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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:

- Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2011-12, including the Aboriginals Benefit Account and Coordinator General for Remote Indigenous Services reports for 2011-12 and financial statements for the Aboriginal and Torres Strait Islander Land Account.
- Land Sector Carbon and Biodiversity Board—Report for the period 29 November 2011 to 30 June 2012.

3 **TEMPORARY CHAIR OF COMMITTEES**

The President tabled a warrant, dated 10 October 2012, nominating Senator Bernardi as an additional temporary chair of committees.

4 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice, moved government business notice of motion no. 1—

*That, in relation to a motion designating the Independent State of Papua New Guinea as a regional processing country, the motion be considered as government business.*

Debate ensued.

Question put.
The Senate divided—

AYES, 36

Senators—

Bernardi Cormann Kroger Polley
Bilyk Crossin Ludwig Pratt
Birmingham Farrell Lundy Ruston
Bishop Fawcett Marshall Stephens
Boswell Feeley McEwen (Teller) Sterle
Brown Fifield McKenzie Thistlethwaite
Bushby Fumer McLucas Thorp
Cash Gallagher Moore Unquhart
Collins Humphries Parry Williams

NOES, 10

Senators—

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

Question agreed to.

Senator Collins moved—That the motion designating the Independent State of Papua New Guinea as a regional processing country be called on immediately.

Question put and passed.

5 MIGRATION ACT—DESIGNATION OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA—REGIONAL PROCESSING COUNTRY—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. 3—that, for the purposes of section 198AB of the Migration Act 1958, the Senate approves the designation of the Independent State of Papua New Guinea as a regional processing country, by instrument made on 9 October 2012 [F2012L02003].

Debate ensued.

Senator Hanson-Young moved the following amendment:

At the end of the motion, add “and calls on the Government to put in place a 12 month time limit on detention of an individual in Papua New Guinea”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 8

Senators—

Di Natale Ludlam Siewert (Teller) Whish-Wilson
Hanson-Young Rhiannon Waters Wright
Question negatived.

Main question put.

The Senate divided—

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<td>Brown (Teller)</td>
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Question agreed to.

6 **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 further consideration of message no. 505 from the House of Representatives in committee of the whole (see entry no. 26, 18 September 2012).

---

In the committee

Consideration resumed of the message—and of the motion moved by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy)—That the committee does not insist on its amendments to which the House of Representatives has disagreed and agrees to the amendments made by the House in place of those amendments.

Question put.
The committee divided—

AYES, 30

Senators—

Back
Bilyk
Birmingham
Bishop
Brown (Teller)
Cameron
Cash
Collins
Conroy
Crossin
Farrell
Fawcett
Feeney
Furner
Gallacher
Hogg
Johnston
Lundy
Marshall
McEwen
McKenzie
McLucas
McKenzie
McEwen

NOES, 10

Senators—

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

Question agreed to.
Resolution to be reported.

The Acting Deputy President (Senator Fawcett) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 505 from the House of Representatives relating to the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012 and had resolved not to insist on amendments nos 2 and 4 to 13 made by the Senate to which the House had disagreed and had agreed to the amendments made in place of those amendments.

On the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) the report from the committee was adopted.

7 CUSTOMS AMENDMENT (ANTI-DUMPING IMPROVEMENTS) BILL (NO. 2) 2011
CUSTOMS AMENDMENT (ANTI-DUMPING IMPROVEMENTS) BILL (NO. 2) 2012
CUSTOMS TARIFF (ANTI-DUMPING) AMENDMENT BILL (NO. 1) 2012
CUSTOMS AMENDMENT (ANTI-DUMPING IMPROVEMENTS) BILL (NO. 3) 2012

Order of the day read for the adjourned debate on the motions of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and the Minister for Human Services (Senator Kim Carr)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
The Senate resolved itself into committee for the consideration of the bills.

In the committee

Bills, taken together and as a whole by leave, debated.
At 12.45 pm: The Acting Deputy President (Senator Bernardi) resumed the chair and the Temporary Chair of Committees reported progress.

8 Matters of Public Interest

Matters of public interest were discussed.

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

Environment—Water management—Instruments made under the Water Management Act 2000 (NSW).

Further matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Human Services (Senator Kim Carr) the sitting of the Senate was suspended at 1.56 pm till 2 pm.

9 Questions

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Myanmar led by the Speaker, the Honourable Mr Khin Aung Myint, MP, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

Further questions without notice were answered.

10 Motions to Take Note of Answers

Senator Payne moved—That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Macdonald today relating to carbon pricing.

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 Newstart. Question put and passed.
11 NOTICES

Notices of motion:

Senator Kroger: To move on the next day of sitting—that the Senate—

(a) notes that 2012 is the 60th anniversary of established diplomatic relations between Thailand and Australia;

(b) acknowledges the close and wide-ranging relationship between Thailand and Australia, which has developed over the past 6 decades;

(c) notes Thailand’s contribution to global peacekeeping efforts, particularly during the International Force for East Timor operations in East Timor, where the Royal Thai Armed Forces provided the second largest number of troops after Australia;

(d) recognises the importance of the relationship in forums such as the Cairns Group;

(e) acknowledges that over 400,000 Australians travel to Thailand each year; and

(f) supports efforts to maximise relations and connections between the two nations, particularly through the creation of cultural study centres at key universities.

(The general business notice of motion no. 974)

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:

Australian Charities and Not-for-profits Commission Bill 2012
Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012. (statement of reasons for introduction and passage of the bills in the 2012 spring sittings tabled on 9 October 2012 (see entry no. 9, 9 October 2012))

Senators Whish-Wilson and Xenophon: To move on the next day of sitting—that the following matter be referred to the Environment and Communications References Committee for inquiry and report by 22 November 2012:

The pricing and revenue allocation practices of the beverage industry in the container deposit schemes operating in South Australia and the Northern Territory, including:

(a) management of the operation of container deposit schemes in South Australia and the Northern Territory;

(b) the cost structure of the beverage industry’s involvement in these container deposit schemes;

(c) the use of unredeemed deposits and unused handling and transport fees;

(d) alternative scheme structures which ensure beverage producers cannot pass on unreasonable costs from these recycling schemes if such schemes are implemented in additional states or nationally;

(e) structures to ensure schemes managed under the Product Stewardship Act 2011 do not result in producers passing on unreasonable costs; and

(f) any other related matters.

Senators Madigan and Xenophon: To move on the next day of sitting—that the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 be referred to the Environment and Communications Legislation Committee for inquiry and report by 29 November 2012.
Senator Ludlam: To move on the next day of sitting—That there be laid on the table by the Minister representing the Attorney-General, no later than noon on Monday, 29 October 2012, advice provided to the Attorney-General by the Attorney-General’s Department or other government departments on data retention, including, but not limited to:

(a) legal advice regarding data retention in Australia;
(b) legal advice regarding data retention regimes in other jurisdictions;
(c) technical and political advice arising from meetings with experts and industry representatives;
(d) costings and methodology for reaching estimates of costings;
(e) internal departmental correspondence; and
(f) interdepartmental communications – emails and documents pertaining to data retention. *(general business notice of motion no. 975)*

Senator Ludlam: To move on the next day of sitting—That there be laid on the table by the Minister representing the Attorney-General, no later than noon on Monday, 29 October 2012, the following:

(a) a list of dates, invitees and attendees of meetings held between the Attorney-General’s Department and ISPs, consumer and content industry groups regarding a national data retention scheme;
(b) briefing notes and advice generated by the Attorney-General’s Department in advance of the meetings;
(c) interdepartmental communications – emails and documents pertaining to the meetings; and
(d) minutes and reports of these meetings. *(general business notice of motion no. 976)*

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 11 October 2012, from 4 pm, to take evidence for the committee’s inquiry into the Foreign Investment Review Board national interest test. *(general business notice of motion no. 977)*

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

(a) notes that:

(i) approximately 70 000 Australian Defence Force and Australian Federal Police personnel have been deployed on over 60 peacekeeping operations throughout the world,

(ii) 48 Australians have died on peacekeeping missions overseas, and

(iii) Australian peacekeepers have made a significant contribution to international peace and security; and

(b) calls on the Government to recognise the important service and sacrifice of the 48 Australian peacekeepers who have given their lives in the service of their country by including them on the Roll of Honour at the Australian War Memorial. *(general business notice of motion no. 978)*
The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That there be laid on the table by the Minister representing the Special Minister of State and the Minister representing the Minister for the Public Service and Integrity, by 1 November 2012:

(a) all draft copies of the Government’s Public Interest Disclosure Bill; and

(b) correspondence from all government departments and agencies that support or raise concerns about the abovementioned draft bills. (general business notice of motion no. 979)

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

(a) notes the recent report by the United Nations (UN) Special Rapporteur on Human Rights in Cambodia which addresses the issue of election organisation and makes a number of recommendations in order for Cambodia’s general election in July 2013 to meet international standards for democratic elections and for urgent and long-term reforms to give Cambodians confidence in the electoral process; and

(b) calls on the Australian Government to make representations to the Cambodian Government to hold free and fair elections in 2013 and to ensure that opposition parties are able to participate fully in Cambodian politics without harassment or intimidation, including opposition leader Sam Rainsy, as recommended by the UN Special Rapporteur. (general business notice of motion no. 980)

Senators Siewert and Di Natale: To move on the next day of sitting.—That the Senate—

(a) notes that:

(i) Thursday, 11 October is World Sight Day,

(ii) over half a million Australians aged over 40 are living with some form of vision loss and approximately 75 per cent of blindness and vision loss is preventable or treatable, and

(iii) World Sight Day is an important date to encourage Australians to think about eye health and the focus of World Sight Day in 2012 is on prevention; and

(b) calls on the Government to encourage Australians to get regular eye tests to enable early detection and diagnosis. (general business notice of motion no. 981)

Senator Ludlam: To move on the next day of sitting.—That the following matter be referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 31 October 2012:

Any proposed government amendments in relation to the Defence Trade Controls Bill 2011.

Notices of motion withdrawn:

Senator Rhiannon withdrew general business notice of motion no. 932 standing in her name for 29 October 2012, relating to the Parramatta Female Factory Precinct.

Senator Siewert withdrew general business notice of motion no. 442 standing in her name for today, proposing the introduction of the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011.
12 **POSTPONEMENTS**

The following items of business were postponed:

General business notice of motion no. 960 standing in the name of Senator Xenophon for 11 October 2012, proposing the introduction of the Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012, postponed till 30 October 2012.

General business notice of motion no. 969 standing in the name of Senator Rhiannon for today, relating to the Parramatta Female Factory Precinct, postponed till 11 October 2012.

13 **LEAVE OF ABSENCE**

Senator Kroger, by leave, moved—That leave of absence be granted to Senator Joyce for today, for personal reasons.

Question put and passed.

14 **MIGRATION AND SECURITY LEGISLATION AMENDMENT (REVIEW OF SECURITY ASSESSMENTS) BILL 2012**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 781—That the following bill be introduced:

A Bill for an Act to amend the law relating to the review of security assessments, 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.

15 **ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Economics Legislation Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 965—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, 11 October 2012, from 3.30 pm.

Question put and passed.
16 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 966—That the Joint Committee of Public Accounts and Audit be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 28 November 2012, from 11 am, followed by a private briefing.

Question put and passed.

17 NATIONAL BROADBAND NETWORK—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of Senator Gallacher and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 967—That the Joint Standing Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 30 October 2012, from 6 pm.

Question put and passed.

18 SOCIAL ISSUES—ANTI-POVERTY WEEK

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 971—That the Senate—

(a) notes that:
   (i) 14 October to 20 October 2012 is Anti-Poverty Week,
   (ii) poverty and severe financial hardship affect more than a million Australians and people living in poverty miss out on opportunities and resources such as adequate health and dental care, housing, education, employment opportunities, food and recreation, and
   (iii) growing up in poverty represents a risk to children’s health and well-being and their prospects for the future; and

(b) calls on the Government to:
   (i) take further action to reduce the number of people living in poverty in Australia, particularly the number of children living in poverty, and
   (ii) develop a national anti-poverty plan to facilitate coordinated action across all levels of government to meet targets which reduce poverty and its causes.

Question put and passed.

19 HEALTH—WORLD MENTAL HEALTH DAY

Senator McEwen, at the request of Senators Moore and Wright, amended general business notice of motion no. 973 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:
   (i) 10 October 2012 is World Mental Health Day, which aims to raise public awareness about mental health issues both here in Australia and worldwide,
(ii) one in five Australians will experience a mental illness in any given year, and that mental illness accounts for 13 per cent of the total burden of disease in Australia, and

(iii) Australia and Australians have an opportunity and a responsibility to reduce stigma and remove the discrimination faced by people affected by mental illness;

(b) recognises that:

(i) mental illness is experienced across the lifespan, with many illnesses emerging before the age of 25,

(ii) people affected by mental illness can recover to live a happy and rewarding life with adequate and high quality services, and broad community understanding and support,

(iii) there is a need for a holistic and broad range of services and supports for those with mental illness, including community-based services and services delivered by both the Commonwealth and the states and territories,

(iv) policies and services must recognise and respond to the impact of mental illness on families and carers, and

(v) the recent national mental health reforms have focused on early intervention and prevention, improving acute and community services, and providing better supports for families and carers, and have received support from across the Parliament; and

(c) calls on:

(i) the Australian Government and the states and territories to continue these important reforms, including by working collaboratively to roll out programs that will improve health, community, housing, employment and education services for those with mental illness and their families and carers, and

(ii) the Australian community to continue to build a national understanding of the value of good mental health and reduce the stigma attached to mental illness.

Statement by leave: Senator Fierravanti-Wells, by leave, made a statement relating to the motion.

Question put and passed.

20 SUPERANNUATION—PRODUCTIVITY COMMISSION REPORT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 968—That there be laid on the table by the Minister representing the Minister for Financial Services and Superannuation, no later than noon on 11 October 2012, a copy of the final report of the Productivity Commission into Default Superannuation Funds in Modern Awards as submitted to the Government on Friday, 5 October 2012.

Question put.
The Senate divided—

AYES, 32

Senators—

Back  Colbeck  Humphries  Parry
Bernardi  Cormann  Johnston  Payne
Birmingham  Edwards  Kroger (Teller)  Ronaldson
Boswell  Eggleston  Macdonald  Ruston
Boyce  Fawcett  Madigan  Scullion
Brandis  Ferravanti-Wells  Mason  Sinodinos
Bushby  Fifield  McKenzie  Smith
Cash  Heffernan  Nash  Williams

NOES, 37

Senators—

Bilyk  Farrell  Marshall  Sterle
Bishop  Faulkner  McEwen (Teller)  Thistlethwaite
Brown  Feeley  McLucas  Thorp
Cameron  Fumer  Milne  Unquhart
Carr, Bob  Gallacher  Moore  Waters
Carr, Kim  Hanson-Young  Polley  Whish-Wilson
Collins  Hogg  Pratt  Wright
Conroy  Ladiam  Rhiannon
Crossin  Ludwig  Siewert
Di Natale  Lundy  Stephens

Question negatived.

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

21 ENVIRONMENT—NORTH WEST SLOPE TRAWL FISHERY

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 438—That the Senate—

(a) notes that:

(i) trawling in the northeast area of the North West Slope Trawl Fishery, in depths of less than 200 metres off the Western Australian Kimberley coast was accidentally made possible due to an administrative error when the Western Australian and Federal Governments amended the Offshore Constitutional Settlement Agreement in 1998,

(ii) this error accidentally allows bottom trawling in areas shallower than 200 metres despite the fact that this is a critical habitat for goldband snapper and other demersal fish species which have been off-limits to North West Slope Trawl Fishery trawlers as they are a deep water crustacean prawn fishery,

(iii) the ecological sensitivity of this area has been acknowledged in the Australian Fisheries Management Authority’s correspondence with permit holders,

(iv) legislative instruments have been introduced prohibiting trawl fishing in this northeast area, but the most recent instrument expired in December 2010,

(v) since that time, the closure has been maintained informally by industry self-regulation,
(vi) negotiations between the Federal and Western Australian Governments which were intended to fix this error have stalled and the trawling industry has stated that they will commence bottom trawling in this area on the imminent cessation of the closure which is 30 September 2011,

(vii) a resumption of trawling in this area would adversely impact the benthos and demersal fish stocks of this region, thus putting the entire ESD [ecologically sustainable development] certified Northern Demersal Scalefish Managed Fishery at great sustainable risk, and

(viii) the Western Australian Department of Fisheries has stated in its latest State of the fisheries and aquatic resources report that the demersal scalefish resources in this area are fully exploited; and

(b) calls on the Federal Government to reinstate the North West Slope Fishery Direction No. 02 Area Closure legislative instrument which excludes trawl fishing in the northeast area of the North West Slope Trawl Fishery in Western Australia.

Question put and negatived.

22 ENVIRONMENT—GREAT BARRIER REEF

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 972—That the Senate—

(a) notes the Australian Institute of Marine Science study released on 2 October 2012, which found that:

(i) the Great Barrier Reef has lost more than half its coral cover in the past 27 years, and that, if current trends continue, coral cover could halve again by 2022,

(ii) this loss was due to storm damage (48 per cent), crown of thorns starfish (42 per cent) and bleaching (10 per cent), and

(iii) improving water quality is critical to reducing the huge damage caused by frequent outbreaks of the crown of thorns starfish; and

(b) calls on the Federal Government to finally commit to renewing the Reef Rescue program for another 5 years with at least another $200 million in funding, to assist Queensland farmers to continue to reduce agricultural run-off into the Great Barrier Reef.

Question put.

The Senate divided—

AYES, 10

Senators—

Di Natale
Hanson-Young
Ludlam
Milne
Rhiannon
Siewert (Teller)
Waters
Whish-Wilson
Wright
Xenophon
NOES, 40

Senators—

Bilyk    Crossin    Lundy    Pratt
Bishop   Edwards    Macdonald    Ruston
Brown    Faulkner    McEwen    Ryan
Cameron  Feeney    McKenzie    Scullion
Carr, Bob  Ferravanti-Wells    McLucas    Smith
Carr, Kim  Fifield    Moore    Stephens
Cash     Gallagher    Nash    Sterle
Colbeck  Heffernan    Parry    Thistlethwaite
Conroy   Kroger (Teller)    Payne    Thorp
Cormann  Ludwig    Polley    Urquhart

Question negatived.

23 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator Xenophon, 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 Foreign Affairs, Defence and Trade References Committee for inquiry and report by 1 March 2013:

The report of the review of allegations of sexual and other abuse in Defence, conducted by DLA Piper, and the response of the Government to the report, including:

(a) the accessibility and adequacy of current mechanisms to provide support to victims of sexual and other abuse in Defence;
(b) whether an alternative expedited and streamlined system for the resolution of disputes relating to the support, rehabilitation, treatment and compensation of victims in Defence be considered and established, and the constitutionality of such an alternative system;
(c) the effectiveness and timeliness of the Government’s processes for assessing, investigating and responding to allegations of sexual or other forms of abuse, including:
   (i) whether a dedicated victims advocacy service ought to be established,
   (ii) systemic and cultural issues in reporting and investigating sexual and other forms of abuse, and
   (iii) whether data and information collection and dissemination of data and information in relation to sexual and other forms of abuse in Defence is adequately maintained and appropriately acted upon and, if not, any alternative mechanisms that could be established; and
(d) any related matters.

Question put and passed.

24 HEALTH INSURANCE (EXTENDED MEDICARE SAFETY NET) AMENDMENT DETERMINATION—APPROVAL

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That, in accordance with subsection 10B(2) of the Health Insurance Act 1973, the Senate approves the Health Insurance (Extended Medicare Safety Net) Amendment Determination 2012 (No. 1) made under subsection 10B(1) of the Act on 28 September 2012.

Question put and passed.
25 **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 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:

- Industrial Chemicals (Notification and Assessment) Amendment Bill 2012
- National Portrait Gallery of Australia Bill 2012

Question put and passed.

26 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH—MENTAL HEALTH SERVICES**

The Deputy President (Senator Parry) informed the Senate that Senator Fierravanti-Wells had proposed that the following matter of public importance be submitted to the Senate for discussion:

> The failure of the Gillard Labor Government to deliver on its promise of proper reform in mental health.

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

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**At 5 pm**—

27 **FIRST SPEECH**

Pursuant to order (*see entry no. 14, 19 September 2012*), Senator Ruston made her first speech.

28 **SCRUTINY OF BILLS—STANDING COMMITTEE—12TH REPORT AND ALERT DIGEST NO. 12 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—

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

29 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—INTERIM REPORT—FRESH PINEAPPLE IMPORTS**

Senator Bushby, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), tabled the following report:

> Rural and Regional Affairs and Transport References Committee—Inquiry into the effect on Australian pineapple growers of importing fresh pineapples from Malaysia—Interim report.
Extension of time to report: Senator Bushby, at the request of Senator Heffernan, moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on fresh pineapple imports be extended to 29 November 2012.

Question put and passed. 

Senator Bushby moved—That the Senate take note of the report.

Debate ensued.

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

30 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—PALLIATIVE CARE IN AUSTRALIA

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Palliative care in Australia—Report, dated October 2012, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Siewert moved—That the Senate take note of the report.

Debate ensued.

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

31 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REPORT—DEFENCE TRADE CONTROLS BILL 2011

The Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Stephens) tabled the following report and documents:


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

Senator Stephens moved—That the Senate take note of the report.

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

32 HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—5TH REPORT OF 2012

Senator Stephens, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:


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

Senator Stephens moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator Stephens in continuation.
33 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF THE RE-LISTING OF FIVE TERRORIST ORGANISATIONS**

Senator Faulkner, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:


Senator Faulkner moved—that the Senate take note of the report.

Debate ensued.

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

34 **MIGRATION ACT—DESIGNATION OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA—REGIONAL PROCESSING COUNTRY—DOCUMENT**

The Parliamentary Secretary for Defence (Senator Feeney) tabled the following document:


35 **DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:

- Departmental and agency appointments and vacancies—Budget (Supplementary) estimates—Letters of advice—
  - Education, Employment and Workplace Relations portfolio.
  - Office for Sport.
  - Treasury portfolio.

36 **DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

- Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice—
  - Department of Education, Employment and Workplace Relations.
  - Department of Health and Ageing.
  - Department of Industry, Innovation, Science, Research and Tertiary Education.
  - Treasury portfolio.

37 **COMMITTEE MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Treaties, as follows:

Message no. 512, dated 9 October 2012—Mrs Prentice in place of Mr Briggs.
38 **CUSTOMS AMENDMENT (ANTI-DUMPING IMPROVEMENTS) BILL (NO. 2) 2011**

**CUSTOMS AMENDMENT (ANTI-DUMPING IMPROVEMENTS) BILL (NO. 2) 2012**

**CUSTOMS TARIFF (ANTI-DUMPING) AMENDMENT BILL (NO. 1) 2012**

**CUSTOMS AMENDMENT (ANTI-DUMPING IMPROVEMENTS) BILL (NO. 3) 2012**

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

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*In the committee*

Consideration resumed of the bills.

Bills further debated.

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*At 6.50 pm:* The Acting Deputy President (Senator Moore) resumed the chair and the Temporary Chair of Committees reported progress.

39 **COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Moore) 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 Legislation Committee—**

Appointed—

Substitute members:

- Senator Furner to replace Senator Singh on 11 October 2012
- Senator Furner to replace Senator Cameron for the consideration of the 2012-13 supplementary Budget estimates on 15 October 2012

Participating member: Senator Singh

**Finance and Public Administration Legislation Committee—**

Appointed—Substitute member: Senator Moore to replace Senator Stephens for the consideration of the 2012-13 supplementary Budget estimates on 15 October and 16 October 2012

**Rural and Regional Affairs and Transport Legislation Committee—**

Appointed—

Substitute member: Senator Colbeck to replace Senator Heffernan for the committee’s inquiry into the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2)

Participating member: Senator Heffernan.

Question put and passed.

40 **GOVERNMENT DOCUMENTS—CONSIDERATION**

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


41 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.29 pm till Thursday, 11 October 2012 at 9.30 am.

42 ATTENDANCE

Present, all senators except Senators Joyce* and Singh* (* on leave).

ROSEMARY LAING

Clerk of the Senate