THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 108

TUESDAY, 11 SEPTEMBER 2012

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1 **MEETING OF SENATE**

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

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

- *Crimes Act 1914*—Australian Commission for Law Enforcement Integrity—Reports for 2011-12—Authorisations for the acquisition and use of assumed identities.
- Witness identity protection certificates.
- *Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 April to 30 June 2012.
- Treaties—
  - **Bilateral**—Treaty between Australia and the Socialist Republic of Vietnam on Extradition, (Canberra, 10 April 2012)—Text, together with national interest analysis.
  - **Multilateral**—Partial Revision of the 2008 Radio Regulations, as incorporated in the International Telecommunication Union Final Acts of the World Radiocommunication Conference (WRC-12), done at Geneva on 17 February 2012—Text, together with national interest analysis.

3 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Sport (Senator Lundy) moved—That, in relation to the motion designating the Republic of Nauru as a regional processing country (business of the Senate notice of motion no. 7):

(a) the motion be considered as government business; and

(b) the motion be called on immediately.

Question put.
The Senate divided—

**AYES, 36**

**Senators—**

- Back
- Bernardi
- Bilyk
- Brown (Teller)
- Cameron
- Carr, Kim
- Cash
- Colbeck
- Crossin

**Adams**

- Edwards
- Farrell
- Fawcett
- Feeney
- Fifield
- Gallagher
- Hogg
- Humphries

**Kroger**

- Lundy
- Madigan
- Marshall
- Moore
- Nash
- Pratt

**Ruston**

- Singh
- Smith
- Thistlethwaite
- Thorp
- Urquhart
- Williams

**Sterle**

**Lundgren**

- Xenophon

**NOES, 9**

**Senators—**

- Di Natale
- Hanson-Young
- Ludlam

**Riordan**

- Milne
- Siewert (Teller)
- Waters

**Rhiannon**

- Whish-Wilson
- Wright

**Wright**

Question agreed to.

4 **Migration Act—Designation of the Republic of Nauru—Regional Processing Country—Proposed Approval**

The Minister for Sport (Senator Lundy), at the request of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and pursuant to notice, moved business of the Senate notice of motion no. 7—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] (see entry no. 3).

Debate ensued.

Senator Cash moved the following amendment:

- “and in addition to the opening of offshore processing on Nauru, calls on the Government to implement the full suite of the Coalition’s successful border protection policies and:
  - (a) restore temporary protection visas as the only visa option available to be granted to offshore entry persons found to be refugees;
  - (b) issue new instructions to Northern Command to commence to turn back boats seeking to illegally enter Australia where it is safe to do so;
  - (c) use existing law to remove the benefit of the doubt on a person’s identity where there is a reasonable belief that a person has deliberately discarded their documentation; and
  - (d) restore the Bali Process to once again focus on deterrence and border security”.

Debate ensued.

*At 2 pm: Debate was interrupted while the Leader of the Australian Greens (Senator Milne) was speaking.*

5 **Questions**

Questions without notice were answered.
6 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Cash moved—That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Cash today relating to border protection and asylum seekers.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Siewert today relating to income support payments.

Question put and passed.

7 NOTICES

Senators Colbeck, Xenophon, Nash, McKenzie and Madigan: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 21 November 2012:

The proposed importation of potatoes from New Zealand, including:

(a) the validity and supporting scientific evidence underpinning the Pest Risk Analysis included in the New Zealand Potatoes Import Risk Analysis 2009;

(b) the extent of scientific knowledge and understanding of the Tomato/Potato Psyllid and other pests identified in the Draft Review of Import Conditions; and

(c) any related matters.

The Chair of the Education, Employment and Workplace Relations References Committee (Senator Back): To move on the next day of sitting—That the Education, Employment and Workplace Relations References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 17 September 2012, from 6.30 pm, to take evidence for the committee’s inquiry into the allowance payment system. (general business notice of motion no. 910)

The Leader of the Australian Greens (Senator Milne) and Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes the importance of clarifying and codifying best practice guidelines for Australian agencies conducting search and rescue missions at sea; and

(b) calls on the Government to immediately implement Recommendation 13A from the report of the 2002 Select Committee on a Certain Maritime Incident, that ‘operational orders and mission tasking statements for all Australian Defence Force operations, including those involving whole of government approaches, explicitly incorporate relevant international and domestic obligations’. (general business notice of motion no. 911)

The Leader of the Opposition in the Senate (Senator Abetz) and Senator Fierravanti-Wells: To move on the next day of sitting—That the Education, Employment and Workplace Relations Legislation Committee publish all the documents received from Fair Work Australia concerning its investigation into Mr Craig Thomson and the Health Services Union. (general business notice of motion no. 912)
Senator Sinodinos: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Senator Rhiannon has acknowledged that some votes shifted away from the Greens in Marrickville in the New South Wales local government elections because of the boycott of Israel issue,

(ii) Marrickville Greens councillor, Ms Marika Kontellis, voted in 2011 to retain the Council’s Boycott, Divestments and Sanctions (BDS) policy and in August 2012 attended the Byron Bay BDS conference,

(iii) the New South Wales Greens chose Mr Karel Solomon, a BDS advocate who has branded Israel an apartheid state, as a candidate for the Marrickville Council, and

(iv) Ms Irene Doutney, the Greens candidate for Sydney Lord Mayor, has supported BDS actions and said that she personally favours a full boycott of Israel;

(b) calls on the New South Wales Greens to explicitly reject the BDS policy; and

(c) condemns the BDS campaign. (general business notice of motion no. 913)

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 issued interim injunctions against the Construction, Forestry, Mining and Energy Union (CFMEU) in relation to Grocon sites in Melbourne, and that contempt proceedings in relation to certain injunctions remain before the court;

(b) condemns the CFMEU’s blockade of the Myer Emporium site, which involved violent attacks on police and police horses and posters issued by CFMEU bosses labelling workers as ‘scabs’;

(c) notes that Grocon workers, who are members of the CFMEU, have expressed disappointment at abuse, threats and intimidation by CFMEU bosses and at the CFMEU’s failure to adhere to the law;

(d) affirms that violence, unlawful activity, bullying, harassment and thuggery have no place in any workplace; and

(e) calls on the Australian Labor Party and the Australian Greens to refuse to accept any further donations from the CFMEU until it desists from unlawful activity, thuggery and violence in the workplace. (general business notice of motion no. 914)

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

(a) recognises that the rate of employment for people with disability in Australia is significantly less than for people without disability;

(b) commends efforts taken so far by disability advocates and a number of big and small businesses who are working to remedy this concerning need;

(c) acknowledges the significant economic and productivity benefits of having more Australians with disability in work; and

(d) calls on the Government to:

(i) engage with the Australian Securities Exchange (ASX) about the merits of the ASX extending its Corporate Governance Principles and Recommendations, to require reporting on the employment of people with disability, and
(ii) explore ways to ensure companies of more than 100 employees report on their efforts to employ people with disabilities. *(general business notice of motion no. 915)*

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

(a) notes:

(i) on 29 August and 30 August 2012 the Burmese regime removed the names of 1,147 foreign citizens, including ex-Burmese citizens, as well as 935 Burmese political dissidents from the Blacklist,

(ii) the Assistance Association for Political Prisoners (Burma) believes there are 818 political prisoners in Burma,

(iii) human rights lawyer Saw Kyaw Kyaw Min is Burma’s latest political prisoner, sentenced to 6 months in jail on 29 August 2012 on contempt of court charges, after returning to Burma in May, and

(iv) 90,000 people have been displaced by the ongoing military attacks and human rights violations in Kachin State, northern Burma; and

(b) calls on the Australian Government to:

(i) call on the Burmese Government to immediately and unconditionally release all remaining political prisoners, to lift any restrictions imposed on already freed political prisoners and repeal all laws that have political prisoners arbitrarily detained,

(ii) publicly support an independent investigation into the number of political prisoners in Burma,

(iii) call on the Burmese Government and all parties to immediately cease hostilities and implement a nation-wide ceasefire, and, if necessary, invite independent international observers to monitor the implementation of the ceasefire,

(iv) encourage the Burmese Government and all parties to take further steps beyond the current ceasefire agreements and enter into a comprehensive, inclusive and time-bound political dialogue that fully engages the democratic opposition, genuine representatives of all ethnic opposition groups, and civil society actors, and

(v) support the inclusion of language of the above recommendations into the 2012 United Nations General Assembly Resolution on Burma. *(general business notice of motion no. 916)*

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

(a) notes that:

(i) Fetal Alcohol Spectrum Disorders, or FASD, is the leading preventable cause of non-genetic, developmental disability in Australia,

(ii) while the prevalence of FASD is unknown, conservative prevalence estimates for Fetal Alcohol Syndrome (FAS), one of the conditions within the spectrum, indicates that at least 200 children are born with FAS each year, and

(iii) there are currently limited opportunities for people to be diagnosed with FASD, and there is a lack of early intervention options and support for people with FASD, their families and carers;

(b) notes the Expert Day of FASD Briefings being held on 12 September 2012 at Parliament House and the Australian FASD Action Plan released on the same day by the Foundation for Alcohol Research and Education; and
(c) supports the Government’s current commitments to research and projects relating to FASD and calls on the Government to adopt a comprehensive plan to ensure that children do not continue to be born with the condition. (general business notice of motion no. 917)

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

(a) notes the report titled Alternatives to Prohibition – Illicit Drugs: How we can stop killing and criminalising young Australians, released by Australia21 on 9 September 2012; and

(b) acknowledges that evidence-based approaches are needed in minimising the harms of drug use and appreciates the work Australia21 is doing to inform the debate on this important issue. (general business notice of motion no. 918)

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

(a) expresses its condolence at the death of Ms Vikki Riley who passed away on 10 September 2012 and extends this condolence particularly to her partner and son, as well as family, friends and those she campaigned tirelessly for;

(b) notes her advocacy on behalf of refugees and the people of West Papua and East Timor; and

(c) acknowledges her work with refugees and the people of West Papua and East Timor. (general business notice of motion no. 919)

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 Western Australian Premier (Mr Barnett) is ready to sacrifice James Price Point for a gas hub; 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. 920)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Minerals Resource Rent Tax Act 2012, and for related purposes. Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012. (general business notice of motion no. 921)

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

Senator Brown, by leave and at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), moved—That the Legal and Constitutional 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 Wednesday, 12 September 2012, from 1.45 pm.

Question put and passed.
9 **POSTPONEMENTS**

The following items of business were postponed:

Business of the Senate notices of motion nos 1 to 5 standing in the name of Senator Siewert for today, proposing the disallowance of certain instruments made under the *Social Security (Administration) Act 1999*, postponed till 17 September 2012.

10 **CONSIDERATION OF LEGISLATION**

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

Question put and passed.

11 **HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—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.

Question put and passed.

12 **CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the Marriage Amendment Bill (No. 2) 2012 be listed on the *Notice Paper* as a government business order of the day.

Question put and passed.

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

Senator Brown, at the request of the Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 888—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.

Question put and passed.
14 **PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Brown, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 889—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;

(b) on Wednesday, 31 October 2012, from 11 am, followed by a private briefing.

Question put and passed.

Senator Brown, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 890—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.

Question put and passed.

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

Senator Brown, at the request of the Chair of the Environment and Communications Legislation Committee and the Deputy Chair of the Environment and Communications References Committee (Senator Cameron) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 891—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.

Question put and passed.

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

Senator Brown, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 892—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.

Question put and passed.
17 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Brown, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Cash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 893—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.

Question put and passed.

18 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Brown, at the request of Senator Fawcett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 894—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.

Question put and passed.

19 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Brown, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 895—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.

Question put and passed.

20 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Brown, at the request of Senator Moore and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 896—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.

Question put and passed.
21 **LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Brown, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 897—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.

Question put and passed.

22 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Brown, 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. 898—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.

Question put and passed.

23 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Brown, 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. 899—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.

Question put and passed.

24 **GAMBLING REFORM—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Brown, at the request of Senator Xenophon and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 900—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.

Question put and passed.
25 **NOTICE OF MOTION WITHDRAWN**

Senator Kroger, at the request of the Leader of the Opposition in the Senate (Senator Abetz), withdrew general business notice of motion no. 901 standing in the name of Senator Abetz for today, relating to industrial relations.

26 **SPORT—LONDON 2012 PARALYMPIC GAMES**

Senator Bernardi, also on behalf of Senator Fifield and the Minister for Sport (Senator Lundy), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 903—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;

(b) acknowledges:

(i) the dedication and effort of the Australian Paralympic Committee, 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; and

(c) notes that the Paralympics is important for promoting sport for all Australians.

Question put and passed.

27 **FINANCE—FOREIGN INVESTMENT—CUBBIE STATION**

Senator Kroger, at the request of the Leader of the Opposition in the Senate (Senator Abetz) and the Leader of The Nationals in the Senate (Senator Joyce) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 902—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.

Leave refused: The Leader of the Australian Greens (Senator Milne) sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

AYES, 38

Senators—

Back
Bernardi
Boswell
Brandis
Bushby
Cash
Colbeck
Cormann
Di Natale
Fawcett
Fierravanti-Wells
Fifield
Hanson-Young
Heffernan
Humphries
Johnston
Joyce
Kroger (Teller)
Laidlam
Macdonald
Madigan
Mason
McKenzie
Milne
Nash
Payne
Rhiannon
Ronaldson
Ruston
Ryan
Scullion
Siewert
Sinodinos
Smith
Waters
Whish-Wilson
Williams
Wright
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Senators—

Bilyk
Bishop
Brown (Teller)
Cameron
Collins
Conroy
Crossin
Farrell
Faulkner
Feeney
Furner
Gallacher
Hogg
Ludwig
Lundy
Marshall
Moore
Pratt
Singh
Stephens
Sterle
Thistlethwaite
Thorp
Urquhart
Wong

Question agreed to.

28 TAXATION—MINERALS RESOURCE RENT TAX—MONTHLY REVENUE COLLECTION UPDATES—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Cormann amended general business notice of motion no. 906 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That the Senate 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.

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

Question put and passed.

29 DEFENCE—2013 DEFENCE WHITE PAPER

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 904—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.

Question put.
The Senate divided—

**AYES, 9**

Senators—

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

**NOES, 31**

Senators—

- Back
- Bernardi
- Bilyk
- Bishop
- Brown
- Cameron
- Cash
- Collins
- Cormann
- Crossin
- Fawcett
- Fifield
- Furner
- Gallagher
- Johnston
- Kroger (Teller)
- Ludwig
- Madigan
- Marshall
- McKenzie
- Moore
- Nash
- Payne
- Pratt
- Ruston
- Singh
- Smith
- Stephens
- Thistlethwaite
- Urquhart
- Williams

Question negatived.

*Statements by leave:* Senators Johnston and Ludlam, by leave, made statements relating to the motion.

30 **ADMINISTRATION—PROTECTING NATIONALLY THREATENED SPECIES AND WILDERNESS PLACES—RESPONSIBILITY**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 905—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.

Question put.

The Senate divided—

**AYES, 9**

Senators—

- Hanson-Young
- Ludlam
- Madigan
- Milne
- Siewert (Teller)
- Whish-Wilson
- Rhiannon
- Waters
- Wright
NOES, 21

Senators—

Bernardi  Cormann  Marshall  Thistlethwaite
Bishop  Fawcett  McKenzie  Urquhart
Brown  Fifield  Moore  Williams
Cameron  Furner  Nash
Cash  Johnston  Ruston
Collins  Kroger (Teller)  Smith

Question negatived.

31 PRIMARY INDUSTRIES—SUPER TRAWLERS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 907—That the Senate calls on the Government to ban all super trawlers from Australian waters.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 25

Senators—

Bernardi  Collins  Kroger (Teller)  Ruston
Bilyk  Cormann  Ludwig  Singh
Bishop  Fawcett  Madigan  Smith
Brown  Fifield  Marshall  Thistlethwaite
Cameron  Furner  McKenzie
Cash  Gallacher  Moore
Colbeck  Johnston  Nash

Question negatived.

32 FINANCE—FOREIGN INVESTMENT—CUBBIE STATION

Senator Hanson-Young, also on behalf of Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 908—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.

Question put.

The Senate divided—

AYES, 10

Senators—

Di Natale  Madigan  Siewert (Teller)  Whish-Wilson
Hanson-Young  Milne  Waters  Wright
Ludlam  Rhiannon
SENSIBILITIES, 28

Senators—

Back
Bernardi
Bilyk
Bishop
Brown
Brashby
Cameron
Cash
Colbeck
Collins
Cormann
Fawcett
Fifield
Furner
Gallacher
Johnston
Kroger (Teller)
Ludwig
Marshall
McKenzie
Moore
Nash
Ruston
Singh
Smith
Sterle
Thistlethwaite
Urquhart

Question negatived.

33 MIGRATION AMENDMENT (HEALTH CARE FOR ASYLUM SEEKERS) BILL 2012

Senator Hanson-Young, also on behalf of Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 909—That the following bill be introduced:

A Bill for an Act to amend the Migration Act 1958, and for related purposes.

