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1 MEETING OF SENATE
The Senate met at 11 am. The President (Senator the Honourable John Hogg) took the chair; read prayers and made an acknowledgement of country.

2 GOVERNMENT DOCUMENTS
The following documents were tabled:
Administrative Review Council (ARC)—Report for 2011-12.
Executive Director of Township Leasing—Report for 2011-12.
Fair Work Building Industry Inspectorate (Fair Work Building and Construction)—Report for the period 1 June 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].
National Native Title Tribunal—Report for 2011-12.
Royal Australian Navy Central Canteens Board (RANCCB)—Report for 2011-12.
Treaties—

Bilateral—
Exchange of Notes, done at Tokyo, 2012, constituting an Agreement to further amend the Schedule to the Agreement between the Commonwealth of Australia and Japan for Air Services, done at Tokyo on 19 January 1956, as amended—Text, together with national interest analysis. Text, together with national interest analysis and annexures—
3312

No. 123—20 November 2012

Multilateral—Text, together with national interest analysis, regulation impact statement and annexures—


3 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by Senator Thistlethwaite concerning the unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and indicated that the committee had investigated the matter and reported to the Senate in accordance with the order of the Senate of 20 June 1996.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.

Document: The President tabled the following document:


Notice of motion: Senator Thistlethwaite gave a notice of motion as follows: To move on the next day of sitting—

(1) That the following matter be referred to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.

(2) That, for the purpose of this inquiry, the Committee of Privileges have power to consider and make use of the minutes of private meetings of the Select Committee on Electricity Prices, correspondence referred to in paragraphs 7.6 to 7.8 of the committee’s report and any other document relevant to the question of possible unauthorised disclosure of the committee’s draft report.
**4 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.

On the motion of Senator Collins the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

**5 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

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

(1) On Tuesday, 20 November 2012:

(a) the hours of meeting shall be 11 am to 6.30 pm and 7.30 pm to adjournment;

(b) the routine of business from not later than 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 10 pm.

(2) On Thursday, 22 November 2012:

(a) the hours of meeting shall be 9.30 am to 6 pm and 7 pm to 10.40 pm;

(b) divisions may take place after 4.30 pm;

(c) consideration of committee reports, government responses and Auditor-General’s reports shall not be proceeded with;

(d) the routine of business from not later than 7 pm shall be government business only; and

(e) the question for the adjournment of the Senate shall be proposed at 10 pm.

Debate ensued.

*Closure*: Senator Collins moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

**AYES, 38**

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The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice, moved government business notice of motion no. 2—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012, allowing it to be considered during this period of sittings.

Debate ensued.

Question put and passed.

Senator Collins, pursuant to notice, moved government business notice of motion no. 3—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:

Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012
Clean Energy (Charges—Excise) Amendment Bill 2012
Clean Energy (Charges—Customs) Amendment Bill 2012
Excise Tariff Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Clean Energy (Unit Issue Charge—Auctions) Amendment Bill 2012
Fair Entitlements Guarantee Bill 2012
Fair Work Amendment (Transfer of Business) Bill 2012.

Documents: Senator Collins tabled the following documents:

Debate ensued.
Closure: Senator McEwen moved—That the question be now put.
Question—That the question be now put—put.
The Senate divided—

AYES, 36

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

NOES, 29

Senators—
Back (Teller) Edwards Kroger Rusted
Bernardi Eggleston Macdonald Scullion
Birmingham Fawcett Mason Sinodinos
Boswell Fierravanti-Wells McKenzie Smith
Boyce Fifield Nash Williams
Bushby Heffernan Parry
Cash Humphries Payne
Colbeck Joyce Ronaldson

Question agreed to.
Main question put.
The Senate divided—

AYES, 36

Senators—

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NOES, 29

Senators—

| Back (Teller) | Edwards | Kroger | Ruston |
| Bernardi     | Eggleston | Macdonald | Scullion |
| Birmingham   | Fawcett  | Mason  | Sinodinos |
| Boswell      | Fierravanti-Wells | McKenzie | Smith |
| Boyce        | Fifield  | Nash   | Williams |
| Busby        | Heffernan | Parry  |        |
| Cash         | Humphries | Payne  |        |
| Colbeck      | Joyce    | Ronaldson |        |

Question agreed to.

