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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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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 **MARRIAGE AMENDMENT BILL (NO. 2) 2012**

Order of the day read for the adjourned debate on the motion of Senator Crossin—That this bill be now read a second time.

Debate resumed.

*Time expired*: Pursuant to order (see entry no. 35, 19 September 2012), debate was interrupted after the consideration of the bill reached the limit of 2 hours 20 minutes.

3 **PETITION**

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

From 37 petitioners, requesting that the Senate take action to uphold the definition of marriage as defined in the *Marriage Act 1961*.

4 **NOTICES**

The Chair of the Economics References Committee (Senator Bushby): To move on the next day of sitting—that the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 10 October 2012, from 6 pm, to take evidence for the committee’s inquiry into the effects of the global financial crisis on the Australian banking sector. (*general business notice of motion no. 959*)

Senator Xenophon: To move on 11 October 2012—that the following bill be introduced: A Bill for an Act to amend the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, and for related purposes. *Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012*. (*general business notice of motion no. 960*)

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

(a) the attention of the Prime Minister (Ms Gillard) to a resolution of the Senate of 21 June 2012; and

(b) on the Prime Minister to indicate whether or not she intends to retract prejudicial statements regarding the illegality of Wikileaks publishing endeavours and, if so, when. (*general business notice of motion no. 961*)

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

(a) notes that:

(i) a delegation from the Parliament of Burma, led by the Speaker HE Thura U Shwe Mann was recently in Australia,

(ii) in the week beginning 16 September 2012, Burmese authorities released several dozen political prisoners, and

(iii) on 29 August and 30 August 2012, the Burmese Government removed the names of 1,147 foreign citizens, including ex-citizens, as well as 935 political dissidents from the Blacklist; and

(b) calls on the Government to:

(i) call on the Burmese Government to release all remaining political prisoners, to lift any restrictions imposed on already freed political...
prisoners and repeal laws that allow for the detention of political prisoners,

(ii) call on the Burmese Government and all other parties to immediately cease hostilities and implement a nation-wide ceasefire,

(iii) encourage both the Burmese Government and all other parties to take further steps beyond the current ceasefire agreements and enter into a comprehensive and inclusive political dialogue that fully engages the democratic opposition, genuine representatives of all ethnic opposition groups, and civil society actors, and

(iv) support the inclusion of language into the 2012 United Nations General Assembly Resolution on Burma that reflects developments on the ground there. (general business notice of motion no. 962)

Senator Whish-Wilson: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for environmentally sustainable use of resources and best practices in waste management by establishing a national beverage container deposit and reward recovery scheme, and for related purposes. Environment Protection (Beverage Container Recovery Reward Scheme) Bill 2012. (general business notice of motion no. 963)

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

(a) notes that:

(i) on 20 September 2012 thousands of students, parents, teachers, staff and friends of Technical and Further Education (TAFE) rallied in Victoria, and in other states, to support TAFE students and staff who are bearing the brunt of state government budget cuts such as the Baillieu Government’s devastating $300 million TAFE cuts, which will lead to campus closures, job losses, more course cuts, further increases to students’ fees and charges, and will damage the economy,

(ii) the Baillieu Government’s $300 million vocational education and training (VET) budget cuts result from a drastic shift in VET market share, where private VET courses have overtaken TAFE courses for the first time, coupled with a 310 per cent growth in enrolments in private Registered Training Organisations (RTOs), a failure of state and federal VET policy that TAFE should not be punished for,

(iii) the New South Wales Government, in the week beginning 9 September 2012, delivered a $1.7 billion education budget cut that includes 800 job losses at TAFE NSW and will result in a 9.5 per cent increase in TAFE NSW course fees, and

(iv) the market-based student-entitlement model that is failing in Victoria and being adopted in other states poses a risk to the viability of the TAFE system and to the economy as it is unlikely to deliver the skilled workforce mix that Australia needs; and

(b) calls on the Government to:

(i) urgently introduce measures to curtail the growth in enrolments in private VET providers and RTOs which is draining state government VET budgets, and

(ii) revise the National Partnership Agreement to phase out entitlement-based funding and fee help, and instead focus on funding and developing public providers. (general business notice of motion no. 964)
The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 12 OF 2012**

1. The committee met in private session on Wednesday, 19 September 2012 at 7.18 pm.

2. The committee resolved to recommend—that—
   (a) the provisions of the following bills be **referred immediately** to the Economics Legislation Committee for inquiry and report by 29 October 2012:
   - 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;
   (b) the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2) be **referred immediately** to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by the first sitting day of 2013;
   (c) the provisions of the Dental Benefits Amendment Bill 2012 be **referred immediately** to the Community Affairs Legislation Committee for inquiry and report by 29 October 2012; and
   (d) the provisions of the Law Enforcement Integrity Legislation Amendment Bill 2012 be **referred immediately** to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 November 2012.

3. The committee resolved to recommend—that the following bills **not** be referred to committees:
   - Corporations Legislation Amendment (Derivative Transactions) Bill 2012
   - Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012
   - Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012
   - Industrial Chemicals (Notification and Assessment) Amendment Bill 2012
   - International Fund for Agricultural Development Amendment Bill 2012
   - Personal Liability for Corporate Fault Reform Bill 2012
   - Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012
Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012
Tax Laws Amendment (2012 Measures No. 5) Bill 2012.

The committee considered the Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Bill 2012 and, noting that the bill had passed the Senate on 18 September 2012, resolved to recommend that the bill not be referred to a committee.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   Broadcasting Services Amendment (Public Interest Test) Bill 2012
   Environment Protection and Biodiversity Conservation Amendment (Making Marine Parks Accountable) Bill 2012
   Health and Other Legislation Amendment Bill 2012
   Migration Amendment (Reform of Employer Sanctions) Bill 2012
   Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012
   National Health Security Amendment Bill 2012
   Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
   Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012
   Superannuation Laws Amendment (Capital Gains Tax Relief and Other Efficiency Measures) Bill 2012
   Superannuation Auditor Registration Imposition Bill 2012.

Anne McEwen
Chair
20 September 2012.

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

6 ORDER OF BUSINESS—REARRANGEMENT
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That government business order of the day no. 2 (Judges and Governors-General Legislation Amendment (Family Law) Bill 2012) be considered from 12.45 pm today under the temporary order relating to non-controversial government business.
Question put and passed.

7 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT
Senator McEwen, by leave and at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), moved—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Privacy Amendment (Enhancing Privacy Protection) Bill 2012 be extended to 25 September 2012.
Question put and passed.
8 **Electricity Prices—Select Committee—Leave to Meet During Sitting**

Senator McEwen, by leave and at the request of the Chair of the Select Committee on Electricity Prices (Senator Thistlethwaite), moved—That the Select Committee on Electricity Prices be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 9 October 2012, from 1 pm.

Question put and passed.

9 **Leave of Absence**

Senator Kroger, by leave, moved—That leave of absence be granted to Senator Brandis for today, on account of parliamentary business.

Question put and passed.

10 **Postponements**

The following items of business were postponed:

- General business notice of motion no. 781 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration and Security Legislation Amendment (Review of Security Assessments) Bill 2012, postponed till 10 October 2012.
- General business notice of motion no. 930 standing in the name of Senator Hanson-Young for today, relating to marriage equality legislation, postponed till 9 October 2012.

11 **Community Affairs Legislation Committee—Leave to Meet During Sittings**

Senator McEwen, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 951—That the Community Affairs Legislation Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 9 October 2012; and
(b) on Tuesday, 30 October 2012.

Question put and passed.

12 **Community Affairs References Committee—Leave to Meet During Sittings**

Senator McEwen, at the request of the Chair of the Community Affairs References Committee (Senator Siewert) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 952—That the Community Affairs References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 12.30 pm, as follows:

(a) on Tuesday, 9 October 2012; and
(b) on Tuesday, 30 October 2012.

Question put and passed.
13 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

The Chair of the Community Affairs References Committee (Senator Siewert), 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 Community Affairs References Committee for inquiry and report by 24 April 2013:

The involuntary or coerced sterilisation of people with disabilities in Australia, including:

(a) the types of sterilisation practices that are used, including treatments that prevent menstruation or reproduction, and exclusion or limitation of access to sexual health, contraceptive or family planning services;
(b) the prevalence of these sterilisation practices and how they are recorded across different state and territory jurisdictions;
(c) the different legal, regulatory and policy frameworks and practices across the Commonwealth, states and territories, and action to date on the harmonisation of regimes;
(d) whether current legal, regulatory and policy frameworks provide adequate:
   (i) steps to determine the wishes of a person with a disability,
   (ii) steps to determine an individual’s capacity to provide free and informed consent,
   (iii) steps to ensure independent representation in applications for sterilisation procedures where the subject of the application is deemed unable to provide free and informed consent, and
   (iv) application of a ‘best interest test’ as it relates to sterilisation and reproductive rights;
(e) the impacts of sterilisation of people with disabilities;
(f) Australia’s compliance with its international obligations as they apply to sterilisation of people with disabilities;
(g) the factors that lead to sterilisation procedures being sought by others for people with disabilities, including:
   (i) the availability and effectiveness of services and programs to support people with disabilities in managing their reproductive and sexual health needs, and whether there are measures in place to ensure that these are available on a non-discriminatory basis,
   (ii) the availability and effectiveness of educational resources for medical practitioners, guardians, carers and people with a disability around the consequences of sterilisation, and
   (iii) medical practitioners, guardians and carers’ knowledge of and access to services and programs to support people with disabilities in managing their reproductive and sexual health needs; and
(h) any other related matters.

Question put and passed.
14 Indigenous Australians—Study of Indigenous Children—Order for Production of Documents

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 958—that there be laid on the table by the Minister representing the Minister for Families, Community Services and Indigenous Affairs, by 28 September 2012, the following:

(a) the Wave 3 and Wave 4 Parent 1 Mark Up Questionnaire from the ‘Footprints in Time – The Longitudinal Study of Indigenous Children’;
(b) the Wave 3 and Wave 4 Parent 2 Mark Up Questionnaire from the ‘Footprints in Time – The Longitudinal Study of Indigenous Children’; and
(c) documents which include an analysis of income management data in the ‘Footprints in Time – The Longitudinal Study of Indigenous Children’.

Question put and passed.

15 Environment and Communications References Committee—Proposed Reference

Senator Madigan, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—that the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012 be referred to the Environment and Communications References Committee for inquiry and report by 29 November 2012.

Statement by leave: Senator Xenophon, by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 30

Senators—

Abetz            Eggleston          Macdonald          Ryan
Back             Fawcett           Madigan           Scullion
Boswell          Fifield           Mason              Sinodinos
Boyce            Heffernan         McKenzie          Smith
Bushby           Humphries         Nash               Williams
Colbeck          Johnston          Parry              Xenophon
Cormann          Joyce             Payne              
Edwards          Kroger (Teller)     Ronaldson         

NOES, 34

Senators—

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

Question negatived.
16 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE
Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 27 March 2013:

The role played by the former Australian Government in Mr David Hicks’ trial, treatment and detention, with particular reference to:
(a) his transfer from the custody of Afghanistan’s Northern Alliance to the United States (US) military and subsequent transfer into detention at the US Naval base at Guantanamo Bay, Cuba;
(b) his detention, interrogation and treatment in US custody;
(c) his 2004 charges and initial prosecution by the first US Military Commission;
(d) his subsequent 2007 charges and plea agreement under the Military Commission Act 2006 (US);
(e) his subsequent transfer to and incarceration in Australia;
(f) the control order placed upon him at the time of release from prison in Australia;
(g) whether Australia acted consistently with its obligations under international law in its dealings with the US in respect of the above matters; and
(h) any other related matters.

Question put and negatived.

Statement by leave: Senator Wright, by leave, made a statement relating to the motion.
All Australian Greens senators, by leave, recorded their votes for the ayes.

17 FOREIGN AFFAIRS—DUTCH POLITICIAN—MR GEERT WILDERS
Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 954—That the Senate—
(a) notes the contribution to Australia’s vibrant multicultural society by citizens of all cultures and religions;
(b) condemns anyone who vilifies any cultural or religious group;
(c) notes:
   (i) the application by Dutch politician Mr Geert Wilders to visit Australia to speak against multiculturalism and Muslim immigration, and
   (ii) with alarm, his public statements describing Muslim culture as retarded and barbaric and comparing the Koran to Mein Kampf; and
(d) calls on all members of the Australian Parliament to reject the hateful anti-Muslim views of Mr Wilders and his Australian sponsors.

Statements by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), Senator Di Natale and the Leader of the Opposition in the Senate (Senator Abetz), by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 8

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

NOES, 40

Senators—
Back  Cormann  Ladwig  Polley
Bilyk  Crossin  Landy  Pratt
Boswell  Edwards  Madigan  Ryan
Brown  Farrell  Marshall  Scullion
Bushby  Fawcett  McEwen  Sinodinos
Cameron  Fifield  McKenzie  Smith
Carr, Kim  Furner  Moore  Sterle
Colbeck  Gallacher  Nash  Thistlethwaite
Collins  Hogg  Parry  Thorp
Conroy  Kroger (Teller)  Payne  Urquhart

Question negatived.

18 ENVIRONMENT—Bald Hills Wind Farm

Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 955—That the Senate—

(a) notes that:

(i) the Bald Hills wind farm in South Gippsland was approved by the Commonwealth in 2006 and has not yet been built,

(ii) the Commonwealth has allowed the project proponent to increase the height of the proposed 52 turbines from 110 metres to 135 metres without any assessment of the environmental impact of this increase,

(iii) the Commonwealth’s 2006 conditions of approval failed to specify the height of the turbines permitted in the project,

(iv) the conditions of approval permit the proposed wind farm to cut directly across a migratory shorebird flyway connecting three sites of international significance for six migratory shorebird species,

(v) the species are listed under the Commonwealth’s 2009 Significant impact guidelines for 36 migratory shorebird species,

(vi) the three sites of international significance flanking the Bald Hills area are identified in the Migratory Shorebirds of the East Asian – Australasian flyway: population estimates and internationally important sites report which underpins the Commonwealth’s Significant impact guidelines for 36 migratory shorebird species, and

(vii) the Bald Hills Wetland Conservation Reserve and the Kings Flat Flora and Fauna Reserve that directly abut the proposed wind farm site are an important habitat for a seventh species listed in the Commonwealth’s Significant impact guidelines for 36 migratory shorebird species; and
(b) calls on the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to remove the Commonwealth’s approval for the construction of the Bald Hills wind farm and to refer the project proposal for review as per the terms of the Significant impact guidelines for 36 migratory shorebird species, and in line with Australia’s obligations under the Japan-Australia Migratory Bird Agreement, the China-Australia Migratory Bird Agreement, the Republic of Korea-Australia Migratory Bird Agreement and the Environment Protection and Biodiversity Conservation Act 1999.

Question put and negatived.

19 ADMINISTRATION—NEWSTART

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 956—That the Senate—

(a) notes that:

(i) today, due to the differences in the types of indexation, pensions will go up by $17.10 while allowances will only increase by $2.90, and

(ii) indexation against the consumer price index alone keeps Newstart so low it cannot adequately meet the true increases in the cost of living; and

(b) urges the Government to take immediate steps to appropriately index Newstart at the same rate as the pension to prevent an ever-widening gap.

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

Question put.

The Senate divided—

AYES, 8

Senators—

Di Natale
Hanson-Young

Ludlam
Rhiannon

Siewert (Teller)
Waters

Whish-Wilson
Wright

NOES, 34

Senators—

Back
Bilyk
Boswell
Brown
Cameron
Carr, Kim
Colbeck
Collins
Conroy

Cormann
Farrell
Fifield
Furner
Gallacher
Hogg
Kroger (Teller)
Landy
Madigan

Marshall
McEwen
McKenzie
Moore
Nash
Parry
Payne
Polley
Pratt

Ryan
Scullion
Smith
Sterle
Thistlethwaite
Thorp
Urquhart

Question negatived.
20 **ADMINISTRATION—PROTECTING NATIONALLY THREATENED SPECIES AND WILDERNESS PLACES—RESPONSIBILITY**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 957—That the Senate—

(a) notes:

(i) the intention of the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to transfer responsibility for protecting our nationally threatened species and wilderness places to state governments by March 2013, and

(ii) that Australians expect our nationally threatened species and wilderness places to be protected by the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities, including the Australian Capital Territory’s nationally heritage listed Namadgi National Park, which makes up almost 45 per cent of the territory; and

(b) calls on the Government to retain responsibility for all major decisions on environmentally damaging projects that affect our nationally threatened species and wilderness places.

Question put.

The Senate divided—

**AYES, 9**

**NOES, 32**

Question negatived.

21 **COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES**

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

- Budget 2011-12 (Supplementary)—Community Affairs Legislation Committee—Additional information received between 27 June and 18 September 2012—Human Services portfolio.

- Additional estimates 2011-12—
  - Community Affairs Legislation Committee—Additional information received between 27 June and 18 September 2012—Indigenous issues across portfolios: Families, Housing, Community Services and Indigenous Affairs portfolio.
Families, Housing, Community Services and Indigenous Affairs portfolio.
Human Services portfolio.
Education, Employment and Workplace Relations Legislation Committee—Additional information received between 26 June and 20 September 2012—Education, Employment and Workplace Relations portfolio.
Budget estimates 2012-13—
Community Affairs Legislation Committee—Additional information received between 4 June and 18 September 2012—
Families, Housing, Community Services and Indigenous Affairs portfolio.
Health and Ageing portfolio.
Human Services portfolio.
Indigenous issues across portfolios: Department of Education, Employment and Workplace Relations; Department of Health and Ageing; Department of Human Services; Families, Housing, Community Services and Indigenous Affairs portfolio; National e-Health Transition Authority.
Economics Legislation Committee—Additional information received between 23 August and 20 September 2012—
Treasury portfolio.
Education, Employment and Workplace Relations Legislation Committee—Hansard record of proceedings and additional information received between 26 June and 20 September 2012—Education, Employment and Workplace Relations portfolio.
Environment and Communications Legislation Committee—Additional information received between 23 August and 19 September 2012—
Broadband, Communications and the Digital Economy portfolio.
Sustainability, Environment, Water, Population and Communities portfolio.
Finance and Public Administration Legislation Committee—Additional information received between 23 August and 18 September 2012—
Finance and Deregulation portfolio.
Parliamentary departments.
Legal and Constitutional Affairs Legislation Committee—Additional information received between 29 June and 20 September 2012—
Attorney-General’s portfolio.
Immigration and Citizenship portfolio.

22 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION BILL 2012 AND RELATED BILLS

Senator McEwen, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following documents:

23 PUBLICATIONS—STANDING COMMITTEE—19TH REPORT

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

PUBLICATIONS COMMITTEE
19TH 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 23 August 2012, recommends that the following be printed:

- Australian Human Rights Commission—Reports—
  No. 52—Mr SD v Commonwealth of Australia.
  No. 53—Tuifangaloka v Commonwealth of Australia.
  No. 54—Pak family v Commonwealth of Australia.
- Review into the treatment of women in the Australian Defence Force—Phase 2, dated August 2012.

Senator Brown
Chair
20 September 2012.

Senator McEwen moved—That the report be adopted.

Question put and passed.

24 AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION BILL 2012
AUSTRALIAN CHARITIES AND NOT-FOR-PROFITS COMMISSION (CONSEQUENTIAL AND TRANSITIONAL) BILL 2012

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

- Message no. 509, dated 19 September 2012—A Bill for an Act to establish the Australian Charities and Not-for-profits Commission and a national regulatory framework for the not-for-profit sector, 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.
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 COMMITTEE MEMBERSHIP
A message from the House of Representatives was reported informing the Senate of a change in the membership of the Joint Standing Committee on Foreign Affairs, Defence and Trade, as follows:
Message no. 510, dated 19 September 2012—Mr Byrne in place of Mr LDT Ferguson.

26 MARRIAGE AMENDMENT BILL (NO. 2) 2012
Order of the day read for the adjourned debate on the motion of Senator Crossin—That this bill be now read a second time.
Debate resumed.
At 12.45 pm: Debate was interrupted.

27 JUDGES AND GOVERNORS-GENERAL LEGISLATION AMENDMENT (FAMILY LAW) BILL 2012
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the bill was read a third time.

28 MARRIAGE AMENDMENT BILL (NO. 2) 2012
Order of the day read for the adjourned debate on the motion of Senator Crossin—That this bill be now read a second time.
Debate resumed.
At 2 pm: Debate was interrupted.

29 QUESTIONS
Questions without notice were answered.

30 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Sinodinos moved—That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) and the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz) and Senators Cormann and Payne today.
Debate ensued.
Question put and passed.
Senator Rhiannon moved—That the Senate take note of the answer given by the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) to a question without notice asked by Senator Rhiannon today relating to technical and further education funding.

Question put and passed.

31 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—FUNDING AND ADMINISTRATION OF MENTAL HEALTH SERVICES**

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


Senator Fierravanti-Wells, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.

32 **MARRIAGE AMENDMENT BILL (NO. 2) 2012**

Order of the day read for the adjourned debate on the motion of Senator Crossin—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 26

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Question negatived.
33 TEMPORARY CHAIR OF COMMITTEES
The Deputy President (Senator Parry) tabled a warrant, dated 20 September 2012, revoking the warrant nominating Senator Sinodinos as a temporary chair of committees.

34 AUSTRALIAN NATIONAL AUDIT OFFICE—REPORT FOR 2011-12—DOCUMENT
The Deputy President (Senator Parry) tabled the following document:

35 AUDITOR-GENERAL—AUDIT REPORT NO. 4 OF 2012-13—DOCUMENT
The Deputy President (Senator Parry) tabled the following document:
Auditor-General—Audit report no. 4 of 2012-13—Performance audit—Confidentiality in government contracts: Senate order for departmental and agency contracts (calendar year 2011 compliance).

36 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—REPORT—REVIEW OF THE AEC ANALYSIS OF THE FWA REPORT ON THE HSU
Senator Brown, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following report:
Senator Brown, by leave, moved—that the Senate take note of the report.
Debate ensued.
Question put and passed.

37 HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—4TH REPORT OF 2012
Senator Brown, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:
Report ordered to be printed on the motion of Senator Brown.
Senator Brown, by leave, moved—that the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Siewert in continuation.

38 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.]
Civil Aviation Act—Civil Aviation Safety Regulations—Instruments Nos CASA—
EX144/12—Exemption – operations without an approved digital flight data recorder [F2012L01892].
EX145/12—Exemption – Airservices Australia aerodrome rescue and fire fighting service (ARFFS) [F2012L01890].
EX147/12—Exemption – recency requirements for night flying (Virgin Australia Airlines Pty Ltd) [F2012L01893].
Textile, Clothing and Footwear Investment and Innovation Programs Act—Clothing and Household Textile (Building Innovative Capability) Amendment Scheme 2012 (No. 1) [F2012L01894].

39 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:
Departmental and agency contracts for 2011-12—Letter of advice—Immigration and Citizenship portfolio.

40 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Bishop) informed the Senate that the President had received letters requesting changes in the membership of committees.
The Minister for Human Services (Senator Kim Carr), by leave, moved—that senators be discharged from and appointed to committees as follows:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—
Appointed—Senator Milne

Education, Employment and Workplace Relations References Committee—
Discharged—Senator McKenzie
Appointed—
Senator Boswell
Participating member: Senator McKenzie

Electricity Prices—Select Committee—
Discharged—Senator Cormann on 3 October 2012, and Senator Macdonald on 4 October 2012
Appointed—Senator Macdonald on 3 October 2012, and Senator Cormann on 4 October 2012

Environment and Communications References Committee—
Discharged—Senator McKenzie
Appointed—
Senator Boswell
Participating member: Senator McKenzie

Foreign Affairs, Defence and Trade Legislation Committee—
Appointed—Substitute member: Senator Sterle to replace Senator Stephens for the consideration of the 2012-13 supplementary Budget estimates on Wednesday, 17 October and Thursday, 18 October 2012
Rural and Regional Affairs and Transport Legislation Committee—

Appointed—
Substitute member: Senator Milne to replace Senator Siewert for the committee’s inquiry into the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2)
Participating member: Senator Siewert.

Question put and passed.

41 GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAW
A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following law:

42 REGIONAL AUSTRALIA—AGRICULTURE, FISHERIES AND FORESTRY INDUSTRIES
Senator Nash, at the request of Senator Fifield and pursuant to notice, moved general business notice of motion no. 953—That the Senate notes the Labor Government’s abject failure to support Australia’s agriculture, fisheries and forestry industries.
Debate ensued.

Declaration of interest: Senator Nash declared an interest in relation to the matter under discussion.

Debate continued.
Pursuant to order, debate was interrupted while Senator Gallacher was speaking.

43 HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—4TH REPORT OF 2012—
STATEMENT BY LEAVE
Senator Stephens, by leave, made a statement relating to the report tabled earlier today (see entry no. 37).

Document: Senator Stephens, by leave, tabled the following document:

44 GOVERNMENT DOCUMENTS—CONSIDERATION
The following general business orders of the day relating to government documents were considered:
Wet Tropics Management Authority and State of the Wet Tropics—Reports for 2010-11. Motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas) to take note of document agreed to.
Australian Institute of Marine Science (AIMS)—Report for 2010-11. Motion of the Parliamentary Secretary to the Prime Minister (Senator McLucas) to take note of document agreed to.

Australian Fisheries Management Authority—Report for 2010-11. Motion of Senator Bushby to take note of document agreed to.


Military Superannuation and Benefits Scheme (MSBS), Defence Force Retirement and Death Benefits Scheme (DFRDB) and Defence Forces Retirement Benefits Scheme (DFRBS)—Report on long-term costs prepared by the Australian Government Actuary using data to 30 June 2011. Motion of Senator Williams to take note of document agreed to.


Airservices Australia—Corporate plan 1 July 2012 to 30 June 2017. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Treaties—Multilateral—Agreement Establishing the African Development Fund, done at Abidjan, Côte d’Ivoire on 29 November 1972 as amended, and Agreement Establishing the African Development Bank, done at Khartoum, Sudan on 4 August 1963 as amended—Text, together with national interest analysis and annexures. Motion of Senator Faulkner to take note of document agreed to.

Treaties—Bilateral—Agreement between the Government of Australia and the Kingdom of Spain for the Mutual Protection of Classified Information of Defence Interest, done at Madrid on 17 November 2011—Text, together with national interest analysis and annexures. Motion of Senator Williams to take note of document agreed to.

Treaties—List of multilateral treaties under negotiation, consideration or review by the Australian Government as at August 2012. Motion of Senator Williams to take note of document agreed to.

45 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

Corporations and Financial Services—Joint Statutory Committee—Corrigenda to report—Inquiry into the Australian Charities and Not-for-profits Commission Bill 2012; the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012; and the Tax Laws Amendment (Special Conditions for Not-for-profit Concessions) Bill 2012. Motion of Senator Boyce to take note of document agreed to.

Community Affairs References Committee—Report—The social and economic impact of rural wind farms—Government response. Motion of Senator Siewert to take note of document agreed to.

Community Affairs References Committee—Report—Regulatory standards for the approval of medical devices in Australia—Government response. Motion of Senator Siewert to take note of document agreed to.

Foreign Affairs, Defence and Trade References Committee—Final report—Procurement procedures for Defence capital projects. Motion of Senator Bishop to take note of report agreed to.

Community Affairs References Committee—Report—The factors affecting the supply of health services and medical professionals in rural areas. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bushby in continuation.

Economics References Committee—Report—Investing for good: The development of a capital market for the not-for-profit sector in Australia—Government response. Motion of Senator Back to take note of document agreed to.

Rural Affairs and Transport References Committee—Report—Animal welfare standards in Australia’s live export markets and the Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and Live Animal Export Restriction and Prohibition Bill 2011 [No. 2]—Government response. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Education, Employment and Workplace Relations References Committee—Report—The shortage of engineering and related employment skills. Motion of Senator Back to take note of report agreed to.

Corporations and Financial Services—Joint Statutory Committee—Final report—Inquiry into the collapse of Trio Capital. Motion of Senator Back to take note of report agreed to.

Gambling Reform—Joint Select Committee—First report—The design and implementation of a mandatory pre-commitment system for electronic gaming machines—Government response. Motion of Senator Macdonald to take note of document agreed to.

Legal and Constitutional Affairs References Committee—Report—A balancing act: provisions of the Water Act 2007—Government response. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport References Committee—Interim (2) and final reports—Australia’s biosecurity and quarantine arrangements. Motion of Senator Back to take note of reports called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Community Affairs References Committee—Final report—Inquiry into Commonwealth funding and administration of mental health services. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.
46 **AUDITOR-GENERAL’S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 2 of 2012-13—Performance audit—Administration of the Regional Backbone Blackspots Program—Department of Broadband, Communications and the Digital Economy. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Auditor-General—Audit report no. 3 of 2012-13—Performance audit—The design and conduct of the first application round for the Regional Development Australia Fund—Department of Regional Australia, Local Government, Arts and Sport. Motion of Senator Bushby to take note of document debated. Debate adjourned till the next day of sitting, Senator Williams in continuation.

47 **ADJOURNMENT**

The Parliamentary Secretary to the Prime Minister (Senator McLucas) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 6.57 pm till Tuesday, 9 October 2012 at 12.30 pm.

48 **ATTENDANCE**

Present, all senators except Senators Bernardi*, Birmingham*, Brandis*, Bob Carr*, Ruston* and Singh* (* on leave).

**ROSEMARY LAING**

Clerk of the Senate