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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 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (BIOREGIONAL PLANS) BILL 2011

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

Debate resumed.

Time expired: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.

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

3 PETITION

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

From 56 petitioners, requesting that the Senate take action to uphold the definition of marriage as defined in the *Marriage Act 1961*.

4 NOTICES

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

- (a) condemns as a form of protest the destruction or desecration on Australian soil of the Australian National Flag, the Australian Aboriginal Flag, or the Torres Strait Islander Flag; and
- (b) urges all people to show respect for these flags. (*general business notice of motion no. 649*)

The Deputy Chair of the Education, Employment and Workplace Relations References Committee (Senator Marshall): To move on the next day of sitting—That the time for the presentation of the report of the Education, Employment and Workplace Relations References Committee on higher education and skills training for agriculture and agribusiness be extended to 8 June 2012. (*general business notice of motion no. 650*)

5 ORDER OF BUSINESS—REARRANGEMENT

The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) moved—That government business be interrupted at 1 pm to allow consideration of the following government business orders of the day till not later than 2 pm today:

No. 3 Offshore Petroleum and Greenhouse Gas Storage Amendment (Significant Incident Directions) Bill 2011.

No. 4 Customs Amendment (New Zealand Rules of Origin) Bill 2011.

Question put and passed.

Senator Farrell moved—That the order of general business for consideration today be as follows:

- (a) general business notice of motion no. 640 standing in the name of Senator Cash relating to reflections on members of Parliament; and
- (b) orders of the day relating to government documents.

Question put and passed.

6 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Urquhart for today, for personal reasons.

Question put and passed.

7 POSTPONEMENT

The following item of business was postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Waters for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 27 February 2012.

8 DEATH OF MR ARTHUR BEETSON

Senator Rhiannon, also on behalf of the Assistant Treasurer (Senator Arbib) and the Leader of The Nationals in the Senate (Senator Joyce), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 631—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.

Question put and passed.

9 GAMBLING REFORM—JOINT SELECT COMMITTEE—REFERENCE

Senator Xenophon, also on behalf of Senators Crossin, Back, Di Natale and Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 634—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.

Question put and passed.

10 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (MONITORING OF WHALING) BILL 2012

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. 632—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.

Question put and passed.

Senator Bob Brown 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 Bob Brown moved—That this bill be now read a second time.

Explanatory memorandum: Senator Bob Brown, by leave, tabled an explanatory memorandum relating to the bill.

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

11 FOREIGN AFFAIRS—SYRIA

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. 635—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.

Question put and passed.

12 FOREIGN AFFAIRS—RUSSIA—HUMAN RIGHTS

Senator McEwen, at the request of Senators Pratt and Hanson-Young and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 638—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.

Question put and passed.

13 AUSTRALIA'S FOOD PROCESSING SECTOR—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

The Chair of the Select Committee on Australia's Food Processing Sector (Senator Colbeck), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 642—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.

Question put and passed.

14 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—COMMUNITY AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of the Chairs of the Community Affairs Legislation Committee (Senator Moore) and 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. 643—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.

Question put and passed.

15 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator McEwen, at the request of Senator Stephens and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 644—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.

Question put and passed.

16 ECONOMICS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, at the request of the Chair of the Economics Legislation Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 648—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.

Question put and passed.

17 ENVIRONMENT—TASMANIAN FORESTS INTERGOVERNMENTAL AGREEMENT

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. 609—That the Minister for Agriculture, Fisheries and Forestry, on the next day of sitting, report to the Senate on the failure of the Prime Minister (Ms Gillard) to uphold the *Tasmanian Forests Intergovernmental Agreement between the Commonwealth of Australia and the State of Tasmania*, in particular clauses 25 to 27 which stipulated immediate protection of 430 000 hectares of high conservation value forests where logging, including clear-felling and burning of ancient forests and wildlife habitat, is continuing.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 38

Senators—

Arbib	Cormann	Ludwig	Pratt
Bernardi	Crossin	Lundy	Sherry
Bilyk	Edwards	McEwen (Teller)	Singh
Birmingham	Eggleston	Madigan	Sinodinos
Boyce	Fawcett	Marshall	Sterle
Brown, Carol	Feeney	McKenzie	Thistlethwaite
Bushby	Fifield	McLucas	Williams
Cameron	Furner	Moore	Xenophon
Cash	Gallacher	Parry	
Colbeck	Kroger	Polley	

Question negatived.

18 RURAL AUSTRALIA—AUSTRALIAN YEAR OF THE FARMER 2012

Senator Siewert, also on behalf of Senators Colbeck and Sterle, amended general business notice of motion no. 647 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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:
 - (i) that agriculture plays an integral role in Australia’s economy and prosperity, injecting more than \$405 billion into the economy per year – 27 per cent of gross domestic product,
 - (ii) that there are 136 000 farms employing approximately 370 000 people and supports farming families across Australia,
 - (iii) that agriculture and related industries provide 1.6 million jobs, more than half are located in metropolitan Australia,
 - (iv) that farming exports totalled approximately \$27 billion in 2010-11 – a great contribution to global food supply and security,
 - (v) that the majority of Australians (71 per cent) believe agriculture and related industries contribute to the Australian way of life and our identity as a nation,
 - (vi) the importance of the contribution Australian farmers make to the maintenance of our cultural and environmental heritage, and
 - (vii) that the Australian Year of the Farmer recognises those who make a significant contribution to our economic, social and environmental prosperity; and
- (c) calls on the Government to support and provide funding for the initiatives of the Australian Year of the Farmer 2012 [<http://www.yearofthefarmer.com.au>].