Question put and passed.

Senator Hanson-Young 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 Hanson-Young moved—That this bill be now read a second time.

Explanatory memorandum: Senator Hanson-Young, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.

34 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—REFERENCE

Senator Kroger, at the request of Senators Back and McKenzie and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—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.

Senator Wright, by leave, moved the following amendment:
Omit all words after “with particular reference to”, substitute:
(a) the adequacy of funding for schools educating a high proportion of children from disadvantaged backgrounds and with high needs;
(b) the structure and governance of school administration – local and central – and its impact on teaching and learning;
(c) the adequacy of tools available for teachers to create and maintain an optimal learning environment;
(d) the capacity of schools to respond to family, social and community factors to create 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.

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

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 9
Di Natale    Hanson-Young    Ludlam
Milne    Rhiannon    Waters    Wright

NOES, 28
Back    Bernardi    Billcy
Bernardi    Colbeck    Cormann
Bishop    Cash    Fawcett
Brown    Collins    Fiffield
Bushby    Cormann    McKenzie
Cameron    Colbeck    Maddigan

Question negatived.
Main question put and passed.

35 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—CARBON TAX
The Acting Deputy President (Senator Marshall) informed the Senate that Senator Fifield had proposed that the following matter of public importance be submitted to the Senate for discussion:

The unravelling of the Gillard Government’s carbon tax.
The proposal was supported by four senators and the matter was discussed.
36 TREATIES—JOINT STANDING COMMITTEE—129TH REPORT
Senator Bushby, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


Senator Bushby, by leave, moved—that the Senate take note of the report.
Question put and passed.

37 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS COMMITTEE—REPORT—PARLIAMENTARY DELEGATION TO THE PEOPLE’S REPUBLIC OF CHINA
Senator Bilyk, by leave, tabled the following report:


38 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—Instrument No. CASA 232/12—Instructions – for approved use of P-RNAV procedures [F2012L01847].
Civil Aviation Safety Regulations—Instrument No. CASA EX136/12—Exemption – ARFFS PST Diploma [F2012L01846].

Currency Act—Currency Legislation (Royal Australian Mint) Amendment Determination 2012 (No. 1) [F2012L01853].

2012/47—Travel – amendment.
2012/48—Education assistance – amendment.
2012/49—Transfer of leave credit.

Fisheries Management Act—Heard Island and McDonald Islands Fishery Management Plan 2002—Heard Island and McDonald Islands Fishery Trawl Fishing Capacity Determination 2012 (No. 2) [F2012L01850].

17 of 2012—SMR Learning Services Pty Ltd [F2012L01852].

39 **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—
  - Department of Families, Housing, Community Services and Indigenous Affairs.
  - Finance and Deregulation portfolio.
  - Infrastructure and Transport portfolio.
  - Resources, Energy and Tourism portfolio.

40 **Committee Membership**

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

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

- **Environment and Communications References Committee**—
  - Discharged—Senator Boswell
  - Appointed—Senator Ruston
  - Participating member: Senator Boswell

- **Rural and Regional Affairs and Transport References Committee**—
  - Discharged—Senator Milne
  - Appointed—Senator Whish-Wilson
  - Participating member: Senator Milne.

Question put and passed.

41 **Governor-General’s Messages—AsseSS to Laws**

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

8 September 2012—Messages Nos—

48—


49—

- **Aviation Transport Security Amendment (Screening) Act 2012** (Act No. 116, 2012)
42 MIGRATION ACT—DESIGNATION OF THE REPUBLIC OF NAURU—REGIONAL PROCESSING COUNTRY—PROPOSED APPROVAL

Order read for the adjourned debate on the motion of the Minister for Sport (Senator Lundy)—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]—and on the amendment moved by Senator Cash (see entry no. 4).

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Macdonald was speaking.

43 LEAVE OF ABSENCE

Senator Bushby, by leave, moved—That leave of absence be granted to Senator Boyce for 11 September 2012, for personal reasons.

Question put and passed.

44 GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (see entry no. 2) were considered:


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

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. Motion to take note of document moved by Senator Williams. Debate adjourned till Thursday at general business, Senator Williams in continuation.


45 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 8.57 pm till Wednesday, 12 September 2012 at 9.30 am.
46 ATTENDANCE


ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate