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1 **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 **WATER AMENDMENT (LONG-TERM AVERAGE SUSTAINABLE DIVERSION LIMIT ADJUSTMENT) BILL 2012**

Order of the day read for the further consideration of the bill in committee of the whole.

---

**In the committee**

Consideration resumed of the bill.

Senator Hanson-Young moved the following amendment:

Schedule 1, item 10, page 6 (line 18), at the end of subsection 23A(2), add:

; and (e) a requirement for the Authority not to propose an adjustment under paragraph (1)(a) or (b) without:

(i) undertaking modelling of the environmental impacts of the proposed adjustment using an integrated water model that takes into account the best available science including the most recent knowledge about climate change, ground water and the environmental water requirements of key environmental assets and key ecosystem functions of the water resource; and

(ii) publicly releasing the modelling along with a plain language assessment of the environmental outcomes modelled, including in relation to ground water and the environmental water requirements of key environmental assets and key ecosystem functions of the water resource.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

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| Waters | Feeney |
| Rhiannon | Fumer |
| | Gallacher |
| | Joyce |
| | Kroger (Teller) |
| | Ladwig |
| | Lundy |
| | Macdonald |

Wright | McEwen |
| Xenophon | McKenzie |
| | McLucas |
| | Moore |
| | Nash |
| | Parry |
| | Polley |
| | Pratt |
| | Ruston |

Wright (Teller) | Sing | Sinodinos |
| | Smith | Stephens |
| | Sterle | Thistlethwaite |
| | Thorp | Williams |

Question negatived.
Senator Hanson-Young moved the following amendment:

Schedule 1, item 10, page 6 (lines 29 to 33), omit subsection 23A(4), substitute:

*Limit on proposed adjustments*

(4) One or more adjustments may be proposed by the Authority under paragraph (1)(a), and an adjustment may be proposed under paragraph (1)(b) as a result of those adjustments, only if the adjustment under paragraph (1)(b) would not have the effect of reducing the volume of water available for the environment.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 10

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NOES, 36

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Question negatived.

The Leader of The Nationals in the Senate (Senator Joyce) moved the following amendment:

Schedule 1, item 10, page 9 (after line 35), after section 23B, insert:

**23C  Achievement of reductions in long-term average sustainable diversion limit**

Any reduction in the long-term average sustainable diversion limit for the water resources of a particular water resource plan area may only be achieved through the purchase of water access rights if the purchase of those rights will not cause apparent social or economic detriment to the district in the Murray-Darling Basin from which the water is retrieved.

Debate ensued.

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

AYES, 31

Senators—

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

NOES, 37

Senators—

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

Question negatived.
Bill agreed to.
Bill to be reported without amendment.

The President resumed the chair and the Chair of Committees (Senator Parry) reported accordingly.

On the motion of the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) the report from the committee was adopted.

Senator Conroy moved—that this bill be now read a third time.

Question put.

The Senate divided—

AYES, 37

Senators—

Bernardi
Bilyk
Birmingham
Brown
Cameron
Conroy
Crossin
Edwards
Farrell
Feeney
Ferravanti-Wells
Fifield
Furner
Gallacher
Hogg
Joyce
Kroger
Macdonald
McEwen
McKenzie
McLucas
Moore
Nash
Polley (Teller)
Pratt
Rhiannon
Sinodinos
Smith
Sterle
Thorp
Thistlethwaite
Wong
Williams
Xenophon
NOES, 9

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

Question agreed to.
Bill read a third time.

3 HIGHER EDUCATION SUPPORT AMENDMENT (STREAMLINING 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.

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

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: Senator Collins tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Senator Collins moved the following amendments together by leave:

Clause 2, page 2 (after table item 4), insert:

4A. Schedule 3A The day this Act receives the Royal Assent.

Page 23 (after line 11), after Schedule 3, insert:

Schedule 3A—Student start-up scholarship payments

Social Security Act 1991

1 Section 592H (note)

Repeal the note, substitute:

Note: The amount of the payment is to be indexed on 1 January 2017 and each later 1 January in line with CPI increases (see sections 1190 to 1194).

2 After subsection 1192(8)

Insert:

(8A) The student start-up scholarship payment amount (see item 40 of the CPI Indexation Table in subsection 1191(1)) is not to be indexed on 1 January 2013, 1 January 2014, 1 January 2015 and 1 January 2016.

Debate ensued.

Question—That the amendments be agreed to—put.
The committee divided—

AYES, 30

No. 124—21 November 2012

Senators—

Back
Bilyk
Bishop
Boyce
Brown (Teller)
Bushby
Cameron
Cash
Colbeck
Collins
Crossin
Edwards
Feeney
Furner
Gallacher
Ludwig

Lundy
Marshall
McEwen
McKenzie
McLucas
Moore
Nash
Ruston

Singh
Smith
Stephens
Sterle
Thorp
Williams

NOES, 11

Senators—

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

Wright
Xenophon

Question agreed to.
Bill, as amended, agreed to.
Bill to be reported with amendments.

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

On the motion of Senator Collins the report from the committee was adopted and the bill read a third time.

4 CRIMES LEGISLATION AMENDMENT (SERIOUS DRUGS, IDENTITY CRIME AND OTHER MEASURES) BILL 2012

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Defence (Senator Feeney)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Sport (Senator Lundy) the bill was read a third time.

5 MATTERS OF PUBLIC INTEREST

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

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Human Services (Senator Kim Carr) the sitting of the Senate was suspended at 1.52 pm till 2 pm.

At 2 pm—
6 **QUESTIONS**
Questions without notice were answered.

7 **PARLIAMENT—SENATOR BOB CARR—PERSONAL EXPLANATION**
Senator Fierravanti-Wells, by leave, made a personal explanation relating to comments she made during debate on a motion to take note of an answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice on 20 November 2012 concerning the United Nations Convention Against Corruption.

8 **MOTION TO TAKE NOTE OF ANSWER**
Senator Macdonald 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 corruption and foreign bribery. Debate ensued. Question put and passed.

9 **NOTICES**
The Chair of the Environment and Communications References Committee (Senator Birmingham): To move on the next day of sitting—That the time for the presentation of the report of the Environment and Communications References Committee on the protection of Australia’s threatened species and ecological communities be extended to 28 February 2013. (*general business notice of motion no. 1045*)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Eggleston): To move on the next day of sitting—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on aid to Afghanistan be extended to 28 March 2013. (*general business notice of motion no. 1046*)

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:

(a) Foreign Investment Review Board national interest test—to 27 February 2013;
(b) fresh pineapple imports—to 20 March 2013; and
(c) fresh ginger import risk analysis—to 20 March 2013. (*general business notice of motion no. 1047*)

The Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash): To move on the next day of sitting—That the Parliamentary Joint Committee on Law Enforcement 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 6 pm. (*general business notice of motion no. 1048*)

Senator Fifield: To move on the next day of sitting—That the Senate notes the challenges for good government posed by the culture of the Australian Labor Party and its special relationship with affiliated trade unions. (*general business notice of motion no. 1049*)
The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Senate calls on the Government to fulfil its 2007 election commitment to the Australian people by introducing a public interest disclosure bill in the first sitting week of 2013 to comprehensively protect whistleblowers. (general business notice of motion no. 1050)

Senator Wright: To move on the next day of sitting—That the Senate—
(a) expresses deep concern about the upper Spencer Gulf population of the giant Australian cuttlefish (Sepia apama) which has catastrophically declined from a high of over 200,000 individuals in 1999 to less than 10,000 individuals in 2012; and
(b) calls on the Gillard Government to urgently reassess whether or not the upper Spencer Gulf population of this species is eligible for listing under the Environment Protection and Biodiversity Conservation Act 1999. (general business notice of motion no. 1051)

Senator Siewert: To move on the next day of sitting—That general business order of the day no. 13, relating to the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2010, be discharged from the Notice Paper. (general business notice of motion no. 1052)

Senator Di Natale: To move on 26 November 2012—That the following bill be introduced: A Bill for an Act to amend certain territory legislation to restore legislative powers concerning euthanasia and to repeal the Euthanasia Laws Act 1997, and for related purposes. Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2012. (general business notice of motion no. 1053)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Senate—
(a) notes the report by the International Energy Agency (IEA), Energy Policies of IEA Countries: Australia 2012 which concludes:
(i) Australia’s carbon price scheme is ‘an example of the standard of leadership that the IEA has been calling for so that the energy sector can be protected from sudden and vacillating climate policy that paralyses investors and disrupts energy markets’,
(ii) Australia’s implementation of carbon pricing marks ‘the first major fossil fuel energy resource rich economy to take the most cost effective mitigation measure’,
(iii) the design of the emissions trading scheme ‘fits well’ with the IEA’s findings on lessons from international experience, with the exception of the free permits and cash given to coal-fired generators,
(iv) supplementary policies to the carbon price are required to successfully make a transition to a low-carbon economy, and welcomes the establishment of the Clean Energy Finance Corporation, and
(v) further incentives should be introduced to increase energy efficiency, covering new buildings and refurbishment of existing building stock, and notes ‘much more work’ is required on improved fuel efficiency; and
(b) urges the Government to adopt world’s best practice by implementing the IEA’s recommendation for the removal of free permits for coal-fired generators and the phase-out of over-generous allocations. (general business notice of motion no. 1054)
Senator Siewert: To move on the next day of sitting—That the Senate calls on the Federal Government to urgently investigate the serious claims made about Fortescue Metals Group regarding its actions in relation to the Solomon mine site and the Yindjibarndi community and its influence on the native title and heritage processes in the Pilbara. (general business notice of motion no. 1055)

Senators Crossin and Scullion: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the passing of Major-General Alan Stretton, AO, CBE,
(ii) the outstanding work and service of Major-General Stretton, as head of the National Disaster Organisation, in coordinating the recovery of Darwin after Tropical Cyclone Tracy, which devastated the city on Christmas Day of 1974, as a remarkable achievement which averted much suffering,
(iii) the admiration in which Major-General Stretton was held by the Australian community and that he was awarded Australian of the Year, an Officer of the Order of Australia and a Commander of the Order of the British Empire as well as many other honours, and New South Wales ‘Father of the Year’, and
(iv) Major-General Stretton’s distinguished military career over 38 years, including active service in World War II, Korea, Malaya and Vietnam;

(b) recognises his contribution to the Australian community, and, in particular, to the people of Darwin and the Northern Territory; and

(c) extends its sincere condolences to his family, particularly his children Virginia, April and Greg, and friends and colleagues of Major-General Stretton. (general business notice of motion no. 1056)

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

(a) expresses grave concern at the crisis in the Middle East, the loss of lives and the prospect for a further escalation in violence;
(b) condemns the repeated rocket and mortar attacks on Israel from the Gaza Strip and calls for them to end immediately;
(c) recognises Israel’s right to defend itself, like that of any country subject to attack, and calls on Israel to exercise restraint and proportionality in its response;
(d) notes the United Nations (UN) and the European Union’s calls on both sides to exercise restraint, including UN Secretary-General Ban Ki-moon’s statement of 20 November 2012 that further escalation would be dangerous and tragic for Palestinians and Israelis and would put the entire region at risk;
(e) supports:

(i) all efforts to broker a ceasefire, and
(ii) a two-state solution to the Israeli-Palestinian conflict – a solution based on the right of Israel to live in peace within secure borders internationally recognised and agreed by the parties and reflecting the legitimate aspirations of the Palestinian people to also live in peace and security within their own state; and

(f) calls for any public demonstrations or rallies in Australia to be peaceful, and not target private businesses or individuals. (general business notice of motion no. 1057)
10 LEAVE OF ABSENCE
Senator Kroger, by leave, moved—That leave of absence be granted to the following senators:
(a) Senator Abetz for 21 November and 22 November 2012, for personal reasons; and
(b) Senators Joyce and Macdonald for 22 November 2012, on account of parliamentary business.
Question put and passed.

11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT
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 time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the New Zealand Potatoes Import Risk Analysis be extended to 20 March 2013.
Question put and passed.

12 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), moved—That the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 4.30 pm.
Question put and passed.

13 POSTPONEMENTS
The following items of business were postponed:
General business notice of motion no. 1035 standing in the name of Senator Siewert for 22 November 2012, relating to pension indexation for expatriate United Kingdom citizens, postponed till 26 November 2012.
General business notice of motion no. 1041 standing in the name of Senator Hanson-Young for today, relating to anti-homosexuality legislation, postponed till 22 November 2012.

14 PRIVILEGES—STANDING COMMITTEE—REFERENCE
Senator Thistlethwaite, pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—

(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.

Question put and passed.

15 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REFERENCE**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—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.

Question put and passed.

16 **CULTURE AND THE ARTS—DEEPAVALI—CELEBRATIONS**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), at the request of the Minister for Multicultural Affairs (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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.

Question put and passed.

17 **WOMEN—INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN**

Senator Cash, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1034—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.

Question put and passed.

18 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—AUDIO DESCRIPTION TRIAL
Senator Ludlam, also on behalf of Senator Siewert, amended general business notice of motion no. 1036 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

(i) strong support and popularity has been expressed by the blind and visual 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) subject to the findings of the report, consider including funding for the audio description trial in the ABC triennial funding process.

Question put and passed.

19 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—TASMANIAN TELEVISION PRODUCTION UNIT
Senator Bilyk, at the request of Senators Brown and Bushby and the Leader of the Australian Greens (Senator Milne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1044—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.

Statements by leave: Senators Bilyk and Milne, by leave, made statements relating to the motion.

Question put and passed.

20 FOREIGN AFFAIRS—ISRAEL

Senator Ryan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1040—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.

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

Question put.

The Senate divided—

AYES, 31

Senators—

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

NOES, 36

Senators—

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

Question negatived.
21 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That—

(a) the Senate notes that:

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

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

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

(iv) a recent University of Sydney report confirmed an elevated risk of cancer, heart and lung disease and birth defects in mining regions, and concluded that there has never been a comprehensive study into the social and health harms of Hunter Valley coal mining, coal transport or coal exports on air quality in the region;

(b) the impact of the Hunter Valley coal rail, coal mining and coal export industry on air quality and public health be referred to the Community Affairs References Committee for inquiry and report by 28 February 2013; and

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

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

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

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

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

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

(vi) any other relevant matters.

Question put.

The Senate divided—

AYES, 9

Senators—

Di Natale  Milne  Siewert (Teller)  Whish-Wilson
Hanson-Young  Rhiannon  Waters  Wright
Ludlam
No. 124—21 November 2012

NOES, 43

Senators—

Bernardi
Bilyk
Birmingham
Bishop
Boswell
Boyle
Brown
Cameron
Carr, Bob
Carr, Kim
Cash

Collins
Crossin
Edwards
Eggleston
Faulkner
Fifield
Furner
Gallacher
Heffernan
Ludwig
Carr, Bob
Carr, Kim
Cash

Humphries
Kroger (Teller)
Ludwig
Lundy
Marshall
McEwen
McKenzie
Moore
Parry

Pratt
Ruston
Singh
Smith
Sterle
Thistlethwaite
Thorp
Wong

Question negatived.

22 ENVIRONMENT—PROPOSED SEISMIC SURVEY

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1030—That the Senate—

(a) notes Bight Petroleum’s referral of a proposed action under the Environment Protection and Biodiversity Conservation Act 1999 (Reference Number: 2012/6583);

(b) recognises the high likelihood of the proposed seismic survey encountering and having an adverse impact on:

(i) blue whales, if undertaken between November and April,

(ii) southern right whales, if undertaken between May and October, and

(iii) southern bluefin tuna, if undertaken between December and April; and

(c) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to use his powers under the Act to reject Bight Petroleum’s referral as clearly unacceptable to proceed at any time of year.

Question put.

The Senate divided—

AYES, 9

Senators—

Di Natale
Hanson-
Ludlam

Hannah-
Ludlam

Milstead
Siewert (Teller)
Waters
Whish-Wilson

Rhiannon
Wright

NOES, 39

Senators—

Bernardi
Bilyk
Birmingham
Bishop
Boswell
Boyle
Brown
Cameron
Carr, Bob
Carr, Kim
Cash

Collins
Crossin
Edwards
Eggleston
Faulkner
Fifield
Furner
Gallacher
Heffernan

Humphries
Kroger (Teller)
Ludwig
Madigan
Marshall
McEwen
McKenzie
McLusoc
Moore
Parry

Pratt
Ruston
Singh
Smith
Sterle
Thistlethwaite
Thorpe
Williams

Question negatived.
23 FOREIGN AFFAIRS—ISRAEL AND PALESTINE

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1039—

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.

Question put.
The Senate divided—

AYES, 9

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

NOES, 37

Bernardi
Bilyk
Birmingham
Bishop
Boswell
Boyce
Brown
Cameron
Carr, Kim
Cash
Collins
Crossin
Farrell
Faulkner
Feeney
Fifield
Furner
Gallacher
Heffernan
Kroger (Teller)
Ludwig
Madigan
Marshall
McEwen
McKenzie
McLucas
Moore
Parry
Pratt
Ruston
Singh
Smith
Stephens
Sterle
Thistlethwaite
Thorp
Williams

Question negatived.
24 **ENVIRONMENT—NUCLEAR WASTE DUMP—PROPOSED SITE—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1033—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.

Question put and negatived.

25 **NOTICE OF MOTION WITHDRAWN**

Senator Kroger, at the request of Senator Macdonald, withdrew general business notice of motion no. 1037 standing in the name of Senator Macdonald for today, relating to the exportation of kangaroo meat.

26 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—PROTECTION OF NATIONALLY IMPORTANT WILDERNESS PLACES**

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

The Gillard Government’s plans, at the upcoming COAG meeting on 6 December and 7 December, to hand federal responsibility for protecting our nationally important wild places and most vulnerable species to state governments at the behest of big business.

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

27 **SCRUTINY OF BILLS—STANDING COMMITTEE—14TH REPORT AND ALERT DIGEST NO. 14 OF 2012**

Senator Bushby, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Macdonald), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

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

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

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

28 **DOCUMENTS**

The following documents were tabled by the Clerk:

Defence Act—Determinations under section 58B—Defence Determinations—
2012/63—Living-in accommodation – amendment.
2012/64—Post indexes – amendment.
2012/65—Cadet forces allowance – amendment.
29 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Crossin) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), by leave, moved—That Senator Singh be discharged from and Senator Crossin be appointed to the Joint Select Committee on Constitutional Recognition of Local Government.

Question put and passed.

30 MIGRATION AMENDMENT REGULATION 2012—DISALLOWANCE

Senator Cash, at the request of the Leader of the Opposition in the Senate (Senator Abetz) and pursuant to notice, moved business of the Senate notice of motion no. 2—That the Migration Amendment Regulation 2012 (No. 6), as contained in Select Legislative Instrument 2012 No. 237 and made under the Migration Act 1958, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 37

Senators—

Birmingham  Boswell  Boyce  Brandis  Bushby (Teller)  Cash  Colbeck  Cormann  Di Natale  Edwards  Eggleston  Fifield  Hanson-Young  Heffernan  Humphries  Johnston  Joyce  Kroger  Ludlam  Macdonald

Mason  McKenzie  Milne  Nash  Parry  Rhiannon  Ronaldson  Ruston  Ryan  Scullion

Siewert  Sinodinos  Smith  Waters  Whish-Wilson  Wright

NOES, 25

Senators—

Bilyk  Bishop  Brown  Cameron  Carr, Bob  Carr, Kim  Crossin  Farrell  Faulkner  Feeney  Furner  Gallacher  Hogg  Ludwig

Marshall  McEwen  McLucas  Moore  Polley (Teller)  Pratt  Singh

Stephens  Sterle  Thistlethwaite  Thorp

Question agreed to.
31 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
Order of the day read for the adjourned debate on the motions of the Parliamentary Secretary for Defence (Senator Feeney) and the Minister for Sport (Senator Lundy)—That these bills be now read a second time.
Debate resumed.
At 6.50 pm: Debate was interrupted while Senator Thistlethwaite was speaking.

32 GOVERNMENT DOCUMENTS—CONSIDERATION
The following general business orders of the day relating to government documents were considered:
    Commonwealth Superannuation Corporation (CSC)—Reports for 2011-12—Military Superannuation and Benefits Scheme (MilitarySuper), including financial statements for the Commonwealth Superannuation Corporation. Motion to take note of document moved by Senator Eggleston. Debate adjourned till Thursday at general business, Senator Eggleston in continuation.
General business orders of the day nos 44 to 46, 48 to 50, 52 to 55 and 57 to 68 relating to government documents were called on but no motion was moved.

33 ADJOURNMENT
The Deputy President (Senator Parry) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.26 pm till Thursday, 22 November 2012 at 9.30 am.
34 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate