### Contents

1. Meeting of Senate ................................................................. 3234
2. Environment Protection and Biodiversity Conservation Amendment
   (Making Marine Parks Accountable) Bill 2012 ................................ 3234
3. Petition ................................................................................. 3234
4. Notices .................................................................................. 3234
6. Order of Business—Rearrangement .......................................... 3238
7. Days of Meeting .................................................................... 3238
8. Legislation Committees—Estimates Hearings ............................... 3239
9. Routine of Business—Variation ............................................... 3240
10. Rural and Regional Affairs and Transport References Committee—Leave to
    Meet During Sitting .................................................................. 3240
11. Leave of Absence .................................................................. 3240
12. Postponement ....................................................................... 3240
13. Finance and Public Administration References Committee—Reference... 3241
14. Foreign Affairs, Defence and Trade References Committee—Extension of
    Time to Report ....................................................................... 3241
15. Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to
    Meet During Sittings ............................................................... 3241
16. Rural and Regional Affairs and Transport References Committee—
    Extension of Time to Report .................................................... 3242
17. Community Affairs Legislation Committee—Leave to Meet During Sittings .. 3242
18. Community Affairs References Committee—Leave to Meet During Sittings .. 3242
19. Rural and Regional Affairs and Transport Legislation Committee—Leave to
    Meet During Sitting ............................................................... 3242
20. Health—International Brain Tumour Awareness Week ...................... 3243
21. Health—Asia Pacific Region—Malaria ........................................ 3243
22. Consideration of Legislation ................................................... 3244
23. Foreign Affairs—Global Hydro Fluorocarbons Phase-out .................... 3244
24. Finance—Clean Energy Costings—Proposed Order for Production of
    Documents ............................................................................ 3245
Finance—Minerals Resource Rent Tax Costings—Proposed Order for Production of Documents ............................................................... 3248
Foreign Affairs—India—Koodankulam Nuclear Power Plant—Protesters ..... 3249
Family and Community Services—Newstart ........................................ 3250
Indigenous Australians—Community Safety and Wellbeing Research Study—Proposed Order for Production of Document .................. 3250
Indigenous Australians—Northern Territory Emergency Response—Order for Production of Documents ........................................ 3251
Indigenous Australians—Healing Foundation ........................................ 3251
Gambling Reform—Joint Select Committee—Reference ........................ 3251
Administration—Bushfires .................................................................... 3252
Committees—Additional Information—Estimates .................................. 3252
Publications—Standing Committee—21st Report .................................. 3253
Electricity Prices—Select Committee—Report ........................................ 3258
Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012 .......................................................... 3258
Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012 ......................................................... 3258
Commonwealth Government Securities Legislation Amendment (Retail Trading) Bill 2012 ................................................................. 3259
Migration Legislation Amendment (Student Visas) Bill 2012 ................ 3259
Electricity Prices—Select Committee—Report—Consideration ............... 3260
Questions ............................................................................................... 3260
Motions to Take Note of Answers ............................................................ 3260
Environment, Communications, Information Technology and the Arts
References Committee—Government Response—Women in Sport and Recreation in Australia ......................................................... 3260
Migration—Joint Standing Committee—Government Response—Migration Treatment of Disability ......................................................... 3260
Treaties—Joint Standing Committee—Government Response—125th Report ..................................................................................... 3260
Women—Affordable Housing—Document ................................................ 3261
Auditor-General—Audit Report No. 9 of 2012-13—Document .................. 3261
Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012—Explanatory Memorandum ...................................... 3261
Documents .............................................................................................. 3261
Committee Membership ......................................................................... 3263
Australian Charities and Not-for-profits Commission Bill 2012
Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012 ............................................................... 3263
Fair Work Amendment Bill 2012 ............................................................... 3263
Primary Industries—Australian Agriculture—Biosecurity and Quarantine Matters ................................................................................... 3264
Equal Opportunity for Women in the Workplace Amendment Bill 2012 ..... 3264
Government Documents—Orders of the Day—Consideration ................. 3264
Committee Membership ...................................................................... 3267
58  Fair Work Amendment (Transfer of Business) Bill 2012  
    Personal Liability for Corporate Fault Reform Bill 2012 ........................................ 3268
59  Constitutional Recognition of Local Government—Joint Select  
    Committee—Appointment .......................................................................................... 3268
60  Committee Membership ............................................................................................... 3270
61  Electricity Prices—Select Committee—Report—Consideration ............................. 3270
62  Committee Reports and Government Responses—Orders of the Day—  
    Consideration ............................................................................................................... 3270
63  Auditor-General’s Reports—Orders of the Day—Consideration ............................ 3271
64  Adjournment ............................................................................................................... 3272
65  Attendance .................................................................................................................. 3272
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 Ruston in continuation.

3 **PETITION**

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

From 998 petitioners, requesting that the Senate take action to suspend funding for environmental non-government organisations.

4 **NOTICES**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Tuesday, 20 November 2012, from 4.30 pm, to take evidence for the committee’s inquiry into the Foreign Investment Review Board national interest test. *(general business notice of motion no. 1012)*

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 November 2012, from 4 pm, to take evidence for the committee’s inquiry into an aviation accident investigation. *(general business notice of motion no. 1013)*

The Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Pratt): To move on the next day of sitting—That the Joint Standing Committee on the National Capital and External Territories be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 28 November 2012, from noon to 1.45 pm, to take evidence for the committee’s inquiries into the 2010-11 annual reports of the Department of Regional Australia, Regional Development and Local Government, and the National Capital Authority. *(general business notice of motion no. 1014)*

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

(a) recognises that:

(i) the recent ruling by the United States (US) Court of Appeals for the District of Columbia Circuit, which found that providing material support for terrorism was not a war crime between 1996 and 2001 and therefore could not support a conviction, invalidates Mr David Hicks’ conviction for this crime,
in 2007, Mr Hicks was incarcerated in a South Australian prison for 7 months as a result of negotiations between the Australian and US Governments and on the basis of this invalid conviction, and

in 2011, the Australian Government instituted proceedings against Mr Hicks under the *Proceeds of Crime Act 2002* on the basis of this invalid conviction; and

(b) calls on the Government to conduct an independent inquiry into Mr Hicks’ detention, treatment and unfair trial while in US custody, as well as the role played by the Australian Government in upholding the invalid and unlawful conviction. (general business notice of motion no. 1015)

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

(a) notes the World Health Organization (WHO) findings in relation to female genital mutilation (FGM), including:

(i) FGM is defined by the WHO as ‘all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons’,

(ii) it is estimated that FGM is practised in 28 countries in western, eastern and north-eastern Africa, in parts of the Middle East, and within some immigrant communities in Europe, North America and Australasia, and that 100 to 140 million women and girls around the world have experienced the procedure, including 92 million in Africa,

(iii) that, in seven of the countries where FGM is practised, the national prevalence rate among women aged 15 to 49 is almost universal – more than 85 per cent,

(iv) FGM has no known health benefits and is known to be harmful to girls and women in many different ways; it is painful and traumatic and the removal of, or damage to, healthy genital tissue interferes with the body’s natural functioning and causes immediate and long-term health consequences,

(v) in terms of impact on health:

(A) immediate consequences of FGM can include severe pain, shock, haemorrhage, tetanus or sepsis, urine retention, open sores in the genital region and injury to nearby genital tissue, and

(B) long-term consequences include recurrent bladder and urinary tract infections, cysts, infertility, an increased risk of childbirth complications and newborn deaths and the need for later surgeries; for example, the FGM procedure that seals or narrows a vaginal opening needs to be cut open later to allow for sexual intercourse and childbirth, and

(vi) FGM is a manifestation of deeply entrenched gender inequality and is recognised as a human rights abuse, and it constitutes an extreme form of discrimination against women, a violation of the rights of the child, the rights to health, life, security, physical integrity and the right to be free from torture and cruel, inhuman or degrading treatment;

(b) acknowledges that:

(i) several international and regional treaties have specifically identified FGM as being both a violation of the rights of women and girls and a form of discrimination, including the United Nations Commission on the Status of Women, ‘Ending female genital mutilation’ resolutions 54/7 of 2010, 52/2 of 2008 and 51/2 of 2007, and
(ii) in Australia, any type of FGM is clearly prohibited by specific legislation in every jurisdiction; and

c) expresses concern at recent identified cases of FGM in Australia. (general business notice of motion no. 1016)

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

(a) for the purpose of its inquiry into the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012, the Environment and Communications Legislation Committee have power to consider and make use of the evidence presented to the Community Affairs References Committee for its inquiry into the social and economic impact of rural wind farms, including, subject to paragraph (b), evidence or documents ordered by that committee to be treated as in camera evidence; and

(b) the Environment and Communications Legislation Committee shall not make use of any evidence or documents ordered by the Community Affairs References Committee to be treated as in camera evidence, except in accordance with the following conditions:

(i) the committee must first obtain the agreement of the witness who provided the evidence or documents,

(ii) the committee must not publish the evidence or documents without informing the witness in advance of the proposed publication,

(iii) the committee must provide reasonable opportunity for the witness to object to the publication and ask that the particular parts of the evidence or documents not be published,

(iv) the committee must give careful consideration to any objection by a witness before making its decision, and

(v) if the committee resolves to publish the evidence or documents, it must also consider publishing them in such a way as to conceal the identity of persons who gave the evidence or provided the documents, or who are referred to in the evidence or documents. (general business notice of motion no. 1017)

Senators Stephens and Eggleston and the Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Senate—

(a) recognises and applauds the work of the Grameen Bank in helping to lift millions of poor people, particularly poor women, out of poverty;

(b) acknowledges the work of founder Professor Muhammad Yunus and Grameen Bank as joint recipients of the 2006 Nobel Peace Prize for their work fighting poverty;

(c) notes the actions of the Government of Bangladesh on 22 August 2012 in amending the section of the Grameen Bank Ordinance relating to the appointment of a Managing Director;

(d) encourages the Government of Bangladesh to work cooperatively with the Bank’s board of directors on the appointment of a new Managing Director;

(e) urges the Government of Bangladesh to ensure the continued effectiveness of the Grameen Bank; and

(f) encourages a resolution of the appointment of a new Managing Director that supports the bank’s good governance. (general business notice of motion no. 1018)
The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 14 OF 2012

1. The committee met in private session on Wednesday, 31 October 2012 at 7.21 pm.

2. The committee resolved to recommend—that—
   (a) the provisions of the Courts and Tribunals Legislation Amendment (Administration) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by the first sitting day of 2013;
   (b) the provisions of the Fair Work Amendment Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 26 November 2012;
   (c) the provisions of the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by the first sitting day of 2013;
   (d) the provisions of the Treasury Legislation Amendment (Unclaimed Money and Other Measures) Bill 2012 be referred immediately to the Economics Legislation Committee for inquiry and report by 19 November 2012; and
   (e) the provisions of the Water Amendment (Water for the Environment Special Account) 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:
   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
   Broadcasting Services Amendment (Public Interest Test) Bill 2012
   Fair Entitlements Guarantee Bill 2012
   Fair Work Amendment (Transfer of Business) Bill 2012
   Public Service Amendment Bill 2012
   Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012
   Superannuation Legislation Amendment (New Zealand Arrangement) Bill 2012
   Tax Laws Amendment (Clean Building Managed Investment Trust) Bill 2012.

The committee recommends accordingly.
4. The committee deferred consideration of the following bill to its next meeting:
   Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012.

   Anne McEwen
   Chair
   31 October 2012.

   Senator McEwen moved—That the report be adopted.
   Question put and passed.

6 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. 2 Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012
      No. 3 Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012
      No. 5 Commonwealth Government Securities Legislation Amendment (Retail Trading) Bill 2012
      No. 6 Migration Legislation Amendment (Student Visas) Bill 2012; and
   (b) the report of the Select Committee on Electricity Prices and government business order of the day no. 1 (Dental Benefits Amendment Bill 2012) be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.
   Question put and passed.

7 DAYS OF MEETING
   The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That the days of meeting of the Senate for 2013 be as follows:

   Autumn sittings:
   Tuesday, 5 February to Thursday, 7 February
   Monday, 25 February to Thursday, 28 February
   Tuesday, 12 March to Thursday, 14 March
   Monday, 18 March to Thursday, 21 March

   Budget sittings:
   Tuesday, 14 May to Thursday, 16 May

   Winter sittings:
   Monday, 17 June to Thursday, 20 June
   Monday, 24 June to Thursday, 27 June

   Spring sittings:
   Tuesday, 20 August to Thursday, 22 August
   Monday, 26 August to Thursday, 29 August
   Monday, 9 September to Thursday, 12 September
Monday, 16 September to Thursday, 19 September
Tuesday, 1 October to Thursday, 3 October

Spring sittings (2):
Monday, 28 October to Thursday, 31 October
Monday, 18 November to Thursday, 21 November
Monday, 25 November to Thursday, 28 November.

Question put and passed.

8 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—

(1) That estimates hearings by legislation committees for 2013 be scheduled as follows:

**2012-13 additional estimates:**
Monday, 11 February and Tuesday, 12 February (Group A)
Wednesday, 13 February and Thursday, 14 February (Group B).

**2013-14 Budget estimates:**
Monday, 27 May to Thursday, 30 May, and, if required, Friday, 31 May (Group A)
Monday, 3 June to Thursday, 6 June, and, if required, Friday, 7 June (Group B)
Monday, 21 October and Tuesday, 22 October (supplementary hearings—Group A)
Wednesday, 23 October and Thursday, 24 October (supplementary hearings—Group B).

(2) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(3) That committees meet in the following groups:

**Group A:**
Environment and Communications
Finance and Public Administration
Legal and Constitutional Affairs
Rural and Regional Affairs and Transport

**Group B:**
Community Affairs
Economics
Education, Employment and Workplace Relations
Foreign Affairs, Defence and Trade.

(4) That the committees report to the Senate on the following dates:

(a) Tuesday, 19 March 2013 in respect of the 2012-13 additional estimates; and

(b) Tuesday, 25 June 2013 in respect of the 2013-14 Budget estimates.

Question put and passed.
9 **Routine of Business—Variation**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That immediately after motions to take note of answers, the routine of business for the remainder of the day be as follows:

(a) tabling of government responses to committee reports;
(b) tabling of documents;
(c) committee memberships;
(d) messages from the House of Representatives;
(e) from not later than 3.45 pm, consideration of a motion by Senator Xenophon relating to Australia’s biosecurity and quarantine arrangements;
(f) government business order of the day no. 7 (Equal Opportunity for Women in the Workplace Amendment Bill 2012)—second reading speeches only, till not later than 5.30 pm;
(g) orders of the day relating to government documents, till not later than 6.30 pm;
(h) consideration of the order of the day relating to the report of the Select Committee on Electricity Prices till not later than 7.30 pm; and
(i) consideration of committee reports, government responses and Auditor-General’s reports.

Question put and passed.

10 **Rural and Regional Affairs and Transport References Committee—Leave to Meet During Sitting**

Senator Kroger, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), moved—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 19 November 2012, from 10 am, to take evidence for the committee’s inquiry into an aviation accident investigation.

Question put and passed.

11 **Leave of Absence**

Senator McEwen, by leave, moved—That leave of absence be granted to Senators Bilyk and Singh for today, for personal reasons.

Question put and passed.

12 **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 19 November 2012.
13 Finance and Public Administration References Committee—Reference

Senator Xenophon, also on behalf of Senators Fierravanti-Wells, Di Natale and Madigan, amended business of the Senate notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by the first sitting day of 2013:

(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.

Question put and passed.

14 Foreign Affairs, Defence and Trade References Committee—Extension of Time to Report

Senator McEwen, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Eggleston) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 995—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.

Question put and passed.

15 Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sittings

Senator McEwen, at the request of Senator Furner and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 996—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.

Question put and passed.
16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
EXTENSION OF TIME TO REPORT
Senator McEwen, 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. 997—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.
Question put and passed.

17 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING
SITTINGS
Senator McEwen, at the request of the Chair of the Community Affairs Legislation
Committee (Senator Moore) and pursuant to notice of motion not objected to as a
formal motion, moved general business notice of motion no. 998—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.
Question put and passed.

18 COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING
SITTINGS
Senator McEwen, at the request of the Chair of the Community Affairs References
Committee (Senator Siewert) and pursuant to notice of motion not objected to as a
formal motion, moved general business notice of motion no. 999—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.
Question put and passed.

19 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—
LEAVE TO MEET DURING SITTING
Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and
Transport Legislation Committee (Senator Sterle) and pursuant to notice of motion not
objected to as a formal motion, moved general business notice of motion no. 1000—
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).
Question put and passed.
20 **HEALTH—INTERNATIONAL BRAIN TUMOUR AWARENESS WEEK**

Senator McEwen, at the request of Senator Bilyk and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1003—

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.

Question put and passed.

21 **HEALTH—ASIA PACIFIC REGION—MALARIA**

Senator Rhiannon, also on behalf of Senators Di Natale, Birmingham and Pratt, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1005—

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.

Question put and passed.
22 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:

  Appropriation (Implementation of the Report of the Expert Panel on Asylum Seekers) Bill (No. 1) 2012-2013

Question put.

The Senate divided—

AYES, 36

Senators—

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Senators—

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Question agreed to.

23 FOREIGN AFFAIRS—GLOBAL HYDRO FLUOROCARBONS PHASE-OUT

The Leader of the Australian Greens (Senator Milne) amended general business notice of motion no. 987 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) acknowledges proposals submitted by the Federated States of Micronesia, and by Canada, Mexico and the United States of America, to amend the Montreal Protocol on Substances that Deplete the Ozone Layer to regulate and phase-down production and consumption of hydro fluorocarbons (HFCs) with a high global warming potential, that have support of at least 108 Parties and are on the agenda for consideration for the 4th year in a row at the Meeting of the Parties in Geneva from 12 November to 16 November 2012 [25th anniversary meeting];

(b) recognises that:

(i) at the Rio+20 Conference earlier in 2012, the nations of the world agreed on a final document that recognised that the phase-out of ozone depleting substances was resulting in a rapid increase in the use and release of high global warming potential HFCs to the environment, and supported a gradual phase-down in the consumption and production of HFCs,
(ii) it is time for the Montreal Protocol to regulate HFCs in order to support efforts to tackle climate change and to reduce the threat of crossing tipping points for abrupt, irreversible and catastrophic climate change,

(iii) any action taken under the Montreal Protocol on HFCs recognise the primacy of the United Nations Framework Convention on Climate Change, and

(iv) that the equivalent carbon price levied on HFCs through the Clean Energy Future Plan is already working to reduce these emissions in Australia; and

(c) calls on the Government to play an active role in negotiations to encourage all countries to reach an effective agreement to drive a global phase-down of HFCs under the Montreal Protocol.

Question put.

The Senate divided—

**AYES, 34**

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Question agreed to.

**24 FINANCE—CLEAN ENERGY COSTINGS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1006—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; and

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

Question put.
The Senate divided—

AYES, 29

Senators—
Back
Bernardi
Birmingham
Boswell
Brandis
Bushby
Cash
Colbeck

Cormann
Edwards
Eggleston
Fawcett
Fifield
Heffernan
Humphries
Kroger (Teller)

Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ruston

Ryan
Scullion
Smith
Williams
Xenophon
25 **Finance—Minerals Resource Rent Tax Costings—Proposed Order for Production of Documents**

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1007—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.

Question put.
The Senate divided—

**AYES, 29**

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Question negatived.

26 FOREIGN AFFAIRS—INDIA—KOODANKULAM NUCLEAR POWER PLANT—PROTESTERS

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1004—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.

Question put and negatived.

27 FAMILY AND COMMUNITY SERVICES—NEWSTART

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1008—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.

