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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**JOURNALS OF THE SENATE**

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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 GOVERNMENT DOCUMENTS**

The following documents were tabled:

Australian Sports Commission—Strategic plan 2011-12 to 2014-15.

National Environment Protection Council Service Corporation—Report for 2010-11.

*Superannuation (Government Co-contribution for Low Income Earners) Act 2003*—Quarterly report on the operation of the Government co-contribution scheme for the period 1 July to 30 September 2011.

**3 STANDING ORDERS—AMENDMENT—COMMITTEES—ALLOCATION OF DEPARTMENTS**

The Assistant Treasurer (Senator Arbib), at the request of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans) and pursuant to notice, moved government business notice of motion no. 1—

- (1) That standing order 25(1) be amended as follows:  
Omit “Environment, Communications and the Arts”  
Substitute “Environment and Communications”.
- (2) That departments and agencies be allocated to legislative and general purpose standing committees as follows:

*Community Affairs*

Families, Housing, Community Services and Indigenous Affairs  
Health and Ageing  
Human Services

*Economics*

Industry and Innovation  
Resources, Energy and Tourism  
Tertiary Education, Skills, Science and Research  
Treasury

*Education, Employment and Workplace Relations*

Education  
Employment and Workplace Relations

*Environment and Communications*

Broadband, Communications and the Digital Economy  
Climate Change and Energy Efficiency  
Sustainability, Environment, Water, Population and Communities

*Finance and Public Administration*

Finance and Deregulation  
Parliament  
Prime Minister and Cabinet

*Foreign Affairs, Defence and Trade*

Defence, including Veterans’ Affairs  
Foreign Affairs and Trade

*Legal and Constitutional Affairs*

Attorney-General

Immigration and Citizenship

*Rural and Regional Affairs and Transport*

Agriculture, Fisheries and Forestry

Infrastructure and Transport

Regional Australia, Regional Development and Local Government,  
including the Arts and Sport.

Debate ensued.

Question put.

The Senate divided—

AYES, 36

Senators—

Arbib	Farrell	Lundy	Sherry
Bilyk	Faulkner	Marshall	Siewert
Bishop	Feeney	McEwen	Singh
Brown, Bob	Furner	McLucas	Stephens
Brown, Carol	Gallacher	Milne	Sterle
Cameron	Hanson-Young	Moore	Thistlethwaite
Carr	Hogg	Polley (Teller)	Urquhart
Crossin	Ludlam	Pratt	Waters
Di Natale	Ludwig	Rhiannon	Wright

NOES, 32

Senators—

Abetz	Cash	Heffernan	Parry
Back	Colbeck	Humphries	Payne
Bernardi	Cormann	Johnston	Ronaldson
Birmingham	Edwards	Kroger (Teller)	Ryan
Boswell	Fawcett	Macdonald	Scullion
Boyce	Fierravanti-Wells	Madigan	Sinodinos
Brandis	Fifield	Mason	Williams
Bushby	Fisher	McKenzie	Xenophon

Question agreed to.

**4 TOBACCO ADVERTISING PROHIBITION AMENDMENT BILL 2010**

Order of the day read for the adjourned debate on the motion of the Minister for Tertiary Education, Skills, Science and Research (Senator Evans)—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 Disabilities and Carers (Senator McLucas) the bill was read a third time.

**5 NATIONAL RADIOACTIVE WASTE MANAGEMENT BILL 2010**

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

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*In the committee*

Consideration resumed of the bill.

Bill further debated.

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*At 12.45 pm:* The Acting Deputy President (Senator Stephens) resumed the chair and the Temporary Chair of Committees reported progress.

**6 MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

**7 QUESTIONS**

Questions without notice were answered.

**8 QUESTION ON NOTICE—ANSWER AND EXPLANATION**

The Leader of the Opposition in the Senate (Senator Abetz), pursuant to standing order 74, asked the Minister representing the Minister for Immigration and Citizenship (Senator Ludwig) for an explanation of an answer not being provided to question on notice no. 673 (notice given 30 May 2011) relating to the prevention of the bringing of contraband or weapons into detention centres.

Senator Ludwig provided an explanation.

Senator Abetz moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

**9 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION**

Senator Cormann, pursuant to standing order 74, asked the Assistant Treasurer (Senator Arbib) for an explanation of answers not being provided to questions placed on notice during the consideration by the Economics Legislation Committee of the 2011-12 supplementary Budget estimates.

Senator Arbib indicated that an explanation would be provided.

Senator Cormann moved—That the Senate take note of the minister's failure to provide either answers or an explanation.

Question put and passed.

## 10 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Humphries moved—That the Senate take note of the answer given by the Minister for Finance and Deregulation (Senator Wong) to a question without notice asked by Senator Brandis today relating to the economy.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Manufacturing (Senator Carr) to a question without notice asked by Senator Siewert today relating to the *Tycoon* ship wreck at Christmas Island.

Question put and passed.

## 11 NOTICES

*Notices of motion:*

Senator Rhiannon, the Assistant Treasurer (Senator Arbib) and the Leader of The Nationals in the Senate (Senator Joyce): To move on the next day of sitting—That the Senate—

(a) notes:

- (i) the sad passing of Arthur Beetson who died on 1 December 2011 at age 66, and
- (ii) the extraordinary contribution that Arthur Beetson made to rugby league and to Australian sporting life as a player and coach, including:
  - (A) having represented Australia on 47 occasions,
  - (B) in 1973 becoming the first Indigenous player to captain Australia in any sport,
  - (C) being awarded an Order of Australia in 1987 in recognition of service to the sport of rugby league,
  - (D) being inducted into the Australian Rugby League Hall of Fame in 2003,
  - (E) being named in the front-row in the rugby league ‘Team of the Century’, and
  - (F) becoming the seventh post-war ‘Immortal’ of the game; and
- (iii) the powerful and tireless leadership that he showed to his sport, as a mentor to young people and to the Indigenous community;

(b) extends the deepest sympathy of all members of the Senate to the family and friends of Arthur Beetson; and

(c) calls on all members of the Senate to support initiatives to pay tribute to the contribution and achievements of Arthur Beetson to his sport and to Australian public life, such as the establishment of the Arthur Beetson scholarship for young Indigenous Australians. (*general business notice of motion no. 631*)

The Leader of the Australian Greens (Senator Bob Brown): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999* to require the monitoring of whaling activities by foreign whaling vessels. ***Environment Protection and Biodiversity Conservation Amendment (Monitoring of Whaling) Bill 2012.*** (*general business notice of motion no. 632*)

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

- (a) notes that:
  - (i) the Register of the National Estate (RNE) is a list of more than 13 000 natural, Indigenous and historic heritage places throughout Australia, created in 1975 and currently maintained by the Australian Heritage Council, and
  - (ii) as of 19 February 2012, all references to the RNE will be removed from the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) and the *Australian Heritage Council Act 2003*;
- (b) recognises that:
  - (i) Australia's historic heritage makes a critical contribution to our national identity, community and economy,
  - (ii) the RNE was frozen on 1 January 2007, and a 5 year transition period was given for the Commonwealth, states and territories to assess and enter eligible places within their respective jurisdictions onto the appropriate heritage registers, and
  - (iii) if the transition process is not completed by 19 February 2012, thousands of heritage places will potentially be left without legislative protection; and
- (c) calls on the Government to:
  - (i) extend the 5 year transition period for phasing out the RNE as a statutory list by a further 12 months, from 19 February 2012 to 19 February 2013, as recommended by the Hawke Review of the EPBC Act, and
  - (ii) collaborate with the states and territories to ensure that the transition process is completed within that 12 month period. (*general business notice of motion no. 633*)

Senators Crossin, Back and Xenophon: To move on the next day of sitting—That the following matter be referred to the Joint Select Committee on Gambling Reform for inquiry and report:

The prevention and treatment of problem gambling, with particular reference to:

- (a) measures to prevent problem gambling, including:
  - (i) use and display of responsible gambling messages,
  - (ii) use, access and effectiveness of other information on risky or problem gambling, including campaigns, and
  - (iii) ease of access to assistance for problem gambling;
- (b) measures which can encourage risky gambling behaviour, including:
  - (i) marketing strategies, and
  - (ii) use of inducements/incentives to gamble;
- (c) early intervention strategies and training of staff;
- (d) methods currently used to treat problem gamblers and the level of knowledge and use of them, including:
  - (i) counselling, including issues for counsellors,
  - (ii) education, and
  - (iii) self-exclusion;
- (e) data collection and evaluation issues;

- (f) gambling policy research and evaluation; and
- (g) other related matters. (*general business notice of motion no. 634*)

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

- (a) condemns the appalling human rights abuses and escalating violence in Syria, that has seen thousands of innocent civilians killed; and
- (b) calls on President Assad to step down, to finally put an end to the intolerable bloodshed of the Syrian people. (*general business notice of motion no. 635*)

Senators Di Natale and Xenophon: To move on the next day of sitting—That there be laid on the table by 27 February 2012 by the Minister representing the Minister for Families, Community Services and Indigenous Affairs (Senator Evans) any advice or documentation received by the Government regarding the cost of implementing \$1 bet limits on poker machines, particularly in relation to the \$1.5 billion figure referred to by the Minister in public comments. (*general business notice of motion no. 636*)

Senator Bernardi: To move on the next day of sitting—That the Senate agrees with Senator Rhiannon who was reported in the official notes of an October 2000 SEARCH Foundation seminar commemorating the 80th anniversary of the foundation of the Communist Party of Australia (CPA) as arguing ‘that the Green’s Party is closest to the best of the CPA’s politics and methods’. (*general business notice of motion no. 637*)

The Leader of the Australian Greens (Senator Bob Brown): To move on 22 March 2012—That the following matter be referred to the Committee of Privileges for inquiry and report:

Having regard to Senator Cash’s shares in Woodside Petroleum and her speech to the Senate on 23 August 2011 and questions without notice, on 28 August 2008 and 3 December 2008, regarding Woodside’s proposal for a gas hub in the Kimberley:

- (a) whether any person, by the offer or promise of an inducement or benefit, or by other improper means, attempted to influence a senator in the senator’s conduct as a senator, and whether any contempt was committed in that regard; and
- (b) whether Senator Cash received any benefit for herself or another person on the understanding that she would be influenced in the discharge of her duties as a senator, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the senator’s independence or freedom of action as a senator, or pursuant to which the senator is in any way to act as the representative of any outside body in the discharge of the senator’s duties.

The Leader of the Australian Greens (Senator Bob Brown): To move on 22 March 2012—That the following matter be referred to the Committee of Privileges for inquiry and report:

Having regard to Senator Joyce’s acceptance of hospitality from GVK and Hancock Group and the subsequent purchase by GVK of \$1.2 billion assets from Hancock Group, including assets in Queensland’s Galilee Basin, and Senator Joyce’s opposition to the Minerals Resource Rent Tax and the Clean Energy Bills:

- (a) whether any person, by the offer or promise of an inducement or benefit, or by other improper means, attempted to influence a senator in the senator’s conduct as a senator, and whether any contempt was committed in that regard; and

- (b) whether Senator Joyce received any benefit for himself or another person on the understanding that he would be influenced in the discharge of his duties as a senator, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the senator's independence or freedom of action as a senator, or pursuant to which the senator is in any way to act as the representative of any outside body in the discharge of the senator's duties.

Senators Pratt and Hanson-Young: To move on the next day of sitting—That the Senate expresses grave concern:

- (a) regarding discriminatory legislation against lesbian, bi, gay and transgender people currently before the Legislative Assembly of Saint Petersburg in Russia; and
- (b) that these proposed laws undermine the human rights of lesbian, bi, gay and transgender people and breach human rights treaty obligations to which Russia is signatory. (*general business notice of motion no. 638*)

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

- (a) notes:
  - (i) that the final report of Sri Lanka's Lesson Learnt and Reconciliation Commission (LLRC) was released publicly on 16 December 2011,
  - (ii) the Minister for Foreign Affairs (Mr Rudd) stated that the Government would wait until the LLRC reported before taking any further action regarding allegations of war crimes committed during the final stages of the Sri Lankan civil war,
  - (iii) the Australian Government is yet to respond to the LLRC's final report,
  - (iv) Alistair Burt MP, the United Kingdom minister with responsibility for Sri Lanka has said that 'The British Government is, on the whole, disappointed by the report's findings and recommendations on accountability',
  - (v) the Canadian Foreign Affairs Minister, John Baird has said:
    - (I) Canada remains concerned that the report does not fully address the grave accusations of serious human rights violations that occurred toward the end of the conflict.
    - (II) Canada continues to call for an independent investigation into the credible and serious allegations raised by the UN [United Nations] Secretary-General's Panel that international humanitarian law and human rights were violated by both sides in the conflict.
    - (III) the government of Sri Lanka must demonstrate the principles of freedom, democracy, human rights and the rule of law',
  - (vi) the Tamil National Alliance, the democratically elected representative voice for the Tamil people in Sri Lanka has called on the international community to institute measures that will advance accountability and encourage reconciliation in Sri Lanka, in keeping with the recommendations of the UN Secretary-General's Panel of Experts,
  - (vii) the report of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka has said 'the LLRC fails to satisfy key international standards of independence and impartiality, as it is compromised by its composition and deep-seated conflicts of interests of some of its members', and

- (viii) Human Rights Watch, Amnesty International and the International Crisis Group have said the LLRC does not adequately address the issue of alleged war crimes and crimes against humanity committed during the final phases of the conflict between the government and the Liberation Tigers of Tamil Eelam;
- (b) expresses disappointment that the Federal Government has not issued a public response to the LLRC final report; and
- (c) calls on the Government to:
  - (i) acknowledge that the LLRC fails to adequately address the issue of war crimes and crimes against humanity committed during the Sri Lankan conflict, and
  - (ii) support calls for the UN Secretary-General and the UN Security Council to establish an independent international mechanism to investigate the issue of war crimes and crimes against humanity committed in Sri Lanka, as recommended by the report of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka. (*general business notice of motion no. 639*)

Senator Cash: To move on the next day of sitting—That the Senate notes the reflections of the Leader of the Australian Greens (Senator Bob Brown) on the President of the Senate, the Prime Minister (Ms Gillard), the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), Senator Boswell, the Leader of The Nationals in the Senate (Senator Joyce) and Senator Cash. (*general business notice of motion no. 640*)

Senator Fifield: To move on the next day of sitting—That the Senate notes the mismanagement of economic and fiscal policy by the current Government. (*general business notice of motion no. 641*)

The Chair of the Select Committee on Australia's Food Processing Sector (Senator Colbeck): To move on the next day of sitting—That the Select Committee on Australia's Food Processing Sector be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 29 February 2012, from 11.30 am to 12.30 pm. (*general business notice of motion no. 642*)

The Chairs of the Community Affairs Legislation Committee (Senator Moore) and the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the Community Affairs Legislation and References Committees be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 9 February 2012, from 5 pm. (*general business notice of motion no. 643*)

Senator Stephens: To move on the next day of sitting—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sitting of the Senate, as follows:

- (a) on Monday, 27 February 2012:
  - (i) from 10 am to 11.30 am, to take evidence for the committee's inquiry into Australia's trade and investment relationship with Japan and the Republic of Korea, and
  - (ii) from 5.30 pm to 6.30 pm, to take evidence for the committee's inquiry into Australia's overseas representation; and

- (b) on Monday, 19 March 2012, from 10 am to 11.30 am, to take evidence for the committee's inquiry into Australia's trade and investment relationship with Japan and the Republic of Korea. (*general business notice of motion no. 644*)

Senator Siewert: To move on 1 March 2012—That the following bill be introduced: A Bill for an Act to promote the supply of Opal fuel and control the supply of other fuels in certain areas, and for related purposes. **Opal Fuel Bill 2012**. (*general business notice of motion no. 645*)

Senator Siewert: To move on 29 February 2012—That the following bill be introduced: A Bill for an Act to amend the *Native Title Act 1993* to further the interests of Aboriginal peoples and Torres Strait Islanders, and for related purposes. **Native Title Amendment (Reform) Bill (No. 1) 2012**. (*general business notice of motion no. 646*)

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

- (a) notes that the Australian Year of the Farmer 2012 is a year-long celebration of the vital role farmers play in feeding, clothing and housing people – both here and overseas;
- (b) acknowledges that:
- (i) agriculture plays an important role in Australia's economy and prosperity, injecting more than \$405 billion into our economy per year, and
  - (ii) Australian farmers greatly contribute to global food security and supply; and
- (c) calls on the Government to support and provide funding for the initiatives of the Australian Year of the Farmer 2012. (*general business notice of motion no. 647*)

Senator Waters: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 22 August 2012:

- (a) the economic, social and environmental impacts of Australia's domestic and export coal seam gas (CSG)/liquid natural gas (LNG) industry on:
- (i) surface and groundwater and future water licensing arrangements,
  - (ii) agricultural land and food production,
  - (iii) the coast and marine environments, including impacts on the Great Barrier Reef World Heritage Area and industries relying on these environments, including impacts from pipelines, ports, dredging and shipping,
  - (iv) the property rights and values of landholders,
  - (v) rural, regional and urban communities, and the effective management of relationships between mining and other interests, and
  - (vi) other related matters, including health impacts;
- (b) the greenhouse gas emission intensity of Australia's domestic and export CSG/LNG industries across their lifecycle, and the adequacy of accounting, monitoring and compliance of greenhouse impacts;
- (c) the potential impacts of other unconventional gas industries developing rapidly across Australia, including shale and tight gas;

- (d) the adequacy of existing and proposed state, territory and Commonwealth regulatory regimes to manage the above issues, including cumulative impacts and the appropriateness of 'adaptive management' in regulating the industry; and
- (e) any other related matter.

The Chair of the Economics Legislation Committee (Senator Bishop): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 9 February 2012, from 3.30 pm. (*general business notice of motion no. 648*)

*Notices of motion withdrawn:*

Senator Wright, pursuant to notice of intention given on 7 February 2012, withdrew business of the Senate notice of motion no. 1 standing in her name for today for the disallowance of the Health Insurance (Allied Health Services) Amendment Determination 2011 (No. 2), made under subsection 3C(1) of the *Health Insurance Act 1973*.

The Chair of the Community Affairs References Committee (Senator Siewert) withdrew general business notice of motion no. 622 standing in her name for today, relating to the authorisation for the committee to meet during the sitting of the Senate.

#### 12 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE— EXTENSION OF TIME TO REPORT

Senator Williams, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), moved—That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Illegal Logging Prohibition Bill 2011 be extended to 27 February 2012.

Question put and passed.

#### 13 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE— LEAVE TO MEET DURING SITTING

Senator Williams, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), moved—That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Illegal Logging Prohibition Bill 2011.

Question put and passed.

#### 14 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Di Natale for today, proposing a reference to the Community Affairs References Committee, postponed till 28 February 2012.

General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe program, postponed till 27 February 2012.

General business notice of motion no. 615 standing in the name of Senator Cormann for today, relating to the consideration of legislation, postponed till 9 February 2012.

**15 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE**

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

- (1) That the following matter be referred to the Community Affairs References Committee for inquiry and report by 31 May 2012:

The role of the Government and the Therapeutic Goods Administration (TGA) regarding the approval and monitoring of medical devices listed on the Australian Register of Therapeutic Goods, including:

- (a) the TGA's approval, monitoring, withdrawal and follow-up of the Poly Implant Prothese (PIP) breast implants;
- (b) the procedures the TGA has in place to continuously monitor relevant information in relation to device manufacturers and sponsors, including the legal or approval issues both in Australia and overseas;
- (c) information provided to the Government in relation to the PIP breast implants;
- (d) the impact of PIP breast implant failures on Australian patients;
- (e) the procedures the TGA has in place to assess the risk to Australian patients if devices available in Australia are the subject of warnings or withdrawals overseas;
- (f) the procedures the TGA has in place to communicate device information (including withdrawal information) to the general public, with a focus on affected patients; and
- (g) the ability of the TGA to undertake or commission research in relation to specific areas of concern regarding devices, such as metal-on-metal implants.

- (2) That, in conducting its inquiry, the committee should consider:

- (a) the report and findings of the 2011 Community Affairs References Committee inquiry into medical devices; and
- (b) any action the Government and TGA has taken or intends to take in relation to the 2011 report and recommendations.

Question put and passed.

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

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the Marriage Equality Amendment Bill 2010 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 May 2012.

Question put and passed.

**17 HISTORICAL EVENTS—FALL OF SINGAPORE—BOMBING OF DARWIN**

Senator Ronaldson, also on behalf of Senators Scullion and Bernardi, amended general business notice of motion no. 614 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

- (a) commemorates the 70th anniversary of the fall of Singapore on 15 February 1942;
- (b) remembers the bombing of Darwin on 19 February 1942, which marked the beginning of an 18 month campaign of bombings across northern Australia; and
- (c) in commemorating these events of national significance, pays tribute to the thousands of Australian men and women who were taken prisoner of war following Singapore's fall, the 251 civilian and military personnel killed in the bombing raid on Darwin, and the many thousands more who served in the defence of Australia following the first ever enemy attack on our homeland on 19 February 1942.

Question put and passed.

**18 HEALTH—EFFECTS OF WIND FARMS**

Senator Madigan, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 616—That the Senate—

- (a) notes that on 23 June 2011 the Community Affairs References Committee tabled its final report, *Social and economic impact of rural wind farms* containing seven recommendations, including recommendations calling for studies on the effects of wind farms on human health; and
- (b) calls on the Government to:
  - (i) immediately act on the committee's recommendations in the report, and
  - (ii) support a moratorium on the construction of further wind turbines until the recommendations have been satisfactorily addressed.

Senator Birmingham, by leave, moved the following amendment:

Omit subparagraph (b)(ii).

*Statements by leave:* Senators Birmingham, Madigan and Xenophon, by leave, made statements relating to the motion.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 36

Senators—

Abetz	Colbeck	Johnston	Rhiannon
Back	Di Natale	Kroger	Ronaldson
Bernardi	Edwards	Ludlam	Ryan
Birmingham	Fierravanti-Wells	Macdonald	Scullion
Boswell	Fifield	Mason	Siewert
Boyce	Fisher	McKenzie	Sinodinos
Brown, Bob	Hanson-Young	Milne	Waters
Bushby	Heffernan	Parry	Williams (Teller)
Cash	Humphries	Payne	Wright

## NOES, 27

Senators—

Bishop	Faulkner	Marshall	Singh
Brown, C (Teller)	Feeney	McEwen	Stephens
Cameron	Furner	McLucas	Sterle
Carr	Gallacher	Moore	Thistlethwaite
Collins	Hogg	Polley	Urquhart
Crossin	Ludwig	Pratt	Xenophon
Farrell	Madigan	Sherry	

Question agreed to.

Main question, as amended, put and passed.

**19 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION  
COMMITTEE—PROPOSED ATTENDANCE OF WITNESS**

The Leader of the Opposition in the Senate (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 612—That when the Education, Employment and Workplace Relations Legislation Committee meets in February 2012 to consider additional estimates in relation to Fair Work Australia, Mr Tim Lee appear before the committee to answer questions relating to his previous work as General Manager at Fair Work Australia.

Question put.

The Senate divided—

## AYES, 30

Senators—

Abetz	Colbeck	Johnston	Ronaldson
Back	Cormann	Kroger	Ryan
Bernardi	Edwards	Macdonald	Scullion
Birmingham	Fierravanti-Wells	Madigan	Sinodinos
Boswell	Fifield	Mason	Williams (Teller)
Boyce	Fisher	McKenzie	Xenophon
Bushby	Heffernan	Parry	
Cash	Humphries	Payne	

## NOES, 34

Senators—

Bishop	Faulkner	McEwen	Singh
Brown, Bob	Feeney	McLucas	Stephens
Brown, C (Teller)	Furner	Milne	Sterle
Cameron	Gallacher	Moore	Thistlethwaite
Carr	Hanson-Young	Polley	Urquhart
Collins	Hogg	Pratt	Waters
Crossin	Ludlam	Rhiannon	Wright
Di Natale	Ludwig	Sherry	
Farrell	Marshall	Siewert	

Question negatived.

**20 FOREIGN AFFAIRS—KOREAN PRISONERS OF WAR**

The Leader of the Australian Greens (Senator Bob Brown), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 613—That the Senate congratulates the House of Representatives in the United States of America (US) for passing, on 13 December 2011, the following resolution (376) relating to the repatriation of South Korean prisoners of war still alive in North Korea:

- (a) recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;
- (b) takes note of the U.S. – North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;
- (c) recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;
- (d) encourages North Korea to repatriate any American and South Korean POWs to their home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;
- (e) calls upon North Korea to admit to the abduction of more than 100,000 South Korean civilians and reveal the status of the abductees; and
- (f) calls upon North Korea to agree to the family reunions and immediate repatriation of the abductees under the International Humanitarian Law set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Question put and passed.

**21 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Carol Brown, at the request of Senator Furner and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 617—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 28 February 2012, from 5.30 pm, to take evidence for the committee's inquiry into the review of Defence annual report 2010-11.

Question put and passed.

**22 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Carol Brown, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 619—That the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 9 February 2012, from 10 am.

Question put and passed.

**23 MIGRATION—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Carol Brown, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 620—That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 29 February 2012, from 10.30 am to noon.

Question put and passed.

**24 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Carol Brown, at the request of Senator Bishop and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 621—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 11 am to 1 pm, on Wednesday, 29 February, Wednesday, 14 March and Wednesday, 21 March 2012.

Question put and passed.

**25 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Carol Brown, 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. 629—That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Social Security Legislation Amendment Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011 and a related bill be extended to 13 March 2012.

Question put and passed.

**26 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Carol Brown, 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. 630—That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 1 March 2012, to take evidence for the committee's inquiry into the provisions of the Social Security Legislation Amendment Bill 2011 and the Stronger Futures in the Northern Territory Bill 2011 and a related bill.

Question put and passed.

**27 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Williams, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 624—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 February 2012, from 4.30 pm to take evidence for the committee's inquiry into the examination of the Foreign Investment Review Board national interest test.

Question put and passed.

**28 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Williams, at the request of the Deputy Chair of the Joint Standing Committee on Treaties (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 626—That the Joint Standing Committee on Treaties be authorised to hold a public meeting during the sitting of the Senate on Monday, 27 February 2012, from 10 am to 12.30 pm.

Question put and passed.

**29 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Williams, at the request of the Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Boyce) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 627—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 11.30 am to 12.30 pm, on Thursday, 9 February, Thursday, 1 March, Thursday, 15 March and Thursday, 22 March 2012.

Question put and passed.

**30 MIGRATION AMENDMENT (REMOVAL OF MANDATORY MINIMUM PENALTIES) BILL 2012**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 623—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958* to remove mandatory minimum penalties for certain offences, and for related purposes.

Question put and passed.

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

Question put and passed.

Bill read a first time.

Senator Hanson-Young moved—That this bill be now read a second time.

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

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

**31 FOREIGN AFFAIRS—CZECH REPUBLIC—VACLAV HAVEL**

Senator Mason, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 625—That the Senate—

- (a) notes the passing and recognises the inspirational life and achievements of Vaclav Havel, the dissident playwright and first post-communist President of Czechoslovakia, who:

- (i) as Warsaw Pact tanks invaded Czechoslovakia in August 1968, improvised resistance by setting up a clandestine radio station and distributing leaflets,
  - (ii) resisted the corruption of communist rule with plays and essays dedicated to human dignity and independence,
  - (iii) co-authored the human rights charter, called Charter 77, which brought him international recognition as the leader of opposition in Czechoslovakia,
  - (iv) endured years of persecution and imprisonment,
  - (v) in writings, for which he was jailed, warned communist leaders that by attempting to stifle the human urge for freedom, they were dooming their own system,
  - (vi) led his nation through the bloodless Velvet Revolution that toppled the brutal Soviet-backed communist regime in the then Czechoslovakia,
  - (vii) was elected President of his country on 29 December 1989, the day after Alexander Dubcek was elected speaker of its federal parliament,
  - (viii) presided over his country's transition to a free economy, steered his country into the North Atlantic Treaty Organization and prepared the way for its entry into the European Union,
  - (ix) guided his nation through the slow and difficult process of recovery from the spiritual damage caused by four decades of communist totalitarian rule,
  - (x) received the United States Presidential Medal of Freedom, the Philadelphia Liberty Medal, the Order of Canada, the Freedom Medal of the Four Freedoms Award, the Ambassador of Conscience Award and many other distinctions,
  - (xi) was a founding signatory of the Prague Declaration on European Conscience and Communism that proposed the establishment of the European Day of Remembrance for Victims of Stalinism and Nazism, and
  - (xii) advocated collective action to end ethnic cleansing in Bosnia and Kosovo and supported democratic activists in Cuba, Zimbabwe, China, Burma and elsewhere; and
- (b) conveys its condolences to the people of the Czech Republic.

*Statements by leave:* Senator Mason and the Leader of the Australian Greens (Senator Bob Brown), by leave, made statements relating to the motion.

Question put and passed.

### 32 HEALTH—OVARIAN CANCER AWARENESS MONTH

Senator Birmingham, also on behalf of Senators Bernardi, Edwards, Fawcett, Fisher and Cash, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 628—That the Senate—

(a) notes:

- (i) February is Ovarian Cancer Awareness Month, a month to both raise awareness of gynaecological cancer as well as ensure all women know the symptoms of this silent killer,

- (ii) Ovarian Cancer Australia invites the community to raise important funds for support programs and resources for women affected by this cancer and for a national program for ovarian cancer,
  - (iii) 2012 Teal Ribbon Day is 29 February 2012, a day when all Australians are encouraged to wear a teal ribbon to support Ovarian Cancer Australia's research programs, and
  - (iv) on Valentine's Day, Ovarian Cancer Australia encourages Australian women to KISS (Know the Important Signs and Symptoms of ovarian cancer), recognising the important symptoms of this cancer helps in early detection, which is critical as all too often this disease is only detected in its advanced stages;
- (b) recognises:
- (i) more than 1 200 women will be diagnosed with ovarian cancer in 2012, three women every day,
  - (ii) approximately 800 Australian women will lose their battle with this disease in 2012, one women every 11 hours, and
  - (iii) that early detection of ovarian cancer is critical as 70 per cent of ovarian cancers are advanced at the time of diagnosis and are difficult to treat at this stage; there is no detection test for this disease, and pap smears do not detect it;
- (c) commends the work of the late Senator Jeannie Ferris, whose courageous and tenacious work to raise awareness of ovarian cancer, as well as cervical and other gynaecological cancers, was also a deeply personal cause:
- (i) after being diagnosed with the disease in October 2005, Senator Ferris was instrumental in launching a parliamentary inquiry into gynaecological cancers,
  - (ii) this inquiry culminated in the 2006 report, *Breaking the silence: a national voice for gynaecological cancers*,
  - (iii) the findings of the report received unanimous support for increased awareness of, and resources for, gynaecological cancers across both major parties,
  - (iv) as a result of the report the then Minister for Health and Ageing, Mr Tony Abbott, and the Howard Government also agreed to provide a federal government grant of \$1 million for the establishment of a National Centre for Gynaecological Cancers in 2007, and
  - (v) although Senator Ferris succumbed to her illness in April 2007, her significant legacy was celebrated, and continues to be remembered, by her family, friends, colleagues, the medical community and others who are touched by ovarian, cervical and other gynaecological cancers; and
- (d) notes that today the Jeannie Ferris, Cancer Australia Churchill Fellowship in Gynaecological Cancers is an annual fellowship aimed at reducing the effect of gynaecological cancers on those who are touched by it, whether they be a health professional, a sufferer themselves, a family member or carer.

Question put and passed.

**33 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS—  
FAIR WORK AUSTRALIA—HEALTH SERVICES UNION**

The Deputy President (Senator Parry) informed the Senate that, at 8.30 am today, Senator Fifield and Senator Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

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

The debacle of Fair Work Australia's investigation into the Health Services Union.  
The proposal was supported by 4 senators and the matter was discussed.

**34 SCRUTINY OF BILLS—STANDING COMMITTEE—1ST REPORT AND ALERT DIGEST  
NO. 1 OF 2012**

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

Scrutiny of Bills—Standing Committee—

1st report of 2012, dated 8 February 2012.

Alert Digest No. 1 of 2012, dated 8 February 2012.

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

**35 FOREIGN AFFAIRS—PAPUA NEW GUINEA—MINISTERIAL STATEMENT—  
DOCUMENT**

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) tabled the following document:

Foreign affairs—Recent events in Papua New Guinea—Ministerial statement by the Minister for Foreign Affairs (Mr Rudd), dated 7 February 2012.

**36 FOREIGN AFFAIRS—SYRIA—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) tabled the following document:

Foreign affairs—The situation in Syria—Ministerial statement by the Minister for Foreign Affairs (Mr Rudd), dated 7 February 2012.

**37 AUDITOR-GENERAL—AUDIT REPORT NO. 24 OF 2011-12—DOCUMENT**

The Acting Deputy President (Senator Furner) tabled the following document:

Auditor-General—Audit report no. 24 of 2011-12—Performance audit—Administration of government advertising arrangements: March 2010 to August 2011.

Senator Ryan, by leave, moved—That the Senate take note of the document.

Debate adjourned till the next day of sitting, Senator Ryan 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.]*

Australian Participants in British Nuclear Tests (Treatment) Act—Instrument No. R8/2012—Australian Participants in British Nuclear Tests (Treatment) Act 2006 (Participants in British Nuclear Tests – Extension of Eligibility) Instrument 2012 [F2012L00196].

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act—

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 1) [F2012L00185].

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Determination 2012 (No. 2) [F2012L00186].

Autonomous Sanctions Act—Autonomous Sanctions (Sanction Law) Declaration 2012 [F2012L00181].

Civil Aviation Act—Civil Aviation Regulations—

Civil Aviation Order 40.1.0 Amendment Instrument 2012 (No. 1) [F2012L00174].

Civil Aviation Order 100.5 Amendment Instrument 2012 (No. 1) [F2012L00171].

Civil Aviation Order 100.5 Amendment Instrument 2012 (No. 2) [F2012L00175].

Competition and Consumer Act—Consumer Protection Notice No. 2 of 2012—Compulsory recall of consumer goods: teeth whitening products supplied by Pro Teeth Whitening (Aust) Pty Ltd [F2012L00189].

Customs Act—

Tariff Concession Orders—

1113719 [F2012L00160].

1118390 [F2012L00198].

1118576 [F2012L00162].

1120060 [F2012L00159].

1124302 [F2012L00163].

1125309 [F2012L00178].

1125316 [F2012L00182].

1125804 [F2012L00165].

1125805 [F2012L00183].

1125851 [F2012L00180].

1126039 [F2012L00187].

1126094 [F2012L00179].

1126223 [F2012L00200].

1126225 [F2012L00199].

1126563 [F2012L00177].

1126704 [F2012L00184].

1127156 [F2012L00188].

1127158 [F2012L00192].

Tariff Concession Revocation Instruments—

157/2011 [F2012L00194].

171/2011 [F2012L00195].

8/2012 [F2012L00168].

9/2012 [F2012L00173].

21/2012 [F2012L00169].

22/2012 [F2012L00176].

23/2012 [F2012L00166].

24/2012 [F2012L00167].

Environment Protection and Biodiversity Conservation Act—Amendment of list of exempt native specimens—EPBC303DC/SFS/2012/05 [F2012L0193].

Health Insurance Act—Health Insurance (Allied Health Services) Amendment Determination 2012 (No. 1) [F2012L00172].

Lands Acquisition Act—Statement describing property acquired by agreement for specified public purposes under section 125.

Social Security Act—

Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 1) [F2012L00190].

Social Security (Australian Government Disaster Recovery Payment) Determination 2012 (No. 1) [F2012L00191].

Veterans' Entitlements Act—Instrument No. R7/2012—Veterans' Entitlements (Participants in British Nuclear Tests – Extension of Eligibility) Instrument 2012 [F2012L00197].

**39 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The following document was tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Additional estimates—Letter of advice—Regional Australia, Local Government, Arts and Sport portfolio.

**40 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Additional estimates—Letters of advice—Health and Ageing portfolio.  
Regional Australia, Local Government, Arts and Sport portfolio.  
Sustainability, Environment, Water, Population and Communities portfolio.

**41 FINANCE—AUSTRALIA AND NEW ZEALAND GOVERNMENT SUSTAINABLE PROCUREMENT FRAMEWORK—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The following documents were tabled pursuant to the order of the Senate of 2 November 2011:

Finance—Australia and New Zealand Government Sustainable Procurement Framework—Statement by the Treasurer (Mr Swan) and attachments.

**42 COMMITTEE MEMBERSHIP**

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

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans), by leave, moved—That Senator Ludwig be discharged from and Senator Arbib be appointed to the Selection of Bills Committee.

Question put and passed.

**43 AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2011**

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

Message no. 338, dated 7 February 2012—A Bill for an Act to amend the *Australian Research Council Act 2001*, and for related purposes.

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) 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 Evans moved—That this bill be now read a second time.

On the motion of Senator Evans the debate was adjourned till the next day of sitting.

**44 EXCISE AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011  
CUSTOMS AMENDMENT (REDUCING BUSINESS COMPLIANCE BURDEN) BILL 2011**

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

Message no. 337, dated 7 February 2012—A Bill for an Act to amend the *Excise Act 1901*, and for other purposes.

Message no. 336, dated 7 February 2012—A Bill for an Act to amend the *Customs Act 1901*, and for other purposes.

The Minister for Tertiary Education, Skills, Science and Research (Senator Evans) 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 Evans moved—That these bills be now read a second time.

On the motion of Senator Evans the debate was adjourned till the next day of sitting.

**45 COMMITTEE MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 339, dated 7 February 2012—

Treaties—Joint Standing Committee—Mr Jenkins in place of Ms Rowland  
Foreign Affairs, Defence and Trade—Joint Standing Committee—Mr Jenkins  
in place of Mr Gibbons.

**46 OBJECTION TO RULING OF PRESIDENT**

Order of the day read for the consideration of the motion moved by the Leader of the Australian Greens (Senator Bob Brown)—That the Senate dissents from the ruling of the President (that the motion to refer a matter to the Committee of Privileges not be given precedence).

Debate resumed.

Question put.

The Senate divided—

**AYES, 9**

Senators—

Brown, Bob	Ludlam	Rhiannon	Waters
Di Natale	Milne	Siewert (Teller)	Wright
Hanson-Young			

**NOES, 59**

Senators—

Abetz	Cormann	Humphries	Pratt
Bernardi	Crossin	Johnston	Ronaldson
Bilyk	Edwards	Kroger	Ryan
Birmingham	Evans	Ludwig	Scullion
Bishop	Farrell	Macdonald	Sherry
Boswell	Faulkner	Madigan	Singh
Boyce	Fawcett	Marshall	Sinodinos
Brandis	Feeney	Mason	Stephens
Brown, Carol	Fierravanti-Wells	McEwen (Teller)	Sterle
Bushby	Fifield	McKenzie	Thistlethwaite
Carr	Fisher	McLucas	Urquhart
Cash	Furner	Moore	Williams
Colbeck	Gallacher	Parry	Wong
Collins	Heffernan	Payne	Xenophon
Conroy	Hogg	Polley	

Question negatived.

—————  
*After 6.50 pm—*

**47 GOVERNMENT DOCUMENTS—CONSIDERATION**

The government documents tabled earlier today (*see entry no. 2*) and general business orders of the day nos 178 to 181 relating to government documents were called on but no motion was moved.

**48 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.37 pm till Thursday, 9 February 2012 at 9.30 am.

**49 ATTENDANCE**

Present, all senators except Senators Adams\*, Eggleston\*, Joyce\* and Nash\* (\* on leave).

**ROSEMARY LAING**  
Clerk of the Senate