THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 120

WEDNESDAY, 31 OCTOBER 2012

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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.

GOVERNMENT DOCUMENTS

The following documents were tabled:

ASC Pty Ltd—Report for 2011-12.
Australian Centre for International Agricultural Research (ACIAR)—Report for 2011-12.
Cancer Australia—Report for 2011-12.
Civil Aviation Safety Authority (CASA)—Report for 2011-12.
Clean Energy Regulator—Report for the period 2 April to 30 June 2012.
Commonwealth Superannuation Corporation (CSC)—Report for 2011-12, including reports of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), the Public Sector Superannuation accumulation plan (PSSap), the 1922 Scheme, and the Papua New Guinea Scheme.
Department of Infrastructure and Transport—Report for 2011-12.
Department of Sustainability, Environment, Water, Population and Communities—Report for 2011-12, including reports on the operation of Acts administered by the department, report of the Commonwealth Environmental Water Holder, and financial statements of the Natural Heritage Trust of Australia.
Department of the Treasury—Report for 2011-12.
Fair Work (Building Industry) Act 2012—Commonwealth Ombudsman’s report on reviews conducted under Division 3, for the period 1 to 30 June 2012.
Insolvency and Trustee Service Australia—Report for 2011-12, including reports on the operation of the *Bankruptcy Act 1966* and *Personal Property Securities Act 2009*.

*Migration Act 1958*—Section 486O—Assessment of detention arrangements—Personal identifiers 683/12, 790/12, 791/12, 806/12, 809/12, 856/12, 948/12 and 979/12—
  Commonwealth Ombudsman’s reports.
  Government response to the Ombudsman’s reports, dated 29 October 2012.
National Film and Sound Archive—Report for 2011-12.
National Health and Medical Research Council (NHMRC)—
  Review of the implementation of the strategic plan 2010 to 2012—Corrigendum.
National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2011-12.
Renewable Energy Regulator—Financial report for the period 1 July 2011 to 2 April 2012 [Final report].
Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Report for 2011-12, including financial statements of the Defence Service Homes Insurance Scheme.

3 **AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION BILL 2012**

**AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION (CONSEQUENTIAL AND TRANSITIONAL) 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 these bills be now read a second time.

Debate resumed.

Senator Xenophon moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to introduce legislation detailing the definition of ‘charities’ and ‘charitable purposes’ and including a public benefit test within 12 months of the passage of these bills”.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.

Main question put.

The Senate divided—

AYES, 34

Senators—

Bilyk
Brown
Cameron
Carr, Kim
Conroy
Crossin
Di Natale
Farrell
Faulkner
Feeney
Furner
Gallacher
Hogg
Ludlam
Ludwig
Marshall
McEwen
McLucas
Milne
Moore
Polley (Teller)
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle

Thistlethwaite
Thor
Unquhart
Waters
Whish-Wilson
Wright
Xenophon

NOES, 28

Senators—

Abetz
Back
Birmingham
Boswell
Boyce
Brandis
Bushby
Cash
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Humphries
Johnston
Joyce
Kroger
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ruston
Ryan
Williams (Teller)

Question agreed to.

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.

Explanatory memorandum: The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bills.

On the motion of Senator Conroy the following amendments, taken together by leave, were debated and agreed to:

In respect of the Australian Charities and Not-for-profits Commission Bill 2012—

Clause 40-10, page 21 (after line 4), after paragraph (2)(d), insert:

(da) all of the following subparagraphs apply:

(i) the information is the details of a warning issued to a registered entity by the Commissioner under Division 80, as mentioned in paragraph 40-5(1)(f);

(ii) the information has the potential to cause detriment to the entity, or to an individual;
(iii) the contravention, likely contravention, non-compliance or likely non-compliance mentioned in subsection 80-5(1) was not, or would not be, in bad faith;

(iv) the contravention, likely contravention, non-compliance or likely non-compliance has been dealt with, or prevented, such that declining to include the information, or removing the information, would not conflict with the objects of this Act;

Clause 45-5, page 23 (line 8), omit “a registered entity”, substitute “an entity”.

Clause 45-5, page 23 (line 12), omit “registered entity’s”, substitute “entity’s”.

Clause 45-10, page 23 (lines 20 to 27), omit subclauses (1) and (2), substitute:

(1) The regulations may specify standards (the governance standards) with which an entity must comply in order to become registered under this Act, and to remain entitled to be registered under this Act.

(2) Without limiting the scope of subsection (1), those standards may:

(a) require the entity to ensure that its governing rules provide for a specified matter; or

(b) require the entity to achieve specified outcomes and:

(i) not specify how the entity is to achieve those outcomes; or

(ii) specify principles as to how the entity is to achieve those outcomes; or

(c) require the entity to establish and maintain processes for the purpose of ensuring specified matters.

(2A) Without limiting subparagraph (2)(b)(ii), the principles mentioned in that subparagraph may reflect the size of the entity, the amount and nature of contributions to the entity and the nature of the activities undertaken by the entity in pursuit of its purposes.

Clause 45-10, page 23 (line 30), omit “registered entity”, substitute “entity”.

Clause 45-10, page 23 (line 33), omit “registered entity”, substitute “entity”.

Clause 45-10, page 24 (line 6), omit “a registered entity”, substitute “an entity”.

Clause 45-10, page 24 (line 11), omit “registered entity”, substitute “entity”.

Clause 45-15, page 24 (after line 22), at the end of paragraph (1)(a), add:

(iv) the Commissioner; and

Clause 45-15, page 24 (lines 25 to 31), omit subclause (2), substitute:

(2) Without limiting, by implication, the form that consultation mentioned in paragraph (1)(a) might take, consultation to which all of the following paragraphs apply is appropriate consultation:

(a) the consultation involves consultation with the public;

(b) the consultation involves:

(i) notifying, directly and by advertisement, the entities mentioned in paragraph (1)(a) of the consultation; and

(ii) inviting them to make submissions by a specified date and, where necessary, to participate in public hearings to be held concerning the proposed regulation;

(c) the consultation is facilitated by the Commissioner.
Page 25 (after line 6), at the end of Division 45, add:

45-20 Parliamentary scrutiny of standards

Despite subsection 12(1) of the Legislative Instruments Act 2003, a provision of a regulation made for the purposes of subsection 45-10(1) of this Act does not commence until the day after the earlier of:

(a) if both Houses of the Parliament pass a resolution approving the provision—the day the resolution is passed by the second House to do so; and
(b) the last day on which the regulation could be disallowed in either House, unless:
    (i) the regulation is disallowed; or
    (ii) either House passes a resolution disapproving the provision;
on or before that day.