Question put and passed.

19 TAXATION—MINERAL RESOURCE RENT TAX—ORDER FOR PRODUCTION OF DOCUMENTS—NON-COMPLIANCE

Senator Cormann, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 615—

- (1) That the Senate:
- (a) notes the Government has not complied with:
 - (i) the order of the Senate, made on 1 November 2011, ordering the production of information relating to the cost of measures attached to the mining tax over the current forward estimates, and
 - (ii) a number of other outstanding orders in relation to mining tax revenue estimates and related assumptions;
 - (b) notes the Government has not taken any action to meet its commitment to have the Information Commissioner arbitrate on any Government refusal to release information sought by the Senate; and
 - (c) affirms the importance of receiving the information about mining tax revenue assumptions and the costings of all the related measures promptly to facilitate proper scrutiny by the Senate of the proposed mining tax and all the related measures.
- (2) That the orders of the day for the following bills may not be called on until the orders of the Senate have been complied with and the Senate has passed a resolution agreeing that the bills may be listed for debate:
- Minerals Resource Rent Tax Bill 2011
 - Minerals Resource Rent Tax (Consequential Amendments and Transitional Provisions) Bill 2011
 - Minerals Resource Rent Tax (Imposition—Customs) Bill 2011
 - Minerals Resource Rent Tax (Imposition—Excise) Bill 2011
 - Minerals Resource Rent Tax (Imposition—General) Bill 2011
 - Petroleum Resource Rent Tax Assessment Amendment Bill 2011
 - Petroleum Resource Rent Tax (Imposition—Customs) Bill 2011
 - Petroleum Resource Rent Tax (Imposition—Excise) Bill 2011
 - Petroleum Resource Rent Tax (Imposition—General) Bill 2011
 - Superannuation Guarantee (Administration) Amendment Bill 2011
 - Tax Laws Amendment (Stronger, Fairer, Simpler and Other Measures) Bill 2011.

Question put.

The Senate divided—

AYES, 32

Senators—

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

NOES, 36

Senators—

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

Question negatived.

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

20 AUSTRALIAN GREENS—SENATOR RHIANNON

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 637—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’.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 36

Senators—

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

Question negatived.

Statement by leave: The Leader of the Australian Greens (Senator Bob Brown), by leave, made a statement relating to the motion.

The Deputy President (Senator Parry) reminded senators of the Procedure Committee's second report of 2011 and its consideration of standing order 66 relating to procedures for dealing with formal motions and in particular, statements being made by leave which may lead to *de facto* debate.

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

21 ECONOMICS—GROCERY RETAILING SECTOR

Senator Milne, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 618—That the Senate—

(a) notes:

- (i) the failure of the Government to adopt the recommendations of the Economics References Committee, which were supported by members of four political parties and Senator Xenophon, for reinstating specific legislative provisions on price discrimination, tightening legislation to inhibit firms achieving market power through takeovers and calling on the Australian Competition and Consumer Commission (ACCC) to conduct further study into the increasing shares of the grocery market being taken by the generic products of the major supermarket chains,
- (ii) the Government's refusal to contemplate improvements to the current competition laws on the basis that these laws have not been adequately tested in the courts,
- (iii) that Coles has announced large cuts in the prices of some fruit and vegetables, and
- (iv) that bodies such as Ausveg, the National Farmers' Federation, the Tasmanian Farmers and Graziers Association and the Council of Small Business of Australia have expressed concern about the impact on farmers and small retailers if these price cuts are sustained; and

(b) calls on the Government to:

- (i) direct the Productivity Commission to report on the effectiveness of competition policy in the grocery retailing sector,
- (ii) direct the ACCC to update its 2008 report on competition in the grocery industry, with particular reference to the market power of the two largest retail chains, the impact of their increasing use of generic product lines and the impact of large cuts in the price of specific food items on the viability of Australian farmers,
- (iii) direct the ACCC to examine and report on the extent to which the cuts in fruit and vegetable prices initiated by Coles in early 2012 are affecting the prices of other goods sold by the major supermarket chains, their profits, the prices they pay their suppliers and the farmgate prices received by Australian farmers, and
- (iv) ensure that the ACCC is encouraged and adequately funded to bring matters before the courts that would lead to the current competition laws being adequately tested.

Question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 49

Senators—

Arbib	Crossin	Kroger (Teller)	Ryan
Bernardi	Edwards	Ludwig	Scullion
Bilyk	Eggleston	Lundy	Sherry
Birmingham	Farrell	Marshall	Singh
Bishop	Faulkner	Mason	Sinodinos
Boyce	Fawcett	McEwen	Stephens
Brown, Carol	Feeney	McKenzie	Sterle
Bushby	Fierravanti-Wells	McLucas	Thistlethwaite
Cameron	Fifield	Moore	Williams
Carr	Fisher	Parry	Wong
Colbeck	Furner	Payne	
Collins	Gallacher	Polley	
Conroy	Humphries	Pratt	

Question negatived.

Statements by leave: Senators Williams and Xenophon, by leave, made statements relating to the motion.

22 ADMINISTRATION—REGISTER OF THE NATIONAL ESTATE

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 633—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.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 39

Senators—

Arbib	Edwards	Ludwig	Polley
Bilyk	Eggleston	Lundy	Pratt
Bishop	Farrell	Madigan	Scullion
Boyce	Faulkner	Marshall	Sherry
Brown, Carol	Feeney	Mason	Singh
Cameron	Fifield	McEwen	Stephens
Carr	Fisher	McKenzie	Sterle
Colbeck	Furner	McLucas	Thistlethwaite
Collins	Gallacher	Moore	Wong
Conroy	Kroger (Teller)	Parry	

Question negatived.

23 FAMILY AND COMMUNITY SERVICES—POKER MACHINES—LIMITS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Di Natale, 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. 636—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.

Statements by leave: The Assistant Treasurer (Senator Arbib) and Senators Xenophon and Di Natale, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 32

Senators—

Arbib	Eggleston	Kroger (Teller)	Polley
Bilyk	Farrell	Ludwig	Pratt
Bishop	Faulkner	Lundy	Sherry
Brown, Carol	Feeney	Marshall	Singh
Cameron	Fifield	McEwen	Stephens
Carr	Fisher	McLucas	Sterle
Colbeck	Furner	Moore	Thistlethwaite
Conroy	Gallacher	Parry	Wong

Question negated.

24 FOREIGN AFFAIRS—SRI LANKA

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 639—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.

Question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 30

Senators—

Arbib	Faulkner	Lundy	Ryan
Bilyk	Feeney	Marshall	Sherry
Bishop	Fifield	McEwen (Teller)	Singh
Brown, Carol	Fisher	McLucas	Stephens
Cameron	Furner	Moore	Sterle
Colbeck	Gallacher	Parry	Thistlethwaite
Eggleston	Kroger	Polley	
Farrell	Ludwig	Pratt	

Question negatived.

25 PUBLICATIONS—STANDING COMMITTEE—13TH REPORT

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

PUBLICATIONS COMMITTEE

13TH 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 25 November 2011, recommends that the following be printed:

Aged Care Act 1997—Report for 2010-11 on the operation of the Act.

Australian Centre for Renewable Energy (ACRE) Board—Report for 2010-11.

Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2010-11.

Australian Human Rights Commission—Report No. 47—Mr Heyward v Commonwealth of Australia (Department of Immigration and Citizenship).

Australian Information Commissioner—Report for the period 1 November 2010 to 30 June 2011, including financial statements for the Office of the Privacy Commissioner for the period 1 July to 31 October 2010—Corrigendum.

Australian Law Reform Commission—Report No. 117—Family violence and Commonwealth laws—Improving legal frameworks—

Final report, dated November 2011.

Summary report, dated November 2011.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2010-11.

Australian Sports Anti-Doping Authority—Report for 2010-11—Correction.

Australian Statistics Advisory Council—Report for 2010-11.

Australian Transport Safety Bureau (ATSB)—Report for 2010-11.

Commonwealth Ombudsman—Report for 2010-11.

Cotton Research and Development Corporation—Report for 2010-11.

Environment Protection and Biodiversity Conservation Act 1999—Australia state of the environment committee—Report—Australia state of the environment 2011.

Fisheries Research and Development Corporation (FRDC)—Report for 2010-11.

Freedom of Information Act 1982—Report for 2010-11 on the operation of the Act.

Grape and Wine Research and Development Corporation (GWRDC)—Report for 2010-11.

Indigenous Education and Training—Report for 2009.

Murray-Darling Basin Authority—Report for 2010-11.

National Capital Authority—Report for 2010-11.

Native Title Act 1993—Native title representative bodies—Central Land Council—Report for 2010-11.

Private Health Insurance Administration Council—Report for 2010-11 on the operations of the registered health benefits organisations.

Productivity Commission—Report No. 56—Economic structure and performance of the Australian retail industry—Report, dated 4 November 2011.

Social Security Appeals Tribunal—Report for 2010-11.

Sugar Research and Development Corporation—Report for 2010-11.

Senator Carol Brown

Chair

9 February 2012.

Senator McEwen moved—That the report be adopted.

Question put and passed.

26 COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES

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

Budget estimates 2010-11(Supplementary)—

Legal and Constitutional Affairs Legislation Committee—Additional information received between 2 March 2011 and 7 February 2012—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

Budget estimates 2011-12—

Legal and Constitutional Affairs Legislation Committee—Additional information received between 9 November 2011 and 7 February 2012—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

Budget estimates 2011-12 (Supplementary)—

Economics Legislation Committee—Additional information received between 23 November 2011 and 8 February 2012—

Innovation, Industry, Research and Science portfolio.

Resources, Energy and Tourism portfolio.

Treasury portfolio.

Environment and Communications Legislation Committee—Additional information received between 10 November 2011 and 8 February 2012—

Broadband, Communications and the Digital Economy portfolio.

Climate Change and Energy Efficiency portfolio.

Sustainability, Environment, Water, Population and Communities portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 10 November 2011 and 8 February 2012—

Department of Regional Australia, Regional Development and Local Government.

Finance and Deregulation portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 24 November 2011 and 8 February 2012—

Foreign Affairs and Trade portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 9 November 2011 and 7 February 2012—

Attorney-General's portfolio.

Immigration and Citizenship portfolio.

**27 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—
CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT
(ONLINE GAMES) BILL 2011**

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

Legal and Constitutional Affairs Legislation Committee—Classification (Publications, Films and Computer Games) Amendment (Online Games) Bill 2011 [Provisions]—Report, dated February 2012 and submissions.

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

28 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

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

Regulations and Ordinances—Standing Committee—Delegated legislation monitor—Disallowable legislative instruments tabled in the Senate in 2011, dated February 2012.

29 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Pratt) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Parliamentary Secretary to the Prime Minister (Senator Lundy), by leave, moved—That senators be discharged from and appointed to committees as follows:

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—Substitute members:

Senator Colbeck to replace Senator Nash for the consideration of the 2011-12 additional estimates on 13 February 2012

Senator Williams to replace Senator Nash for the consideration of the 2011-12 additional estimates on 14 February 2012

Rural and Regional Affairs and Transport References Committee—

Appointed—

Substitute members:

Senator Williams to replace Senator Nash on 9 February 2012 for the committee's inquiry into the Foreign Investment Review Board national interest test

Senator McKenzie to replace Senator Nash on 17 February 2012, from 9 am to 2 pm; and Senator Humphries to replace Senator Nash on 17 February 2012, from 2 pm to 5.45 pm for the committee's inquiry into the Foreign Investment Review Board national interest test

Participating member: Senator Nash.

Question put and passed.

**30 TELECOMMUNICATIONS UNIVERSAL SERVICE MANAGEMENT AGENCY BILL 2011
TELECOMMUNICATIONS LEGISLATION AMENDMENT (UNIVERSAL SERVICE
REFORM) BILL 2011
TELECOMMUNICATIONS (INDUSTRY LEVY) BILL 2011**

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

Message no. 340, dated 8 February 2012—A Bill for an Act to establish the Telecommunications Universal Service Management Agency, and for other purposes.

Message no. 341, dated 8 February 2012—A Bill for an Act to amend legislation relating to telecommunications, and for other purposes.

Message no. 342, dated 8 February 2012—A Bill for an Act to impose a levy to support the provision of public interest telecommunications services, and for related purposes.

The Parliamentary Secretary to the Prime Minister (Senator Lundy) 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 Lundy moved—That these bills be now read a second time.

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

**31 MEMBERS OF PARLIAMENT (LIFE GOLD PASS) AND OTHER LEGISLATION
AMENDMENT BILL 2012**

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

Message no. 343, dated 9 February 2012—A Bill for an Act to amend the law relating to the Life Gold Pass scheme and Parliamentary superannuation, and for other purposes.

The Parliamentary Secretary to the Prime Minister (Senator Lundy) 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 Lundy moved—That this bill be now read a second time.

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.

**32 OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT
(SIGNIFICANT INCIDENT DIRECTIONS) BILL 2011**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Prime Minister (Senator Lundy) the bill was read a third time.

33 CUSTOMS AMENDMENT (NEW ZEALAND RULES OF ORIGIN) BILL 2011

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for Disabilities and Carers (Senator McLucas)—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 to the Prime Minister (Senator Lundy) the bill was read a third time.

34 HIGHER EDUCATION SUPPORT AMENDMENT (VET FEE-HELP AND OTHER MEASURES) BILL 2011 [2012]

Order of the day read for the adjourned debate on the motion of the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

Suspension of sitting: On the motion of Senator Evans the sitting of the Senate was suspended at 1.56 pm till 2 pm.

At 2 pm—

35 QUESTIONS

Questions without notice were answered.

Distinguished visitors: The President welcomed members of a parliamentary delegation from Cyprus led by the President of the House of Representatives, His Excellency Mr Yiannakis Omirou, and, with the concurrence of honourable senators, invited Mr Omirou to take a seat on the floor of the chamber.

Further questions without notice were answered.

36 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION

Senator Cash, pursuant to standing order 74, asked the Minister representing the Minister for Immigration and Citizenship (Senator Ludwig) for an explanation of answers not being provided to questions placed on notice during the consideration by the Legal and Constitutional Affairs Legislation Committee of the 2011-12 supplementary Budget estimates.

Senator Ludwig provided an explanation.

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

Question put and passed.

37 MOTION TO TAKE NOTE OF ANSWERS

Senator Mason moved—That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Senators Brandis and Birmingham today relating to the carbon tax.

Debate ensued.

Question put and passed.

38 NOTICE

Senator McEwen, by leave and at the request of Senators Moore, Siewert and Humphries, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

- (a) recognises the 4th anniversary of the apology to the Stolen Generations on 13 February 2012;
- (b) affirms the sentiment expressed by the Senate on 13 February 2008 as a significant step to build a new relationship between Indigenous and non-Indigenous Australians and recognise the suffering caused by past injustices;
- (c) expresses its support for members of the Stolen Generations and for the activities happening across Australia on 13 February to mark the anniversary of the apology; and
- (d) notes the new special collection that will be established in the Parliamentary Library of historical documents presented by the National Sorry Day Committee, which document our nation's shared journey toward reconciliation and the ongoing process of healing and justice for members of the Stolen Generations.

39 TRADE—LIVE ANIMAL EXPORTS—MINISTERIAL STATEMENT—DOCUMENT

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

Trade—Livestock trade to the Middle East—Ministerial statement by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig), dated 9 February 2012.

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

Debate ensued.

Question put and passed.

40 DEFENCE—DEFENCE SECURITY AUTHORITY VETTING—MINISTERIAL STATEMENT—DOCUMENT

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

Defence—Defence Security Authority vetting—Ministerial statement by the Minister for Defence (Mr Smith), dated 8 February 2012 and attachment.

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

Question put and passed.

41 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2012

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

SELECTION OF BILLS COMMITTEE

REPORT NO. 1 OF 2012

1. The committee met in private session on Thursday, 9 February 2012 at 11.23 am.
2. The committee resolved to recommend—That—
 - (a) the Members of Parliament (Life Gold Pass) and Other Legislation Amendment Bill 2012 be *referred immediately* to the Finance and Public Administration Legislation Committee for inquiry and report by 27 February 2012;
 - (b) the Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012 be *referred immediately* to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 22 March 2012;
 - (c) the *provisions* of the Social Security and Other Legislation Amendment (Income Support and Other Measures) Bill 2012 be *referred immediately* to the Community Affairs Legislation Committee for inquiry and report by 19 March 2012; and
 - (d) the Telecommunications Amendment (Mobile Phone Towers) Bill 2011 be *referred immediately* to the Environment and Communications Legislation Committee for inquiry and report by 9 May 2012.
3. The committee resolved to recommend—That the following bills *not* be referred to committees:
 - Australian Broadcasting Corporation Amendment (International Broadcasting Services) Bill 2011
 - Environment Protection and Biodiversity Conservation Amendment (Monitoring of Whaling) Bill 2012
 - National Health Amendment (Fifth Community Pharmacy Agreement Initiatives) Bill 2011
 - Public Accounts and Audit Committee Amendment (Ombudsman) Bill 2011.

The committee recommends accordingly.

4. The committee deferred consideration of the following bill to its next meeting:
Protecting Children from Junk Food Advertising (Broadcasting and
Telecommunications Amendment) Bill 2011.

Anne McEwen
Chair
9 February 2012.

Senator Carol Brown moved—That the report be adopted.

Question put and passed.

42 PARTICULARS OF PROPOSED ADDITIONAL EXPENDITURE—2011-12—DOCUMENTS

The Minister for Manufacturing (Senator Carr) tabled the following documents:

Particulars of proposed additional expenditure in respect of the year ending on
30 June 2012 [Appropriation Bill (No. 3) 2011-2012].

Particulars of certain proposed additional expenditure in respect of the year ending
on 30 June 2012 [Appropriation Bill (No. 4) 2011-2012].

Senator Carr, by leave, moved—That—

- (a) the documents, together with the final budget outcome 2010-11 (*see entry no. 34, 11 October 2011*) and the Issues from the advances under the annual Appropriation Acts for 2010-11 (*see entry no. 2, 7 February 2012*), be referred to committees for examination and report; and
- (b) consideration of the Issues from the advances under the annual Appropriation Acts in committee of the whole be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question put and passed.

**43 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2011-12—PORTFOLIO
ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIOS AND EXECUTIVE
DEPARTMENTS—DOCUMENTS**

The Minister for Manufacturing (Senator Carr) tabled the following documents:

Estimates of proposed additional expenditure for 2011-12—Portfolio additional
estimates statements—Portfolios and executive departments—

Agriculture, Fisheries and Forestry.
Attorney-General.
Broadband, Communications and the Digital Economy.
Climate Change and Energy Efficiency.
Defence.
Department of Veterans' Affairs.
Education, Employment and Workplace Relations.
Families, Housing, Community Services and Indigenous Affairs.
Finance and Deregulation.
Foreign Affairs and Trade.
Health and Ageing.
Human Services.
Immigration and Citizenship.
Industry, Innovation, Science, Research and Tertiary Education.
Infrastructure and Transport.
Prime Minister and Cabinet.

Regional Australia, Local Government, Arts and Sport.
Resources, Energy and Tourism.
Sustainability, Environment, Water, Population and Communities.
Treasury.

44 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Moore) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Manufacturing (Senator Carr), by leave, moved—That senators be discharged from and appointed to committees as follows:

Economics Legislation Committee—

Appointed—Substitute members:

Senator McEwen to replace Senator Urquhart from 9 am to 3 pm; and
Senator Sherry to replace Senator Urquhart from 3 pm, for the consideration
of the 2011-12 additional estimates on 15 February 2012

Senator Sherry to replace Senator Urquhart for the consideration of the
2011-12 additional estimates on 16 February 2012

Senator McEwen to replace Senator Urquhart for the consideration of the
2011-12 additional estimates on 17 February 2012

Finance and Public Administration Legislation and References Committees—

Discharged—Senator Edwards

Appointed—

Senator Sinodinos

Participating member: Senator Edwards

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Wright for
the committee's inquiry into the Migration Amendment (Removal of
Mandatory Minimum Penalties) Bill 2012

Participating member: Senator Wright

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—Substitute member: Senator McEwen to replace Senator Urquhart
for the consideration of the 2011-12 additional estimates on 13 February and
14 February 2012.

Question put and passed.

45 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—

GOVERNMENT RESPONSE—REQUESTS FOR TENDER FOR AVIATION CONTRACTS

The Minister for Manufacturing (Senator Carr) tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Report—Defence's
request for tender for aviation contracts—Government response, dated November
2011.

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

Question put and passed.

**46 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—
GOVERNMENT RESPONSE—EQUITY AND DIVERSITY HEALTH CHECKS IN THE
ROYAL AUSTRALIAN NAVY**

The Minister for Manufacturing (Senator Carr) tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Report—Part II: Incidents onboard HMAS *Success* between March and May 2009 and subsequent events—Government response, dated December 2011.

**47 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT
STATUTORY COMMITTEE—GOVERNMENT RESPONSES—OPERATION OF THE LAW
ENFORCEMENT INTEGRITY COMMISSIONER ACT 2006**

The Minister for Manufacturing (Senator Carr) tabled the following document:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Inquiry into the operation of the *Law Enforcement Integrity Commissioner Act 2006*—

Report—Government response, dated February 2012.

Interim report—Government response, dated February 2012.

**48 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—
GOVERNMENT RESPONSE—HUMAN RIGHTS IN THE ASIA-PACIFIC**

The Minister for Manufacturing (Senator Carr) tabled the following document:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Report—Human rights in the Asia-Pacific: Challenges and opportunities—Government response.

**49 TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—110TH
REPORT**

The Minister for Manufacturing (Senator Carr) tabled the following document:

Treaties—Joint Standing Committee—110th report—Treaties tabled 18, 25 [2] and 26 November 2009 and 2 [2] February 2010—Government response.

**50 TAXATION—MINERAL RESOURCE RENT TAX—ORDER FOR PRODUCTION OF
DOCUMENTS—DOCUMENTS**

The Minister for Manufacturing (Senator Carr) tabled the following documents:

Taxation—Mineral Resources Rent Tax—Statement by the Assistant Treasurer (Senator Arbib) responding to the order of the Senate of 1 November 2011, and attachment.

Senator Cormann, by leave, moved—That the Senate take note of the documents.

Question put and passed.

General business was called on.

51 PARLIAMENT—REFLECTIONS ON MEMBERS OF PARLIAMENT

Senator Cash, pursuant to notice, moved general business notice of motion no. 640—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.

Debate ensued.

Senator Milne moved the following amendment:

At the end of the motion, add “but considers the call from the Leader of the Opposition (Mr Abbott) to debate Australia’s economy, and his proposals which would lead to a \$70 billion deficit and extensive job losses, as a more appropriate matter for debate in the Opposition’s private senators’ time”.

Debate ensued.

At 6 pm: Debate was interrupted while Senator Ryan was speaking.

52 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to government documents were considered:

Australian Meat and Live-stock Industry Act 1997—Live-stock mortalities during exports by sea—Report for the period 1 January to 30 June 2011 [Replacement for document tabled on 16 August 2011]. Motion of Senator Williams to take note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

Trade—New Zealand—Export of apples to Australia—Order for production of documents—Document. Motion of Senator Williams to take note of document agreed to.

Departmental and agency grants—Orders for production of documents—Documents tabled 11 October 2011—

Australian Organ and Tissue Donation and Transplantation Authority

Department of Infrastructure and Transport

Department of Families, Housing, Community Services and Indigenous Affairs

Department of Regional Australia, Regional Development and Local Government

Department of Innovation, Industry, Science and Research [2]

Climate Change and Energy Efficiency portfolio

—Motion of Senator McKenzie to take note of documents agreed to.

Natural Heritage Trust of Australia—Report for 2008-09. Motion of Senator Macdonald to take note of document agreed to.

Commonwealth Grants Commission—Report for 2010-11. Motion of Senator Birmingham to take note of document agreed to.

Department of Health and Ageing—Report for 2010-11. Motion of Senator Polley to take note of document agreed to.

Australian Postal Corporation (Australia Post)—Report for 2010-11. Motion to take note of document moved by Senator Bushby. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

Department of Immigration and Citizenship—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Australian Electoral Commission—Report for 2010-11. Motion of Senator Ronaldson to take note of document agreed to.

Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Department of Health and Ageing—Report for 2010-11—Corrigendum. Motion of Senator Parry to take note of document agreed to.

Family Court of Australia—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Australian Law Reform Commission—Report for 2010-11 (Report no. 116). Motion of Senator Adams to take note of document agreed to.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Wet Tropics Management Authority—Report for 2010-11, including report on the State of the Wet Tropics. Motion of Senator McLucas to take note of document called on. On the motion of Senator Bushby the debate was adjourned till Thursday at general business.

Gene Technology Regulator—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Department of Human Services—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Centrelink—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Medicare Australia—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Professional Services Review—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Department of Resources, Energy and Tourism—Report for 2010-11, including report of Geoscience Australia. Motion of Senator Ronaldson to take note of document called on. On the motion of Senator Bushby the debate was adjourned till Thursday at general business.

Health Workforce Australia—Report for 2010-11. Motion of Senator Adams to take note of document agreed to.

Veterans' Review Board—Report for 2010-11. Motion of Senator Ronaldson to take note of document agreed to.

Australian Institute of Marine Science (AIMS)—Report for 2010-11. Motion of Senator McLucas to take note of document called on. On the motion of Senator Bushby the debate was adjourned till Thursday at general business.

Department of Innovation, Industry, Science and Research—Report for 2010-11, including report of IP Australia. Motion of Senator Colbeck to take note of document called on. On the motion of Senator Bushby the debate was adjourned till Thursday at general business.

Australian Centre for International Agricultural Research—Report for 2010-11. Motion of Senator Colbeck to take note of document agreed to.

Department of Veterans' Affairs—Data-matching program—Report on progress 2010-11. Motion of Senator Ronaldson to take note of document agreed to.

Bureau of Meteorology—Report for 2010-11. Motion to take note of document moved by Senator Bushby. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

NBN Co Limited—Report for 2010-11. Motion to take note of document moved by Senator Bushby. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

Tourism Australia—Report for 2010-11. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifier 643/11, 648/11, 649/11, 652/11 to 655/11 and 657/11 to 659/11—Reports by the Commonwealth Ombudsman. Motion of Senator Faulkner to take note of document agreed to.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 643/11, 648/11, 649/11, 652/11 to 655/11 and 657/11 to 659/11—Government response to reports by the Commonwealth Ombudsman, dated 14 October 2011. Motion of Senator Faulkner to take note of document agreed to.

Torres Strait Regional Authority—Report for 2010-11. Motion to take note of document moved by Senator Bushby. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

Australian Fisheries Management Authority—Report for 2010-11. Motion to take note of document moved by Senator Bushby. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

Environment—Tasmanian Forests Intergovernmental Agreement—Harvesting requirements—Order for production of documents—Document. Motion of Senator Colbeck to take note of document agreed to.

Trade—Export of live cattle to Indonesia—Department of Agriculture, Fisheries and Forestry—Australian Government Solicitor—Department of Foreign Affairs and Trade—Orders for production of documents—Documents. Motion of Senator Colbeck to take note of the documents agreed to.

Great Barrier Reef Marine Park Authority—Report for 2010-11. Motion to take note of document moved by Senator Bushby. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Australian Crime Commission—Report for 2010-11. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

General business orders of the day nos 5, 7 to 9, 11 to 23, 25 to 27, 46, 48 to 53, 56 to 80, 82 to 110, 112 to 130, 133 to 142, 144 to 146, 150 to 152, 154 to 164 and 166 to 177 relating to government documents were called on but no motion was moved.

General business concluded.

53 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:

Electoral Matters—Joint Standing Committee—Report—Report on the funding of political parties and election campaigns. Motion to take note of report moved by Senator Faulkner, debated and agreed to.

Cyber Safety—Joint Select Committee—Interim report: High-wire act – cyber-safety and the young—Government response. Motion to take note of document moved by Senator Ludlam. Debate adjourned till the next day of sitting, Senator Ludlam in continuation.

Corporations and Financial Services—Joint Statutory Committee—Report—Statutory oversight of Australian Securities and Investments Commission—Interim report—Inquiry into the collapse of Trio Capital. Motion of Senator Bushby to take note of reports agreed to.

Public Accounts and Audit—Joint Statutory Committee—Report 427—Inquiry into national funding agreements—Report 428—Review of Auditor-General's reports nos 16 to 46 (2010-11). Motion of Senator Polley to take note of report agreed to.

Economics References Committee—Report—Investing for good: The development of a capital market for the not-for-profit sector in Australia. Motion of Senator Stephens to take note of report. Debate adjourned till the next day of sitting, Senator Stephens in continuation.

Legal and Constitutional Affairs References Committee—Report—Unauthorised disclosure of proceedings relating to the committee's inquiry into Australia's arrangement with Malaysia on asylum seekers. Motion of the chair of the committee (Senator Wright) to take note of report agreed to.

National Capital and External Territories—Joint Standing Committee—Report—Etched in stone? Inquiry into the administration of the *National Memorials Ordinance 1928*. Motion of the chair of the committee (Senator Pratt) to take note of report agreed to.

National Broadband Network—Joint Standing Committee—Second report—Review of the rollout of the National Broadband Network. Motion of Senator McEwen to take note of report called on. On the motion of Senator Kroger debate was adjourned till the next day of sitting.

Legal and Constitutional Affairs Legislation Committee—Report—Northern Land Council's evidence to the committee's inquiry into the provisions of the National Radioactive Waste Management Bill 2010. Motion of Senator McEwen to take note of report debated and agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Held hostage: Government's response to kidnapping of Australian citizens overseas. Motion of the chair of the committee (Senator Eggleston) to take note of report agreed to.

Education, Employment and Workplace Relations References Committee—Report—The administration and purchasing of disability employment services in Australia. Motion of the chair of the committee (Senator Back) to take note of report agreed to.

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Report—Integrity testing. Motion of Senator Macdonald to take note of report agreed to.

Rural Affairs and Transport References Committee—Report—Animal welfare standards in Australia's live export markets, Live Animal Export (Slaughter) Prohibition Bill 2011 [No. 2] and Live Animal Export Restriction and Prohibition Bill 2011 [No. 2]. Motion of the chair of the committee (Senator Heffernan) to take note of report called on. On the motion of Senator Kroger debate was adjourned till the next day of sitting.

Environment and Communications References Committee—Report—The capacity of communication networks and emergency warning systems to deal with emergencies and natural disasters. Motion of the chair of the committee (Senator Fisher) to take note of report agreed to.

Community Affairs References Committee—Report—The regulatory standards for the approval of medical devices. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Intelligence and Security—Joint Statutory Committee—Report—Annual report of committee activities 2010-11. Motion of Senator Faulkner to take note of report agreed to.

Rural Affairs and Transport References Committee—Report—Pilot training and airline safety; and consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010—Government response. Motion of Senator Heffernan to take note of document agreed to.

Rural Affairs and Transport References Committee—Report—Science underpinning the inability to eradicate the Asian honey bee—Government response. Motion of Senator Colbeck to take note of document agreed to.

Rural and Regional Affairs and Transport—Standing Committee—Report—Climate change and the Australian agricultural sector—Government response. Motion to take note of document moved by Senator Kroger. Debate adjourned till the next day of sitting, Senator Kroger in continuation.

Economics References Committee—Final report—The impacts of supermarket price decisions on the dairy industry. Motion of Senator Kroger to take note of report agreed to.

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 debated. Debate adjourned till the next day of sitting, Senator Fierravanti-Wells in continuation.

Treaties—Joint Standing Committee—Report 121—Treaty tabled on 16 August 2011. Motion of Senator Birmingham to take note of report agreed to.

Scrutiny of New Taxes—Select Committee—Final report—The carbon tax: Secrecy and spin cannot hide carbon tax flaws. Motion of the chair of the committee (Senator Cormann) to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Report—International parental child abduction to and from Australia. Motion of the chair of the committee (Senator Humphries) to take note of report agreed to.

Treaties—Joint Standing Committee—Report 120—Treaties tabled on 5 July and 16 August 2011. Motion of Senator Williams to take note of report agreed to.

Environment and Communications References Committee—Report—Recent ABC programming decisions. Motion of Senator Williams to take note of report agreed to.

Community Affairs References Committee—Report—The effectiveness of special arrangements for the supply of Pharmaceutical Benefits Scheme (PBS) medicines to remote area Aboriginal Health Services. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Australia's Clean Energy Future Legislation—Joint Select Committee—Report—Advisory report on the Clean Energy Bills and the Steel Transformation Bill 2011. Motion of Senator Milne to take note of report agreed to.

Scrutiny of New Taxes—Select Committee—Interim report—The carbon tax: Economic pain for no environmental gain. Motion of the chair of the committee (Senator Cormann) to take note of report called on. On the motion of Senator Kroger debate was adjourned till the next day of sitting.

Economics References Committee—Final report—The asset insurance arrangements of Australian state governments [Inquiry into the provisions of the Tax Laws Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011 and Income Tax Rates Amendment (Temporary Flood and Cyclone Reconstruction Levy) Bill 2011, and related matters]. Motion of Senator Kroger to take note of report agreed to.

Environment and Communications References Committee—Final report—The koala – saving our national icon [The status, health and sustainability of the koala population]. Motion of Senator Cameron to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Report—Incidents onboard HMAS Success between March and May 2009 and subsequent events: Part II. Motion of Senator Stephens to take note of report agreed to.

Legal and Constitutional Affairs Legislation Committee—Report—Patent Amendment (Human Genes and Biological Materials) Bill 2010. Motion of Senator Heffernan to take note of report agreed to.

Finance and Public Administration References Committee—Report—Government advertising and accountability—Government response. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Kroger debate was adjourned till the next day of sitting.

National Broadband Network—Joint Standing Committee—First report—Review of the rollout of the National Broadband Network. Motion of Senator Macdonald to take note of report called on. On the motion of Senator Kroger debate was adjourned till the next day of sitting.

Law Enforcement—Joint Statutory Committee—Reports—Examination of the annual report of the Australian Federal Police 2009-10—Examination of the annual report of the Australian Crime Commission 2009-10. Motion of Senator Mason to take note of reports agreed to.

Orders of the day nos 1 to 6, 8 to 13, 15 to 18, 34, 42 and 43 relating to committee reports and government responses were called on but no motion was moved.

54 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. 12 of 2011-12—Performance audit—Implementation of the National Partnership Agreement on Remote Indigenous Housing in the Northern Territory. Motion of Senator Siewert to take note of document agreed to.

Auditor-General—Audit report no. 13 of 2011-12—Performance audit—Tasmanian Freight Equalisation Scheme—Department of Transport and Infrastructure; Department of Human Services. Motion of Senator Colbeck to take note of document agreed to.

Auditor-General—Audit report no. 24 of 2011-12—Performance audit—Administration of government advertising arrangements: March 2010 to August 2011. Motion of Senator Ryan to take note of document agreed to.

Orders of the day nos 1 to 7 and 10 to 19 relating to reports of the Auditor-General were called on but no motion was moved.

55 WORK OF COMMITTEES—DOCUMENT

The President tabled the following document:

Work of committees—Year statistics: 1 January to 31 December 2011; and half-year statistics: 1 July to 31 December 2011.

Document ordered to be printed on the motion of Senator McEwen.

56 AUDITOR-GENERAL—AUDIT REPORTS NOS 25 AND 26 OF 2011-12—DOCUMENTS

The President tabled the following documents:

Auditor-General—Audit reports for 2011-12—

No. 25—Performance audit—Administration of Project Wickenby: Australian Taxation Office; Australian Crime Commission; Australian Federal Police.

No. 26—Performance audit—Capacity development for Indigenous service delivery: Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations; Department of Health and Ageing.

57 DOCUMENTS

The following documents were tabled by the Clerk:

Commissioner of Taxation—Public Rulings—

Class Rulings CR 2012/6-CR 2012/9.

Taxation Determination—Erratum—TD 2007/28.

58 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—Foreign Affairs and Trade portfolio.

59 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—

Department of Education, Employment and Workplace Relations.

Foreign Affairs and Trade portfolio.

60 RULES OF DEBATE—UNPARLIAMENTARY LANGUAGE—STATEMENT BY PRESIDENT

The President made a statement endorsing the rulings made by temporary chairs of committees during the general business debate earlier today.

61 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.42 pm till Monday, 27 February 2012 at 10 am.

62 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate