2010-12

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 129

THURSDAY, 29 NOVEMBER 2012

Contents

1 Meeting of Senate ................................................................. 3479
2 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 .................................................. 3479
3 Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 .................................................... 3479
4 Petitions .................................................................................. 3479
5 Notice of Motion Withdrawn ..................................................... 3480
6 Selection of Bills—Standing Committee—Report No. 16 of 2012 ........ 3480
7 Leave of Absence .................................................................... 3482
8 National Broadband Network—Joint Standing Committee—Leave to Meet During Sitting ......................................................... 3482
9 Parliamentary Zone—Capital Works Proposals—Approval ............ 3482
10 Legal and Constitutional Affairs References Committee—Proposed Reference ...................................................................... 3482
11 Foreign Affairs—Iraq—Christian Assyrians .................................. 3483
12 Administration—Government Transparency ................................... 3483
13 Health—National Asbestos Awareness Week ................................ 3484
14 Rural and Regional Affairs and Transport References Committee— Proposed Reference ............................................................... 3484
15 Finance and Public Administration References Committee—Reference ............................................................... 3485
16 Foreign Affairs—Iran—Human Rights ......................................... 3485
17 Health—Chemotherapy Drug ...................................................... 3486
18 Committees—Additional Information—Estimates ......................... 3486
19 Publications—Standing Committee—22nd Report ....................... 3487
20 Regulations and Ordinances—Standing Committee—Document .... 3488
21 Education, Employment and Workplace Relations References Committee—Report—Allowance Payment System .................................. 3489
22 Senators’ Interests—Standing Committee—Report—Development of a Draft Code of Conduct for Senators .................................. 3489
23 Senators’ Interests—Standing Committee—Document .................... 3489
24 Water Amendment (Water for the Environment Special Account) Bill 2012 ... 3489
<table>
<thead>
<tr>
<th>Page</th>
<th>Description</th>
<th>Line Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Hours of Meeting and Routine of Business—Variation</td>
<td>3490</td>
</tr>
<tr>
<td>26</td>
<td>Wheat Export Marketing Amendment Bill 2012</td>
<td>3493</td>
</tr>
<tr>
<td>27</td>
<td>Questions</td>
<td>3493</td>
</tr>
<tr>
<td>28</td>
<td>Motion to Take Note of Answers</td>
<td>3493</td>
</tr>
<tr>
<td>29</td>
<td>Wheat Export Marketing Amendment Bill 2012</td>
<td>3493</td>
</tr>
<tr>
<td>30</td>
<td>Treasury Legislation Amendment (Unclaimed Money and Other Measures) Bill 2012</td>
<td>3495</td>
</tr>
<tr>
<td>31</td>
<td>Committee Membership</td>
<td>3497</td>
</tr>
<tr>
<td>32</td>
<td>Parliamentary Committee Reports—President’s Report—Government</td>
<td>3497</td>
</tr>
<tr>
<td>33</td>
<td>Department of the Senate—Register of Senior Executive Officers’ Interests—Document</td>
<td>3497</td>
</tr>
<tr>
<td>34</td>
<td>Australian Parliamentary Delegation to Pakistan—Document</td>
<td>3497</td>
</tr>
<tr>
<td>36</td>
<td>Privacy Amendment (Enhancing Privacy Protection) Bill 2012</td>
<td>3498</td>
</tr>
<tr>
<td>37</td>
<td>Environment and Communications References Committee—Government</td>
<td>3498</td>
</tr>
<tr>
<td>38</td>
<td>Australia’s Immigration Detention Network—Joint Select Committee—Government Response—Adequacy of Protections for the Privacy of Australians Online</td>
<td>3498</td>
</tr>
<tr>
<td>39</td>
<td>Maritime Powers Bill 2012—Explanatory Memorandum</td>
<td>3498</td>
</tr>
<tr>
<td>40</td>
<td>Department of Defence—Special Purpose Flights—Document</td>
<td>3498</td>
</tr>
<tr>
<td>41</td>
<td>Law and Justice—Murray Darling Basin Draft Plan—Legal Advice—Order for Production of Documents—Document</td>
<td>3498</td>
</tr>
<tr>
<td>42</td>
<td>Documents</td>
<td>3498</td>
</tr>
<tr>
<td>43</td>
<td>Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012</td>
<td>3499</td>
</tr>
<tr>
<td>44</td>
<td>National Gambling Reform Bill 2012</td>
<td>3500</td>
</tr>
<tr>
<td>45</td>
<td>Customs Amendment (Malaysia-Australia Free Trade Agreement Implementation and Other Measures) Bill 2012</td>
<td>3513</td>
</tr>
<tr>
<td>46</td>
<td>Wheat Export Marketing Amendment Bill 2012</td>
<td>3513</td>
</tr>
<tr>
<td>47</td>
<td>Committee Membership</td>
<td>3514</td>
</tr>
<tr>
<td>48</td>
<td>Next Meeting of Senate</td>
<td>3514</td>
</tr>
<tr>
<td>49</td>
<td>Leave of Absence</td>
<td>3514</td>
</tr>
<tr>
<td>50</td>
<td>End of 2012 Sittings—Statement by President</td>
<td>3514</td>
</tr>
<tr>
<td>51</td>
<td>Adjournment</td>
<td>3514</td>
</tr>
<tr>
<td>52</td>
<td>Attendance</td>
<td>3514</td>
</tr>
</tbody>
</table>
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 (BIOREGIONAL PLANS) BILL 2011**

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.

Question put.

The Senate divided—

**AYES, 30**

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bernardi</td>
<td>Eggleston</td>
<td>Kroger</td>
<td>Ronaldson</td>
<td></td>
</tr>
<tr>
<td>Birmingham</td>
<td>Fawcett</td>
<td>Macdonald</td>
<td>Ruston</td>
<td></td>
</tr>
<tr>
<td>Boyce</td>
<td>Fierravanti-Wells</td>
<td>Madigan</td>
<td>Ryan</td>
<td></td>
</tr>
<tr>
<td>Bushby</td>
<td>Fifield</td>
<td>Mason</td>
<td>Sinodinos</td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td>Heffernan</td>
<td>McKenzie</td>
<td>Smith</td>
<td></td>
</tr>
<tr>
<td>Colbeck</td>
<td>Humphries</td>
<td>Nash</td>
<td>Williams (Teller)</td>
<td></td>
</tr>
<tr>
<td>Cormann</td>
<td>Johnston</td>
<td>Parry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edwards</td>
<td>Joyce</td>
<td>Payne</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOES, 35**

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilyk</td>
<td>Faulkner</td>
<td>McEwen (Teller)</td>
<td>Stephens</td>
<td></td>
</tr>
<tr>
<td>Bishop</td>
<td>Feeney</td>
<td>McLucas</td>
<td>Sterle</td>
<td></td>
</tr>
<tr>
<td>Brown</td>
<td>Furner</td>
<td>Milne</td>
<td>Thistlethwaite</td>
<td></td>
</tr>
<tr>
<td>Cameron</td>
<td>Gallacher</td>
<td>Moore</td>
<td>Thorp</td>
<td></td>
</tr>
<tr>
<td>Carr, Bob</td>
<td>Hanson-Young</td>
<td>Polley</td>
<td>Unquhart</td>
<td></td>
</tr>
<tr>
<td>Collins</td>
<td>Hogg</td>
<td>Pratt</td>
<td>Waters</td>
<td></td>
</tr>
<tr>
<td>Conroy</td>
<td>Ludlam</td>
<td>Rhiannon</td>
<td>Whish-Wilson</td>
<td></td>
</tr>
<tr>
<td>Crossin</td>
<td>Lundy</td>
<td>Siewert</td>
<td>Wright</td>
<td></td>
</tr>
<tr>
<td>Di Natale</td>
<td>Marshall</td>
<td>Singh</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Question negatived.

3 **RENEWABLE ENERGY (ELECTRICITY) AMENDMENT (EXCESSIVE NOISE FROM WIND FARMS BILL 2012**

Order of the day read for the adjourned debate on the motion of Senators Madigan and Xenophon—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 Back in continuation.

4 **PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Hanson-Young, from 345 petitioners, requesting that the Senate take action to end mandatory detention and endorse the majority recommendations of the Joint Select Committee on Australia’s Immigration Detention Network.
Senator Kroger, from 4,057 petitioners, requesting that the Senate take action to ensure that the Government actively pursues the immediate release of Matthew Joyce and Marcus Lee.

5 NOTICE OF MOTION WITHDRAWN
Senator Xenophon, pursuant to notice of intention given on 28 November 2012, withdrew business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of item [1] of Schedule 1 to the National Health (Weighted average disclosed price – interim supplementary disclosure cycle) Amendment Determination 2012 (No. 2) [PB98 of 2012], made under subsection 99ADB(4) of the National Health Act 1953.

6 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 16 OF 2012
The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 16 OF 2012
1. The committee met in private session on Wednesday, 28 November 2012 at 6.22 pm.
2. The committee resolved to recommend—That—
   (a) the provisions of the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2012 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 27 February 2013;
   (b) the provisions of the Australian Education Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 13 March 2013;
   (c) the Biosecurity Bill 2012 and the Inspector-General of Biosecurity Bill 2012 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 27 February 2013;
   (d) the provisions of the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 13 March 2013;
   (e) the provisions of the Customs Amendment (Miscellaneous Measures) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 13 March 2013;
   (f) the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 25 February 2013;
   (g) the Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 12 March 2013;
(h) contingent upon its introduction in the House of Representatives, the provisions of the National Disability Insurance Scheme Bill 2012, be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 13 March 2013;

(i) the provisions of the Native Title Amendment Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 13 March 2013;

(j) the Parliamentary Service Amendment Bill 2012 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 5 February 2013; and

(k) the provisions of the Private Health Insurance Amendment (Lifetime Health Cover Loading and Other Measures) Bill 2012 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 12 March 2013.

3. The committee resolved to recommend—That the following bills not be referred to committees:
   
   - Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012
   - Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2012
   - Federal Circuit Court of Australia (Consequential Amendments) Bill 2012
   - Financial Framework Legislation Amendment Bill (No. 4) 2012
   - Income Tax Rates Amendment (Unlawful Payments from Regulated Superannuation Funds) Bill 2012
   - International Tax Agreements Amendment Bill 2012
   - Migration Amendment (Special Protection Scheme for Afghan Coalition Employees) Bill 2012
   - Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Bill 2012
   - Protection of Cultural Objects on Loan Bill 2012
   - Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2012
   - Social Security and Other Legislation Amendment (Income Support Bonus) Bill 2012
   - Superannuation Legislation Amendment (Reducing Illegal Early Release and Other Measures) Bill 2012
   - Superannuation Legislation Amendment (Service Providers and Other Governance Measures) Bill 2012
   - Tax Laws Amendment (2012 Measures No. 6) Bill 2012
   - Water Amendment (Save the Murray-Darling Basin) Bill 2012.

The committee recommends accordingly.

4. The committee deferred consideration of the following bill to its next meeting:


Anne McEwen
Chair
29 November 2012.

Senator McEwen moved—that the report be adopted.

Question put and passed.
7 LEAVE OF ABSENCE
Senator Kroger, by leave, moved—That leave of absence be granted to Senator Boswell for today, for personal reasons.
Question put and passed.

8 NATIONAL BROADBAND NETWORK—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, by leave and on behalf of the Joint Standing Committee on the National Broadband Network, moved—That the Joint Standing Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1 pm.
Question put and passed.

9 PARLIAMENTARY ZONE—CAPITAL WORKS PROPOSALS—APPROVAL
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), at the request of the Parliamentary Secretary for Defence (Senator Feeney) and pursuant to notice of motion not objected to as a formal motion, moved—That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the following proposals by the National Capital Authority for capital works within the Parliamentary Zone:
(a) the removal and replacement of trees;
(b) the construction of bus shelters;
(c) the removal and replacement of a pedestrian and cycle crossing;
(d) making permanent two existing temporary sculptures at the National Gallery of Australia; and
(e) the installation of three outdoor exhibits at Questacon.
Question put and passed.
Statement by leave: Senator Macdonald, by leave, made a statement relating to the motion.

10 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE
The Chair of the Legal and Constitutional Affairs References Committee (Senator Wright), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 21 March 2013:
The impact of recent proposed federal court fee increases on access to justice in Australia, with particular reference to:
(a) the impact of federal court fee increases on low-income and ordinary Australians and operators of small business;
(b) whether recent and proposed fee increases are reasonable, based on evidence and consistent with other justice policy matters;
(c) how increases in court fees, and other reform to the courts and justice system, can act as a barrier to accessing justice;
(d) the extent to which court fee increases may impact on services provided by legal assistance services, i.e. legal aid commissions, ATSILS, FVPLS and CLCs; and
(e) other relevant matters.

Question put and negatived.

11 FOREIGN AFFAIRS—IRAQ—CHRISTIAN ASSYRIANS
Senator Kroger, at the request of Senator Fieravanti-Wells and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1072—That the Senate—
(a) recognises that:
   (i) Christian Assyrians, a minority religious and racial group in Iraq, are subject to ongoing violence, intimidation, harassment and discrimination on religious and ethnic grounds at the hands of extremists,
   (ii) on 31 October 2010, 58 Christian Assyrians were killed in an attack on a church in Baghdad in an act of violent extremism targeting this minority group,
   (iii) since 2003, 600,000 Christian Assyrians have left Iraq, including many thousands to Australia, and
   (iv) despite the rights guaranteed to minorities in Iraq, including Assyrians, there are still cases of harassment, intimidation and discrimination;
(b) condemns violence, intimidation, harassment and discrimination on religious and ethnic grounds wherever it may be found, including in Iraq;
(c) welcomes the stated commitment of the Government of Iraq to the protection of the rights of Christians and other minorities enshrined in Iraq’s constitution, and the steps taken by the Government of Iraq to address violence and discrimination, including:
   (i) the formation of a Christian Police Force of around 500 to protect Christians and churches, in the wake of the 2010 bombing attacks on churches, and
   (ii) moves to establish an Independent High Commission for Human Rights;
   and
(d) calls on the Government to continue to press the Iraqi Government to guarantee the rights of Christian Assyrians and other minorities.

Question put and passed.

12 ADMINISTRATION—GOVERNMENT TRANSPARENCY
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1069—That the Senate—
(a) notes that:
   (i) there is widespread community support for broad freedom of information laws and transparency in government,
   (ii) the Freedom of Information Act 1982 and the Australian Information Commissioner Act 2010 are currently under review,
(iii) the Prime Minister, Ms Julia Gillard, on taking office in September 2010 stated ‘we will be held more accountable than ever before, and more than any government in modern memory. We will be held to higher standards of transparency and reform, and it’s in that spirit that I approach the task of forming a government’, and
(iv) the OpenAustralia Foundation has developed a new website ‘Right to Know’ to improve the ease with which Australians can lodge freedom of information requests and to make the whole request and response process public;
(b) recognises the new ‘Right to Know’ website;
(c) congratulates the Foundation for its ‘Right to Know’ initiative which will further improve access to government-held information; and
(d) urges the Government to use the site, provide feedback and support the Foundation in its aim of encouraging effective citizen access to government information.

Statements by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and Senator Rhiannon, by leave, made statements relating to the motion.

Question put and passed.

13 HEALTH—NATIONAL ASBESTOS AWARENESS WEEK

Senator Singh, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1075—That the Senate—
(a) formally marks National Asbestos Awareness Week, which in 2012 is being held between 26 November and 30 November;
(b) acknowledges the ongoing and devastating legacy of asbestos on the Australian community and that Australia has one of the highest rates of asbestos-related diseases in the world;
(c) recognises the ongoing efforts of the many asbestos support and advocacy groups and unions which support those living with an asbestos-related disease and advocate on behalf of victims;
(d) extends its sympathies to those who have been affected by an asbestos-related disease;
(e) acknowledges Australia’s ongoing work with like-minded countries to achieve listing of chrysotile asbestos under the rules of the Rotterdam Convention; and
(f) commends the Government on its efforts to eradicate asbestos from workplaces, homes and the community through its response to the Asbestos Management Review and the establishment of the Office of Asbestos Safety.

Question put and passed.

14 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 June 2013:
The role, adequacy and effectiveness of government regulation of uranium oxide transport, including:
(a) the mitigation of public radiation exposure from uranium oxide transport;
(b) the evaluation of the frequency and severity of transport and handling accidents including the 27 December 2011 train derailment resulting in toxic copper concentrate flowing into the Edith River;
(c) the process of issuing and auditing compliance with radiation transport management plans;
(d) the resourcing and conduct of transport related aspects of nuclear actions referred under the Environment Protection and Biodiversity Conservation Act 1999;
(e) the preparedness and resourcing of regional emergency contingency planning, education and training services;
(f) the Australian Radiation Protection and Nuclear Safety Agency codes, including the Code of Practice for Safe Transport of Radioactive Material;
(g) the Australian Safeguards and Non-Proliferation Office regulation of the transportation of nuclear material and issuance and auditing of compliance with transport permits; and
(h) other relevant related matters.

Question put and negatived.

15 Finance and Public Administration References Committee—Reference
Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 21 March 2013:
Progress in the implementation of the recommendations of the 1999 Joint Expert Technical Advisory Committee on Antibiotic Resistance, including:
(a) examination of steps taken, their timeliness and effectiveness;
(b) where and why failures have occurred;
(c) implications of antimicrobial resistance on public health and the environment;
(d) implications for ensuring transparency, accountability and effectiveness in future management of antimicrobial resistance; and
(e) any other related matter.

Question put and passed.

16 Foreign Affairs—Iran—Human Rights
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1079—That the Senate—
(a) notes:
   (i) with deep concern the human rights situation in Iran, including the use of the death penalty, the intimidation and arbitrary arrest of human rights and political activists, and the treatment of minorities,
   (ii) with particular concern the situation of Ms Nasrin Sotoudeh, the Iranian human rights lawyer who has campaigned for ‘freedom, social security, the rule of law and justice’, and who has been imprisoned since 4 September 2010,
(iii) Ms Sotoudeh’s health has deteriorated as a result of being on a hunger strike for more than 40 days, and

(iv) 30,000 people have supported a campaign run by Amnesty International to demand the unconditional release of Ms Sotoudeh; and

(b) supports the Australian Government raising concerns about Ms Sotoudeh’s human rights, including her imprisonment, with the Government of Iran, and continuing to urge Iran to abide by its international human rights obligations and to protect the human rights of all its citizens.

Question put and passed.

17 HEALTH—CHEMOTHERAPY DRUG
Senator Xenophon, also on behalf of Senators Fierravanti-Wells and Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1080—That the Senate—

(a) notes the concerns of key stakeholders in relation to the price reduction of chemotherapy drug Docetaxel and its potential broader impact on the treatment of cancer patients;

(b) calls on the Government to:

(i) negotiate with relevant bodies regarding the cost of dispensing chemotherapy drugs, and

(ii) ensure that the result of these negotiations will allow pharmacists to continue dispensing the drug, and other chemotherapy drugs, without disrupting patients;

(c) welcomes the policy of price disclosure of items on the Pharmaceutical Benefits Scheme; and

(d) calls on the Government to ensure that further disruption to patients does not occur.

Statement by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, made a statement relating to the motion.

Question put and passed.

18 COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES
Senator McEwen, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2011-12 (Supplementary)—

Economics Legislation Committee—Additional information received between 23 August and 29 November 2012—Treasury portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 8 May and 29 November 2012—Immigration and Citizenship portfolio.

Additional estimates 2011-12—

Economics Legislation Committee—Additional information received between 23 August and 29 November 2012—Treasury portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 27 June and 29 November 2012—Immigration and Citizenship portfolio.
Budget estimates 2012-13—
Economics Legislation Committee—Additional information received between 11 October and 29 November 2012—Treasury portfolio.
Legal and Constitutional Affairs Legislation Committee—Additional information received between 21 September and 29 November 2012—
  Attorney-General’s portfolio.
  Immigration and Citizenship portfolio.
Budget estimates 2012-13 (Supplementary)—
Economics Legislation Committee—Hansard record of proceedings, documents presented to the committee and additional information received between 17 October and 29 November 2012—
  Resources, Energy and Tourism portfolio.
  Treasury portfolio.
Finance and Public Administration Legislation Committee—Additional information received between 1 November and 28 November 2012—
  Finance and Deregulation portfolio.
  Parliamentary departments.
Foreign Affairs, Defence and Trade Legislation Committee—Clarifications and corrections to evidence—
  Defence portfolio.
  Foreign Affairs and Trade portfolio.
Legal and Constitutional Affairs Legislation Committee—Additional information received between 15 October and 29 November 2012—
  Attorney-General’s portfolio.
  Immigration and Citizenship portfolio.

19 PUBLICATIONS—STANDING COMMITTEE—22ND REPORT
Senator McEwen, at the request of the Chair of the Standing Committee on Publications (Senator Brown), tabled the following report:

PUBLICATIONS COMMITTEE
22ND 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 1 November 2012, recommends that the following be printed:
 Administrative Review Council (ARC)—Report for 2011-12.
 Australian Human Rights Commission—Reports—
  No. 56—Report of an inquiry into complaints by Sri Lankan refugees in immigration detention with adverse security assessments.
  No. 57—ST v Endeavour Energy.
 Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2011-12.
 Australian Prudential Regulation Authority (APRA)—Report for 2011-12.
Commonwealth Superannuation Corporation—
Director of National Parks—Report for 2011-12.
High Court of Australia—Report for 2011-12.
National Health Performance Authority (NHPA)—Report for the period 21 October 2011 to 30 June 2012.
National Native Title Tribunal—Report for 2011-12.
Rural Industries Research and Development Corporation (RIRDC)—Report for 2011-12.
Torres Strait Regional Authority (TSRA)—Report for 2011-12.

Senator Brown
Chair
29 November 2012.

Senator McEwen moved—that the report be adopted.

Question put and passed.

20 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

Senator McEwen, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Furner), tabled the following document:

Regulations and Ordinances—Standing Committee—Ministerial correspondence relating to the scrutiny of delegated legislation, January to June 2012.
21 Education, Employment and Workplace Relations References Committee—Report—Allowance Payment System

Pursuant to order, the Chair of the Education, Employment and Workplace Relations References Committee (Senator Back) tabled the following report and documents:

Education, Employment and Workplace Relations References Committee—The adequacy of the allowance payment system for jobseekers and others, the appropriateness of the allowance payment system as a support into work and the impact of the changing nature of the labour market—Report, dated November 2012, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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


Pursuant to order, Senator Kroger, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bernardi), tabled the following report and documents:


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

23 Senators’ Interests—Standing Committee—Document

Senator Kroger, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bernardi), tabled the following document:

Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations of interests lodged between 27 June and 27 November 2012, dated November 2012.

24 Water Amendment (Water for the Environment Special Account) Bill 2012

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


The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) 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 Collins moved—That this bill be now read a second time.
Explanatory memorandum: Senator Collins tabled a revised explanatory memorandum relating to the bill.

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.

25 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, on Thursday, 29 November 2012:

(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm to adjournment;
(b) divisions may take place after 4.30 pm;
(c) any proposal pursuant to standing order 75 shall not be proceeded with;
(d) consideration of general business and committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(e) the routine of business from not later than 12.45 pm to 2 pm and from not later than 3.45 pm shall be government business only;
(f) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister;
(g) the following government business orders of the day shall have precedence over all other government business, be called on in the following order and be considered under a limitation of time, and that the time allotted be as follows:

<table>
<thead>
<tr>
<th>Wheat Export Marketing Amendment Bill 2012</th>
<th>commencing immediately to 3.45 pm—second reading from 3.45 pm to 4.15 pm—all remaining stages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treasury Legislation Amendment (Unclaimed Money and Other Measures) Bill 2012</td>
<td>commencing immediately after the preceding item to 5.30 pm—all remaining stages</td>
</tr>
<tr>
<td>National Gambling Reform Bill 2012 and related bills</td>
<td>commencing from not later than 6 pm to 8 pm—second reading from 8 pm to 9 pm—all remaining stages</td>
</tr>
<tr>
<td>Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012</td>
<td>commencing immediately after the preceding item to 9.45 pm—all remaining stages</td>
</tr>
</tbody>
</table>

(h) paragraph (g) of this order shall operate as a limitation of debate under standing order 142.

Debate ensued.
Senator McEwen moved the following amendment:
Omit paragraph (g), substitute the following:
(g) the following government business orders of the day shall have precedence over all other government business, be called on in the following order and be considered under a limitation of time, and that the time allotted be as follows:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Time Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat Export Marketing Amendment Bill 2012</td>
<td>commencing immediately to 3.45 pm—second reading from 3.45 pm to 4.15 pm—all remaining stages</td>
</tr>
<tr>
<td>Treasury Legislation Amendment (Unclaimed Money and Other Measures) Bill 2012</td>
<td>commencing immediately after the preceding item to 5.30 pm—all remaining stages</td>
</tr>
<tr>
<td>Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012</td>
<td>commencing from not later than 6 pm to 8 pm—all remaining stages</td>
</tr>
<tr>
<td>National Gambling Reform Bill 2012 and related bills</td>
<td>commencing immediately after the preceding item to 9.15 pm—second reading from 9.15 pm to 10 pm—all remaining stages</td>
</tr>
</tbody>
</table>

Debate ensued.

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

Question—That the question be now put—put.

The Senate divided—

AYES, 36

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

NOES, 32

- Abetz
- Back
- Bernardi
- Birmingham
- Boyce
- Bushby
- Cormann
- Edwards
- Eggleston
- Fawcett
- Ferravanti-Wells
- Fifield
- Heffernan
- Humphries
- Johnston
- Joyce
- Kroger (Teller)
- Macdonald
- Madigan
- Mason
- McKenzie
- Nash
- Parry
- Payne
- Ronaldson
- Ruston
- Ryan
- Scullion
- Sinodinos
- Smith
- Williams
- Xenophon

Question agreed to.

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

AYES, 36

Senators—

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

NOES, 32

Senators—

Abetz
Back
Bernardi
Birmingham
Boyce
Bushby
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Humphries
Johnston
Joyce
Kroger (Teller)
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldon
Ruston
Ryan
Scullion
Sinodinos
Smith
Williams
Xenophon

Question agreed to.

Main question, as amended, put.

The Senate divided—

AYES, 36

Senators—

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

NOES, 31

Senators—

Abetz
Back
Bernardi
Birmingham
Boyce
Bushby
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Humphries
Johnston
Joyce
Kroger (Teller)
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldon
Ruston
Ryan
Scullion
Sinodinos
Smith
Williams
Xenophon

Question agreed to.
26 **WHEAT EXPORT MARKETING AMENDMENT BILL 2012**

Order of the day 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 Nash was speaking.

27 **QUESTIONS**

Questions without notice were answered.

28 **MOTION TO TAKE NOTE OF ANSWERS**

The Leader of the Opposition in the Senate (Senator Abetz) moved—That the Senate take note of answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Pursuant to order, debate was interrupted while the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) was speaking.

29 **WHEAT EXPORT MARKETING AMENDMENT BILL 2012**

Order of the day 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.

*Limitation of debate:* The time allotted for the second reading of this bill expired.

Question—That this bill be now read a second time—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.

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

- Clause 2, page 2 (table item 1, column 1), omit “3”, substitute “4”.
- Page 2 (after line 11), after clause 3, insert:

4 **National wheat industry advisory taskforce to be established**

The Minister must cause to be established a wheat industry advisory taskforce by no later than 5 February 2013.

Senator Xenophon moved the following amendments together by leave:

- Clause 2, page 2 (table item 1, column 1), omit “3”, substitute “4”.
- Page 2 (after line 11), after clause 3, insert:

4 **National wheat industry advisory body to be established**

(1) The Minister must cause to be established a wheat industry advisory body by no later than 31 January 2013.
(2) The wheat industry advisory body must consist of the following members, appointed by the Minister:
   (a) an independent Chair;
   (b) at least 9 skills-based members appointed from the production, bulk handling and non-handling export sectors of the industry;
   (c) 2 non-voting observer members.

(3) The wheat industry advisory body is to administer the Wheat Industry Special Account.

Debate ensued.

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

On the motion of Senator Siewert the following amendment was debated and agreed to:

Clause 2, page 2 (table item 4), omit the table item, substitute:

4. Schedule 3 1 October 2014.

However, the provision(s) do not commence at all unless, before that day:

(a) the Minister has published a notice in the Gazette under subsection 12(1) of the Wheat Export Marketing Act 2008 in respect of a code of conduct; and

(b) the code has been declared by regulations under section 51AE of the Competition and Consumer Act 2010 to be a mandatory industry code.

Senator Xenophon moved the following amendment:

Schedule 1, item 29, page 13 (line 19), at the end of subsection 12(2), add:

; and (e) requires the code to be reviewed no later than 2 years after it commences.

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

Limitation of debate: The time allotted for the consideration of this bill expired.

The following amendment circulated by the Australian Greens was agreed to:

Schedule 1, item 29, page 13 (line 19), omit “voluntary”.

The following amendments circulated by Senator Xenophon were considered:

Schedule 1, item 2, page 4 (lines 2 and 3), omit “to wheat exporters of access to port terminal services by the providers of port terminal services”, substitute “of an efficient and profitable wheat export marketing industry that supports the competitiveness of all sectors of the wheat export supply chain”.

Schedule 1, item 29, page 13 (after line 14), after paragraph 12(2)(b), insert:

(ba) requires major providers of receival, storage and handling services to publish timely, aggregated grain stocks information describing tonnes of stacked grades on a port zone basis; and
(bb) requires wheat export cargoes to comply with a nominated Australian wheat varietal classification grade; and

Schedule 2, item 15, page 23 (line 6), omit paragraph 60(b), substitute:

(b) the wheat industry advisory body established under section 4 of the Wheat Export Marketing Amendment Act 2012 has approved the funding.

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

Question—That the bill, as amended, be agreed to—put and passed.

Bill to be reported with amendments.

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

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

30 Treasury Legislation Amendment (Unclaimed Money 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.

Limitation of debate: The time allotted for the consideration of this bill expired.

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

The following amendment circulated by the Opposition was considered:

Clause 2, page 2 (table items 2 to 11), omit the table items, substitute:

<table>
<thead>
<tr>
<th>2. Schedules 1 and 2</th>
<th>31 December 2013.</th>
<th>31 December 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Schedule 3</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>4. Schedule 4</td>
<td>31 December 2013.</td>
<td>31 December 2013</td>
</tr>
<tr>
<td>5. Schedule 5</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>AYES, 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
</tr>
<tr>
<td>Back</td>
</tr>
<tr>
<td>Bernardi</td>
</tr>
<tr>
<td>Boyce</td>
</tr>
<tr>
<td>Brandis</td>
</tr>
<tr>
<td>Cash</td>
</tr>
<tr>
<td>Colbeck</td>
</tr>
<tr>
<td>Cormann</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOES, 35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilyk</td>
</tr>
<tr>
<td>Bishop</td>
</tr>
<tr>
<td>Brown</td>
</tr>
<tr>
<td>Cameron</td>
</tr>
<tr>
<td>Carr, Kim</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Conroy</td>
</tr>
<tr>
<td>Crossin</td>
</tr>
<tr>
<td>Di Natale</td>
</tr>
</tbody>
</table>

Question negatived.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.

The Senate divided—

<table>
<thead>
<tr>
<th>AYES, 36</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilyk</td>
</tr>
<tr>
<td>Bishop</td>
</tr>
<tr>
<td>Brown</td>
</tr>
<tr>
<td>Cameron</td>
</tr>
<tr>
<td>Carr, Kim</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Conroy</td>
</tr>
<tr>
<td>Crossin</td>
</tr>
<tr>
<td>Di Natale</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOES, 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
</tr>
<tr>
<td>Back</td>
</tr>
<tr>
<td>Bernardi</td>
</tr>
<tr>
<td>Boyce</td>
</tr>
<tr>
<td>Brandis</td>
</tr>
<tr>
<td>Bushby</td>
</tr>
<tr>
<td>Cash</td>
</tr>
<tr>
<td>Colbeck</td>
</tr>
</tbody>
</table>

Question agreed to.

Bill read a third time.
31 **COMMITTEE MEMBERSHIP**

The President informed the Senate that he 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:

- **Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee**
  - Appointed—Senators Brandis, Crossin, Scullion, Siewert and Thistlethwaite

- **Constitutional Recognition of Local Government—Joint Select Committee**
  - Discharged—Senator Crossin
  - Appointed—Senator Singh

- **Education, Employment and Workplace Relations Legislation Committee**
  - Appointed—
    - Substitute member: Senator Wright to replace Senator Rhiannon for the committee’s inquiry into the provisions of the Australian Education Bill 2012
    - Participating member: Senator Rhiannon

- **Environment and Communications References Committee**
  - Appointed—
    - Substitute member: Senator Ludlam to replace Senator Waters for the committee’s inquiry into Australian Broadcasting Corporation television
    - Participating member: Senator Waters.

Question put and passed.

32 **PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT RESPONSES OUTSTANDING**

The President tabled the following document:

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 29 November 2012.

33 **DEPARTMENT OF THE SENATE—REGISTER OF SENIOR EXECUTIVE OFFICERS’ INTERESTS—DOCUMENT**

The President tabled the following document:

Department of the Senate—Register of Senate senior executive officers’ interests incorporating notifications of alterations lodged between 27 June and 27 November 2012, dated November 2012.

34 **AUSTRALIAN PARLIAMENTARY DELEGATION TO PAKISTAN—DOCUMENT**

The President tabled the following document:


35 **COMMONWEALTH OMBUDSMAN—ACTIVITIES UNDER PART V OF THE AUSTRALIAN FEDERAL POLICE ACT—DOCUMENT**

The President tabled the following document:


36 Privacy Amendment (Enhancing Privacy Protection) Bill 2012
A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

37 Environment and Communications References Committee—Government Response—Adequacy of Protections for the Privacy of Australians Online
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:

38 Australia’s Immigration Detention Network—Joint Select Committee—Government Response—Final Report
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:

39 Maritime Powers Bill 2012—Explanatory Memorandum
The Minister for Finance and Deregulation (Senator Wong) tabled a replacement explanatory memorandum relating to the Maritime Powers Bill 2012.

40 Department of Defence—Special Purpose Flights—Document
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:
Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2012.

41 Law and Justice—Murray Darling Basin Draft Plan—Legal Advice—Order for Production of Documents—Document
The Minister for Finance and Deregulation (Senator Wong) tabled the following document:
Law and justice—Murray-Darling Basin draft plan—Legal advice—Letter from the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 19 June 2012, dated 27 November 2012 and attachment.

42 Documents
The following documents were tabled by the Clerk:
[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]
Defence Act—Determinations under section 58B—Defence Determinations—
2012/66—Senior officer transitional bonus – amendment.
2012/67—Carer’s leave – amendment.

Financial Management and Accountability Act—Financial Management and
Accountability Determinations—
2012/29—Section 32 (Transfer of Functions from HEALTH to NHPA)
[F2012L02275].
2012/30—Section 32 (Transfer of Functions from DPP to AFP)
[F2012L02277].
2012/32—Section 32 (Transfer of Functions from DIISRTE to DEEWR)
[F2012L02276].


Parliamentary Entitlements Act—Parliamentary Entitlements Regulations—Advice
of decision to pay assistance under Part 3, dated 22 November 2012 [2].

Payment Systems (Regulation) Act—Variation to Standards Relating to Merchant
Surcharging [F2012L02271].

Therapeutic Goods Act—Therapeutic Goods Information (Joint Adverse Event

Transport Safety Investigation Act—Select Legislative Instruments 2012 Nos—
263—Transport Safety Investigation Amendment Regulation 2012 (No. 1)
[F2012L02278].
264—Transport Safety Investigation Amendment Regulation 2012 (No. 2)
[F2012L02280].

Transport Safety Investigation Act, Air Navigation Act and Navigation Act—
Select Legislative Instrument 2012 No. 265—Transport Safety Investigation
(Voluntary and Confidential Reporting Scheme) Regulation 2012 [F2012L02281].

43 SUPERANNUATION LEGISLATION AMENDMENT (FURTHER MYSUPER AND
TRANSPARENCY MEASURES) BILL 2012

A message from the House of Representatives was reported transmitting for the
concurrency of the Senate the following bill:
Message no. 564, dated 29 November 2012—A Bill for an Act to amend the law in
relation to superannuation 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.

Explanatory memorandum: Senator Wong tabled a revised explanatory memorandum
relating to the bill.

Debate ensued.
Limitation of debate: The time allotted for the consideration of this bill expired.
Question—That this bill be now read a second time—put and passed.
Bill read a second time.

The following amendments circulated by the Opposition were considered:
Schedule 4, item 5, page 54 (line 22), omit “for defined benefit members”.
Schedule 4, item 5, page 54 (before line 23), before subsection 149A(1), insert:
(1A) A modern award must include a term that permits an employer covered by the award to make contributions, for the benefit of an employee covered by the award who is a default fund employee, to any superannuation fund that offers a MySuper product.
Note: An employer may make contributions under this term even if the superannuation fund to which the contributions are made is not specified in the modern award.
Schedule 4, item 6, page 55 (line 20), omit “section 149A”, substitute “subsection 149A(1)”.
Question—That the amendments be agreed to—put.
The Senate divided—

AYES, 31

Senators—
Abetz  Colbeck  Johnston  Payne
Back  Cormann  Joyce  Ruston
Bernardi  Edwards  Kroger  Ryan
Birmingham  Eggleston  Macdonald  Scullion
Boyce  Fawcett  Madigan  Smith
Brandis  Fierravanti-Wells  Mason  Williams
Bushby (Teller)  Fifield  Nash  Xenophon
Cash  Humphries  Parry

NOES, 35

Senators—
Bilyk  Faulkner  McEwen (Teller)  Stephens
Bishop  Feeney  McLucas  Sterling
Brown  Furner  Milne  Thistlethwaite
Cameron  Gallacher  Moore  Urrutia
Carr, Kim  Hanson-Young  Policy  Waters
Collins  Hogg  Pratt  Whish-Wilson
Conroy  Ludlam  Rhiannon  Wong
Crossin  Ludwig  Siewert  Wright
Di Natale  Marshall  Singh

Question negatived.
Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.
Bill read a third time.

44 NATIONAL GAMBLING REFORM BILL 2012
NATIONAL GAMBLING REFORM (RELATED MATTERS) BILL (NO. 1) 2012
NATIONAL GAMBLING REFORM (RELATED MATTERS) BILL (NO. 2) 2012

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 569, dated 29 November 2012—A Bill for an Act to provide for national gambling reform in relation to gaming machines, and for related purposes.
Message no. 568, dated 29 November 2012—A Bill for an Act to impose a supervisory levy in relation to gaming machines, and for related purposes.

Message no. 567, dated 29 November 2012—A Bill for an Act to impose a gaming machine regulation levy in relation to gaming machines, and for related purposes.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—that these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Collins moved—that these bills be now read a second time.

Explanatory memorandum: Senator Collins tabled a revised explanatory memorandum relating to the bills.

Debate ensued.

Limitation of debate: The time allotted for the second reading of these bills expired.

Question—that these bills be now read a second time—put.

The Senate divided—

AYES, 37

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Bilyk</th>
<th>Bishop</th>
<th>Brown</th>
<th>Cameron</th>
<th>Carr, Kim</th>
<th>Collins</th>
<th>Conroy</th>
<th>Crossin</th>
<th>Di Natale</th>
<th>Faulkner</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Feeney</td>
<td>Fumner</td>
<td>Gallacher</td>
<td>Hanson-Young</td>
<td>Hogg</td>
<td>Ludlam</td>
<td>Ladwig</td>
<td>Madigan</td>
<td>Marshall</td>
<td>McEwen</td>
</tr>
<tr>
<td></td>
<td>McLucas</td>
<td>Milne</td>
<td>Moore</td>
<td>Polley (Teller)</td>
<td>Pratt</td>
<td>Rhiannon</td>
<td>Siewert</td>
<td>Singh</td>
<td>Stephens</td>
<td>Sterle</td>
</tr>
<tr>
<td></td>
<td>Thistlethwaite</td>
<td>Unquhart</td>
<td>Waters</td>
<td>Whish-Wilson</td>
<td>Wong</td>
<td>Wright</td>
<td>Xenophon</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOES, 29

<table>
<thead>
<tr>
<th>Senators—</th>
<th>Abetz</th>
<th>Back (Teller)</th>
<th>Bernardi</th>
<th>Birmingham</th>
<th>Boyce</th>
<th>Brandis</th>
<th>Bshby</th>
<th>Cash</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Colbeck</td>
<td>Cormann</td>
<td>Edwards</td>
<td>Eggleston</td>
<td>Fawcett</td>
<td>Fierravanti-Wells</td>
<td>Fifield</td>
<td>Humphries</td>
</tr>
<tr>
<td></td>
<td>Johnston</td>
<td>Joyce</td>
<td>Kroger</td>
<td>Macdonald</td>
<td>Mason</td>
<td>Nash</td>
<td>Parry</td>
<td>Payne</td>
</tr>
<tr>
<td></td>
<td>Ruston</td>
<td>Ryan</td>
<td>Scullion</td>
<td>Smith</td>
<td>Williams</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Question agreed to.

Bills read a second time.

The Senate resolved itself into committee for the consideration of the bills.
In the committee

Bills, taken together and as a whole by leave, debated.

Senator Xenophon moved the following amendments in respect of the National Gambling Reform Bill 2012 together by leave:

Clause 3, page 2 (line 24), after “use of gaming machines”, insert “and requires bet limit systems to be in operation for gaming machines”.

Clause 5, page 9 (line 30), omit “and 37”, substitute “, 37 and 38A”.

Clause 19, page 20 (line 27), after “generally.”, insert “Under Part 3A, a bet limit system must be in operation for a gaming machine.”.

Page 35 (after line 26), after Part 3, insert:

Part 3A—Bet limit systems

38A When a gaming machine is not compliant

(1) A gaming machine is not compliant if there is no bet limit system in operation for the gaming machine.

Note: For a civil penalty provision for certain gaming machines that are not compliant, see Part 2 of Chapter 3.

(2) A bet limit system is in operation for a gaming machine if:

(a) the gaming machine’s maximum bet per spin is $1; and

(b) the maximum amount payable under a jackpot or linked-jackpot arrangement in relation to the gaming machine is $500; and

(c) the gaming machine does not accept additional money or credit from a player when it stands in credit to the player to the value of $20 or more; and

(d) the gaming machine does not accept banknotes of a denomination greater than $20; and

(e) the gaming machine has a spin rate that ensures that, if it were to be played continuously at maximum intensity for 1 hour, the maximum hourly losses would be no more than $120.

Debate ensued.

Limitation of debate: The time allotted for the consideration of these bills expired.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

Di Natale  Madigan  Siewert (Teller)  Wright
Hanson-Young  Milne  Waters  Xenophon
Ludlam  Rhiannon  Whish-Wilson
The following amendments in respect of the National Gambling Reform Bill 2012 circulated by Senator Xenophon were considered:

Clause 3, page 2 (line 24), after “use of gaming machines”, insert “and allows the regulations to require bet limit systems to be in operation for gaming machines”.

Clause 5, page 9 (line 30), omit “and 37”, substitute “, 37 and 38A”.

Clause 19, page 20 (line 27), after “generally.”, insert “Under Part 3A, a bet limit system must be in operation for a gaming machine if the regulations require such a system to be in operation for gaming machines.”.

Page 35 (after line 26), after Part 3, insert:

**Part 3A—Bet limit systems**

38A When a gaming machine is not compliant

(1) The regulations may require a bet limit system to be in operation for gaming machines.

(2) A gaming machine is not compliant if:

(a) the regulations require a bet limit system to be in operation for gaming machines; and

(b) there is no bet limit system in operation for the gaming machine.

Note: For a civil penalty provision for certain gaming machines that are not compliant, see Part 2 of Chapter 3.

(3) A bet limit system is in operation for a gaming machine if:

(a) the gaming machine’s maximum bet per spin is $1; and

(b) the maximum amount payable under a jackpot or linked-jackpot arrangement in relation to the gaming machine is $500; and

(c) the gaming machine does not accept additional money or credit from a player when it stands in credit to the player to the value of $20 or more; and

(d) the gaming machine does not accept banknotes of a denomination greater than $20; and

(e) the gaming machine has a spin rate that ensures that, if it were to be played continuously at maximum intensity for 1 hour, the maximum hourly losses would be no more than $120.

Question—That the amendments be agreed to—put and negatived.
The following amendments in respect of the National Gambling Reform Bill 2012 circulated by Senator Xenophon were considered:

Clause 3, page 2 (lines 25 and 26), omit “amount of cash that can be withdrawn from an automatic teller machine that is”, substitute “use of automatic teller machines and electronic funds transfer systems”.

Clause 3, page 2 (line 27), omit “(other than a casino)”.  

Clause 3, page 2 (line 29), omit “and automatic teller machines”, substitute “automatic teller machines and electronic funds transfer systems”.

Clause 3, page 3 (line 1), omit “(other than casinos)”.  

Clause 3, page 3 (line 8), after “precommitment”, insert “and of complying with the bet limit requirements”.

Clause 4, page 4 (lines 26 and 27), omit “amount of cash users of gaming machines can access from automatic teller machines”, substitute “use of automatic teller machines and electronic funds transfer systems”.

Clause 4, page 4 (line 28), omit “(other than casinos)”.

Clause 4, page 4 (line 32), at the end of paragraph (2)(e), add “and of complying with the bet limit requirements”.

Clause 5, page 6 (after line 3), after the definition of \textit{authorised person}, insert:  
\textbf{bet limit requirements} has the meaning given by section 6A.

Clause 5, page 7 (lines 24 to 28), omit paragraph (b) of the definition of \textit{gaming machine premises}, substitute:  
(b) for the purposes of Part 4 of Chapter 2 (ATM and electronic funds transfer ban), and any other provision of this Act to the extent that it relates to that Part—includes the entire premises (not just that part of the premises where the gaming machines are made available for use) and any area within the boundary of the property on which the premises is located.

Clause 5, page 8 (after line 15), after the definition of \textit{issuing officer}, insert:  
\textit{jackpot}, in relation to a gaming machine, means the combination of letters, numbers, symbols or representations as part of a game on that machine that pays the maximum winnings payable on that machine for any one combination.

Clause 5, page 9 (after line 4), after the definition of \textit{limit period}, insert:  
\textit{Note:} A person may set multiple limit periods for a State or Territory (see section 22A).

Clause 5, page 9 (after line 14), after the definition of \textit{limit period winnings}, insert:  
\textit{linked-jackpot arrangement} means an arrangement under which a single jackpot operates over 2 or more gaming machines.

Clause 5, page 9 (after line 18), after the definition of \textit{loss limit}, insert:  
\textit{Note:} A person may set multiple loss limits for a State or Territory (see section 22A).

Clause 5, page 11 (line 30) to page 12 (line 4), omit paragraphs (a) to (d) of the definition of \textit{reviewable decision}. 

Clause 5, page 12 (after line 27), after the definition of *small gaming machine premises*, insert:

> spin rate, in relation to a gaming machine, means the interval between spins on the gaming machine.

Clause 5, page 13 (lines 1 and 2), omit the definition of *withdraws more than the cash limit*.

Page 13 (after line 34), after clause 6, insert:

6A Meaning of bet limit requirements

A gaming machine meets the **bet limit requirements** if:

(a) its maximum bet per spin is $1; and

(b) the maximum amount payable under a jackpot or a linked-jackpot arrangement is $500; and

(c) it is not capable of accepting additional money or credit from a player if it stands in credit to the player to the value of $20 or more; and

(d) it is not capable of accepting banknotes of a denomination greater than $20; and

(e) it has a spin rate that ensures that, if it were to be played continuously at maximum intensity for 1 hour, the maximum hourly losses would be no more than $120.

Clause 7, page 14 (line 7), omit “withdrawal limit”, substitute “and electronic funds transfer ban”.

Clause 11, page 15 (lines 9 and 10), omit paragraph (2)(c), substitute:

(c) automatic teller machines and electronic funds transfer systems that are on gaming machines premises.

Clause 11, page 15 (after line 16), at the end of the clause, add:

(4) For the purposes of subsection (2), a requirement is not a **stricter requirement** unless it is intended to achieve better outcomes for problem gamblers and/or their families and communities.

Heading to clause 14, page 17 (line 13), omit “requirements”, substitute “and electronic funds transfer ban”.

Clause 14, page 17 (line 14), omit “withdrawal limit”, substitute “and electronic funds transfer ban”.

Clause 14, page 17 (line 17), before “that”, insert “and electronic funds transfer system”.

Clause 14, page 17 (lines 18 and 19), omit the note.

Clause 18, page 19 (line 31), omit “42,”.

Clause 18, page 19 (line 32), omit “43 or”.

Clause 19, page 20 (lines 17 to 19), omit all the words from and including “indicate, as part of” to and including “loss limit and”, substitute “set a loss limit for the State or Territory. If a person”.

Clause 19, page 20 (line 25), omit “or”, substitute “and”.

---

---

---
Clause 19, page 20 (line 28) to page 21 (line 4), omit all the words from and including “Under Part 4” to and including “Part 5”, substitute “Under Part 4, automatic teller machines must not be on gaming machine premises, and electronic funds transfer systems on gaming machine premises must not allow a person to withdraw cash, unless there are no other facilities for withdrawing cash within 1 kilometre of the gaming machine premises”.

Clause 19, page 21 (line 6), omit “and automatic teller machines”, substitute “automatic teller machines and electronic funds transfer systems”.

Clause 19, page 21 (line 7), omit “(other than casinos)”.

Clause 22, page 23 (lines 2 to 9), omit subclause (1), substitute:

Setting a loss limit

(1) A precommitment system for a State or Territory must require a person, who chooses to register for the State or Territory through that system, to set a loss limit for the State or Territory as part of the registration process.

Clause 22, page 23 (after line 9), after paragraph (1)(b), insert:

Note 1A: A person may set multiple loss limits for a State or Territory (see section 22A).

Clause 22, page 23 (line 18), after “Note”, insert “1”.

Clause 22, page 23 (after line 18), after the note, insert:

Note 2: A person may set multiple limit periods for a State or Territory (see section 22A).

Heading to subclause 22(3), page 23 (line 19), omit “—if loss limit set”.

Clause 22, page 24 (lines 1 to 7), omit subclause (4).

Page 24 (after line 11), after clause 22, insert:

22A Setting multiple loss limits and limit periods for user who chooses to register

(1) A person may, through a precommitment system for a State or Territory, set multiple loss limits and limit periods for the State or Territory.

Note: For example, a person may choose to limit the person’s net losses to $50 during 24 hours, $100 during a week and $200 during a month.

(2) The regulations may prescribe requirements for precommitment systems in relation to persons who set multiple loss limits and limit periods.

Clause 23, page 24 (lines 17 to 19), omit subclause (2).

Clause 23, page 24 (line 23), omit “(subject to subsection (2))”.

Clause 29, page 29 (lines 2 to 4), omit subclause (3).

Clause 29, page 29 (line 7), omit “(subject to subsection (3))”.

Clause 31, page 31 (after line 13), after subclause (5), insert:

Real time information

(5A) At any time while the person is using the gaming machine as a registered user, the precommitment system must allow the person to access real time information about:
(a) the amount of money or credit that the person has spent during the person’s current session of use of the gaming machine; and
(b) the matters mentioned in subsection 34(2).

Clause 34, page 33 (after line 17), after subclause (1), insert:
(1A) A person’s transaction statement must be able to be accessed by the person both at gaming machine venues and online.

Clause 38, page 35 (line 14), omit “or”, substitute “and”.

Part 4, clauses 39 to 41, page 36 (line 1) to page 37 (line 28), omit the Part, substitute:

**Part 4—ATM and electronic funds transfer ban for gaming machine premises**

39 **ATM ban for gaming machine premises**

An automatic teller machine must not be on gaming machine premises unless there are no other facilities for withdrawing cash within 1 kilometre of the gaming machine premises.

Note 1: For civil penalty provisions for automatic teller machines on gaming machine premises, see Part 3 of Chapter 3.

Note 2: This section is not intended to affect a law of a State or Territory that is capable of operating concurrently (see section 11).

40 **Electronic funds transfer ban for gaming machine premises**

An electronic funds transfer system that is on gaming machine premises must not allow a person to withdraw cash unless there are no other facilities for withdrawing cash within 1 kilometre of the gaming machine premises.

Note 1: For civil penalty provisions for electronic funds transfer systems on gaming machine premises, see Part 3 of Chapter 3.

Note 2: This section is not intended to affect a law of a State or Territory that is capable of operating concurrently (see section 11).

Clause 51, page 42 (after line 11), after paragraph (1)(b), insert:
(ba) the precommitment system will be used for all gaming machines in the State or Territory; and

Clause 51, page 42 (line 19), at the end of subclause (1), add:
; and (e) if a precommitment system has previously been approved for the State or Territory—the new precommitment system will provide significant advantages over the previously approved system.

Clause 54, page 44 (line 19), at the end of subclause (1), add:
; or (e) another precommitment system has been approved for the State or Territory under subsection 51(1).

Clause 57, page 46 (line 8), omit “and automatic teller machines”, substitute “, automatic teller machines and electronic funds transfer systems”.

Clause 57, page 46 (line 21), omit “a non-compliant automatic teller machine”, substitute “an automatic teller machine or electronic funds transfer system”.

Clause 57, page 46 (lines 23 and 24), omit “a non-compliant automatic teller machine”, substitute “an automatic teller machine or electronic funds transfer system”.
Clause 58, page 48 (lines 1 to 26), omit subclauses (2) to (4).
Clause 58, page 49, (line 21) omit “(2),”.

Heading to Part 3, page 50 (lines 1 and 2), omit the heading, substitute:

**Part 3—Automatic teller machines and electronic funds transfer systems that do not comply with requirements**

Clause 60, page 50 (line 12), after “machine”, insert “or electronic funds transfer system”.

Clause 60, page 50 (line 19), after “machine”, insert “or electronic funds transfer system”.

Division 2, clauses 62 to 65, page 51 (line 1) to page 52 (line 25), omit the Division, substitute:

**Division 2—Civil penalty provisions**

62  **Occupying premises containing automatic teller machine or electronic funds transfer system**

A person contravenes this section if:
(a) the person occupies premises; and
(b) the premises are gaming machine premises; and
(c) the person allows another person to provide either or both of the following devices (a relevant device) on the premises:
   (i) an automatic teller machine;
   (ii) an electronic funds transfer system that would allow a person to withdraw cash; and
(d) there is a facility for withdrawing cash within 1 kilometre of the gaming machine premises.

Civil penalty:  5 penalty units in relation to each day on which a relevant device is on the premises.

Note: This section applies whether the person occupies premises alone or together with others (see section 8).

63  **Providing an automatic teller machine or electronic funds transfer system**

A person contravenes this section if:
(a) the person provides either or both of the following devices (a relevant device) on premises:
   (i) an automatic teller machine;
   (ii) an electronic funds transfer system that would allow a person to withdraw cash; and
(b) the premises are gaming machine premises; and
(c) there is a facility for withdrawing cash within 1 kilometre of the gaming machine premises.

Civil penalty:  10 penalty units in relation to each day on which the person provides a relevant device.

Note: This section applies whether the person provides a relevant device alone or together with others (see section 8).

64  **Civil penalty provision contravened without a person withdrawing cash**

To avoid doubt, a person can contravene section 62 or 63 whether or not any person actually withdraws cash using an automatic teller machine or electronic funds transfer system.
Clause 78, page 61 (line 11), at the end of the clause, add “or of meeting the bet limit requirements”.

Clause 79, page 62 (lines 8 to 11), omit paragraph (c), substitute:
(c) the gaming machine:
(i) does not comply with any one or more of the requirements prescribed by the regulations in relation to the capability of the gaming machine to provide for precommitment, or
(ii) is not capable of meeting the bet limit requirements.

Clause 80, page 62 (lines 18 to 21), omit paragraph (b), substitute:
(b) the gaming machine:
(i) does not comply with any one or more of the requirements prescribed by the regulations in relation to the capability of the gaming machine to provide for precommitment, or
(ii) is not capable of meeting the bet limit requirements.

Clause 85, page 68, (line 11) omit “(4),”.

Clause 85, page 68 (line 28) to page 69 (line 22), omit subclauses (4) to (6).

Clause 103, page 78 (lines 14 and 15), omit “public areas of”.

Clause 103, page 78 (lines 16 and 17), omit “and automatic teller machines”, substitute “; automatic teller machines and electronic funds transfer systems”.

Heading to Part 4, page 86 (line 1), omit “public areas of”.

Heading to clause 116, page 86 (line 4), omit “public areas of”.

Clause 116, page 86 (line 5), omit “a public area of”.

Clause 116, page 86 (lines 21 to 23), omit subclause (3).

Clause 116, page 87 (line 4), at the end of the definition of regulated device, add:
; or (d) an electronic funds transfer system.

Clause 159, page 128 (line 26), after “automatic teller machine”, insert “or an electronic funds transfer system”.

Clause 159, page 128 (line 28), after “automatic teller machine”, insert “or an electronic funds transfer system”.

Clause 177, page 139 (lines 19 and 20), omit “non-compliant automatic teller machine”, substitute “automatic teller machine or electronic funds transfer system”.

Clause 177, page 139 (lines 25 and 26), omit “non-compliant automatic teller machine”, substitute “automatic teller machine or electronic funds transfer system”.

Clause 192, page 151 (lines 10 to 13), omit all the words from and including “to determine” to and including “Territories”, substitute “in relation to the requirements of Part 2 of Chapter 2 (precommitment systems)”.

Clause 193, page 152 (lines 5 to 11), omit subclause (1), substitute:
(1) This section applies if the Commonwealth agrees that a trial is to be conducted in relation to the requirements of Part 2 of Chapter 2 (precommitment systems).
Clause 193, page 153 (lines 13 to 18), omit subclause (4), substitute:

(4) As part of the inquiry, the Productivity Commission must consider the benefits of a precommitment system that applies to all gaming machine users in a State or Territory, as opposed to a precommitment system that does not apply to all gaming machine users in the State or Territory, in relation to reducing the harm caused by gaming machines:

(a) to problem gamblers, and those at risk of experiencing that harm; and

(b) to the families and communities of problem gamblers and of those at risk of experiencing that harm.

Clause 195, page 154 (lines 16 to 19), omit paragraph (1)(a), substitute:

(a) under paragraph 11(1)(b) of the Productivity Commission Act 1998, specify that the period within which the Commission must submit its report on that inquiry to the Productivity Minister is to be:

(i) 6 months; or

(ii) such longer period, not exceeding 12 months, as the Commission requests and the Productivity Minister agrees; and

Page 157 (after line 6), after clause 197, insert:

197A Expert Advisory Group on Gambling may obtain information and documents

Making of request

(1) If a member of the Expert Advisory Group on Gambling believes on reasonable grounds:

(a) that a person has particular information or a particular document; and

(b) that the information or document is relevant to the performance of the functions of the Group;

the Director of the Australian Institute of Family Studies, in his or her capacity as a member of the Group, may request the person to give the information, or produce the document, to the Group.

Form of request

(2) A request given to a person under subsection (1) must:

(a) be in writing; and

(b) state what information the person must give, or what document the person must produce; and

(c) specify the day on or before which the person must give the information or produce the document (which must be a day at least 14 days after the day on which the Director makes the request); and

(d) specify how the person is to give the information, or produce the document, to the Group; and

(e) include a statement to the effect that failing to comply with the notice is an offence.
Offence

(3) A person commits an offence if the person fails to comply with a request given to the person under subsection (1).

Penalty: 60 penalty units.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

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

NOES, 42

Senators—

Back (Teller)  Conroy  Kroger  Ruston
Bilyk  Crossin  Ludwig  Scullion
Birmingham  Edwards  Marshall  Singh
Bishop  Eggleston  McEwen  Smith
Brandis  Evans  McLucas  Stephens
Brown  Fawcett  Moore  Sterle
Bushby  Feeley  Parry  Thistlethwaite
Cameron  Fifield  Payne  Unquhart
Carr, Kim  Furner  Polley  Wong
Cash  Gallagher  Pratt
Colbeck  Hogg  Ronaldson

Question negatived.

Question—That Chapter 2, Part 5, Division 1 of the National Gambling Reform Bill 2012 stand as printed—put and passed.

The following amendments in respect of the National Gambling Reform Bill 2012 circulated by the Australian Greens were considered:

Clause 3, page 3 (line 8), after “precommitment”, insert “and of operating in low intensity mode”.

Clause 4, page 4 (line 32), at the end of paragraph (2)(e), add “and of operating in low intensity mode”.

Clause 5, page 9 (after line 18), after the definition of loss limit, insert:

low intensity mode has the meaning given by section 6A.

Page 13 (after line 34), after clause 6, insert:

6A Meaning of low intensity mode

(1) A gaming machine is operating in low intensity mode if:
(a) its maximum bet per spin is $1; and
(b) the maximum amount payable under a jackpot or a linked-jackpot arrangement is $500; and
(c) it is not capable of accepting additional money or credit from a player if it stands in credit to the player to the value of $20 or more; and
(d) its minimum spin rate is 3.5 seconds.

(2) The regulations may prescribe other requirements in relation to the operation of a gaming machine in low intensity mode.
Clause 78, page 61 (line 11), at the end of the clause, add “or of operating in low intensity mode”.

Clause 79, page 62 (lines 8 to 11), omit paragraph (c), substitute:

(c) the gaming machine:

(i) does not comply with any one or more of the requirements prescribed by the regulations in relation to the capability of the gaming machine to provide for precommitment, or

(ii) is not capable of operating in low intensity mode.

Clause 80, page 62 (lines 18 to 21), omit paragraph (b), substitute:

(b) the gaming machine:

(i) does not comply with any one or more of the requirements prescribed by the regulations in relation to the capability of the gaming machine to provide for precommitment, or

(ii) is not capable of operating in low intensity mode.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

Di Natale
Hanson-Young
Ludlam

Madigan
Milne
Rhiannon

Siewert (Teller)
Waters
Whish-Wilson

Wright

NOES, 42

Senators—

Back (Teller)
Bilyk
Birmingham
Bishop
Brandis
Brown
Bushby
Cameron
Carr, Kim
Cash
Colbeck
Conroy
Crossin
Edwards
Eggleston
Evans
Fawcett
Feeney
Fifield
Furner
Gallacher
Hogg

Kroger
Ludwig
Marshall
McEwen
McLucas
Moore
Parry
Payne
Polley
Pratt
Rhiannon

Kroger
Ludwig
Marshall
McEwen
McLucas
Moore
Parry
Payne
Polley
Pratt
Rhiannon

Ruston
Scullion
Singh
Smith
Stephens
Sterle
Thistlethwaite
Urquhart
Wong

Question negatived.

Bills to be reported without amendments.

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

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put.
The Senate divided—

AYES, 36

Senators—

Bilyk
Bishop
Brown
Cameron
Carr, Kim
Collins
Conroy
Crossin
Di Natale
Evans
Faulkner
Feeney
Furner
Gallacher
Hanson
Hogg
Ludlam
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Urqhart
Waters
Whish-Wilson
Wong

NOES, 32

Senators—

Abetz
Back (Teller)
Bernardi
Birmingham
Boyce
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Humphries
Johnston
Joyce
Kroger
Macdonald
Madigan
Mason
Nash
Parry
Payne
Ronaldson
Ruston
Ryan
Scullion
Smith
Williams
Xenophon

Question agreed to.

Bills read a third time.

45 CUSTOMS AMENDMENT (MALAYSIA-AUSTRAILIA FREE TRADE AGREEMENT IMPLEMENTATION AND OTHER MEASURES) BILL 2012

CUSTOMS TARIFF AMENDMENT (MALAYSIA-AUSTRAILIA FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2012

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) the bills were read a third time.

46 WHEAT EXPORT MARKETING AMENDMENT BILL 2012

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

47 **COMMITTEE MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, as follows:

Message no. 566, dated 29 November 2012—Ms Saffin and Mr Oakeshott.

48 **NEXT MEETING OF SENATE**

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) moved—That the Senate, at its rising, adjourn till Tuesday, 5 February 2013 at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

49 **LEAVE OF ABSENCE**

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

50 **END OF 2012 SITTINGS—STATEMENT BY PRESIDENT**

The President made a statement relating to the end of the 2012 sittings.

*Statements by leave:* The Leader of the Government in the Senate (Senator Evans), the Leader of the Opposition in the Senate (Senator Abetz), the Leader of the Australian Greens (Senator Milne), the Leader of The Nationals in the Senate (Senator Joyce) and Senator Xenophon, by leave, made statements relating to the matter.

51 **ADJOURNMENT**

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 11.39 pm till Tuesday, 5 February 2013 at 12.30 pm.

52 **ATTENDANCE**

Present, all senators except Senators Boswell* and Farrell* (* on leave).

Rosemary Laing
Clerk of the Senate

Printed by authority of the Senate