/SFS/2012/44 [F2012L01799].
EPBC303DC/SFS/2012/46 [F2012L01748].
Specimens taken to be suitable for live import—
EPBC/s.303EC/SSLI/Amend/048 [F2012L01778].
Threatened ecological communities, dated—
14 August 2012 [F2012L01781].
28 August 2012 [F2012L01843].
Threatened species, dated 14 August 2012 [F2012L01830].
Family Law Act—Select Legislative Instrument 2012 No. 211—Family Law Amendment Regulation 2012 (No. 3) [F2012L01818].
Financial Management and Accountability Act—Notice under section 39A—Australian Rail Track Corporation Limited (ARTC).
Food Standards Australia New Zealand Act—
Australia New Zealand Food Standards Code—Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 8, 2012 [F2012L01769].
Food Standards (Proposal P1020 – Ethyl Lauroyl Arginate as a Food Additive in Sausages) Variation [F2012L01832].
Fuel Quality Standards Act—
Health Insurance Act—
Health Insurance (Dental Services) Amendment Determination 2012 (No. 1) [F2012L01837].
Select Legislative Instrument 2012 No. 212—Health Insurance (Professional Services Review) Amendment Regulation 2012 (No. 1) [F2012L01822].
Higher Education Support Act—
Higher Education Provider Approval No. 8 of 2012—Australian College of the Arts Pty Ltd [F2012L01768].
VET Provider Approvals Nos—
13 of 2012—GCTA Pty Ltd [F2012L01840].
14 of 2012—The Australian College of Hair Design and Beauty Pty. Ltd. [F2012L01839].
Migration Act—Migration Regulations—Instruments IMMI—
12/074—Class of persons [F2012L01744].
12/078—Designated APEC economies [F2012L01743].
National Health Act—Instruments Nos PB—
64 of 2012—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2012 (No. 7) [F2012L01783].
68 of 2012—National Health (Multiple Hospitals Paperless Claiming Trial) Special Arrangement Amendment Instrument 2012 (No. 1) [F2012L01785].
Native Title Act—Native Title (Revocation of Recognition Instruments) Determination 2012 [F2012L01784].
Payment Systems (Regulation) Act—Variation to the Access Regime for the ATM System [F2012L01787].
Private Health Insurance Act—Private Health Insurance (Prostheses) Amendment Rules 2012 (No. 3) [F2012L01788].
Quarantine Act—Quarantine Amendment Proclamation 2012 (No. 2) [F2012L01827].
Radiocommunications Act—
Radiocommunications Advisory Guidelines (Managing Interference to Spectrum Licensed Receivers – 800 MHz Band) 2012 [F2012L01774].
Radiocommunications (Unacceptable Levels of Interference – 800 MHz Band) Determination 2012 [F2012L01777].
Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2012 (No. 4) [F2012L01820].
Remuneration Tribunal Act—Determinations—
2012/18—Official Travel by Office Holders [F2012L01759].
Social Security Act—Social Security (Australian Government Disaster Recovery Payment) Amendment Determination 2012 (No. 4) [F2012L01752].
Sydney Airport Demand Management Act—Sydney Airport Compliance Scheme 2012 [F2012L01844].
Telecommunications Act—Australian Communications and Media Authority (International Mobile Roaming Industry Standard) Direction (No. 1) 2012 [F2012L01776].
Tertiary Education Quality and Standards Agency Act—Determination of Fees No. 2 of 2012 [F2012L01767].

Veterans’ Entitlements Act—

Amendment Statements of Principles concerning—
- Fibrosing Interstitial Lung Disease No. 66 of 2012 [F2012L01811].
- Fibrosing Interstitial Lung Disease No. 67 of 2012 [F2012L01812].
- Macular Degeneration No. 68 of 2012 [F2012L01813].

Statements of Principles concerning—
- Aplastic Anaemia No. 50 of 2012 [F2012L01791].
- Aplastic Anaemia No. 51 of 2012 [F2012L01793].
- Asthma No. 60 of 2012 [F2012L01802].
- Asthma No. 61 of 2012 [F2012L01808].
- Concussion No. 64 of 2012 [F2012L01809].
- Concussion No. 65 of 2012 [F2012L01810].
- Deep Vein Thrombosis No. 54 of 2012 [F2012L01795].
- Deep Vein Thrombosis No. 55 of 2012 [F2012L01797].
- Mesangial IgA Glomerulonephritis No. 52 of 2012 [F2012L01792].
- Mesangial IgA Glomerulonephritis No. 53 of 2012 [F2012L01794].
- Moderate to Severe Traumatic Brain Injury No. 62 of 2012 [F2012L01804].
- Moderate to Severe Traumatic Brain Injury No. 63 of 2012 [F2012L01805].
- Otitis Externa No. 58 of 2012 [F2012L01801].
- Otitis Externa No. 59 of 2012 [F2012L01803].
- Physical Injury Due to Munitions Discharge No. 48 of 2012 [F2012L01789].
- Physical Injury Due to Munitions Discharge No. 49 of 2012 [F2012L01790].
- Pulmonary Thromboembolism No. 56 of 2012 [F2012L01796].
- Pulmonary Thromboembolism No. 57 of 2012 [F2012L01798].

32 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2012—Statements of compliance—
- Attorney-General’s portfolio.
- Department of Defence.
- Department of Human Services.
- Department of Veterans’ Affairs.
- Health and Ageing portfolio.
- Office of the Inspector-General of Intelligence and Security.

33 TRADE—CARBON PERMITS—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 23 August 2012:

Trade—Carbon permits—Letter from the Minister for Climate Change and Energy Efficiency (Mr Combet) to the Clerk of the Senate (Dr Laing).
34 COMMITTEE MEMBERSHIP

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

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy), by leave, moved—that senators be appointed to committees as follows:

- **Community Affairs Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston

- **Economics Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston

- **Education, Employment and Workplace Relations Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston

- **Electricity Prices—Select Committee**
  
  Appointed—
  
  Senators Cormann, Edwards and Williams
  

- **Environment and Communications Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston

- **Finance and Public Administration Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston

- **Foreign Affairs, Defence and Trade Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston

- **Legal and Constitutional Affairs Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston

- **National Broadband Network—Joint Standing Committee**
  
  Appointed—Senator Smith

- **Rural and Regional Affairs and Transport Legislation and References Committees**
  
  Appointed—Participating member: Senator Ruston.

Question put and passed.

35 **GREENHOUSE AND ENERGY MINIMUM STANDARDS BILL 2012**

**GREENHOUSE AND ENERGY MINIMUM STANDARDS (REGISTRATION FEES) BILL 2012**

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

Message no. 496, dated 23 August 2012—A Bill for an Act to promote the development and adoption of products that use less energy and produce fewer greenhouse gases, and for related purposes.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) 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 Conroy moved—That these bills be now read a second time.


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

36 ELECTORAL AND REFERENDUM AMENDMENT (IMPROVING ELECTORAL PROCEDURE) BILL 2012
SUPERANNUATION LEGISLATION AMENDMENT (MYSUPER CORE PROVISIONS) BILL 2012

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

Message no. 497, dated 10 September 2012—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

Message no. 494, dated 23 August 2012—A Bill for an Act to amend the law relating to superannuation, and for related purposes.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) 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 Conroy moved—That these bills be now read a second time.


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

Consideration of legislation: Senator Conroy moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 498, dated 10 September 2012—A Bill for an Act to amend the law relating to aviation, and for related purposes.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) 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 Conroy moved—that this bill 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.

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

In the committee

Consideration resumed of the bill, as amended.

Senator Waters moved the following amendments together by leave:

Schedule 1, item 4, page 5 (line 17), at the end of paragraph 505D(1)(a), add “, and any associated environmental and health impacts”.

Schedule 1, item 4, page 5 (line 23), at the end of paragraph 505D(1)(b), add “, and any associated environmental and health impacts”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 11**

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Di Natale</td>
<td>Madigan</td>
<td>Siewert (Teller)</td>
<td>Wright</td>
<td></td>
</tr>
<tr>
<td>Hanson-Young</td>
<td>Milne</td>
<td>Waters</td>
<td>Xenophon</td>
<td></td>
</tr>
<tr>
<td>Ludlam</td>
<td>Rhiannon</td>
<td>Whish-Wilson</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

37 **AVIATION LEGISLATION AMENDMENT (LIABILITY AND INSURANCE) BILL 2012**

38 **ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (INDEPENDENT EXPERT SCIENTIFIC COMMITTEE ON COAL SEAM GAS AND LARGE COAL MINING DEVELOPMENT) BILL 2012**
NOYES, 31

Senator Waters moved the following amendments together by leave:

Schedule 1, item 4, page 6 (after line 30), at the end of section 505D, add:

(3) The Committee must publish on the internet any advice it provides under paragraph (1)(a), (b), (c), (ca) or (d) or (2)(a) or (b) at same time the advice is provided to the relevant Minister.

Schedule 1, page 7 (after line 8), after item 5, insert:

5C Before subsection 510(1)

Insert:

(1A) The minutes of a meeting of a Committee must be published on the internet by that Committee within 7 days of the meeting to which the minutes relate.

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

Bill, as amended, further debated.

Senators—

Bilyk
Bishop
Brown
Cameron
Colbeck
Collins
Conroy
Cormann
Crossin
Edwards
Farrell
Fawcett
Feeney
Furner
Gallacher
Heffernan
Kroger
Lundy
Marshall
Moore
Pratt
Ronaldson
Ruston
Singh
Smith
Stephens
Sterle
Thistlethwaite
Unsworth

Question negatived.

Bill, as amended, further debated.

Senator Waters moved the following amendment:

Schedule 1, item 4, page 7 (after line 4), at the end of Division 2B, add:

505F Staff assisting Committee

The staff necessary to assist the Committee are to be persons engaged under the Public Service Act 1999 who are:

(a) employed in the Department; and
(b) made available for the purpose by the Secretary of the Department.

Question—that the amendment be agreed to—put.

The committee divided—

AYES, 11

Senators—

Di Natale
Hanson-Young
Ludlam
Madigan
Milne
Rhiannon
Siewert (Teller)
Waters
Wish-Wilson
Wright
Xenophon
Question negatived.

Senator Waters moved the following amendment:

Schedule 1, page 7 (after line 8), after item 5, insert:

**5A Subsection 507(1)**

Repeal the subsection, substitute:

(1) A member of a Committee holds office for the period specified in the instrument of appointment. The period must not be less than 3 years and must not exceed 5 years.

**Note 1:** For re-appointment, see section 33AA of the *Acts Interpretation Act 1901*.

**Note 2:** Section 509 sets out the circumstances in which a member’s appointment may be (or must be) terminated.

**5B Application of item 5A**

The amendment made by item 5A applies in relation to an appointment made on or after the commencement of this Schedule.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 10**

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

**NOES, 34**

- Bilyk
- Bishop
- Brown
- Bushby
- Cameron
- Carr, Bob
- Colbeck
- Collins
- Conroy

- Crossin
- Farrell
- Feeney
- Fumer
- Gallacher
- Heffernan
- Johnston
- Joyce
- Kroger (Teller)

- Lundy
- Marshall
- McKenzie
- Moore
- Payne
- Pratt
- Ruston

- Singh
- Smith
- Stephens
- Thistlethwaite
- Thorp
- Unquhart
- Williams

Question negatived.

Bill, as amended, further debated.
Senator Waters moved the following amendment:
Schedule 1, page 8 (after line 14), at the end of the Schedule, add:

12 Aquifer drilling—moratorium
(1) A person commits an offence if:
(a) the person takes an action; and
(b) the person takes the action for the purposes of, or in connection with, coal seam gas mining; and
(c) the action is, or results in, drilling through or into an aquifer; and
(d) the drilling occurs before the earliest of the following:
(i) 5 years from the commencement of this item;
(ii) the conclusion of the full 5-year research program of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development.
Penalty: 2,000 penalty units.
(2) Subitem (1) applies only if:
(a) the person is a corporation to which paragraph 51(xx) of the Constitution applies; or
(b) the action is taken for the purposes of trade or commerce:
(i) between Australia and another country; or
(ii) between 2 States; or
(iii) between a State and a Territory; or
(iv) between 2 Territories; or
(c) the action is taken in a Territory.
(3) Subitem (1) does not apply if the action is taken to facilitate scientific research to better understand the interaction of groundwater systems and the impact on those systems of coal seam gas mining.
(4) This item has effect despite any provision of the Environment Protection and Biodiversity Conservation Act 1999 or any other Act.

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

AYES, 11

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

NOES, 29

Senators—
Abetz
Back (Teller)
Bilyk
Bishop
Brown
Cameron
Colbeck
Conroy
Crossin
Farrell
Faulkner
Fawcett
Feeney
Furner
Gallacher
Lundy
Marshall
McKenzie
Moore
Nash
Pratt
Seullion
Singh
Smith
Thistlethwaite
Thorpe
Urquhart
Stephens
Sterle

Question negatived.
Senator Xenophon, also on behalf of Senators Heffernan, Madigan, Nash and Waters, moved the following amendments together by leave:

Schedule 1, item 2, page 3 (line 29), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 5 (line 17), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 5 (line 23), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 6 (line 2), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 6 (line 5), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 6 (line 9), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 6 (line 11), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 6 (line 17), after “resources”, insert “and/or land and its use”.

Schedule 1, item 4, page 6 (line 17), after “resources”, insert “and/or land and its use”.

Schedule 1, item 6, page 7 (line 15), after “resources”, insert “, and/or land and its use”.

Schedule 1, item 7, page 7 (line 20), after “resources”, insert “and/or land and its use”.

Schedule 1, item 10, page 8 (line 8), after “resources”, insert “and/or land and its use”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 35

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Ayes</th>
<th>Ayes</th>
<th>Ayes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Fifield</td>
<td>McKenzie</td>
<td>Siewert</td>
</tr>
<tr>
<td>Back (Teller)</td>
<td>Hanson-Young</td>
<td>Milne</td>
<td>Sinodinos</td>
</tr>
<tr>
<td>Bernardi</td>
<td>Heffernan</td>
<td>Nash</td>
<td>Smith</td>
</tr>
<tr>
<td>Bushby</td>
<td>Johnston</td>
<td>Payne</td>
<td>Waters</td>
</tr>
<tr>
<td>Cash</td>
<td>Joyce</td>
<td>Rhiannon</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Kroger</td>
<td>Ronaldson</td>
<td>Williams</td>
</tr>
<tr>
<td>Di Natale</td>
<td>Ludlam</td>
<td>Ruston</td>
<td>Wright</td>
</tr>
<tr>
<td>Edwards</td>
<td>Madigan</td>
<td>Ryan</td>
<td>Xenophon</td>
</tr>
<tr>
<td>Eggleston</td>
<td>Mason</td>
<td>Scullion</td>
<td></td>
</tr>
</tbody>
</table>

NOES, 23

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Noes</th>
<th>Noes</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilyk</td>
<td>Collins</td>
<td>Furner</td>
<td>Stephens</td>
</tr>
<tr>
<td>Bishop</td>
<td>Conroy</td>
<td>Gallagher</td>
<td>Sterle</td>
</tr>
<tr>
<td>Brown (Teller)</td>
<td>Crossin</td>
<td>Marshall</td>
<td>Thistlethwaite</td>
</tr>
<tr>
<td>Cameron</td>
<td>Farrell</td>
<td>Moore</td>
<td>Thorp</td>
</tr>
<tr>
<td>Carr, Bob</td>
<td>Faulkner</td>
<td>Pratt</td>
<td>Urquhart</td>
</tr>
<tr>
<td>Carr, Kim</td>
<td>Feeley</td>
<td>Singh</td>
<td></td>
</tr>
</tbody>
</table>

Question agreed to.
Senator Waters moved the following amendments together by leave:

Schedule 1, item 2, page 3 (lines 29 and 30), omit “; and”, substitute “and/or climate change and/or public health; and”

Schedule 1, item 4, page 5 (line 17), at the end of paragraph 505D(1)(a), add “and/or climate change and/or public health”.

Schedule 1, item 4, page 5 (line 23), at the end of paragraph 505D(1)(b), add “and/or climate change and/or public health”.

Schedule 1, item 4, page 6 (line 2), omit “; and”, substitute “and/or climate change and/or public health; and”

Schedule 1, item 4, page 6 (line 5), at the end of subparagraph 505D(1)(d)(ii), add “and/or climate change and/or public health”.

Schedule 1, item 4, page 6 (line 9), at the end of paragraph 505D(1)(e), add “and/or climate change and/or public health”.

Schedule 1, item 4, page 6 (line 11), before “from”, insert “and/or climate change and/or public health”.

Schedule 1, item 4, page 6 (line 17), at the end of paragraph 505D(1)(g), add “and/or climate change and/or public health”.

Schedule 1, item 6, page 7 (line 15), at the end of the definition of bioregional assessment, add “and/or climate change and/or public health”.

Schedule 1, item 7, page 7 (line 20), omit “:”, substitute “and/or climate change and/or public health:”

Schedule 1, item 10, page 8 (line 8), omit “:”, substitute “and/or climate change and/or public health:”

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

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

NOES, 33

Back (Teller)
Bernardi
Bilyk
Bishop
Brown
Cameron
Carr, Bob
Colbeck
Conroy
Crossin
Farrall
Feeney
Fifield
Furner
Gallacher
Joyce
Marshall
McKenzie
McKenzie
Moore
Nash
Pratt
Ronaldson
Ruston
Scullion
Singh
Sinodinos
Smith
Sterle
Thistlethwaite
Thorpe
Urquhart
Williams

Question negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.
The Acting Deputy President (Senator Crossin) resumed the chair and the Temporary Chair of Committees reported accordingly.
On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the report from the committee was adopted and the bill read a third time.

39 **ADJOURNMENT**

The Acting Deputy President (Senator Crossin) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.26 pm till Tuesday, 11 September 2012 at 12.30 pm.

40 **ATTENDANCE**


**ROSEMARY LAING**
Clerk of the Senate