Question put.
The Senate divided—

AYES, 9

Senators—

Di Natale
Ludlam
Milne
Rhiannon
Siewert (Teller)
Whish-Wilson
Wright
Xenophon

NOES, 45

Senators—

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Brown
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Cormann
Crossin
Edwards
Eggleston
Fawcett
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Stephens
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Thistlethwaite
Thorp
Urquhart
Williams
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Question negatived.

28 INDIGENOUS AUSTRALIANS—COMMUNITY SAFETY AND WELLBEING RESEARCH STUDY—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1009—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.

Question put and negatived.
29 **INDIGENOUS AUSTRALIANS—NORTHERN TERRITORY EMERGENCY RESPONSE—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1010—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.

Question put and passed.

30 **INDIGENOUS AUSTRALIANS—HEALING FOUNDATION**

Senator Siewert, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1011—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.

Question put and passed.

31 **GAMBLING REFORM—JOINT SELECT COMMITTEE—REFERENCE**

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1001—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.

Question put and passed.
32 **ADMINISTRATION—BUSHFIRES**

Senator Back, also on behalf of Senator Humphries, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1002—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

(d) 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.

Question put and passed.

33 **COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES**

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

**Budget estimates 2012-13—**

Community Affairs Legislation Committee—Additional information received between 18 September and 30 October 2012—

- Families, Housing, Community Services and Indigenous Affairs portfolio.
- Health and Ageing portfolio.
- Indigenous issues across portfolios: Families, Housing, Community Services and Indigenous Affairs portfolio.

Education, Employment and Workplace Relations Legislation Committee—Additional information received between 21 September and 31 October 2012—

- Education, Employment and Workplace Relations portfolio.

Environment and Communications Legislation Committee—Additional information received between—

- 10 October and 31 October 2012—Broadband, Communications and the Digital Economy portfolio.
- 11 October and 31 October 2012—Climate Change and Energy Efficiency portfolio.
Finance and Public Administration Legislation Committee—Additional information received between 19 September and 31 October 2012—Finance and Deregulation portfolio.
Foreign Affairs, Defence and Trade Legislation Committee—Additional information—Defence portfolio.
Budget estimates 2012-13 (Supplementary)—
Community Affairs Legislation Committee—Additional information received between 15 October and 30 October 2012—
Families, Housing, Community Services and Indigenous Affairs portfolio.
Health and Ageing portfolio.
Human Services portfolio.
Indigenous issues across portfolios: Families, Housing, Community Services and Indigenous Affairs portfolio; Department of Education, Employment and Workplace Relations.
Education, Employment and Workplace Relations Legislation Committee—
Additional information received to 31 October 2012—Education, Employment and Workplace Relations portfolio.
Environment and Communications Legislation Committee—Additional information—
Broadband, Communications and the Digital Economy portfolio.
Climate Change and Energy Efficiency portfolio.
Sustainability, Environment, Water, Population and Communities portfolio.
Finance and Public Administration Legislation Committee—Additional information received between —
16 October and 30 October 2012—Finance and Deregulation portfolio.
15 October and 31 October 2012—
Parliamentary departments.
Prime Minister and Cabinet portfolio.
Foreign Affairs, Defence and Trade Legislation Committee—Hansard record of proceedings and additional information received—
17 October 2012—Defence portfolio.
18 October 2012—Foreign Affairs and Trade portfolio.

34 PUBLICATIONS—STANDING COMMITTEE—21ST REPORT

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

PUBLICATIONS COMMITTEE

21ST 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 11 October 2012, recommends that the following be printed:
Australian Agency for International Development (AusAID)—Addendum.
Australian Centre for International Agricultural Research (ACIAR)—Report for 2011-12.
Australian Commission on Safety and Quality in Health Care—Report for 2011-12
Australian Communications and Media Authority (ACMA)—Report for 2011-12.
Australian Competition and Consumer Commission—Report for 2011-12, including report of the Australian Energy Regulator (AER).
Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2011-12.
Australian Customs and Border Protection Service—Report for 2011-12.
Australian Film, Television and Radio School (AFTRS)—Report for 2011-12.
Australian Information Commissioner—Report No. 55—BZ and AD v Commonwealth of Australia (Department of Immigration and Citizenship).
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2011-12.
Australian Institute of Criminology—Report for 2011-12.
Australian National Preventive Health Agency—Report for the period 1 January 2011 to 30 June 2012.
Australian Postal Corporation (Australia Post)—Report for 2011-12.
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)—Report for 2011-12.
Cancer Australia—Report for 2011-12.
Civil Aviation Safety Authority (CASA)—Report for 2011-12.
Classification Board and Classification Review Board—Reports for 2011-12.
Clean Energy Regulator—Report for the period 2 April to 30 June 2012.
Commonwealth Director of Public Prosecutions—Report for 2011-12.
Commonwealth Superannuation Corporation (CSC)—Reports for 2011-12, including financial statements for the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), and the Public Sector Superannuation accumulation plan (PSSap).
Defence Housing Australia (DHA)—Report for 2011-12.
Department of Climate Change and Energy Efficiency—Report for 2011-12.
Department of Finance and Deregulation—Report for 2011-12.
Department of Foreign Affairs and Trade—Report for 2011-12.


Department of Immigration and Citizenship—Report for 2011-12.


Department of Infrastructure and Transport—Report for 2011-12.

Department of Regional Australia, Local Government, Arts and Sport—Report for 2011-12, including report on the operation of the Protection of Movable Cultural Heritage Act 1986.

Department of Resources, Energy and Tourism—Report for 2011-12, including report of Geoscience Australia.

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 Prime Minister and Cabinet—Annual report for 2011-12.


Department of the Treasury—Report for 2011-12.


Fair Work Building Industry Inspectorate—Report for the period 1 to 30 June 2012, including report of the Australian Building and Construction Commissioner for the period 1 July 2011 to 31 May 2012 [Final report].


Family Court of Australia—Report for 2011-12.


Food Standards Australia New Zealand—Report for 2011-12.


Migration Agents Registration Authority (MARA)—Report for 2011-12.


No. 121—1 November 2012

National Film and Sound Archive—Report for 2011-12.
National Health and Medical Research Council (NHMRC)—Report for 2011-12.
National Industrial Chemicals Notification and Assessment Scheme (NICNAS)—Report for 2011-12.
National Mental Health Commission—Report for the period 1 January to 30 June 2012.
Office of the Official Secretary to the Governor-General—Report for 2011-12.
Productivity Commission—
  Report No. 60—Default superannuation funds in modern awards, dated 5 October 2012.
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.
Screen Australia—Report for 2011-12.
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare)—Report for 2011-12.
Special Broadcasting Service Corporation (SBS)—Report for 2011-12.
Tourism Australia—Report for 2011-12.
Wine Australia Corporation—Report for 2011-12

Senator Brown
Chair
1 November 2012.

Senator McEwen moved—That the report be adopted.
Question put and passed.

35 **Electricity Prices—Select Committee—Report**

Pursuant to order, the Chair of the Select Committee on Electricity Prices (Senator Thistlethwaite) tabled the following report:

Electricity Prices—Select Committee—Reducing energy bills and improving efficiency—Report, dated November 2012.

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

Senator Thistlethwaite moved—That the Senate take note of the report.
Debate ensued.

*At 12.45pm*: Debate was interrupted while Senator Cormann was speaking.

36 **Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) 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.

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 Sustainability and Urban Water (Senator Farrell) the bill was read a third time.

37 **Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) 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.

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 Sustainability and Urban Water (Senator Farrell) the bill was read a third time.
38 **COMMONWEALTH GOVERNMENT SECURITIES LEGISLATION AMENDMENT (RETAIL TRADING) 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.

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 Sustainability and Urban Water (Senator Farrell) the bill was read a third time.

39 **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.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

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In the committee

Bill taken as a whole by leave.

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Explanatory memorandum: The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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Question—That the bill stand as printed—divided, at the request of Senator Farrell, in respect of Schedule 1, items 1 to 3.

Question—That Schedule 1, items 1 to 3 stand as printed—put and negatived.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of Senator Farrell the report from the committee was adopted and the bill read a third time.
40 ELECTRICITY PRICES—SELECT COMMITTEE—REPORT—CONSIDERATION
Order read for the adjourned debate on the motion of the Chair of the Select Committee on Electricity Prices (Senator Thistlethwaite)—That the Senate take note of the report (see entry no. 35).
Debate resumed.
At 2 pm: Debate was interrupted while Senator Ryan was speaking.

41 QUESTIONS
Questions without notice were answered.

42 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Fifield 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 Fifield today relating to a National Disability Insurance Scheme.
Debate ensued.
Question put and passed.

Senator Waters moved—that the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Waters today relating to environmental responsibilities.
Question put and passed.

43 ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—WOMEN IN SPORT AND RECREATION IN AUSTRALIA
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:

The Minister for Finance and Deregulation (Senator Wong) tabled the following document:

45 MIGRATION—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—MIGRATION TREATMENT OF DISABILITY
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:
46 **TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—125TH REPORT**

The Minister for Finance and Deregulation (Senator Wong) tabled the following document:


47 **WOMEN—AFFORDABLE HOUSING—DOCUMENT**

The Deputy President (Senator Parry) tabled the following document:

Women—Affordable housing—Letter to the President of the Senate from the Minister for Housing and the Minister for Homelessness (Mr O’Connor) responding to the resolution of the Senate of 23 August 2012, dated 30 October 2012.

48 **AUDITOR-GENERAL—AUDIT REPORT NO. 9 OF 2012-13—DOCUMENT**

The Deputy President (Senator Parry) tabled the following document:

Auditor-General—Audit report no. 9 of 2012-13—Performance audit—Delivery of bereavement and family support services through the Defence Community Organisation: Department of Defence; Department of Veterans’ Affairs.

49 **ELECTORAL AND REFERENDUM AMENDMENT (IMPROVING ELECTORAL PROCEDURE) BILL 2012—EXPLANATORY MEMORANDUM**

The Minister for Finance and Deregulation (Senator Wong) tabled an addendum to the explanatory memorandum relating to the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012.

50 **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.]

Financial Management and Accountability Act—Financial Management and Accountability Determination 2012/28 – Section 32 (Transfer of Functions from NNTT to FEDCA) [F2012L02112].

Greenhouse and Energy Minimum Standards Act—

Health Insurance Act—
Health Insurance (Cleft Lip and Cleft Palate Services) Determination 2012 [F2012L02113].
Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Service and Rockhampton, Bundaberg and Gladstone Mobile MRI Service) Determination 2012 [F2012L02118].
Private Health Insurance Act—
Private Health Insurance (Benefit Requirements) Amendment Rules 2012 (No. 6) [F2012L02111].
Private Health Insurance (Benefit Requirements) Amendment Rules 2012 (No. 7) [F2012L02114].
51 **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 Finance and Deregulation (Senator Wong), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee**—
Discharged—Senator McKenzie
Appointed—
Senator Boswell
Participating member: Senator McKenzie

**Legal and Constitutional Affairs Legislation Committee**—
Appointed—
Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the provisions of the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012
Participating member: Senator Wright.

Question put and passed.

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

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


53 **FAIR WORK AMENDMENT BILL 2012**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

- Message no. 540, dated 1 November 2012—A Bill for an Act to amend the law relating to workplace relations, and for related purposes.

The Minister for Finance and Deregulation (Senator Wong) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Wong moved—That this bill 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.
54 PRIMARY INDUSTRIES—AUSTRALIAN AGRICULTURE—BIOSECURITY AND QUARANTINE MATTERS

Senator Xenophon moved—that the Senate notes the Government’s approach to biosecurity and quarantine matters in respect of Australian agriculture and issues of World Trade Organization compliance.

Debate ensued.

Question put and passed.

55 EQUAL OPPORTUNITY FOR WOMEN IN THE WORKPLACE AMENDMENT 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.

Pursuant to order, debate was interrupted while Senator Boyce was speaking.

56 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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


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


—Motion of Senator Bushby to take note of documents debated. Debate adjourned till Thursday at general business, Senator Faulkner in continuation.

Department of Immigration and Citizenship—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Cash debate was adjourned till Thursday at general business.

Migration Agents Registration Authority (MARA)—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Cash debate was adjourned till Thursday at general business.
Migration Review Tribunal and Refugee Review Tribunal—Report for 2011-12. Motion of Senator Bushby to take note of document called on. On the motion of Senator Cash debate was adjourned till Thursday at general business.


Department of Foreign Affairs and Trade—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Australian Postal Corporation (Australia Post)—Report for 2011-12. Motion of Senator Bushby to take note of document debated and agreed to.


Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2011-12, including report of the Science and Industry Endowment Fund. 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.

Department of Regional Australia, Local Government, Arts and Sport—Report for 2011-12, including report on the operation of the Protection of Movable Cultural Heritage Act 1986. 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.

Australian National Preventive Health Agency—Report for the period 1 January 2011 to 30 June 2012. Motion of Senator Bushby to take note of document called on. On the motion of Senator Fierravanti-Wells debate was adjourned till Thursday at general business.

Australian Trade Commission (Austrade)—Report for 2011-12. 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.


Australian Strategic Policy Institute Limited (ASPI)—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Mid-year economic and fiscal outlook—2012-13—Statement by the Treasurer (Mr Swan) and the Minister for Finance and Deregulation (Senator Wong). Motion of Senator Bushby to take note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.


Tourism Australia—Report for 2011-12. 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.


Department of the Prime Minister and Cabinet—Australia in the Asian Century—White Paper, dated October 2012. Motion of Senator Bushby to take note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

International Air Services Commission—Report for 2011-12. Motion of Senator Bushby to take note of document agreed to.


Australian Centre for International Agricultural Research (ACIAR)—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.

Outback Stores Pty Ltd—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.

Indigenous Business Australia—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.

Repatriation Medical Authority—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 Public Service Commission—Report of the Australian Public Service Commissioner for 2011-12, including reports of the Defence Force Remuneration Tribunal and the Merit Protection Commissioner. 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.


57 COMMITTEE MEMBERSHIP

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Foreign Affairs, Defence and Trade, as follows:

Message no. 543, dated 1 November 2012—Mr Slipper in place of Mr McClelland.
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 546, dated 1 November 2012—A Bill for an Act to amend the law relating to workplace relations, and for related purposes.

Message no. 545, dated 1 November 2012—A Bill for an Act to amend the law relating to personal liability for offences committed by corporations, and for related purposes.

The Parliamentary Secretary to the Prime Minister (Senator McLucas) 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 McLucas 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 McLucas moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

A message from the House of Representatives was reported proposing the appointment of a joint select committee, as follows:

Message no. 544, dated 1 November 2012—Proposed Joint Select Committee on Constitutional Recognition of Local Government, and transmitting for the concurrence of the Senate the following resolution:

That:

(1) a Joint Select Committee on Constitutional Recognition of Local Government be appointed to inquire into and report on the majority finding (financial recognition) of the Expert Panel on Constitutional Recognition of Local Government including by amending section 96 of the Constitution, and in conducting its inquiry, the Committee will assess the likelihood of success of a referendum on financial recognition, and will take into account the following matters:

(a) the report of the Expert Panel on constitutional recognition of Local Government, including preconditions set by the Expert Panel for the holding of a referendum;
(b) the level of State and Territory support;
(c) the potential consequences for Local Government, States and Territories of such an amendment; and
(d) any other matters that the Committee considers may be relevant to a decision on whether to conduct a referendum, and the timing of any referendum;
(2) the Committee consist of twelve members, three Members of the House of Representatives to be nominated by the Government Whip or Whips, three Members of the House of Representatives to be nominated by the Opposition Whip or Whips, and one non-aligned Member, two Senators to be nominated by the Leader of the Government in the Senate, two Senators to be nominated by the Leader of the Opposition in the Senate and one Senator to be nominated by any minority group or groups or independent Senator or independent Senators;

(3) every nomination of a member of the Committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives;

(4) the members of the Committee hold office as a Joint Select Committee until presentation of the Committee’s report or the House of Representatives is dissolved or expires by effluxion of time, whichever is the earlier;

(5) the Committee elect:
   (a) a Government Member as Chair; and
   (b) an Opposition Member as its Deputy Chair who shall act as Chair of the Committee at any time when the Chair is not present at a meeting of the Committee, and at any time when the Chair and Deputy Chair are not present at a meeting of the Committee the members present shall elect another member to act as Chair at that meeting;

(6) in the event of an equally divided vote, the Chair, or the Deputy Chair when acting as Chair, has a casting vote;

(7) three members of the Committee constitute a quorum of the Committee provided that in a deliberative meeting the quorum shall include one Government Member of either House, and one non-Government Member of either House;

(8) the Committee has power to appoint subcommittees consisting of three or more of its members and to refer to any subcommittee any matter which the Committee is empowered to examine;

(9) the Committee appoint the Chair of each subcommittee who shall have a casting vote only and at any time when the Chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as Chair at that meeting;

(10) two members of a subcommittee constitute the quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include one Government Member of either House and one non-Government Member of either House;

(11) members of the Committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum;

(12) the Committee or any subcommittee:
   (a) has power to call for witnesses to attend and for documents to be produced;
   (b) may conduct proceedings at any place it sees fit; and
   (c) has power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives;
(13) the Committee may report from time to time but that it present a preliminary report no later than December 2012 if possible, and a final report no later than February 2013;
(14) the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

The Parliamentary Secretary to the Prime Minister (Senator McLucas), by leave, moved—That the Senate concurs with the resolution of the House of Representatives contained in message no. 544 relating to the appointment of a joint select committee. Debate ensued.
Question put and passed.

60 COMMITTEE MEMBERSHIP

The Deputy President (Senator Parry) informed the Senate that the President had received letters nominating senators to be members of a committee.

The Parliamentary Secretary to the Prime Minister (Senator McLucas), by leave, moved—That Senators Rhiannon, Singh and Sterle be appointed to the Joint Select Committee on Constitutional Recognition of Local Government.
Question put and passed.

61 ELECTRICITY PRICES—SELECT COMMITTEE—REPORT—CONSIDERATION

Order read for the adjourned debate on the motion of the Chair of the Select Committee on Electricity Prices (Senator Thistlethwaite)—That the Senate take note of the report (see entry no. 35).

Debate resumed.
Question put and passed.

62 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:

Gambling Reform—Joint Select Committee—Third report—The prevention and treatment of problem gambling. Motion to take note of report moved by Senator Fierravanti-Wells. Debate adjourned till the next day of sitting, Senator Fierravanti-Wells in continuation.

Foreign Affairs, Defence and Trade References Committee—Final report—Procurement procedures for Defence capital projects—Government response. Motion to take note of document moved by Senator Fawcett. Debate adjourned till the next day of sitting, Senator Fawcett in continuation.


Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Australia’s overseas representation – Punching below our weight? Motion of Senator Moore to take note of report agreed to.

Treaties—Joint Standing Committee—Report 130—Treaty tabled on 14 August 2012. Motion of Senator McKenzie to take note of report called on. On the motion of Senator Back debate was adjourned till the next day of sitting.

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 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 agreed to.

Community Affairs Legislation Committee—Interim and final reports—Low Aromatic Fuel Bill 2012. Motion of the chair of the committee (Senator Moore) to take note of reports 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 to 4 and 6 relating to committee reports and government responses were called on but no motion was moved.

63 **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, Communication 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 called on. On the motion of Senator Back debate was adjourned till the next day of sitting.

Orders of the day nos 3 to 8 relating to reports of the Auditor-General were called on but no motion was moved.

64 ADJOURNMENT
The Deputy President (Senator Parry) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.57 pm till Monday, 19 November 2012 at 10 am.

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

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate