2010-12

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 109

WEDNESDAY, 12 SEPTEMBER 2012

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1 **MEETING OF SENATE**

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

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

- Airservices Australia—Corporate plan 1 July 2012 to 30 June 2017.
- Australian Human Rights Commission—Reports—
  - No. 52—Mr SD v Commonwealth of Australia (Department of Immigration and Citizenship).
  - No. 53—Miss Judy Tuifangaloka v Commonwealth of Australia (Department of Immigration and Citizenship).
  - No. 54—Pak family v Commonwealth of Australia (Department of Immigration and Citizenship).
- Department of Health and Ageing—Report to Parliament on the second meeting of the Pharmaceutical Industry Discussion Group (PIDG) to identify and examine potential unintended consequences of the 2010-11 Budget Measure Further Pharmaceutical Benefits Scheme (PBS) Pricing Reform, dated September 2012.

3 **MIGRATION ACT—DESIGNATION OF THE REPUBLIC OF NAURU—REGIONAL PROCESSING COUNTRY—APPROVAL**

Order of the day 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:

At the end of the motion, add “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 resumed.

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

**AYES, 29**

Senators—

Abetz
Back (Teller)
Bernardi
Boyce
Brandis
Cash
Cormann
Edwards

Eggleston
Fawcett
Fifield
Heffernan
Humphries
Johnston
Joyce
Kroger

Macdonald
Mason
McKenzie
Nash
Payne
Ronaldson
Ruston
Ryan

Scullion
Sinodinos
Smith
Thorp
Williams

**NOES, 35**

Senators—

Bishop
Brown (Teller)
Cameron
Collins
Conroy
Crossin
Di Natale
Evans
Farrell

Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ladlam
Ladwig
Landy

Madigan
Marshall
McLucas
Milne
Moore
Pratt
Rhiannon
Stewart
Singh

McKean
McKenzie
Nash
Payne
Ronaldson
Ruston
Ryan

Question negatived.

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**Personal explanation:** Senator Thorp, by leave, made a personal explanation relating to her vote in the division.

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Senator Hanson-Young moved the following amendment:

At the end of the motion, add “with the inclusion of a 12-month time limit on detention of an individual in Nauru, and calls on the Government to immediately establish an independent Health Care Panel to monitor and evaluate the medical, psychological and psychiatric welfare of refugees sent offshore”.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 10**

Senators—

Di Natale
Hanson-Young
Ladlam

Madigan
Milne
Rhiannon

Siewert (Teller)
Waters
Whish-Wilson

Whish-Wilson
Wright
Xenophon
NOES, 45

Senators—

Back (Teller)  Evans  Lundy  Singh
Bernardi  Farrell  Macdonald  Sinodinos
Bishop  Faulkner  Marshall  Smith
Brown  Fawcett  McKenzie  Stephens
Cameron  Feeney  McLucas  Sterle
Cash  Fifield  Moore  Thistlethwaite
Collins  Furner  Payne  Thorp
Conroy  Gallacher  Pratt  Urquhart
Cormann  Heffernan  Ronaldson  Xenophon
Crossin  Hogg  Ruston
Edwards  Humphries  Ryan
Eggleston  Ludwig  Scullion

Question negatived.
Main question put.
The Senate divided—

AYES, 49

Senators—

Back  Eggleston  Ludwig  Scullion
Bernardi  Evans  Lundy  Singh
Bishop  Faulkner  Madigan  Sinodinos
Boyce  Feeney  Smith
Brown (Teller)  Fawcett  Marshall  Stephens
Bushby  Feeney  McKenzie  Sterle
Cameron  Fifield  McLucas  Thistlethwaite
Cash  Furner  Moore  Thorp
Collins  Gallacher  Payne  Urquhart
Conroy  Heffernan  Pratt  Xenophon
Cormann  Hogg  Ronaldson
Crossin  Humphries  Ruston
Edwards  Joyce  Ryan

NOES, 9

Senators—

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

Question agreed to.

4 BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2012

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time.

Debate resumed.

Senator Di Natale moved the following amendment:

Omit all words after “That”, substitute “the Senate declines to give this bill a second reading at this time, and that the bill, and any amendments to it that may be subsequently circulated, be referred to the Environment and Communications Legislation Committee for inquiry and report by 1 November 2012”.

Debate ensued.

At 12.45 pm: Debate was interrupted while Senator Bilyk was speaking.
Matters of public interest were discussed.

At 2 pm—

Questions without notice were answered.

The Leader of the Opposition in the Senate (Senator Abetz) moved—That the Senate take note of the answers given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to questions without notice asked by Opposition senators today relating to the fishing industry.

Debate ensued.

Question put and passed.

Senator Faulkner, by leave, made a personal explanation relating to an online searchable database of profiles of members of parliament showing their financial interests.

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

Parliament—Parliamentarians’ interests—Copies of search results from the Fairfax federal politicians’ financial interests online database, dated 30 August and 12 September 2012.

The following petition, lodged with the Clerk by Senator Abetz, was received:

From 1 petitioner, requesting that the Senate take action to determine the illegality of an Australian Republic.

Notices

The Chair of the Economics Legislation Committee (Senator Bishop): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 13 September 2012, from 3.30 pm. (general business notice of motion no. 922)

The Chair of the Select Committee on Electricity Prices (Senator Thistlethwaite): To move on the next day of sitting—That the Select Committee on Electricity Prices be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Monday, 17 September 2012, from 4.45 pm. (general business notice of motion no. 923)

Senator Urquhart: To move on the next day of sitting—That the Parliamentary Standing Committee on Public Works be authorised to meet during the sitting of the Senate on Thursday, 13 September 2012, from 5 pm, for the purpose of making an inspection. (general business notice of motion no. 924)
Senator Colbeck: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for related purposes. *Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012.* (general business notice of motion no. 925)

Senator Fifield: To move on the next day of sitting—That the Senate notes the Gillard Government’s $120 billion budget black hole. (general business notice of motion no. 926)

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 Victorian Premier (Mr Baillieu) is ready to sacrifice the endangered Leadbeater’s Possum for logging 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. 927)

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

(a) notes that 13 September 2012 is the 5th anniversary of the United Nations Declaration on the Rights of Indigenous Peoples;

(b) congratulates the Government on expressing support for this important document in 2009; and

(c) calls on the Government to continue to work towards implementing this declaration into policy and domestic law, including the ratification of the International Labour Organization Convention No. 169. (general business notice of motion no. 928)

Senator Xenophon: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 29 November 2012:

(a) the findings of the Australian Transport Safety Bureau into the ditching of VH-NGA Westwind II, operated by Pel-Air Aviation Pty Ltd, in the ocean near Norfolk Island airport on 18 November 2009;

(b) the nature of, and protocols involved in, communications between agencies and directly interested parties in an aviation accident investigation and the reporting process;

(c) the mechanisms in place to ensure recommendations from aviation accident investigations are implemented in a timely manner; and

(d) any related matters.

Senators Fierravanti-Wells and Wright: To move on the next day of sitting—That the Senate—

(a) notes that Thursday, 13 September 2012 is R U OK? Day;

(b) recognises that:

(i) today, six Australians will die through suicide and more than 200 will make a suicide attempt,

(ii) one in four deaths among young people occurs through suicide,
(iii) suicide is the leading cause of death for 15 to 24 year olds each year at 23.3 per cent,
(iv) suicide is the biggest killer of men under 44 and women under 34, and
(v) suicide currently ranks 15th in the overall causes of death in Australia;
(c) encourages people of all backgrounds to regularly check in with each other and ask the question, ‘Are you OK?’, because a conversation could change a life; and
(d) calls on the Government to increase efforts to raise awareness about the problems and complexity of suicide, especially among our young Australians.

Senator Hanson-Young: To move on the next day of sitting—That the Senate calls on the Government to rule out a Commonwealth High Court challenge to state-based marriage equality legislation if the bill currently before the Tasmanian Parliament is passed into law.

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

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 time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the Foreign Investment Review Board national interest test be extended to 28 November 2012.

Question put and passed.

12 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, by leave and on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, moved—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm, to take evidence for the committee’s inquiry into the oversight of the Australian Securities and Investments Commission.

Question put and passed.

13 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Brown, at the request of the Chair of the Education, Employment and Workplace Relations References Committee (Senator Back) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 910—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.

Question put and passed.

14 EMPLOYMENT—PEOPLE WITH DISABILITY

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 915—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.

Question put and passed.

15 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE**

Senator Kroger, at the request of Senators Colbeck, Xenophon, Nash, McKenzie and Madigan and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—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.

Question put and passed.

16 **ECONOMICS REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Xenophon, also on behalf of the Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Economics References Committee for inquiry and report by 27 November 2012:

Allegations of corruption, bribery and maladministration in respect of the conduct of Securency International Ltd and Note Printing Australia, subsidiaries of the Reserve Bank of Australia (RBA), with particular reference to:
   (a) the dates and level of knowledge of the RBA in respect of these allegations and their governance procedures for dealing with such allegations;
   (b) the actions taken by the RBA once it was made aware of these allegations and whether the actions were appropriate and timely in the circumstances;
   (c) the involvement of Austrade in the activities of Securency International Ltd and Note Printing Australia;
   (d) Austrade’s knowledge of the allegations, including dates, and their actions thereto;
   (e) the role of the Australian Securities and Investments Commission (ASIC) in investigating these allegations, and whether ASIC acted in a timely manner in relation to these matters; and
   (f) any other related matters.
Question put.
The Senate divided—

AYES, 11

Senators—
Di Natale
Hanson-Young
Ludlam

Hanson-Young
Madigan
Milne
Rhiannon
Siewert (Teller)
Waters
Whish-Wilson
Wright

Xenophon

NOES, 35

Senators—
Abetz
Back
Bernardi
Bilyk
Bishop
Boyce
Brown
Bushby
Colbeck

Collins
Cormann
Crossin
Edwards
Farrell
Fawcett
Feeney
Fierravanti-Wells
Fifield

Furner
Gallacher
Kroger (Teller)
Marshall
McKenzie
McLucas
Moore
Pratt
Ronaldson

Ruston
Sinodinos
Smith
Stephens
Thistlethwaite
Thorp
Urquhart
Williams

Question negatived.

17 **ADMINISTRATION—SEARCH AND RESCUE MISSIONS—BEST PRACTICE GUIDELINES**

Senator Hanson-Young, also on behalf of the Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 911—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’.

Question put.
The Senate divided—

AYES, 11

Senators—
Di Natale
Hanson-Young
Ludlam

Hanson-Young
Madigan
Milne
Rhiannon
Siewert (Teller)
Waters
Whish-Wilson
Wright

Xenophon


18 **POLITICS—BOYCOTT, DIVESTMENTS AND SANCTIONS POLICY**

Senator Sinodinos, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 913—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.

*Statements by leave*: Senator Sinodinos and the Leader of the Australian Greens (Senator Milne), by leave, made statements relating to the motion.

Question put.

The Senate divided—

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NOES, 33

Senator—

Bishop
Brown (Teller)
Cameron
Carr, Bob
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson
Hogg
Ludlam
Marshall
McLucas
Milne
Moore
Pratt
Siewert
Singh
Stephens
Sterle

Question negatived.

19 HEALTH—FETAL ALCOHOL SPECTRUM DISORDERS

Senator Di Natale amended general business notice of motion no. 917 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) Fetal Alcohol Spectrum Disorders (FASD) is the leading preventable cause of non-genetic, developmental disorder 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 in the order of 200 children are born with FAS each year, and

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

(b) notes the Expert Day of FASD Briefings being held today at Parliament House and the Australian FASD Action Plan released today 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.

Question put and passed.

20 FOREIGN AFFAIRS—BURMA—HUMAN RIGHTS

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 916—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.

Question put and negatived.

21 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. 920—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.

Question put.
The Senate divided—

AYES, 11

Senators—

Di Natale
Hanson-Young
Ludlam

Madigan
Milne
Rhiannon

Siewert (Teller)
Waters
Whish-Wilson

Wright
Xenophon
22 **DEATH OF MS VIKKI RILEY**

Senator Madigan, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 919—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.

*Statements by leave*: Senators Madigan, Crossin and Di Natale, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 11**

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Ayes</th>
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<tr>
<td>Di Natale</td>
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**NOES, 37**

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<td>Brown (Teller)</td>
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<td>Fierravanti-Wells</td>
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<td>Carr, Bob</td>
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<td>Carr, Kim</td>
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<td>Colbeck</td>
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23 **MINERALS RESOURCE RENT TAX AMENDMENT (PROTECTING REVENUE) BILL 2012**

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. 921—That the following bill be introduced:


Question put and passed.

Senator Milne 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 Milne moved—That this bill be now read a second time.

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

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

24 **HEALTH—AUSTRALIA21—ILlicit DRUGS**

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 918—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.

Question put and passed.

25 **INDUSTRIAL RELATIONS—CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION—BLOCKADE**

The Leader of the Opposition in the Senate (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 914—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.

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

Leave refused: Senator Wright sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Leave refused: Senator Madigan sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Statements by leave: Senators Wright, Abetz and Xenophon, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 27

Senators—

Abetz
Bernardi
Boswell
Brandis
Bushby
Cash
Cormann
Eggleston
Fierravanti-Wells
Heffernan
Humphries
Johnston
Joyce
Kroger (Teller)
Macdonald
Mason
Nash
Payne
Ronaldson
Ryan
Scullion
Sinodinos
Smith
Williams

NOES, 35

Senators—

Bishop
Brown (Teller)
Cameron
Carr, Bob
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Madigan
Marshall
McLucas
Milne
Moore
Pratt
Rhiannon
Siewert
Singh
Sterle
Thistlethwaite
Thorp
Urquhart
Waters
Whish-Wilson
Wright
Xenophon

Question negatived.

26 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—FAIR WORK AUSTRALIA—MR CRAIG THOMSON—PUBLICATION OF DOCUMENTS

The Leader of the Opposition in the Senate (Senator Abetz), also on behalf of Senator Fierravanti-Wells, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 912—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.

Statements by leave: Senators Marshall and Abetz, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 29

Senators—
Abetz
Bernardi
Boswell
Boyce
Brandis
Bushby
Cash
Cormann
Eggleston
Fierravanti-Wells
Fifield
Humphries
Johnston
Joyce
Kroger (Teller)
Madigan
Mason
McKenzie
Nash
Payne
Ronaldson
Ruston
Macdonald
Ryan

Scullion
Sinodinos
Smith
Williams
Xenophon

NOES, 33

Senators—
Bishop
Brown (Teller)
Carr, Bob
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Farrell
Faulkner
Furner
Gallacher
Hanson-Young
Hogg
Laudam
Marshall
McLusky
Milne
Moore
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Thor
Unquhart
Waters
Whish-Wilson
Wright

Question negatived.

27 POLITICS—BOYCOTT, DIVESTMENTS AND SANCTIONS POLICY—STATEMENT BY LEAVE

The Minister for Foreign Affairs (Senator Bob Carr), by leave, made a statement relating to the motion moved and negatived earlier today concerning the Boycott, Divestments and Sanctions policy (see entry no. 18).

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

28 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—DEFENCE—MILITARY SUPERANNUATION PENSIONS

The Acting Deputy President (Senator McKenzie) informed the Senate that Senator Fifield had proposed that the following matter of public importance be submitted to the Senate for discussion:


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

29 SCRUTINY OF BILLS—STANDING COMMITTEE—10TH REPORT AND ALERT DIGEST NO. 10 OF 2012

Senator Bushby, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Macdonald), tabled the following report and document:

Scrutiny of Bills—Standing Committee—
Alert Digest No. 10 of 2012, dated 12 September 2012.

Report ordered to be printed on the motion of Senator Bushby.
30 **HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—2ND REPORT OF 2012**  
Senator Bilyk, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:


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

31 **HEALTH—NATIONAL DISABILITY INSURANCE SCHEME—MINISTERIAL STATEMENT—DOCUMENT**  
The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) tabled the following document:

Health—Progress towards a National Disability Insurance Scheme—Ministerial statement by the Minister for Disability Reform (Ms Macklin), dated 11 September 2012.

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

Debate ensued. 

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

32 **FAMILY AND COMMUNITY SERVICES—CHILD CARE GROWTH—MINISTERIAL STATEMENT—DOCUMENT**  
The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) tabled the following document:

Family and community services—Government affordability assistance brings record child care growth—Ministerial statement by the Minister for Early Childhood and Child Care (Ms Ellis), dated 11 September 2012.

33 **HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—2ND REPORT OF 2012—CONSIDERATION**  
Senator Stephens, by leave, moved—that the Senate take note of the report tabled earlier today (see entry no. 30).

Question put and passed.

34 **FAMILY AND COMMUNITY SERVICES—CHILD CARE GROWTH—MINISTERIAL STATEMENT—CONSIDERATION**  
Senator Back, by leave, moved—that the Senate take note of the document tabled earlier today (see entry no. 32).

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

35 **DOCUMENT**  
The following document was tabled by the Clerk:

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—
- Australian Taxation Office.
- Broadband, Communications and the Digital Economy portfolio.
- Department of the Prime Minister and Cabinet.
- Office of the Official Secretary to the Governor-General.
- Regional Australia, Local Government, Arts and Sports portfolio.

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

Departmental and agency contracts for 2011-12—Letter of advice—Cancer Australia.

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

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

- **National Broadband Network—Joint Standing Committee**—
  - Appointed—Participating members: Senators Ruston and Sinodinos

- **Public Accounts and Audit—Joint Statutory Committee**—
  - Discharged—Senator Kroger
  - Appointed—Senator Ruston

- **Treaties—Joint Standing Committee**—
  - Discharged—Senator Birmingham
  - Appointed—Senator McKenzie.

Question put and passed.

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

- **Message no. 500, dated 11 September 2012**—A Bill for an Act to provide for parliamentary commissions to investigate allegations of judicial misbehaviour or incapacity, and for related purposes.

- **Message no. 499, dated 10 September 2012**—A Bill for an Act to amend the law relating to complaints about Judges and Federal Magistrates, and for other purposes.
The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) 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 Farrell moved—that these bills be now read a second time.


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

40 NATIONAL PORTRAIT GALLERY OF AUSTRALIA BILL 2012
NATIONAL PORTRAIT GALLERY OF AUSTRALIA (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2012

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


The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) 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 Farrell moved—that these bills be now read a second time.

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

41 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS

Pursuant to order, Senator Brown, at the request of the chairs of the respective committees, tabled the following reports:

- Reports on annual reports referred to legislation committees—No. 2 of 2012, dated September 2012—
  - Community Affairs Legislation Committee.
  - Economics Legislation Committee.
  - Education, Employment and Workplace Relations Legislation Committee.
  - Environment and Communications Legislation Committee.
  - Finance and Public Administration Legislation Committee.
  - Foreign Affairs, Defence and Trade Legislation Committee.
Legal and Constitutional Affairs Legislation Committee.
Rural and Regional Affairs and Transport Legislation Committee.
Reports ordered to be printed on the motion of Senator Brown.

42 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MARITIME POWERS BILL 2012 AND RELATED BILL

Pursuant to order, Senator Brown, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:


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

43 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION BILL 2012 AND RELATED BILLS

Pursuant to order, Senator Brown, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following report and documents:


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

44 BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2012

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time—\textit{and on the amendment moved by Senator Di Natale (see entry no. 4)}.

Debate resumed.
\textit{At 6.50 pm:} Debate was interrupted.

45 GOVERNMENT DOCUMENTS—CONSIDERATION

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

Airservices Australia—Corporate plan 1 July 2012 to 30 June 2017. Motion to take note of document moved by Senator Back. Debate adjourned till Thursday at general business, Senator Back in continuation.

46 ADJOURNMENT
The Acting Deputy President (Senator Moore) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.28 pm till Thursday, 13 September 2012 at 9.30 am.

47 ATTENDANCE
Present, all senators except Senators Birmingham*, McEwen*, Parry* and Polley* (* on leave).

ROSEMARY LAING
Clerk of the Senate