Clause 50-5, page 27 (line 1), omit “a registered entity”, substitute “an entity”.

Clause 50-5, page 27 (line 8), omit “registered entity’s”, substitute “entity’s”.

Clause 50-10, page 27 (lines 15 to 22), omit subclauses (1) and (2), substitute:

(1) The regulations may specify standards (the external conduct standards) with which an entity must comply in order to become registered under this Act, and to remain entitled to be registered under this Act.

(2) Without limiting the scope of subsection (1), those standards may:
    (a) require the entity to ensure that its governing rules provide for a specified matter; or
    (b) require the entity to achieve specified outcomes and:
        (i) not specify how the entity is to achieve those outcomes; or
        (ii) specify principles as to how the entity is to achieve those outcomes; or
    (c) require the entity to establish and maintain processes for the purpose of ensuring specified matters.

(2A) Without limiting subparagraph (2)(b)(ii), the principles mentioned in that subparagraph may reflect the size of the entity, the amount and nature of contributions to the entity and the nature of the activities undertaken by the entity in pursuit of its purposes.

Clause 50-15, page 28 (after line 4), at the end of paragraph (1)(a), add:

(iv) the Commissioner; and

Clause 50-15, page 28 (lines 7 to 13), omit subclause (2), substitute:

(2) Without limiting, by implication, the form that consultation mentioned in paragraph (1)(a) might take, consultation to which all of the following paragraphs apply is appropriate consultation:
    (a) the consultation involves consultation with the public;
    (b) the consultation involves:
        (i) notifying, directly and by advertisement, the entities mentioned in paragraph (1)(a) of the consultation; and
(ii) inviting them to make submissions by a specified date and, where necessary, to participate in public hearings to be held concerning the proposed regulation;

(c) the consultation is facilitated by the Commissioner.

Page 28 (after line 19), at the end of Division 50, add:

50-20 Parliamentary scrutiny of standards

Despite subsection 12(1) of the Legislative Instruments Act 2003, a provision of a regulation made for the purposes of subsection 50-10(1) of this Act does not commence until the day after the earlier of:

(a) if both Houses of the Parliament pass a resolution approving the provision—the day the resolution is passed by the second House to do so; and

(b) the last day on which the regulation could be disallowed in either House, unless:

(i) the regulation is disallowed; or

(ii) either House passes a resolution disapproving the provision;

on or before that day.

Page 31 (after line 16), after Subdivision 60-A, insert:

Subdivision 60-AA—Object of this Division

60-3 Object of this Division

(1) The object of this Division is to promote:

(a) the transparency and accountability of registered entities; and

(b) the reduction of reporting obligations of registered entities under other Australian laws.

(2) The Division does this by requiring registered entities to provide information to the Commissioner that:

(a) relates to this Act or the taxation law; and

(b) the Commissioner:

(i) will use for the purposes of this Act; or

(ii) may pass on to other Australian government agencies, removing the need for those agencies to require the information from the registered entities; or

(iii) will make publicly available by publishing it on the Register.

Note 1: Other Australian laws provide that giving information to the Commissioner in accordance with this Act satisfies the reporting requirements of those laws.

Note 2: Division 40 limits the information the Commissioner may publish on the Register.

(3) The requirements this Division places on a registered entity are proportional to the size of the registered entity.

Clause 100-10, page 85 (line 26), at the end of subclause (3), add:

; and (d) setting out the effect of section 100-25 (prohibition on suspended responsible entity managing the registered entity); and
(e) if the registered entity is a trust—setting out the effects of subsections 100-70(1) and (5) (former trustees’ obligations relating to books, identification of property and transfer of property).

Clause 100-15, page 87 (line 12), at the end of subclause (2), add:

; and (c) setting out the effect of section 100-25 (prohibition on removed responsible entity managing the registered entity); and

(d) if the registered entity is a trust—setting out the effects of subsections 100-70(1) and (5) (former trustees’ obligations relating to books, identification of property and transfer of property).

Clause 130-5, page 104 (line 12), at the end of subclause (2), add “, including how the ACNC has promoted the objects of this Act”.

Clause 130-5, page 104 (after line 12), at the end of subclause (2), add:

Note: The objects of this Act include promoting the reduction of unnecessary regulatory obligations on the Australian not-for-profit sector (see subsection 15-5(1)).

Clause 205-35, page 152 (line 29), at the end of paragraph (3A)(c), add “or any greater amount prescribed by the regulations for the purposes of subsection 205-25(1)”.

In respect of the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012—

Schedule 1, Part 2, page 6 (before line 2), before item 2, insert:

Division 1—Endorsed entities

Schedule 1, item 2, page 6 (line 9), after “item 3 or 4”, insert “or paragraph 4D(4)(b), (5)(b) or (6)(b)”.

Schedule 1, items 3 and 4, page 6 (line 28) to page 8 (line 2), omit the items, substitute:

3 Health promotion charities

(1) This item applies to an entity that, on the day before the commencement day, is:

(a) endorsed under section 123D of the Fringe Benefits Tax Assessment Act 1986 as a health promotion charity; or

(b) endorsed under Subdivision 30-BA of the Income Tax Assessment Act 1997 as a deductible gift recipient because the entity is a fund, authority or institution covered by item 1.1.6 of the table in subsection 30-20(1) of that Act (charitable institution whose principal activity is to promote the prevention or the control of diseases in human beings).

(2) The Commissioner is treated as having registered the entity on the commencement day under Division 30 of the ACNC Act as:

(a) the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act (charity); and

(b) the subtype of entity mentioned in column 2 of item 5 of that table (institution whose principal activity is to promote the prevention or the control of diseases in human beings).
4 Public benevolent institutions

(1) This item applies to an entity that, on the day before the commencement day, is:

(a) endorsed under subsection 123C(1) of the Fringe Benefits Tax Assessment Act 1986 as a public benevolent institution; or
(b) endorsed under Subdivision 30-BA of the Income Tax Assessment Act 1997 as a deductible gift recipient because the entity is a fund, authority or institution covered by item 4.1.1 of the table in subsection 30-45(1) of that Act (public benevolent institution).

(2) The Commissioner is treated as having registered the entity on the commencement day under Division 30 of the ACNC Act as:

(a) the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act (charity); and
(b) the subtype of entity mentioned in column 2 of item 6 of that table (public benevolent institution).

Schedule 1, Part 2, page 8 (after line 2), after item 4, insert:

Division 2—Entities endorsed for the operation of institutions

4A Scope of Division

(1) This Division applies if, on the day before the commencement day, an entity (the operator) is:

(a) endorsed under Subdivision 30-BA of the Income Tax Assessment Act 1997 as a deductible gift recipient for the operation of one or more institutions covered by item 1.1.6 of the table in subsection 30-20(1) of that Act (charitable institution whose principal activity is to promote the prevention or the control of diseases in human beings); or
(b) endorsed under that Subdivision as a deductible gift recipient for the operation of one or more institutions covered by item 4.1.1 of that table (public benevolent institution); or
(c) endorsed under subsection 123C(3) of the Fringe Benefits Tax Assessment Act 1986 for the operation of one or more public benevolent institutions.

(2) This Division applies:

(a) for the purposes of this Act (other than item 5 of this Schedule) from the day before the commencement day; and
(b) for the purposes of the ACNC Act and the taxation law from the commencement day.

4B Institutions treated as separate entity

(1) The operator is treated as if it were 2 or 3 entities:

(a) the entity (the non-institution sub-entity) the operator would be if it did not include the institutions; and
(b) the entity (an institution sub-entity) the operator would be if the operator included only the institutions (if any) mentioned in paragraph 4A(1)(a); and
(c) the entity (an institution sub-entity) the operator would be if the operator included only the institutions (if any) mentioned in paragraph 4A(1)(b) or (c).

Effect of revocation of registration of institution sub-entity

(2) From the time (if any) the Commissioner of the ACNC revokes under the ACNC Act the registration of an institution sub-entity:

(a) paragraph (1)(a) has effect as if the reference in that paragraph to the institutions did not include a reference to the institutions included in the institution sub-entity; and

(b) paragraph (1)(b) or (c) (whichever applies to the institution sub-entity) has no effect.

4C Non-institution sub-entity

(1) The ABN of the operator is treated as being the ABN of the non-institution sub-entity.

(2) If the operator was, apart from this Division, endorsed on the day before the commencement day as mentioned in paragraph 2(1)(a):

(a) the non-institution sub-entity is treated, on that day, as being endorsed in that way; and

(b) to avoid doubt, each institution sub-entity is treated, on that day, as not being endorsed in that way.

Note: Item 2 applies to that non-institution sub-entity.

4D Institution sub-entities

ABN

(1) The A New Tax System (Australian Business Number) Act 1999 applies to an institution sub-entity as if the institution sub-entity were carrying on an enterprise in Australia.

(2) During the period:

(a) starting on the commencement day; and

(b) ending on the earlier of:

(i) the day the Registrar of the Australian Business Register registers an institution sub-entity in the Australian Business Register; and

(ii) 12 months after the commencement day;

paragraph 10(1)(a) of the A New Tax System (Australian Business Number) Act 1999 (entity must have applied for registration) does not apply to the institution sub-entity.

Note: Subitem (2) has the effect that the Registrar of the Australian Business Register must register the institution sub-entity in the Australian Business Register (including allocating the institution sub-entity an ABN).

(3) During that period (and without limiting item 4C), the institution sub-entity may treat the ABN of the non-institution sub-entity as being the ABN of the institution sub-entity.
Endorsements

(4) In a case to which paragraph 4A(1)(a) applies:
   (a) the endorsement mentioned in that paragraph is treated as being an endorsement of the institution sub-entity mentioned in paragraph 4B(1)(b); and
   (b) the Commissioner of the ACNC is treated as having registered the institution sub-entity on the commencement day under Division 30 of the ACNC Act as:
      (i) the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act (charity); and
      (ii) the subtype of entity mentioned in column 2 of item 5 of that table (institution whose principal activity is to promote the prevention or the control of diseases in human beings).

(5) In a case to which paragraph 4A(1)(b) applies:
   (a) the endorsement mentioned in that paragraph is treated as being an endorsement of the institution sub-entity mentioned in paragraph 4B(1)(c); and
   (b) the Commissioner of the ACNC is treated as having registered the institution sub-entity on the commencement day under Division 30 of the ACNC Act as:
      (i) the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act (charity); and
      (ii) the subtype of entity mentioned in column 2 of item 6 of that table (public benevolent institution).

(6) In a case to which paragraph 4A(1)(c) applies:
   (a) the Commissioner of Taxation is treated as having endorsed the institution sub-entity mentioned in paragraph 4B(1)(c) under subsection 123C(1) of the Fringe Benefits Tax Assessment Act 1986 as a public benevolent institution; and
   (b) the Commissioner of the ACNC is treated as having registered the institution sub-entity on the commencement day under Division 30 of the ACNC Act as:
      (i) the type of entity mentioned in column 1 of item 1 of the table in subsection 25-5(5) of that Act (charity); and
      (ii) the subtype of entity mentioned in column 2 of item 6 of that table (public benevolent institution).

ACNC Act

(7) For the purposes of the ACNC Act:
   (a) the institution sub-entity mentioned in paragraph 4B(1)(b) of this Schedule is treated as being the subtype of entity mentioned in column 2 of item 5 of the table in subsection 25-5(5) of that Act for as long as each of the institutions included in the institution sub-entity is an institution whose principal activity is to promote the prevention or the control of diseases in human beings; and
(b) the institution sub-entity mentioned in paragraph 4B(1)(c) of this Schedule is treated as being the subtype of entity mentioned in column 2 of item 6 of that table as long as each of the institutions included in the institution sub-entity is a public benevolent institution.

4E Regulations
The regulations may, for the purpose of giving effect to this Division, provide for how this Schedule, the ACNC Act or the taxation law applies in relation to the non-institution sub-entity or an institution sub-entity.

Division 3—Opt-out
Schedule 1, item 5, page 8 (line 8), omit “Items 2, 3, 4 and 6”, substitute “Divisions 1, 2 and 4”.
Schedule 1, Part 2, page 8 (before line 14), before item 6, insert:

Division 4—Religious institutions
Schedule 1, item 6, page 8 (line 21), after “item 2, 3 or 4”, insert “or paragraph 4D(4)(b), (5)(b) or (6)(b)”.
Schedule 2, page 46 (after line 9), after item 44, insert:

44A Subsection 57A(1)
Omit “subsection 123C(1) or (5)”, substitute “section 123C”.
Schedule 2, page 47 (after line 16), after item 56, insert:

56A Subsection 123C(1) (heading)
Repeal the heading.
Schedule 2, items 58 and 59, page 47 (lines 20 to 25), omit the items, substitute:

58 Subsections 123C(3) to (5)
Repeal the subsections.
Schedule 2, item 68, page 49 (lines 10 to 12), omit the item, substitute:

68 Paragraph 426-5(d) in Schedule 1
Repeal the paragraph.

68A Subsection 426-40(1) in Schedule 1 (paragraph (b) of note 1)
Omit “and (4)”.

68B Subsection 426-55(1) in Schedule 1 (paragraph (b) of the note)
Omit “and (4)”.

68C Paragraph 426-65(1)(d) in Schedule 1
Repeal the paragraph.

Bills, as amended, agreed to.
Bills to be reported with amendments.

The Acting Deputy President (Senator Furner) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Minister for Finance and Deregulation (Senator Wong) the report from the committee was adopted.
Senator Wong moved—that these bills be now read a third time.

Question put.

The Senate divided—

AYES, 35

Senators—

Bilyk
Bishop
Brown (Teller)
Cameron
Carr, Kim
Conroy
Crossin
Di Natale
Farrell

Faulkner
Feeney
Furner
Gallacher
Hogg
Ludlam
Ludwig
Landy
Marshall

McEwen
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert
Singh

Sterle
Thistlethwaite
Thorpe
Unquhart
Waters
Whish-Wilson
Wright
Xenophon

NOES, 29

Senators—

Abetz
Back (Teller)
Bernardi
Boswell
Brandis
Bushby
Cash

Colbeck
Cormann
Edwards
Eggleston
Heffernan
Humphries
Johnston

Joyce
Macdonald
Madigan
Mason
McKenzie
Parry
Payne

Ronaldson
Ruston
Ryan
Smith
Williams

Question agreed to.

Bills read a third time.

4 SOCIAL AND COMMUNITY SERVICES PAY EQUITY SPECIAL ACCOUNT BILL 2012
SOCIAL AND COMMUNITY SERVICES PAY EQUITY SPECIAL ACCOUNT (CONSEQUENTIAL AMENDMENTS) BILL 2012

Order of the day read for the adjourned debate on the motion of the Minister for Sport (Senator Lundy)—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 and agreed to.

Bills to be reported without amendments.

The Acting Deputy President (Senator Boyce) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) the report from the committee was adopted and the bills read a third time.
5 **Matters of Public Interest**

Leave was granted for matters of public interest to be called on before 12.45 pm.

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 1.54 pm till 2 pm.

---

6 **Questions**

Questions without notice were answered.

7 **Motion to Take Note of Answers**

Senator Cormann moved—that the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

8 **Animal Welfare—Live Animal Exports—Document**

Senator Rhiannon, by leave, tabled the following document:

Animal welfare—Live animal exports—Petitioning document from 93 signatories demanding an end to live animal exports from Australia.

9 **Petition**

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

From 9,383 petitioners, requesting that the Senate take action to reassess the import risk analysis of Fijian ginger.

10 **Notices**

_Notices of motion:_

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Eggleston): To move on the next day of sitting—that the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Australia and the countries of the Indian Ocean rim be extended to 16 May 2013. (general business notice of motion no. 995)

Senator Furner: To move on the next day of sitting—that the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) on Tuesday, 20 November 2012, from 12.30 pm, and on Wednesday, 21 November 2012, from 9.30 am, to take evidence for the committee’s inquiry into slavery, slavery-like conditions and people trafficking;

(b) on Tuesday, 27 November 2012, from 5.30 pm, and on Thursday, 29 November 2012, from 9.45 am, to take evidence for the committee’s inquiry into the care of Australian Defence Force personnel wounded and injured on operations; and

(c) on Wednesday, 28 November 2012, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationship with Japan and the Republic of Korea. (general business notice of motion no. 996)
The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of the final report of the Rural and Regional Affairs and Transport References Committee on the management of the Murray-Darling Basin be extended to 6 February 2013. (general business notice of motion no. 997)

The Chair of the Community Affairs Legislation Committee (Senator Moore): To move on the next day of sitting—That the Community Affairs Legislation Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 20 November 2012; and

(b) on Tuesday, 27 November 2012. (general business notice of motion no. 998)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 20 November 2012; and

(b) on Tuesday, 27 November 2012. (general business notice of motion no. 999)

The Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle): To move on the next day of sitting—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 1 November 2012, from 4.30 pm, to take evidence for the committee’s inquiry into the performance of the Department of Agriculture, Fisheries and Forestry and portfolio agencies, adopted by the committee pursuant to standing order 25(2)(a). (general business notice of motion no. 1000)

Senator Xenophon: To move on the next day of sitting—That the Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012 be referred to the Joint Select Committee on Gambling Reform for inquiry and report by the first sitting day of 2013. (general business notice of motion no. 1001)

Senators Back and Humphries: To move on the next day of sitting—That, in advance of the 10th anniversary of the devastating Canberra bushfires which occurred on 18 January 2003, the Senate:

(a) reflects on the 2003 House of Representatives report A Nation Charred, recommending measures to be implemented by governments, industry and the community to minimise the incidence of bushfires and their impact on life, property and the environment following the January 2003 bushfires, and notes that the report included 59 recommendations, many of which have not been implemented;

(b) recalls:

   (i) the Black Saturday bushfires in Victoria on 6 February 2009, said to be ‘the worst day in the history of the State’, and

   (ii) the subsequent 2009 Victorian Bushfires Royal Commission which made 67 recommendations, 35 of which have been implemented with progress being made by the State Government to address the remaining recommendations;

(c) notes the 2010 Select Committee on Agriculture and Related Industries report, The incidence and severity of bushfires across Australia, which made 15 recommendations, of which only five were supported by government and four accepted in principle, but only one of which has been implemented; and
acknowledges the invaluable work of the Bushfires Cooperative Research Centre in working to minimise the threat of devastating bushfires to both urban and natural environments across Australia. (general business notice of motion no. 1002)

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

(a) that the week beginning 28 October 2012 is International Brain Tumour Awareness Week and, in doing so, acknowledges the impact brain tumours have on patients, their families and the community; and

(b) the statistics, which show that:

(i) brain tumours are the second highest cause of death in children aged 10 to 14 years, second only to accidental drowning,

(ii) brain tumours are the highest cause of cancer-related death in females under 40 and males under 44,

(iii) between 2006 and 2010, people with a brain tumour had just a 22 per cent chance of surviving for at least 5 years, and

(iv) around 1 500 Australians a year will be diagnosed with primary (malignant) brain tumours, including 100 children, and that this number excludes approximately 2 000 benign brain tumours that may cause disability or even death. (general business notice of motion no. 1003)

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

(a) notes:

(i) ongoing peaceful protests against the Koodankulam nuclear power plant, including hunger strikes, relay fasts and massive marches,

(ii) the deportation on 25 September 2012 of three Japanese citizens from India, on suspicion of supporting the peaceful anti-nuclear mass movement,

(iii) the detention on 25 October 2012 of Australian documentary maker Mr David Bradbury, who was questioned at Radhapuram Police Station,

(iv) the interrogation on 30 October 2012 in Palavur Police Station of a German journalist from Der Spiegel, picked up after he reportedly entered the Koodankulam nuclear power plant seeking an interview with officials, and

(v) brutal repression by the police and navy of the tens of thousands of peaceful protestors at the Koodankulam reactor, including at least five related deaths over struggles against Koodankulam, Jaitapur (Maharashtra) and Gorakhpur (Haryana) nuclear power plants since 2010; and

(b) calls on the Government to:

(i) make direct representations to Indian authorities about the treatment of peaceful protesters, as well as Australian and other foreign journalists in India, and

(ii) uphold the Treaty of Rarotonga by not selling uranium to countries that stand outside the nuclear Non-Proliferation Treaty and its associated safeguards system. (general business notice of motion no. 1004)
Senators Xenophon, Fierravanti-Wells, Di Natale and Madigan: To move on the next day of sitting—that the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 29 November 2012:

(a) the withdrawal of Medicare funding for hyperbaric oxygen treatment of problem wounds and ulcers in non-diabetics (MBS Item number 13015), to commence on 1 November 2012;

(b) the Medical Services Advisory Committee process regarding this withdrawal, and other changes to the Medicare Benefits Schedule;

(c) the costs and/or benefits of this withdrawal in relation to associated treatments for these medical conditions; and

(d) any related matters.

Senators Rhiannon and Di Natale: To move on the next day of sitting—that the Senate—

(a) notes that:

(i) government and non-government organisations have made considerable progress in reducing deaths from malaria in the Asia Pacific region,

(ii) the World Health Organization estimates that since 2000 malaria mortality rates have fallen by more than 25 per cent, and

(iii) the Global Fund to Fight AIDS, Tuberculosis and Malaria plays a key role in the malaria response in the Asia Pacific region; and

(b) calls on the Government to consider:

(i) supporting action to address malarial drug resistance with the aim of eliminating malaria in all Asia Pacific countries,

(ii) providing funding to support such action with particular focus on the poorest countries and those with high levels of drug resistance, and

(iii) measures to ensure that programs to reduce malaria also contribute to improving health services in the region. (general business notice of motion no. 1005)

Senator Rhiannon: To move on 21 November 2012—that—

(a) the Senate notes that:

(i) Port Waratah Coal Services is seeking approval to construct a major new coal terminal in Newcastle Harbour called Terminal 4 or T4, with a capacity of 110 million tonnes of coal per annum which would treble the current rate of coal exports at Newcastle port,

(ii) the Commonwealth-owned Australian Rail Track Corporation plans to spend $3.5 billion upgrading rail infrastructure for the T4 project, which would generate more than 100 additional uncovered coal train movements per day through the suburbs of Newcastle,

(iii) many Hunter Valley residents living in coal mining areas along coal train lines and adjacent to coal stockpiles in Newcastle are concerned that air pollution and coal dust from coal mines and coal trains is adversely affecting their health, and

(iv) a recent University of Sydney report confirmed an elevated risk of cancer, heart and lung disease and birth defects in mining regions, and concluded that there has never been a comprehensive study into the social and health harms of Hunter Valley coal mining, coal transport or coal exports on air quality in the region;
(b) the impact of the Hunter Valley coal rail, coal mining and coal export industry on air quality and public health be referred to the Community Affairs References Committee for inquiry and report by 28 February 2013; and

(c) in undertaking the inquiry, the committee must consider:

(i) what impacts, if any, the mining, transportation, stockpiling and exporting of coal has on air quality in the Hunter region of New South Wales,

(ii) what effect, if any, the air quality impacts of the Hunter coal industry has on public health,

(iii) what impacts the planned expansion of coal mining, transport and export in the Hunter region over the next decade are likely to have on public health, in particular the increase in coal mining and transport required to service the proposed fourth coal terminal in Newcastle,

(iv) what further study needs to be undertaken to fully understand the air quality and public health impacts of the Hunter coal industry,

(v) what steps the Commonwealth could take to protect public health from impacts of the coal industry in the Hunter, and

(vi) any other relevant matters.

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

(a) there be laid on the table, no later than noon on 19 November 2012, by the Minister for Finance and Deregulation, costings for all measures linked to the Clean Energy package (as listed in the 2011-12 MYEFO), on an underlying cash basis and a fiscal basis, over each of the forward estimates to 2015-16:

(i) Agriculture, Fisheries and Forestry:
   Creating opportunities on the land – Extending the benefits of the carbon farming initiative
   Creating opportunities on the land – Extending the benefits of the carbon farming initiative – Implementation,

(ii) Climate Change and Energy Efficiency:
   Supporting energy markets – Energy security fund
   Creating opportunities on the land – Extending the benefits of the carbon farming initiative
   Creating opportunities on the land – Carbon farming initiative (CFI non-Kyoto carbon fund plus carbon farming skills initiative)
   Creating opportunities on the land – Carbon farming initiative (linking the CFI with the carbon tax)
   Governance – Clean Energy Regulator
   Supporting jobs – Jobs and competitiveness program
   Governance – Climate change authority
   Creating opportunities on the land – Natural resource management for climate change
   Improving energy efficiency
   Improving energy efficiency – Household advice
   Improving energy efficiency – Low carbon communities
   Putting a price on pollution – Voluntary action pledge fund and GreenPower purchases
   Supporting jobs – Energy efficiency information grants,
(iii) Education, Employment and Workplace Relations:
   Helping households – Increased payments
   Supporting jobs – Clean energy skills package,

(iv) Families, Housing, Community Services and Indigenous Affairs:
   Helping households – Increased payments
   Improving energy efficiency – Low carbon communities
   Renewable energy – Remote indigenous energy program
   Helping households – Essential Medical Equipment Payment,

(v) Finance and Deregulation:
   Governance – Clean Energy Regulator,

(vi) Health and Ageing:
   Helping households – residential aged care,

(vii) Human Services:
   Helping households – Increased payments,

(viii) Innovation, Industry, Science and Research:
   Supporting jobs – Steel transformation plan
   Supporting jobs – Clean technology focus for supply chain programs
   Supporting jobs – Clean technology program,

(ix) Resources, Energy and Tourism:
   Improving energy efficiency
   Closure of emissions-intensive electricity generation capacity
   Improving energy efficiency – Energy efficiency opportunities program
   Innovation in renewable energy – Australian renewable energy agency
   Supporting jobs – Coal mining,

(x) Regional Australia, Regional Development and Local Government:
   Supporting jobs – Helping communities and regions,

(xi) Sustainability, Environment, Water, Population and Communities:
   Creating opportunities on the land – Extending the benefits of the carbon farming initiative
   Creating opportunities on the land – Natural resource management for climate change
   Creating opportunities on the land – Biodiversity fund
   Putting a price on pollution – Synthetic greenhouse gases and ozone depleting substances (related expense)
   Compliance,

(xii) Treasury:
   Helping households – Tax cuts
   Supporting jobs – Increase in the instant asset write-off threshold to $6,500
   Clean Energy Finance Corporation
   Supporting energy markets – Energy security fund
   Creating opportunities on the land – Extending the benefits of the carbon farming initiative (Australian Taxation Office)
   Improving energy efficiency (Australian Bureau of Statistics)
Putting a price on pollution – Revenue from sale of carbon units (related expense)
Supporting energy markets – Energy security council
Governance – Productivity Commission reviews
Impact of automatic CPI indexation of household assistance payments,

(xiii) Veterans’ Affairs:
   Helping households – Increased payments
   Helping households – Residential aged care
   Helping households – Essential Medical Equipment Payment;

(b) if any of the matters are not being proceeded with, a statement to that effect.

(General business notice of motion no. 1006)

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

(a) there be laid on the table, no later than noon on 19 November 2012, by the Minister for Finance and Deregulation, costings for all measures linked to the Minerals Resource Rent Tax, on an underlying cash basis and a fiscal basis, over each of the forward estimates to 2015-16:
   (i) superannuation guarantee increase from 9 per cent to 12 per cent,
   (ii) low income government superannuation contribution ($500 tax rebate),
   (iii) higher superannuation caps for people aged 50 or more with a superannuation balance of less than $500,000,
   (iv) instant asset write-off for small business ($5,000 threshold),
   (v) phasing down interest withholding tax on financial institutions,
   (vi) Regional Infrastructure Fund,
   (vii) expanding the definition of exploration to include geothermal energy,
   (viii) supplementary income support for low income earners,
   (ix) increase in the rate of Family Tax Benefit Part A,
   (x) tax loss carry-back,
   (xi) Minerals Resource Rent Tax – adoption of recommendations of the Policy Transition Group,
   (xii) Accelerated Depreciation on Motor Vehicles ($5,000 upfront deduction),
   (xiii) resource exploration refundable tax offset, and
   (xiv) Minerals Resource Rent Tax – Exemption Threshold increase; and

(b) if any of the matters are not being proceeded with, a statement to that effect.

(General business notice of motion no. 1007)

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

(a) resolves that Newstart payments are too low and should increase by $50 per week; and

(b) calls on the Government to find an appropriate savings measure to fund this increase. (General business notice of motion no. 1008)
Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 27 November 2012, a list of the 17 communities that were surveyed under the Community Safety and Wellbeing Research Study conducted in 17 remote Indigenous communities in the Northern Territory between December 2010 and June 2011. (general business notice of motion no. 1009)

Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 27 November 2012, the following:

(a) the report by ARTD Consultants and WestWood Spice, Development of program logic options for the NTER, as referenced on p.79 of the Northern Territory Emergency Response [NTER] – Evaluation Report 2011; and

(b) any other documents relating to the development and analysis of program logic options for the NTER evaluation. (general business notice of motion no. 1010)

Senators Siewert and Moore: To move on the next day of sitting—That the Senate—

(a) acknowledges the Healing Foundation’s work over the past 4 years to promote emotional well-being in Aboriginal communities, and particularly the work with the Stolen Generations;

(b) notes:

(i) the commitment of the Government to working with members of the Stolen Generations and the organisations which support them to address the traumatic legacy of past practices and the motion of Apology to Australia’s Indigenous Peoples and, in particular to the Stolen Generations, made by Parliament in February 2008 was a key positive step in this regard, and

(ii) that the Government provided funding of $26.6 million over 4 years to assist the establishment and operation of the Healing Foundation and to support community-based healing initiatives to address the traumatic legacy of the past; and

(c) calls on the Government to ensure that the important work of the Healing Foundation will be continued and that the successful programs that are currently in place through this initiative will be maintained. (general business notice of motion no. 1011)

Notice of motion withdrawn: Senator Madigan withdrew general business notice of motion no. 606 standing in his name for 1 November 2012, proposing the introduction of the Fair Work Amendment (Arbitration) Bill 2012.

11 Environment—Mining—Coal Seam Gas—Documents

Senator Waters, by leave, tabled the following documents:

Environment—Mining—Coal seam gas—

Petitioning document from 253 signatories relating to the protection of nature reserves.

Petitioning document from 662 signatories calling for a moratorium on coal seam gas projects in Australia.
POSTPONEMENT
The following item of business was postponed:

General business notice of motion no. 993 standing in the name of Senator
Rhiannon for today, relating to the ‘Let’s end the stigma’ campaign, postponed till
1 November 2012.

ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE
Senator Waters, 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 the third sitting day of 2013:
The effectiveness of threatened species’ and ecological communities’ protection in
Australia, including:
(a) management of key threats to listed species and ecological communities;
(b) development and implementation of recovery plans;
(c) management of critical habitat across all land tenures;
(d) regulatory and funding arrangements at all levels of government;
(e) timeliness and risk management within the listings processes;
(f) the historical record of state and territory governments on these matters; and
(g) any other related matter.
Question put and passed.

CONSIDERATION OF LEGISLATION
The Parliamentary Secretary for School Education and Workplace Relations (Senator
Collins), at the request of the Parliamentary Secretary to the Prime Minister (Senator
McLucas) and pursuant to notice of motion not objected to as a formal motion, moved
government business notice of motion no. 1—That the government business orders of
the day relating to the Superannuation Legislation Amendment (MySuper Core
Provisions) Bill 2012 and the Superannuation Legislation Amendment (Further
MySuper and Transparency Measures) Bill 2012 may be taken together for their
remaining stages.
Question put and passed.

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—LEAVE TO
MEET DURING SITTING
Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs
Legislation Committee (Senator Crossin) and pursuant to notice of motion not
objected to as a formal motion, moved general business notice of motion no. 990—
That the Legal and Constitutional Affairs Legislation Committee be authorised to hold
a public meeting during the sitting of the Senate on Thursday, 1 November 2012, from
4.15 pm, to take evidence for the committee’s inquiry into the provisions of the Law
Enforcement Integrity Legislation Amendment Bill 2012.
Question put and passed.
FOREIGN AFFAIRS—PAKISTAN—MS MALALA YOUSAFZAI
Senator Cash, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 991—That the Senate—
(a) condemns the contemptible act of attempted murder committed on 9 October 2012 by Taliban terrorists who boarded a school bus in the Pakistani town of Mingora, sought out 14-year-old schoolgirl Ms Malala Yousafzai by name and shot her point blank in the head and neck;
(b) applauds Ms Yousafzai’s advocacy on behalf of gender equality in Pakistan;
(c) expresses particular admiration for her public speaking debut in September 2008 when, at the tender age of 11 years, she declared in a speech to the media in Peshawar, Pakistan, 'How dare the Taliban take away my basic right to education';
(d) notes media reports that the Taliban has openly claimed responsibility for this despicable attack on Ms Yousafzai and has threatened to try again to assassinate her at the first available opportunity; and
(e) wishes Ms Yousafzai a speedy and complete recovery from her injuries.
Question put and passed.

HEALTH—WORLD HEALTH ORGANIZATION—GLOBAL HEALTH TARGETS
Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 992—That the Senate—
(a) notes that:
   (i) non-communicable diseases (NCDs) are responsible for 36 million of the 57 million deaths that occurred globally in 2008, comprising mainly cardio vascular disease, cancers, diabetes and chronic lung disease,
   (ii) to guide the prevention of NCDs, the World Health Organization (WHO) has been consulting throughout 2011 and 2012 on a comprehensive global monitoring framework, including indicators, and a set of voluntary global targets for the prevention and control of NCDs, and
   (iii) the framework will be finalised at a formal member state consultation meeting at the WHO in Geneva from 5 November to 7 November 2012, where the Australian Government will be in attendance; and
(b) calls on the Government to:
   (i) support the adoption of the full set of 10 targets as specified in the WHO’s Third Discussion Paper, dated 25 July 2012, on a comprehensive global monitoring framework, including indicators, and a set of voluntary global targets for the prevention and control of NCDs,
   (ii) support the target on alcohol of a 10 per cent relative reduction in overall alcohol consumption, and
   (iii) inform the Senate of its position on the comprehensive global monitoring framework, including indicators, and global targets in advance of the WHO formal member states consultation meeting in November.
Question put and negatived.
18 FOREIGN AFFAIRS—MR DAVID HICKS

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 994—That the Senate—

(a) notes that:

(i) the United States Court of Appeals for the District of Columbia Circuit recently ruled that providing material support for terrorism was not a war crime between 1996 and 2001 and therefore could not support a conviction of Mr Salim Hamdan, and

(ii) in 2007, Australian Mr David Hicks was convicted of this now invalid charge when he submitted an Alford plea through the United States military commission system; and

(b) calls on the Government to recognise that there is doubt regarding the validity of Mr Hicks’ conviction.

Question put.

The Senate divided—

AYES, 8

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Question negatived.

19 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FOREIGN AFFAIRS—INDIA—URANIUM SALES

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

That uranium sales to India are illegal under the Treaty of Rarotonga and may encourage the opening of toxic uranium mines in Australia by proponents with little experience and in states with deficient regulatory capacity and experience.

The proposal was supported by four senators and the matter was discussed.
20 Scrutiny of Bills—Standing Committee—13th Report and Alert Digest No. 13 of 2012

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 Macdonald.

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

Question put and passed.

21 Corporations and Financial Services—Joint Statutory Committee—Report—Statutory Oversight of the Australian Securities and Investments Commission

The Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Boyce), tabled the following report and documents:


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

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

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


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.

Question put and passed.

23 Treaties—Joint Standing Committee—130th Report

The Deputy Chair of the Joint Standing Committee on Treaties (Senator McKenzie), tabled the following report:


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

Debate adjourned till the next day of sitting, Senator McKenzie in continuation.
24 **Employment—Disability Employment Services—Ministerial Statement—Document**

The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) tabled the following document:


Senator Siewert, by leave, moved—That the Senate take note of the document.

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

25 **Defence—Afghanistan—Ministerial Statement—Document**

The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) tabled the following document:

Defence—Afghanistan—Progress in transition, preparation for the future—Ministerial statement by the Prime Minister (Ms Gillard), dated 31 October 2012.

The Leader of the Australian Greens (Senator Milne), by leave, moved—That the Senate take note of the document.

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

26 **Women—Employment—Domestic Violence—Document**

The Acting Deputy President (Senator Boyce) tabled the following document:

Women—Employment—Domestic violence—Letter to the President of the Senate from the Premier of Western Australia (Mr Barnett) responding to the resolution of the Senate of 19 September 2012, dated 17 October 2012.

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

Debate ensued.

Question put and passed.

27 **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.]

- Broadcasting Services Act—Broadcasting Services (Digital-Only Local Market Areas for Remote Central and Eastern Australia TV1 and Remote Central and Eastern Australia TV2) Determination (No. 1) 2012 [F2012L02108].

- Corporations Act—ASIC Class Order [CO 12/1367] [F2012L02109].

- ASIC Market Integrity Rules (Competition in Exchange Markets) 2011—ASIC Class Rule Waiver [CW 12-1520] [F2012L02106].

- Corporations Act, Australian Securities and Investments Commission Act and Competition and Consumer Act—Select Legislative Instrument 2012 No. 247—Professional Standards Scheme Amendment Regulation 2012 (No. 1) [F2012L02102].

- Environment Protection and Biodiversity Conservation Act—Amendment of list of exempt native specimens—EPBC303DC/SFS/2012/57 [F2012L02100].
Health Insurance Act—
   Health Insurance (Bone Densitometry) Determination 2012 [F2012L02098].
   Health Insurance (Midwife and Nurse Practitioner) Amendment Determination 2012 (No. 1) [F2012L02099].
   Select Legislative Instruments 2012 Nos—
      244—Health Insurance (General Medical Services Table) Regulation 2012 [F2012L02101].
      245—Health Insurance (General Medical Services Table) Amendment Regulation 2012 (No. 4) [F2012L02103].

Higher Education Support Act—Commonwealth Grant Scheme Guidelines No. 1—Amendment No. 12 [F2012L02105].

National Health Act—Instrument No. PB 96 of 2012—National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2012 (No. 9) [F2012L02107].


Superannuation Industry (Supervision) Act—Request from Minister to APRA under section 230A [2].

28 Indexed lists of departmental and agency files—Order for Production of Documents—Document

The following document was 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—Statement of compliance—Sustainability, Environment, Water, Population and Communities portfolio.

29 Committee membership

The Acting Deputy President (Senator Boyce) 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:

Education, Employment and Workplace Relations References Committee—
   Appointed—
      Substitute member: Senator Wright to replace Senator Rhiannon for the committee’s inquiry into teaching and learning – maximising our investment in Australian schools
      Participating member: Senator Rhiannon
Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Hanson-Young to replace Senator Wright for
the committee’s inquiries into the Migration Amendment (Health Care for
Asylum Seekers) Bill 2012 and the Migration and Security Legislation
Amendment (Review of Security Assessments) Bill 2012
Participating member: Senator Wright

Rural and Regional Affairs and Transport Legislation Committee—
Appointed—
Substitute member: Senator Back to replace Senator Nash for the
committee’s inquiry into the performance of the Department of Agriculture,
Fisheries and Forestry and portfolio agencies on 1 November 2012
Participating member: Senator Nash.

Question put and passed.

30 APPROPRIATION (IMPLEMENTATION OF THE REPORT OF THE EXPERT PANEL ON ASYLUM SEEKERS) BILL (NO. 1) 2012-2013
APPROPRIATION (IMPLEMENTATION OF THE REPORT OF THE EXPERT PANEL ON ASYLUM SEEKERS) BILL (NO. 2) 2012-2013

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

Message no. 536, dated 31 October 2012—A Bill for an Act to appropriate
additional money out of the Consolidated Revenue Fund for the ordinary annual
services of the Government in relation to implementation of the Report of the
Expert Panel on Asylum Seekers, and for related purposes.

Message no. 537, dated 31 October 2012—A Bill for an Act to appropriate
additional money out of the Consolidated Revenue Fund for certain expenditure in
relation to implementation of the Report of the Expert Panel on Asylum Seekers,
and for related purposes.

The Parliamentary Secretary for Defence (Senator Feeney) 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 Feeney 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.

31 CORPORATIONS LEGISLATION AMENDMENT (DERIVATIVE TRANSACTIONS) BILL 2012
CRIMES LEGISLATION AMENDMENT (SERIOUS DRUGS, IDENTITY CRIME AND OTHER MEASURES) BILL 2012
TAX LAWS AMENDMENT (CLEAN BUILDING MANAGED INVESTMENT TRUST) BILL 2012

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

Message no. 539, dated 31 October 2012—A Bill for an Act to amend the law
relating to transactions in derivatives, and for other purposes.
Message no. 534, dated 30 October 2012—A Bill for an Act to amend various Acts relating to criminal law and law enforcement, and for other purposes.
Message no. 538, dated 31 October 2012—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Parliamentary Secretary for Defence (Senator Feeney) 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 Feeney 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 Feeney moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

32 DEFENCE TRADE CONTROLS BILL 2011

A message from the House of Representatives was reported as follows:

Message no. 533, dated 30 October 2012—Defence Trade Controls Bill 2011, agreeing to amendments nos 1 to 8 and 10 to 27 made by the Senate and disagreeing to amendment no. 9.

Ordered, on the motion of the Parliamentary Secretary for Defence (Senator Feeney), that the message be considered in committee of the whole immediately.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(9) Page 9 (after line 20), at the end of Part 1, add:

9A Exclusion for research, education and information in the public domain

This Act does not apply to the following:
(a) information in the public domain;
(b) information that has been, or is intended to be, published in any publication available to members of the public;
(c) fundamental research, which is basic and applied research in science and engineering where the resulting information is ordinarily published and shared broadly in the scientific community (such research is to be distinguished from proprietary
research and from industrial development, design, production
and product utilisation, the results of which ordinarily are
restricted for proprietary reasons or subject to other access and
dissemination controls);
(d) educational information or instruction provided in courses by a
higher education provider;
(e) information that is the minimum necessary information for patent
applications.

Senator Feeney moved—That the committee does not insist on its amendment to
which the House of Representatives has disagreed.

Debate ensued.

Question put.
The committee divided—

AYES, 30

Senators—
Bishop
Brown
Cameron
Colbeck
Crossin
Edwards
Farrell
Fawcett
Feeney
Fieravanti-Wells
Gallacher
Humphries
Johnston
Kroger
Ludwig
Lundy
Marshall
McEwen (Teller)
McKenzie
McLucas
Moore
Polley
Pratt
Ruston

Senators—
Di Natale
Ludlam
Milne
Rhiannon
Siewert (Teller)

Question agreed to.

Resolution to be reported.

The Acting Deputy President (Senator Pratt) resumed the chair and the Temporary
Chair of Committees reported that the committee had considered message no. 533
from the House of Representatives relating to the Defence Trade Controls Bill 2011
and had resolved not to insist on amendment no. 9 made by the Senate to which the
House had disagreed.

On the motion of Senator Feeney the report from the committee was adopted.

33 CUSTOMS AMENDMENT (MILITARY END-USE) BILL 2011

A message from the House of Representatives was reported agreeing to the
amendments made by the Senate to the following bill:

Message no. 535, dated 30 October 2012—Customs Amendment (Military
End-Use) Bill 2011.
34 Dental Benefits Amendment Bill 2012

Order of the day read for the adjourned debate on the motion of the Minister for Sport (Senator Lundy)—That this bill be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Fierravanti-Wells was speaking.

35 Government Documents—Consideration

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


Department of Sustainability, Environment, Water, Population and Communities—Report for 2011-12, including reports on the operation of Acts administered by the department, report of the Commonwealth Environmental Water Holder, and financial statements of the Natural Heritage Trust of Australia. Motion to take note of document moved by Senator Back. Debate adjourned till Thursday at general business, Senator Back in continuation.


36 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.26 pm till Thursday, 1 November 2012 at 9.30 am.

37 **ATTENDANCE**

Present, all senators except Senators Hanson-Young* and Sinodinos* (* on leave).

ROSEMARY LAING
Clerk of the Senate