Senator Collins, pursuant to notice, moved government business notice of motion no. 4—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:

- Corporations Legislation Amendment (Derivative Transactions) Bill 2012
- Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012
- Freedom of Information Amendment (Parliamentary Budget Office) Bill 2012
- Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012
- National Health Security Amendment Bill 2012
- Personal Liability for Corporate Fault Reform Bill 2012
- Superannuation Auditor Registration Imposition Bill 2012
- Superannuation Laws Amendment (Capital Gains Tax Relief and Other Efficiency Measures) Bill 2012
- Superannuation Legislation Amendment (New Zealand Arrangement) Bill 2012
- Tax Laws Amendment (2012 Measures No. 5) Bill 2012
- Tax Laws Amendment (Clean Building Managed Investment Trust) Bill 2012.

Question put and passed.

7 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012.

Question put and passed.
8 Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012
Order read for the adjourned debate on the motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas)—That this bill be now read a second time.
Debate resumed.
At 2 pm: Debate was interrupted while Senator Hanson-Young was speaking.

9 Questions
Questions without notice were answered.

Document: The Leader of the Australian Greens (Senator Milne), by leave, tabled the following document:

Further questions without notice were answered.

10 Motions to Take Note of Answers
Senator Brandis moved—That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice asked by Senator Fierravanti-Wells today relating to the United Nations Convention Against Corruption.
Debate ensued.
Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Human Services (Senator Kim Carr) to a question without notice asked by Senator Siewert today relating to Newstart.
Question put and passed.

11 Notices
Senator Ludlam: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Resources and Energy, no later than noon on Monday, 26 November 2012, a map revealing the precise geographical location of the proposed alternative site for a nuclear waste dump referred to by the Northern Land Council Principal Legal Officer at a press conference on Crab Claw Island on Tuesday, 13 November 2012. (general business notice of motion no. 1033)

The Minister for Multicultural Affairs (Senator Lundy): To move on the next day of sitting—That the Senate notes that:
(a) Friday, 16 November 2012, was the celebration of Deepavali, a special day in the calendar for Indian Australians;
(b) Deepavali or the ‘festival of lights’ is a positive and joyous celebration that represents hope, renewal, happiness, forgiveness and goodwill;
(c) Deepavali is one of the biggest celebrations of the year – it transcends religious differences to unite everyone in celebration; and
(d) Australia is a richly multicultural nation which embraces the religious and cultural traditions of our diverse population.

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

(a) notes that 25 November 2012 marks White Ribbon Day, the United Nations’ International Day for the Elimination of Violence Against Women;

(b) recognises that:

(i) statistics show one in three women in Australia has experienced violence since the age of 15 and one in five has experienced sexual violence,

(ii) all forms of violence, including physical, sexual, financial and psychological, are unacceptable,

(iii) the social and economic costs to Australian families and all Australians that stem from domestic violence and violence in the home are devastating, and

(iv) men’s involvement in the reduction of violence against women in Australia and across the world is imperative, both in speaking out against it and in teaching the next generation of Australian children that it is under no circumstances acceptable;

(c) acknowledges that:

(i) all women, regardless of their status, deserve to live their lives free from the trauma, despair and impaired health that violence can inflict on them,

(ii) whatever a person’s circumstances, the role of government is to keep them safe from violence, and

(iii) the work of thousands of women and men across Australia in agencies and through domestic violence services does help keep some women and their children safe;

(d) congratulates the more than 54 000 men who have pledged through White Ribbon to never stay silent on violence against women; and

(e) encourages all Australians to purchase a white ribbon and wear it on White Ribbon Day to highlight that violence against women is simply not acceptable.

(General business notice of motion no. 1034)

Senator Siewert: To move on 22 November 2012—That the Senate—

(a) acknowledges that:

(i) the United Kingdom (UK) Government has an inconsistent policy of freezing pension indexation for expatriate UK citizens, with the payments frozen for UK citizens living in countries including Australia and Canada, but being appropriately indexed for UK citizens living in other jurisdictions, including the European Union and the United States of America,

(ii) the pension-freeze policy currently affects approximately 250 000 expatriate UK citizens living in Australia,

(iii) approximately 190 000 expatriate UK citizens in Australia access the Australian pensions system to supplement their UK pensions, and

(iv) the annual cost of this pension freeze to Australia is estimated at $110 million per year; and
(b) calls on the Australian Government to continue all reasonable diplomatic efforts to persuade the UK Government to appropriately index pensions for all expatriate UK citizens. (general business notice of motion no. 1035)

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

(a) notes:

(i) strong support and popularity has been expressed by the blind and visually impaired community for the Australian Broadcasting Corporation’s (ABC) 13 week trial of audio description of scenes during television programs,

(ii) that technical issues identified during the trial will be reported to the Minister by the ABC by the end of 2012, and

(iii) the 5 November 2012 statement by the Minister indicating that the Government will work with all parties to address the technical difficulties towards establishing a permanent service; and

(b) calls on the Government to:

(i) make the ABC report on the audio description trial public, and

(ii) support the inclusion of funding for audio description in the ABC triennial funding process. (general business notice of motion no. 1036)

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

(a) notes that:

(i) since the cessation of the export of kangaroo meat to Russia, the macropod harvesting industry has suffered a severe downturn, and

(ii) this cessation has had an impact on the livelihoods of hundreds of macropod harvest operators and their families, which in turn has had a significant impact on the local economies of some small western Queensland localities; and

(b) calls on the Government to do everything possible to reinstate the kangaroo meat export trade to Russia and elsewhere. (general business notice of motion no. 1037)

The Leader of the Australian Greens (Senator Milne): To move on 27 November 2012—That the Senate—

(a) notes that Palestinian representatives have indicated that on 29 November 2012 they will be introducing a resolution to the United Nations (UN) General Assembly to recognise Palestine as a non-member state of the UN; and

(b) calls on the Australian Government to support Palestine in being granted non-member state observer status at the UN. (general business notice of motion no. 1038)

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

(a) notes:

(i) as of 19 November 2012, the tragic loss of over 100 Palestinian and three Israeli lives in the latest conflict in Gaza,

(ii) the disproportionate Israeli response in Gaza and that the parties to the conflict are not equivalent as Israel is the world’s fifth largest military power and Palestine has a weakened and constricted economy and is subject to restrictions on freedom of movement and goods in breach of international law, and
(iii) that, rather than women and children being used as human shields in Gaza, the small physical area of Gaza means there is nowhere for women and children to go to be safe from bombings; and

(b) calls on:
   (i) the parties to the conflict in Israel and Palestine to immediately cease all armed attacks in order to protect civilians, and
   (ii) the Australian Government to:
      (A) strongly advocate for an immediate ceasefire and for Israel to lift the blockade of Gaza,
      (B) use its new-found influence as a member of the United Nations Security Council to urge the implementation of the recommendations of the Fact Finding Mission on the Gaza Conflict in 2009 (the operation known by the Israeli Defence Force as Operation Cast Lead) to ensure the atrocities of that conflict are not repeated, and
      (C) reiterate Australia’s commitment to a two-state solution. (general business notice of motion no. 1039)

Senator Ryan: To move on the next day of sitting—That the Senate—
   (a) condemns the repeated rocket and mortar attacks on Israel from the Gaza Strip;
   (b) supports Israel’s right to defend itself against these unacceptable and indiscriminate attacks;
   (c) calls on Hamas to immediately cease the rocket and mortar attacks on Israel;
   (d) notes that Australia has listed the military arm of Hamas as a terrorist organisation; and
   (e) expresses concern over pro-Hamas rallies in Australia. (general business notice of motion no. 1040)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—
   (a) condemns:
      (i) Uganda’s Anti-Homosexuality Bill, known as the ‘Kill The Gays Bill’, which establishes a death penalty for certain homosexual acts and penalty of life imprisonment for being in a same-sex relationship, and which may be passed into Ugandan law before Christmas 2012, and
      (ii) Nigeria’s Anti-Gay Bill, known as the ‘Jail the Gays Bill’, which establishes a penalty of 14 years imprisonment for same-sex marriage and a penalty of 10 years imprisonment for co-habiting in a same-sex relationship or supporting gay rights, and may be passed into law in the coming weeks; and
   (b) calls on the Australian Government to use all diplomatic measures to urge the Ugandan and Nigerian governments to withdraw their draconian anti-gay bills. (general business notice of motion no. 1041)

Senator Hanson-Young: To move on 22 November 2012—That the Senate—
   (a) notes that:
      (i) homosexual acts were decriminalised in Victoria in 1981 but that convictions prior to that date can still appear on a Victorian person’s police record, and
      (ii) the United Kingdom (UK) recently enacted legislation to expunge historic convictions for homosexual acts which were imposed prior to the decriminalisation of homosexuality in the UK; and
calls on all Australian states and territories to enact legislation that expressly purges convictions imposed on people prior to the decriminalisation of homosexual conduct. (general business notice of motion no. 1042)

Senator Hanson-Young: To move on 22 November 2012—That the Migration Amendment Regulation 2012 (No. 5), as contained in Select Legislative Instrument 2012 No. 230 and made under the Migration Act 1958, be disallowed.


Senators Brown and Bushby: To move on the next day of sitting—That the Senate—

(a) records its disappointment at the decision by the Australian Broadcasting Corporation (ABC) to close the Tasmanian television production unit;

(b) notes the ABC’s obligations to capture cultural diversity and local programming;

(c) calls on ABC Managing Director, Mr Mark Scott, to reverse his decision and reinstate the Tasmanian television production unit;

(d) expresses its disappointment at the loss of 17 highly skilled jobs in the Tasmanian television production unit; and

(e) records its concern with the continuing centralisation of ABC production in Melbourne and Sydney. (general business notice of motion no. 1044)

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That the exposure draft and explanatory notes of the Human Rights and Anti-Discrimination Bill 2012 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 February 2013.

Documents: Senator Collins tabled the following documents:

Law and justice—Human Rights and Anti-Discrimination Bill 2012—
Exposure draft legislation, dated November 2012.

12 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 15 OF 2012

Senator Brown, at the request of the Chair of the Selection of Bills Committee (Senator McEwen), tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 15 OF 2012

1. The committee met in private session on Monday, 19 November 2012 at 7.51 pm.

2. The committee resolved to recommend—That the provisions of the National Gambling Reform Bill 2012, the National Gambling Reform (Related Matters) Bill (No. 1) 2012 and the National Gambling Reform (Related Matters) Bill (No. 2) 2012 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 27 November 2012.
3. The committee resolved to recommend—that the following bills not be referred to committees:

Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012
Customs Amendment (Malaysia-Australia Free Trade Agreement Implementation and Other Measures) Bill 2012
Customs Tariff Amendment (Malaysia-Australia Free Trade Agreement Implementation) Bill 2012.

The committee recommends accordingly.

Anne McEwen
Chair
19 November 2012.

Senator Brown moved—that—
(a) the report be adopted; but
(b) in respect of the National Gambling Reform Bill 2012, the National Gambling Reform (Related Matters) Bill (No. 1) 2012 and the National Gambling Reform (Related Matters) Bill (No. 2) 2012, the provisions of these bills be referred to the Community Affairs Legislation Committee instead of the Finance and Public Administration Legislation Committee for inquiry and report by 27 November 2012.

Senator Fifield moved the following amendment:

Paragraph (b), omit all words after “be referred”, substitute “to the Finance and Public Administration Legislation Committee for inquiry and report by 6 February 2013”.

Debate ensued.

Question—that the amendment be agreed to—put.

The Senate divided—

AYES, 30

Back
Bernardi
Birmingham
Boswell
Boyce
Brandis
Bushby
Cash
Colbeck
Edwards
Eggleston
Fawcett
Ferravanti-Wells
Fifield
Heffernan
Humphries

Johnston
Joyce
Macdonald
Mason
McKenzie
Nash
Parry
Payne

Ruston
Ryan
Scullion
Sinodinos
Smith
Williams (Teller)

NOES, 38

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Crossin
Di Natale
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Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ladlam
Ladwig
Lundy
Madigan

Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert
Singh

Stephens
Sterle
Thistlethwaite
Thorpe
Waters
Whish-Wilson
Wright
Xenophon

Question negatived.
Main question put.
The Senate divided—

AYES, 38

Senators—

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Question agreed to.

13 GAMBLING REFORM—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Xenophon, by leave and on behalf of the Joint Select Committee on Gambling Reform, moved—that the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 21 November 2012, from noon.

Question put and passed.

14 LEAVE OF ABSENCE

Senator Williams, by leave, moved—that leave of absence be granted to the following senators:

(a) Senator Abetz for today, for personal reasons; and

(b) Senator Fawcett for 21 November and 22 November 2012, on account of parliamentary business.

Question put and passed.

15 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 1030 standing in the name of Senator Wright for today, relating to a proposed seismic survey, postponed till 21 November 2012.
16 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator McEwen, at the request of the Chair of the Environment and Communications References Committee (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1019—That the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate on Wednesday, 21 November 2012, from 3 pm, and on Thursday, 22 November 2012, from 1.05 pm.

Question put and passed.

17 **ECONOMICS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of the Chair of the Economics Legislation Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1020—That the time for the presentation of the report of the Economics Legislation Committee on the Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012 be extended to 21 March 2013.

Question put and passed.

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

Senator McEwen, at the request of the Chair of the Economics Legislation Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1021—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 26 November 2012, from 6.30 pm, to further examine the 2012-13 supplementary Budget estimates.

Question put and passed.

19 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator McEwen, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Cameron) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1022—That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 22 November 2012, from 1 pm.

Question put and passed.

20 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—EXTENSIONS OF TIME TO REPORT**

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. 1023—That the time for the presentation of reports of the Legal and Constitutional Affairs Legislation Committee be extended as follows:

(a) Migration Amendment (Health Care for Asylum Seekers) Bill 2012—to 7 December 2012;
(b) provisions of the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012—to 25 February 2013;
(c) provisions of the Courts and Tribunals Legislation Amendment (Administration) Bill 2012—to 25 February 2013; and

Question put and passed.

21 **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. 1024—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on an aviation accident investigation be extended to 27 February 2013.

Question put and passed.

22 **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator McEwen, at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1025—That the Education, Employment and Workplace Relations Legislation 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 the provisions of the Fair Work Amendment Bill 2012.

Question put and passed.

23 **LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator McEwen, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1026—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 20 November 2012, from 5.30 pm, to take evidence for the committee’s inquiry into the Regulatory Powers (Standard Provisions) Bill 2012.

Question put and passed.

24 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**
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. 1027—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2) be extended to 21 March 2013.

Question put and passed.
25 **GAMBLING REFORM—JOINT SELECT COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator McEwen, at the request of Senator Xenophon and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1028—That the time for the presentation of the report of the Joint Select Committee on Gambling Reform on the Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012 be extended to 28 March 2013. Question put and passed.

26 **HEALTH—ACCESS TO SANITATION**

Senator Moore, also on behalf of Senators Boyce, Rhiannon and Cash, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1031—That the Senate—

(a) notes that:

(i) 2.5 billion people currently live without access to sanitation, half of these people are women who have nowhere safe to go to the toilet,

(ii) women lacking access to safe toilets are at risk of verbal, physical and sexual violence,

(iii) women are significantly and disproportionately impacted by lack of access to sanitation,

(iv) women in sub-Saharan Africa spend 19 billion hours a year finding a place to go to the toilet,

(v) access to sanitation is a foundation for good health, and women and girls who have no toilet face the additional risks posed by infectious diseases, malnutrition due to repeated diarrhoea and reproductive infections due to poor menstrual hygiene management,

(vi) girls at school require access to a toilet with suitable facilities and privacy for menstrual hygiene management, and without this access, evidence shows that the attendance of girls at school significantly drops impacting upon girls’ educational opportunities,

(vii) women’s economic opportunities can be significantly reduced as a result of poor access to a toilet as their time and health are impacted, and

(viii) the Australian Government supports the recent Rio+20 outcomes document ‘The Future We Want’ and its commitments regarding the human right to safe drinking water and sanitation; and

(b) acknowledges Australia’s support for the right to water and sanitation.

Question put and passed.

27 **MIGRATION AMENDMENT (SPECIAL PROTECTION SCHEME FOR AFGHAN COALITION EMPLOYEES) BILL 2012**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1032—That the following bill be introduced:

A Bill for an Act to amend the Migration Act 1958, and for related purposes.

Question put and passed.

Senator Hanson-Young presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.
Bill read a first time.
Senator Hanson-Young moved—That this bill be now read a second time.

Explanatory memorandum: Senator Hanson-Young, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.

28 EDUCATION—UNIVERSITY OF WESTERN SYDNEY—FUNDING
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1029—That the Senate—

(a) notes that:
   (i) the University of Western Sydney (UWS) has foreshadowed planned cuts to economics and community languages courses and academic staffing cuts across various schools,
   (ii) UWS claims the cuts are in response to budgetary pressures due to lower than expected student enrolments following the uncapping of university places, however the university still carries a budget surplus and can expect a steady increase in enrolments over time,
   (iii) in 2003 UWS allocated 62.5 per cent of student fees earned to teaching and learning, whereas in 2012 only 38.3 per cent of student fees earned went to teaching and learning, with a corresponding increase in administration expenditure,
   (iv) teaching and learning is under-resourced at UWS, with one of the highest staff to student ratios in Australia as well as one of the highest staff casualisation rates, and further staffing cuts will deny the students of Western Sydney a quality education, and
   (v) UWS plans to close its student learning service that targets academic skills support to socially disadvantaged students and students who are the first in their family to attend university, which applies to a large number of students from Western Sydney; and
(b) calls on the Government to:
   (i) urge UWS management to retain its current courses and academic staffing resources, and
   (ii) immediately increase public funding by 10 per cent per government supported university student, as recommended by the Bradley review, to give budget certainty to universities.

Question put.
The Senate divided—

AYES, 10

Senators—

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No. 123—20 November 2012

NOES, 36

Senators—

Back
Bernardi
Bilyk
Boswell
Brown
Cameron
Cash
Colbeck
Collins

—
Conroy
Crossin
Eggleston
Farrell
Fawcett
Feeney
Fifield
Furner
Gallacher

—
Humphries
Ludwig
Madigan
Marshall
Mason
McEwen
McKenzie
Mc Lucas
Moore

—
Parry
Ruston
Ryan
Scullion
Singh
Smith
Thistlethwaite
Thorpe
Williams (Teller)

Question negatived.

29 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMICS—BUDGET SURPLUS

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


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

30 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.]

Environment Protection and Biodiversity Conservation Act—


Environment Protection and Biodiversity Conservation (Cartier Island Marine Reserve) Amendment Proclamation 2012 (No. 1) [F2012L02187].


Environment Protection and Biodiversity Conservation (Mermaid Reef Marine National Nature Reserve) Amendment Proclamation 2012 (No. 1) [F2012L02183].

Environment Protection and Biodiversity Conservation (Ningaloo Marine Park—Commonwealth Waters) Amendment Proclamation 2012 (No. 1) [F2012L02184].
31 Legal and Constitutional Affairs Legislation Committee—Report—Law Enforcement Integrity Legislation Amendment Bill 2012

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


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

32 Water Amendment (Long-Term Average Sustainable Diversion Limit Adjustment) Bill 2012

Order read for the adjourned debate on the motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas)—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.

In the committee

Bill taken as a whole by leave.

Senator Xenophon moved the following amendments together by leave:

Schedule 1, page 4 (after line 4), after item 7, insert:

7A After subsection 22(2)

(2A) In setting a long-term average sustainable diversion limit in relation to a water resource plan area for the purposes of item 6 of the table in subsection (1), the Authority must consider the water efficiency of relevant infrastructure in the water resource plan area before 2007.

Schedule 1, item 10, page 6 (after line 8), after paragraph 23A(2)(b), insert:

(ba) a requirement for the Authority not to propose an adjustment under paragraph (1)(a) in relation to a particular water resource plan area, or an adjustment under paragraph (1)(b) as a result of that adjustment, without considering the water efficiency of relevant infrastructure in the water resource plan area before 2007; and

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 10

Senators—

Di Natale Milne Waters Wright
Hanson-Young Rhiannon Whish-Wilson Xenophon
Ludlam Siewert (Teller)
NOES, 35

Senators—
Back (Teller)  Bilyk  Birmingham  Brown  Bushby  Cameron  Carr, Kim  Colbeck  Crossin
Edwards  Evans  Farrell  Faulkner  Fawcett  Feeney  Fifield  Furner  Joyce
Ludwig  Lundy  Marshall  McEwen  McKenzie  Moore  Parry  Polley  Pratt
Ruston  Singh  Smith  Stephens  Thistlethwaite  Thorp  Williams  Wong

Question negatived.
Senator Hanson-Young moved the following amendment:
Schedule 1, page 4 (after line 23), after item 9, insert:

9A After subsection 22(9)
Insert:
(9A) The Basin Plan must not allow any increase to ground water extraction unless:
(a) the proposed ground water extraction has been assessed using a regional scale, multi-layer, transient groundwater flow model that is linked to existing surface water models and demonstrates the impact of the proposed ground water extraction on:
(i) surface water systems and flows; and
(ii) ground water dependent ecosystems; and
(iii) the long-term sustainability of the aquifer; and
(b) the assessment takes into account the cumulative impact of all existing ground water extractions and the proposed ground water extraction; and
(c) if the proposed ground water extraction will cause a reduction in surface water—the quantity of ground water to be extracted will be offset through the purchase, by or on behalf of the Commonwealth, of water rights to an equivalent quantity of surface water.

Debate ensued.
Question—That the amendment be agreed to—put.
The committee divided—

AYES, 10

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

Senator Hanson-Young moved the following amendments together by leave:

Schedule 1, page 3 (after line 6), after item 1, insert:

**1A Subsection 4(1)**

Insert:

EC means electrical conductivity.

Schedule 1, item 10, page 9 (after line 30), after subsection 23B(6), insert:

(6A) The Minister must not adopt the amendment unless the Minister is satisfied that, if the amendment is made:

(a) the long-term average sustainable diversion limit will continue to reflect an environmentally sustainable level of take; and

(b) Australia’s international obligations under the Ramsar Convention will be upheld; and

(c) the long-term average sustainable diversion limit will maintain or improve the following environmental outcomes:

(i) in relation to average daily salinity levels for Lake Alexandrina—less than 1500EC at all times and less than 1000EC for 95% of the time;

(ii) in relation to average daily salinity levels for Coorong, South Lagoon—must not exceed 100 grams per litre in any 2 consecutive years and must remain less than 100 grams per litre for 96% of the time;

(iii) in relation to barrage flows—greater than 2000 gigalitres per year on a 3 year rolling basis, with a minimum of 650 gigalitres per year for 95% of years, greater than 600 gigalitres in any 2 year period and greater than zero gigalitres in all years;

(iv) in relation to the mouth of the River Murray—the mouth to be open to an average annual depth of 1 metre or more for at least 95% of years and to an average annual depth of 0.7 metres or more for at least 95% of years;

(v) the environmental outcomes met under an integrated, Basin-wide, fit for purpose model run based on the levels of extraction contained in the BP-3200-RC model run and the 112 hydrologic indicator targets.

Debate ensued.

Question—That the amendments be agreed to—put.
No. 123—20 and 21 November 2012

The committee divided—

AYES, 10

Senators—

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

NOES, 33

Senators—

Back (Teller)  Evans  Marshall  Smith
Bilyk  Farrell  McEwen  Stephens
Birmingham  Fawcett  McKenzie  Sterle
Boyce  Feeney  McLucas  Thistlethwaite
Brown  Furner  Moore  Thorp
Cameron  Gallacher  Parry  Williams
Colbeck  Joyce  Pratt  
Crossin  Ludwig  Ruston  
Edwards  Lundy  Singh  

Question negatived.

After 10 pm: The Acting Deputy President (Senator Furner) resumed the chair and the Chair of Committees (Senator Parry) reported progress.

33 ADJOURNMENT

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

Debate ensued.

The Senate continued to sit till midnight—

WEDNESDAY, 21 NOVEMBER 2012 AM

Debate continued.
The Senate adjourned at 12.12 am till Wednesday, 21 November 2012 at 9.30 am.

34 ATTENDANCE

Present, all senators except Senators Abetz*, Cormann* and Urquhart* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate