2010-12

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 117

THURSDAY, 11 OCTOBER 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 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (MAKING MARINE PARKS ACCOUNTABLE) BILL 2012
Order of the day read for the adjourned debate on the motion of Senator Colbeck—That this bill be now read a second time.
Debate resumed.
Time expired: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.
Debate adjourned till the next day of sitting, Senator Thorp in continuation.

3 NOTICE
Senator Waters: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the Australian Institute of Marine Science study released on 2 October 2012 which found that 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) the Commonwealth Scientific and Industrial Research Organisation report of 1 October 2012 which stated that ecological change across Australia in response to climate change is unavoidable; it will be widespread and substantial,
   (iii) the Australian Bureau of Statistics Measures of Australia’s Progress 2012 report released on 9 October 2012 which highlighted that we are failing to stop the decline in our biodiversity and our atmosphere, and
   (iv) the Government’s commitment to hand federal environmental responsibility for threatened and migratory species, Ramsar wetlands and heritage spaces to the states despite the likely damage to the nationally important places and species Australians consider too precious to lose; and
(b) calls on the Government to retain responsibility for making all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places. (general business notice of motion no. 982)

4 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 13 OF 2012
The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 13 OF 2012
1. The committee met in private session on Wednesday, 10 October 2012 at 7.17 pm.
2. The committee resolved to recommend—That—
   (a) the provisions of the Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 November 2012;
   (b) the provisions of the Freedom of Information Amendment (Parliamentary Budget Office) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 November 2012;
   (c) the order of the Senate of 20 September 2012 adopting the committee’s 12th report of 2012 be varied to provide that the provisions of the Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 19 November 2012;
   (d) the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by the first sitting day in February 2013;
   (e) the Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012 be referred immediately to the Economics Legislation Committee for inquiry and report by 29 November 2012;
   (f) the provisions of the Regulatory Powers (Standard Provisions) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 29 November 2012; and
   (g) the provisions of the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 19 November 2012.

3. The committee resolved to recommend—That the following bills not be referred to committees:
   Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012
   Federal Circuit Court of Australia Legislation Amendment Bill 2012
   Health and Other Legislation Amendment Bill 2012
   Migration Amendment (Reform of Employer Sanctions) Bill 2012
   National Health Security Amendment Bill 2012
   Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
   Social and Community Services Pay Equity Special Account Bill 2012
   Social and Community Services Pay Equity Special Account (Consequential Amendments) Bill 2012
   Superannuation Laws Amendment (Capital Gains Tax Relief and Other Efficiency Measures) Bill 2012
   Superannuation Auditor Registration Imposition Bill 2012.

4. The committee deferred consideration of the following bills to its next meeting:
   Broadcasting Services Amendment (Public Interest Test) Bill 2012
Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012
Tax Laws Amendment (Clean Building Managed Investment Trust) Bill 2012.

Anne McEwen
Chair
11 October 2012.
Senator McEwen moved—that the report be adopted.
Question put and passed.

5 ORDER OF BUSINESS—REARRANGEMENT
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—that—
(a) the following government business orders of the day be considered from 12.45 pm today under the temporary order relating to non-controversial government business:
   No. 3 Industrial Chemicals (Notification and Assessment) Amendment Bill 2012
   No. 4 Customs Amendment (Smuggled Tobacco) Bill 2012
   No. 5 National Portrait Gallery of Australia Bill 2012
   National Portrait Gallery of Australia (Consequential and Transitional Provisions) Bill 2012; and
(b) the following government business orders of the day be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today:
   No. 1 Migration Legislation Amendment (Student Visas) Bill 2012
   No. 2 Equal Opportunity for Women in the Workplace Amendment Bill 2012.
Question put and passed.
Senator Collins moved—that the order of general business for consideration today be as follows:
(a) general business order of the day no. 87 (Live Animal Export (Slaughter) Prohibition Bill 2012); and
(b) orders of the day relating to government documents.
Question put and passed.

6 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.
7 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—
ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—LEAVE TO
MEET DURING SITTING

Senator McEwen, by leave and at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron) and the Chair of the Environment and Communications References Committee (Senator Birmingham), moved—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 today, from 1 pm.

Question put and passed.

8 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 980 standing in the name of the Leader of the Australian Greens (Senator Milne) for today, relating to elections in Cambodia, postponed till 29 October 2012.

9 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE

Senator Whish-Wilson, also on behalf of 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 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.

Question put and passed.

10 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REFERENCE

Senator Madigan, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—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.

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

Question put and passed.
11 FOREIGN AFFAIRS—THAILAND
Senator Kroger amended general business notice of motion no. 974 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 800 000 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.

Statement by leave: Senator Kroger, by leave, made a statement relating to the motion. Question put and passed.

12 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING
Senator Kroger, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 977—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.

Question put and passed.

13 DEFENCE—AUSTRALIAN PEACEKEEPERS
Senator Wright amended general business notice of motion no. 978 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 ask the Council of the Australian War Memorial, in recognition of the important service and sacrifice of the 48 Australian peacekeepers who have given their lives in the service of their country, to consider including peacekeepers on the Roll of Honour at the Australian War Memorial.

Question put and passed.
14 **HEALTH—WORLD SIGHT DAY**

Senator Siewert, 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. 981—

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.

Question put and passed.

15 **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:

- Australian Charities and Not-for-profits Commission Bill 2012
- Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012.

Question put.

The Senate divided—

**AYES, 34**

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**NOES, 27**

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Question agreed to.
16 **WOMEN—PARRAMATTA FEMALE FACTORY PRECINCT**

Senator Rhiannon amended general business notice of motion no. 969 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the Parramatta Female Factory Precinct Association and the Parramatta Female Factory Friends/Action Group are campaigning to include Australia’s oldest existing female convict establishment on the National Heritage List,

(ii) in August 2012, the New South Wales Government announced the development of a master plan for the Parramatta Heritage Precinct and proposed a public/private enterprise to enable the ‘adaptive reuse’ of the heritage sites for commercial and residential purposes, posing a threat to its heritage values,

(iii) the Community Affairs References Committee report *Forgotten Australians* (2004) calls for ‘the Commonwealth and State Governments, in conjunction with the Churches and agencies, to provide funding for the erection of suitable memorials commemorating care leavers’, and

(iv) the House of Representatives Standing Committee on Legal and Constitutional Affairs report *Half Way to Equal* (1992) recommends the establishment of a ‘National Women’s Place’, recognising women’s history and contribution; and

(b) calls on the Government to consider:

(i) including the National Heritage List nomination relating to the Parramatta Female Factory Precinct in the 2013-14 final Priority Assessment List,

(ii) supporting the establishment of a statutory authority with the expertise to conserve and interpret the Parramatta Female Factory Precinct for all Australians, in accordance with the Burra Charter guidelines, and

(iii) contributing funding to act on the recommendations of the *Forgotten Australians* report, including to create a memorial garden, plaque and a heritage centre at the Precinct using the buildings and grounds of the former Parramatta Girls Home, which forms part of the Precinct.

Question put and passed.

17 **LAW AND JUSTICE—MARRIAGE EQUALITY LEGISLATION**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 970—That the Senate calls on the Gillard Government to rule out a Commonwealth challenge of any state-based marriage equality legislation that is passed into law by any state parliament in Australia.

Question put.

The Senate divided—

**AYES, 10**

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Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 975—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.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 34

Senators—

Bernardi  Eggleston  Lundy  Ruston
Bilyk  Farrell  Macdonald  Smith
Bishop  Feeney  Mason  Stephens
Boswell  Furner  McEwen (Teller)  Sterle
Bushby  Gallacher  McKenzie  Thistlethwaite
Cameron  Heffernan  Parry  Williams
Cash  Kroger (Teller)  Polley
Colbeck  Ludwig  Parry  Williams
Edwards  Macdonald  Polley

Question negatived.
19 **ADMINISTRATION—ATTORNEY-GENERAL—NATIONAL DATA RETENTION SCHEME—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 976—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.

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

Question put.

The Senate divided—

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Question negatived.

20 **LAW AND JUSTICE—PUBLIC INTEREST DISCLOSURE BILL—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

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. 979—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.

Question put.
The Senate divided—

**AYES, 10**

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

**NOES, 31**

- Bernardi
- Bishop
- Boyce
- Bushby
- Cameron
- Cash
- Colbeck
- Collins
- Eggleson
- Farrell
- Feeney
- Furner
- Gallacher
- Heffernan
- Kroger (Teller)
- Ludwig
- Lundy
- Macdonald
- Mason
- McEwen
- McLucas
- Moore
- Parry
- Pratt
- Rutil
- Smith
- Stephens
- Sterle
- Thistlethwaite
- Thorp
- Williams

Question negatived.

21 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—DOCUMENT—MANAGEMENT OF THE MURRAY-DARLING BASIN**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) tabled the following document:


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

Senator Heffernan moved—that the Senate take note of the document.

Question put and passed.

22 **COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES**

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

Additional estimates 2011-12—Foreign Affairs, Defence and Trade Legislation Committee—Additional information—Defence portfolio.

Budget estimates 2012-13—

- Economics Legislation Committee—Additional information received between 20 September and 11 October 2012—Treasury portfolio.
- Environment and Communications Legislation Committee—Additional information received between—
  - 23 August and 10 October 2012—Climate Change and Energy Efficiency portfolio.
- Foreign Affairs, Defence and Trade Legislation Committee—Additional information—Defence portfolio.
23 PUBLICATIONS—STANDING COMMITTEE—20TH REPORT

Senator McEwen, at the request of the Chair of the Standing Committee on Publications (Senator Brown), tabled the following report:

PUBLICATIONS COMMITTEE
20TH REPORT

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

The Committee, having considered documents presented to the Parliament since 20 September 2012, recommends that the following be printed:

Department of Agriculture, Fisheries and Forestry—Report for 2011-12.
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.

Senator Brown
Chair
11 October 2012.

Senator McEwen moved—that the report be adopted.

Question put and passed.
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 514, dated 10 October 2012—A Bill for an Act to continue in existence the Federal Magistrates Court as the Federal Circuit Court of Australia, and for related purposes.

Message no. 516, dated 10 October 2012—A Bill for an Act to amend the law relating to higher education, vocational education and training and research funding, and for related purposes.

Message no. 515, dated 10 October 2012—A Bill for an Act to amend the law in relation to higher education and vocational education and training, and for related purposes.


The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) 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 Collins moved—that these bills be now read a second time.

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

Senator Collins moved—that the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

Foreign Affairs, Defence and Trade Legislation Committee—Proposed Reference

Senator Ludlam, pursuant to notice, moved business of the Senate notice of motion no. 3—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.

At 12.45 pm: Debate was interrupted while Senator Ludlam was speaking.

Industrial Chemicals (Notification and Assessment) Amendment Bill 2012

Order of the day read for the adjourned debate on the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the bill was read a third time.

27 **CUSTOMS AMENDMENT (SMUGGLED TOBACCO) BILL 2012**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Defence (Senator Feeney)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Feeney the bill was read a third time.

28 **NATIONAL PORTRAIT GALLERY OF AUSTRALIA BILL 2012**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the bills were read a third time.

29 **CUSTOMS AMENDMENT (SMUGGLED TOBACCO) BILL 2012—EXPLANATORY MEMORANDUM**

The Parliamentary Secretary for Defence (Senator Feeney) tabled a replacement explanatory memorandum relating to the Customs Amendment (Smuggled Tobacco) Bill 2012.

30 **MIGRATION LEGISLATION AMENDMENT (STUDENT VISAS) 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.
At 2 pm. Debate was interrupted.
31 **QUESTIONS**
Questions without notice were answered.

32 **MOTION TO TAKE NOTE OF ANSWER**
The Leader of the Opposition in the Senate (Senator Abetz) moved—That the Senate take note of the answer given by the Minister for Finance and Deregulation (Senator Wong) to a question without notice asked by Senator Ronaldson today relating to the inappropriate use of union members’ money.
Debate ensued.
Question put and passed.

33 **DEPARTMENT OF THE SENATE—REPORT FOR 2011-12—DOCUMENT**
The Deputy President (Senator Parry) tabled the following document:

- Department of the Senate—Report for 2011-12.

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

34 **ACCESS TO COMMITTEE DOCUMENTS—DOCUMENT**
The Deputy President (Senator Parry) tabled the following document pursuant to the resolution of the Senate of 6 September 1984:


35 **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—CORPORATIONS LEGISLATION AMENDMENT (DERIVATIVE TRANSACTIONS) BILL 2012**
Senator Kroger, on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, tabled the following report and documents:


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

36 **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.]

- Defence Act—Determination under section 58B—Defence Determinations—
  2012/53—Leave without pay and travelling allowance—amendment.
  2012/54—Overseas relocations, education assistance and benchmark schools—amendment.
  2012/55—Military instructor on temporary duty and unpaid leave—amendment.
  2012/56—Leave, settling out and overseas education assistance—amendment.
Environment Protection and Biodiversity Conservation Act—Amendments of lists of—
Exempt native specimens—EPBC303DC/SFS/2012/55 [F2012L02004].
Threatened species, dated 20 September 2012 [F2012L02009].
Foods Standards Australia New Zealand Act—
Food Standards (Application A1045 – Bacteriophage Preparation P100 as a Processing Aid) Variation [F2012L02011].
Food Standards (Application A1065 – Packaging Size for Phytosterol-enriched Milk) Variation [F2012L02013].
Food Standards (Proposal P1018 – Companion Dogs in Outdoor Dining Areas) Variation [F2012L02012].
Food Standards (Proposal P1021 – Code Maintenance X) Variation [F2012L02014].
Higher Education Support Act—
Higher Education Provider Approvals Nos—
9 of 2012—Kaplan Higher Education Pty Limited [F2012L02006].
10 of 2012—Tabor College Incorporated [F2012L02007].
Other Grants Guidelines (Research) 2012 [F2012L02010].
Sydney Airport Curfew Act—Dispensation Report 05/12.

37 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—
Agriculture, Fisheries and Forestry portfolio.
Defence portfolio.

38 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—
Attorney-General’s portfolio.
Defence portfolio.
COMMITTEE MEMBERSHIP
The Deputy President (Senator Parry) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Sport (Senator Lundy), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Economics Legislation Committee**—

Appointed—

Substitute member: Senator Milne to replace Senator Xenophon for the committee’s inquiry into the Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012

Participating member: Senator Xenophon

**Environment and Communications Legislation Committee**—

Appointed—

Substitute members: Senator Furner to replace Senator Singh for the consideration of the 2012-13 supplementary Budget estimates on 15 October  2012

Senator Hanson-Young to replace Senator Waters for the committee’s inquiry into the provisions of the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012

Participating member: Senator Waters.

Question put and passed.

40 **CLEAN ENERGY (CHARGES—EXCISE) AMENDMENT BILL 2012**

**CLEAN ENERGY (CHARGES—CUSTOMS) AMENDMENT BILL 2012**

**EXCISE TARIFF AMENDMENT (PER-TONNE CARBON PRICE EQUIVALENT) BILL 2012**

**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (IMPORT LEVY) AMENDMENT (PER-TONNE CARBON PRICE EQUIVALENT) BILL 2012**

**OZONE PROTECTION AND SYNTHETIC GREENHOUSE GAS (MANUFACTURE LEVY) AMENDMENT (PER-TONNE CARBON PRICE EQUIVALENT) BILL 2012**

**CLEAN ENERGY (UNIT ISSUE CHARGE—AUCTIONS) AMENDMENT BILL 2012**

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


Message no. 519, dated 11 October 2012—A Bill for an Act to amend the law relating to excise tariffs, and for related purposes.


The Minister for Sport (Senator Lundy) 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 Lundy 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 SOCIAL AND COMMUNITY SERVICES PAY EQUITY SPECIAL ACCOUNT BILL 2012
SOCIAL AND COMMUNITY SERVICES PAY EQUITY SPECIAL ACCOUNT (CONSEQUENTIAL AMENDMENTS) BILL 2012

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


The Minister for Sport (Senator Lundy) 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 Lundy 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.

42 DENTAL BENEFITS AMENDMENT BILL 2012
SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (FURTHER 2012 BUDGET AND OTHER MEASURES) BILL 2012

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

Message no. 526, dated 11 October 2012—A Bill for an Act to amend the law relating to dental benefits, and for related purposes.

Message no. 525, dated 11 October 2012—A Bill for an Act to amend the law relating to family assistance, social security, child support, paid parental leave and Indigenous education, and for related purposes.

The Minister for Sport (Senator Lundy) 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 Lundy moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.
Senator Lundy moved—That the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.

43 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—PROPOSED REFERENCE

Order read for the adjourned debate on the motion of Senator Ludlam (see entry no. 25).
Debate resumed.
Question put.
The Senate divided—

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Question negatived.

General business was called on.

44 LIVE ANIMAL EXPORT (SLAUGHTER) PROHIBITION BILL 2012

Order of the day read for the adjourned debate on the motion of Senator Rhiannon—That this bill be now read a second time.
Debate resumed.
At 6 pm: Debate was interrupted while Senator Gallacher was speaking.

45 TAXATION—CARBON TAX—DOCUMENTS

Senator Williams, by leave, tabled the following documents:
Taxation—Carbon tax—Copies of electricity accounts addressed to Grain Products Australia, 2012.

46 GOVERNMENT DOCUMENTS—CONSIDERATION

The following general business orders of the day relating to government documents were considered:
Airservices Australia—Corporate plan 1 July 2012 to 30 June 2017. Motion of Senator Back to take note of document agreed to.
Air Passenger Ticket Levy (Collection) Act 2001—Report for the period 1 April 2011 to 31 March 2012. Motion of Senator Bushby to take note of document called on. On the motion of Senator Macdonald debate was adjourned till Thursday at general business.


National Rural Advisory Council (NRAC)—Report for 2011-12. Motion of Senator Nash to take note of document agreed to.


Australian Security Intelligence Organisation (ASIO)—Report for 2011-12. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Research Council—Report for 2011-12. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Back debate was adjourned till Thursday at general business.

General business concluded.

47 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The following document was tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Budget (Supplementary) estimates—Letter of advice—Regional Australia, Regional Development and Local Government portfolio.

48 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The following document was tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Budget (Supplementary) estimates—Letter of advice—Regional Australia, Regional Development and Local Government portfolio.

49 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION
The following orders of the day relating to committee reports and government responses were considered:

Community Affairs Legislation Committee—Interim and final reports—Low Aromatic Fuel Bill 2012. Motion to take note of reports moved by the chair of the committee (Senator Moore). Debate adjourned till the next day of sitting, Senator Moore in continuation.

Rural and Regional Affairs and Transport References Committee—Second interim report—Management of the Murray-Darling Basin: the Basin Plan. Motion to take note of report moved by Senator McKenzie, debated and agreed to.
Legal and Constitutional Affairs References Committee—Report—Detention of Indonesian minors in Australia. Motion to take note of report moved by Senator Wright and agreed to.

Rural and Regional Affairs and Transport References Committee—Interim report—Inquiry into the effect on Australian pineapple growers of importing fresh pineapples from Malaysia. Motion of Senator Bushby to take note of report agreed to.

Community Affairs References Committee—Report—Palliative care in Australia. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Moore in continuation.

Foreign Affairs, Defence and Trade Legislation Committee—Final report—Defence Trade Controls Bill 2011 [Provisions]. Motion of the chair of the committee (Senator Stephens) to take note of report debated. Debate adjourned till the next day of sitting, Senator Fawcett in continuation.


Intelligence and Security—Joint Statutory Committee—Report—Review of the re-listing of five terrorist organisations. Motion of Senator Faulkner to take note of report agreed to.


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


Rural and Regional Affairs and Transport References Committee—Interim (2) and final reports—Australia’s biosecurity and quarantine arrangements. Motion of Senator Back to take note of reports called on. Debate adjourned till the next day of sitting, Senator Back in continuation.

Orders of the day nos 2 and 5 relating to committee reports and government responses were called on but no motion was moved.
50 **AUDITOR-GENERAL’S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

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

Auditor-General—Audit report no. 2 of 2012-13—Performance audit—Administration of the Regional Backbone Blackspots Program—Department of Broadband, Communications and the Digital Economy. Motion of Senator Back to take note of document called on. Debate adjourned till the next day of sitting, Senator Back in continuation.

Auditor-General—Audit report no. 3 of 2012-13—Performance audit—The design and conduct of the first application round for the Regional Development Australia Fund—Department of Regional Australia, Local Government, Arts and Sport. Motion of Senator Bushby to take note of document debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.

51 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.48 pm till Monday, 29 October 2012 at 10 am.

52 **ATTENDANCE**

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

Rosemary Laing
Clerk of the Senate