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Migration Amendment Bill 2013

Private Health Insurance Legislation Amendment Bill 2013

Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013

Veterans’ Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013


Environment and Communications Legislation Committee—Report—Environment Legislation Amendment Bill 2013

Legal and Constitutional Affairs Legislation Committee—Report—Migration Amendment Bill 2013

Climate Change Authority (Abolition) Bill 2013

Government Documents—Consideration

Adjournment

Attendance
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:
- Mid-year economic and fiscal outlook—2013-14—Statement by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann).
- Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 1001135, 1000971, 1000960, 1001121, 1000979, 1000981, 1000972, 1001150, 1001178, 1001171, 1000571, 1000766, 1000644, 1000677, 1000656, 1000768, 1000873, 1000792, 1000821, 1000793, 1000835, 1000823, 1000724, 1000723, 1000535, 1000678, 1000794, 1000712, 1000783, 1000664, 1000826, 1000680, 1000770, 1000675, 1000784, 1000772, 1000990, 1001145, 1001146, 1001193, 1000746, 1001138, 1000746, 1001138, 1001123, 1001153, 1001046, 1001196, 1001206, 1001143 and 1001140—Commonwealth Ombudsman’s reports, dated 12 February 2014.
- Government response to Ombudsman’s reports, dated 3 February 2014.

3 CLIMATE CHANGE AUTHORITY (ABOLITION) BILL 2013
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time—and on the amendment moved by Senator Pratt:
- At the end of the motion, add “but the Senate expresses concern over the impact of the abolition of the Climate Change Authority on the provision of independent advice to Government and the public on carbon pollution reduction targets and actions”.
Debate resumed.
At 12.45 pm: Debate was interrupted while Senator Siewert was speaking.

4 MATTERS OF PUBLIC INTEREST
Matters of public interest were discussed.

Document: The Leader of the Australian Greens (Senator Milne), by leave, tabled the following document:

Further matters of public interest were discussed.
At 2 pm—

5 QUESTIONS
Questions without notice were answered.

6 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Faulkner moved—That the Senate take note of the answers given by the Assistant Minister for Health (Senator Nash) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senator McLucas today relating to potential conflicts of interest for ministerial staff.
Debate ensued.
Question put and passed.

Senator Di Natale moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Di Natale today relating to industry assistance.
Question put and passed.

7 NOTICES
Senator Di Natale: To move on the next day of sitting—That the following matter be referred to the Procedure Committee for inquiry and report:

That consideration be given to amending standing order 50 to replace the prayer with the following: ‘Senators, let us in silence pray or reflect upon our responsibilities to the people of Australia, to the states and territories which we represent, and to all future generations’.

The Chair of the Legal and Constitutional Affairs References Committee (Senator Wright): To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 15 May 2014:

(a) responses by the Australian Securities and Investments Commission, the Australian Federal Police and the Australian Crime Commission (the agencies) to allegations of corruption and of breaches of Commonwealth laws, including allegations:

(i) concerning the Reserve Bank of Australia, Securency and Note Printing Australia,
(ii) in the Leighton group of companies and in the construction industry generally, and
(iii) concerning other entities;

(b) whether the agencies’ investigation of allegations of serious fraud, including bribery, and their decisions whether to commence any prosecutions, were appropriate;

(c) whether the agencies appropriately communicated with each other and cooperated in a manner which ensured the optimal effectiveness of law enforcement with respect to serious fraud;

(d) whether the relationship between the agencies is such that the Australian community can have confidence that serious fraud is being properly investigated and any breaches properly prosecuted;

(e) whether the agencies are appropriately resourced;
whether Australia should have a stand-alone Commonwealth agency to investigate and prosecute breaches of laws regarding serious fraud;

whether Australia should have an independent standing commission against corruption at the federal level;

recommendations for further action by the Commonwealth Government and its agencies; and

any related matters.

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

(a) notes the Queensland Premier (Mr Newman) has made recent public statements that:

(i) any lawyer acting for a member of a motorcycling gang is part of what he described as a criminal gang machine and will say and do anything to defend their clients,

(ii) members of the legal community, including the judiciary, are living out of touch with society and do not understand what the community wants from the law, and

(iii) the doctrine of separation of powers between the legislature, the executive and the judiciary is less applicable to Australia than other places;

(b) affirms that these comments do not acknowledge a lawyer’s duty to the court, the integrity of the judiciary or the application of the separation of powers in Australia’s parliamentary democracy, and so are incorrect; and

(c) calls on the Commonwealth Attorney-General (Senator Brandis) to acknowledge the integrity of the legal profession and the judiciary across Australia. (general business notice of motion no. 115)

The Minister for Indigenous Affairs (Senator Scullion) and Senators Peris, Siewert and Xenophon: To move on the next day of sitting—That the Senate—

(a) notes that 13 February 2014 marks the 6th anniversary of the National Apology to Australia’s Aboriginal and Torres Strait Islander peoples;

(b) recognises the significance of the apology and its meaning to Aboriginal and Torres Strait Islander peoples;

(c) confirms its support for the recognition in the Constitution of Aboriginal and Torres Strait Islander peoples as the first Australians; and

(d) confirms a multi-party commitment to work in partnership with Aboriginal and Torres Strait Islander peoples to close the gap on Aboriginal disadvantage. (general business notice of motion no. 116)

The Chair of the Economics References Committee (Senator Bishop): To move on the next day of sitting—That the Economics References 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, 13 February 2014, from 3.30 pm. (general business notice of motion no. 117)

Senator Fawcett: To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold public meetings during the sittings of the Senate, from 11 am to 1 pm, as follows:

(a) Monday, 3 March 2014;
(b) Monday, 17 March 2014; and
(c) Monday, 24 March 2014. (general business notice of motion no. 118)
The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended, as follows:

(a) future of the beekeeping and pollination service industries in Australia—to 19 June 2014;
(b) grass-fed cattle levies—to 30 June 2014; and
(c) public transport—to 30 June 2014. (general business notice of motion no. 119)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—

(a) notes:
   (i) the conditions of the Gunns Pulp Mill approval (EPBC 2007/3385) by the then Minister for the Environment, on 10 March 2011, which requires ‘no wood sourced from native forests will be used by the Bell Bay pulp mill’,
   (ii) the Minister for the Environment (Mr Hunt) has confirmed the Government has asked the United Nations Educational, Scientific and Cultural Organization’s World Heritage Committee to delist 74 000 hectares of Tasmanian forest, and
   (iii) that, with the support of the Liberal and Labor parties, the Tasmanian Parliament passed legislation in January 2014 to remove doubts about the validity of the permit for the Bell Bay Pulp Mill project; and
(b) calls on the Government to commit to maintain the environmental requirement in the Gunns Pulp Mill approval that excludes wood sourced from native forests being used as feedstock. (general business notice of motion no. 120)

Senator Whish-Wilson: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Trade and Investment, the modelling and associated reports referred to by the Prime Minister and the Minister for Trade and Investment that outline the economic costs and benefits of the Korea-Australia Free Trade Agreement. (general business notice of motion no. 121)

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

(a) notes:
   (i) the recent Senate inquiry into the impacts on health of air quality in Australia recommended health impact assessments for new mining developments and the covering of coal trains that spread dust in populated areas,
   (ii) the New South Wales Environment Protection Authority has, under pollution reduction programs administered by the Australian Rail Track Corporation (ARTC), which manages the haulage of coal in the Hunter Valley, directed the ARTC to assess whether coal trains contribute to increased pollution particulate emissions,
   (iii) that documents released under Freedom of Information requests have shown that the reports from the ARTC aimed at meeting these requirements were misleading as they failed to recognise uncovered coal wagons as causing the spike in particulate concentrations,
   (iv) that during 2012 the network of 17 Hunter Valley air quality monitoring stations recorded levels of PM$_{10}$ over the national standard on 115 occasions – more than 30 000 Newcastle residents live within 500 metres of the coal corridor, and
(v) a number of peer-reviewed reports have highlighted this problem, which was not addressed in the final report; and

(b) calls on the ARTC to:
   (i) require all coal wagons during transport operations to be covered when loaded and unloaded,
   (ii) ensure that future reports on particulate pollution it is responsible for producing are subject to thorough methodological scrutiny, and
   (iii) publicly disclose all data and peer revision arising from any of its reports into particulate pollution resulting from its operations. (general business notice of motion no. 122)

Senators Xenophon and Madigan: To move on the next day of sitting—

(1) That the following matter be referred to the Economics References Committee for inquiry and report by 15 June 2014:

   The current and urgent challenges facing Australia’s food processing and manufacturing sector, and in particular the impact on the sector of:
   (a) current laws relating to dumped imported products and the effectiveness of Australia’s anti-dumping scheme, including the applicability and effectiveness of emergency safeguard measures, and whether the onus of proof ought to be reversed where consistent with World Trade Organization guidelines;
   (b) introducing similar measures as set out in the United States Byrd Amendment, which redirects revenue from dumping duties to affected local industries;
   (c) food safety standards and testing regimes for imported products, including Australia’s biosecurity arrangements;
   (d) the challenges it faces in the context of Australia’s food security;
   (e) current food labelling laws;
   (f) the industrial relations environment;
   (g) taxation and government regulation, including research and development incentives;
   (h) Australia’s competition environment and food supply chain issues;
   (i) the closure of food manufacturing businesses on jobs and farmers’ viability, including produce prices;
   (j) the concentrated ownership of the grocery retail sector; and
   (k) any related matters.

(2) The inquiry should have regard to the report and findings of the former Select Committee on Australia’s Food Processing Sector.

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

(a) condemns:
   (i) the failure of the Government to:
       (A) articulate a comprehensive innovation policy so that Australia has the high skill, high wage jobs of the future, and
       (B) fight for Australian jobs,
   (ii) the deliberate and hostile actions of the Government in bringing about the end of Australia’s automotive manufacturing sector threatening a further 50,000 jobs directly reliant and the 200,000 jobs that rely on it indirectly, and
(iii) the cowardice of the Government for blaming job losses on workers to distract from its own inaction and lack of any plan to deal with the crisis facing Australian manufacturing due to the strong dollar; and

(b) calls on the Government to immediately outline:

(i) its plans to support the 50,000 Australian workers who have lost their jobs since the election,

(ii) the industries in which it expects these workers to find new jobs, and

(iii) its plans to attract the billions in new investment, new jobs, new skills and new technologies to replace those lost in the automotive sector. (general business notice of motion no. 123)

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

(a) notes:

(i) with deep concern, the charges the Egyptian Government has laid against Australian citizen and journalist, Mr Peter Greste, and fellow Al Jazeera journalists,

(ii) calls by the White House, the United Nations, and global news agencies for their release, and

(iii) the excellent support Australian consular officials are providing to Mr Greste and his family; and

(b) calls on the Prime Minister (Mr Abbott) and the Minister for Foreign Affairs (Ms Bishop) to make direct contact with the Egyptian Government to seek the immediate release of Mr Greste and the other 19 individuals detained. (general business notice of motion no. 124)

Senator Carr: To move on 17 March 2014—

No. 1—That the Commonwealth Scholarships Guidelines (Education) 2013, made under section 238-10 of the Higher Education Support Act 2003, be disallowed.

No. 2—That Amendment No. 1 to the Commonwealth Grant Scheme Guidelines 2012, made under section 238-10 of the Higher Education Support Act 2003, be disallowed.

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

(a) notes:

(i) that on 3 January 2014, a peaceful protest of garment factory employees in Cambodia for increased wages became violent when government security forces opened fire on the demonstrators, killing five people and injuring more than 30,

(ii) that a number of incidents followed, in which peaceful protesters were forcibly arrested, and reportedly beaten and tortured, resulting in a ban on demonstrations,

(iii) that this decision is reflective of a broader suppression of those who speak and act in defence of human rights in Cambodia, including the Cambodia National Rescue Party leaders Mr Sam Rainsy and Mr Kem Sokha, and

(iv) the ongoing dispute over the July 2013 election and electoral processes, including alleged voter fraud and corruption;
(b) condemns the use of violence and excessive force by the Cambodian Government and implores it to protect and strengthen human rights, including a repeal of the ban on demonstrations; and

(c) calls on the:

(i) Cambodian Government to accept an international, independent investigation into allegations of fraud and corruption during the July 2013 election, and

(ii) Australian Parliament to affirm its commitment to the protection of human rights and democracy in Cambodia. (general business notice of motion no. 125)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the following matters be referred to the Environment and Communications References Committee for inquiry and report by 15 May 2014:

(a) the natural world heritage values of the Tasmanian Wilderness World Heritage Area minor boundary extension passed by the World Heritage Committee in June 2013;

(b) the interaction between the Department of the Environment and the Prime Minister and other ministers’ offices, and the process followed in the department’s review of the 2013 extension that led to a lesser minor boundary extension being submitted for consideration at the 2014 World Heritage Committee meeting;

(c) any action the Department of the Environment has funded, directed and overseen to rehabilitate any degraded areas within the World Heritage Area identified in the department’s 2013 review, as per the requirements of the World Heritage Convention;

(d) the extent and description of any areas of degraded forest included in the 2013 boundary adjustment and the World Heritage Committee’s rationale for including them;

(e) implications for the World Heritage status of the Tasmanian Wilderness World Heritage Area of the Government’s request to withdraw the 74 000 hectares for logging; and

(f) any related matter.

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

(a) notes that:

(i) the Australian Broadcasting Corporation (ABC) is Australia’s most trusted news and current affairs broadcaster,

(ii) the ABC is an extremely well-loved national institution, and that independent opinion polls regularly reveal high levels of public satisfaction with the broadcaster, and

(iii) the Coalition has cut funding for the ABC in the past, including an 11 per cent cut in 1998 under Prime Minister John Howard;

(b) calls on the Government to:

(i) commit to protecting funding to the ABC in the forthcoming budget, and

(ii) cease threatening the ABC’s editorial independence; and

(c) orders that there be laid on the table by the Minister representing the Minister for Communications (Senator Fifield), by 3 March 2014, the 2006 KPMG report into the adequacy and efficiency of ABC funding commissioned by the Howard Government. (general business notice of motion no. 126)
Senator Moore: To move on the next day of sitting—

(1) That the order of the Senate of 4 December 2013 relating to estimates hearings for 2014 be amended as follows:

**2013-14 additional estimates.** add:
and, if required, Friday, 28 February (Groups A and B)

**2014-15 budget estimates.** add:
and, if required, Friday, 24 October (supplementary hearings—Groups A and B)

(2) That, for the purposes of that order, an additional hearing of a committee considering estimates is taken to be required where any 3 members of the committee notify the chair of the requirement, in writing.

(3) That paragraph (2) operate subject to the restriction in standing order 26(3) that not more than 4 committees shall hear evidence on the estimates simultaneously. (general business notice of motion no. 127)

Senator Waters: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to the Great Barrier Reef, and for related purposes. **Great Barrier Reef Legislation Bill 2014.** (general business notice of motion no. 128)

Senator Moore: To move on the next day of sitting—That there be laid on the table by the Assistant Minister for Immigration and Border Protection, no later than noon on Friday, 21 February 2014, a copy of the report of the Review of Operation Sovereign Borders Vessel Positioning December 2013 – January 2014 and accompanying documents identified in part 10 of the review terms of reference. (general business notice of motion no. 129)

Senators Wright, Hanson-Young, Ludlam and Waters: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the concern of communities in South Australia and Western Australia about their land and water being threatened by shale and other unconventional gas mining,

(ii) that landholders lack the legal right to refuse shale and other unconventional gas mining on their land, and

(iii) the scientific uncertainty surrounding the environmental and health implications of hydraulic fracturing (‘fracking’) for shale and other unconventional gas mining; and

(b) calls on the Federal Government to:

(i) ban the use of fracking by the unconventional gas industry across Australia, and

(ii) support the Australian Greens’ bill to give landholders the legal right to refuse shale and other unconventional gas mining on their land. (general business notice of motion no. 130)

Senator Hanson-Young: To move on 5 March 2014—That the amendments to the Migration Regulations 1994 made by the Migration Amendment (Unauthorised Maritime Arrival) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 280 and made under the Migration Act 1958, be disallowed.
Senator Hanson-Young: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 30 April 2014:

The security incident involving Papua New Guinean authorities at the Manus Island Detention Centre on 18 October 2013, and in doing so, the committee must consider:

(a) the sequence of events that led to the incident;
(b) a chronology of events;
(c) evacuation processes and procedures for internal and external threats at the time of the incident;
(d) protocols and procedures observed by agencies in the detention centre;
(e) any documents, including incident reports and emails, as well as briefings involving staff, employees and contractors involved in, or responding to, the incident;
(f) allegations that shots were fired during the incident;
(g) any communications between Commonwealth agencies, including the Department of Immigration and Border Protection, regarding the incident;
(h) any communications between the Minister for Immigration and Border Protection and the Government of Papua New Guinea regarding the incident;
(i) safeguards that have been put in place to prevent future incidents; and
(j) any other related matters.

Senators Stephens, Moore and Rhiannon and the Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Senate—

(a) notes Australia’s co-sponsorship of the:
   (i) 2012 United Nations (UN) General Assembly Human Rights Council (HRC) resolution calling on the Sri Lankan Government to implement the recommendations of the Lessons Learnt and Reconciliation Commission of Sri Lanka and to take credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans, and
   (ii) 2013 UN General Assembly HRC resolution expressing concern at continuing reports of violations of human rights in Sri Lanka, and reiterating the call on the Government of Sri Lanka to implement the Commission’s recommendations and to fulfil its commitment to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law;

(b) notes:
   (i) continuing reports of violations of human rights in Sri Lanka, and international concerns about insufficient progress by the Government of Sri Lanka in addressing justice, reconciliation and accountability, and
   (ii) the forthcoming update to the HRC 24th session on the progress of the 2012 and 2013 resolutions; and

(c) calls on the Australian Government to:
   (i) maintain Australia’s strong record of support for human rights at the 24th session of the HRC, including in relation to Sri Lanka,
(ii) support the United States in its call for the ‘international community to establish an independent international accountability mechanism to evaluate reports of war crimes, crimes against humanity, and other human rights violations committed by both sides during and after the war in Sri Lanka’,

(iii) co-sponsor any United States resolution at the UNHRC in March 2014 regarding Sri Lanka’s progress on accountability and human rights, and

(iv) urge the Government of Sri Lanka to:
   
   (A) allow unimpeded access for media, international aid agencies, and human rights groups into all regions of the country, as well as to detention sites that may hold political and war prisoners, and
   
   (B) end its media restrictions, including the obstacles to the flow of information in the north and east, and bring to justice those responsible for attacks on journalists and newspaper offices.

Intention to withdraw: Senator Hanson-Young, pursuant to standing order 78, gave notice of her intention, at the giving of notices on next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in her name for 6 March 2014, for the disallowance of the amendments to the Migration Regulations 1994 made by the Migration Amendment (Unauthorised Maritime Arrival) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 280 and made under the Migration Act 1958.

8 POSTPENEMENTS

The following items of business were postponed:

   General business notice of motion no. 106 standing in the name of Senator Rhiannon for today, proposing the introduction of the Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014, postponed till 4 March 2014.

   General business notice of motion no. 107 standing in the name of Senator Rhiannon for today, proposing the introduction of the Live Animal Export (Slaughter) Prohibition Bill 2014, postponed till 6 March 2014.

9 FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT

Senator Kroger, at the request of the Chair of the Finance and Public Administration References Committee (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 95—That the time for the presentation of the report of the Finance and Public Administration References Committee on its inquiry into Commonwealth procurement procedures be extended to 30 June 2014.

Question put and passed.
10 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Furner) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 96—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold a private briefing during the sitting of the Senate on Thursday, 13 February 2014, from 10 am, followed by a public meeting to take evidence for the committee’s inquiry into the 2012-13 report of the Australian Commission on Law Enforcement Integrity.

Question put and passed.

11 **LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Singh) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 97—That the Parliamentary Joint Committee on Law Enforcement be authorised to meet during the sittings of the Senate, as follows:

(a) on Wednesday, 12 February 2014, from 5.30 pm, for a private briefing; and
(b) on Wednesday, 5 March 2014, from 5.30 pm, for a public meeting to take evidence for the committee’s inquiry into the 2012-13 report of the Australian Crime Commission.

Question put and passed.

12 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 98—That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013 be extended to 27 March 2014.

Question put and passed.

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

Senator Kroger, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 99—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 10.30 am, as follows:

(a) Thursday, 13 February 2014;
(b) Thursday, 6 March 2014;
(c) Thursday, 20 March 2014; and
(d) Thursday, 27 March 2014.

Question put and passed.
14 NATIONAL DISABILITY INSURANCE SCHEME—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Kroger, at the request of the Deputy Chair of the Joint Standing Committee on the National Disability Insurance Scheme (Senator Gallacher) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 100—That the Joint Standing Committee on the National Disability Insurance Scheme be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10.30 am, as follows:

(a) Wednesday, 5 March 2014;
(b) Wednesday, 19 March 2014; and
(c) Wednesday, 26 March 2014.

Question put and passed.

15 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 111—That the Environment and Communications 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, 13 February 2014.

Question put and passed.

16 FOREIGN AFFAIRS—SYRIAN CONFLICT—HUMANITARIAN AID

 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. 101—That the Senate—

(a) notes:

(i) the ongoing humanitarian crisis in Syria, Jordan and Lebanon,
(ii) the former Labor Government’s contribution of $100.8 million to humanitarian assistance, and
(iii) the Abbott Government’s contribution of $12 million to humanitarian assistance; and

(b) calls on the Government to immediately increase its humanitarian aid commitment to people affected by the Syrian conflict.

Senator Rhiannon, by leave, moved the following amendments together:

After subparagraph (iii), insert:

(iv) the contribution of other international donors such as the United States of America (AU $420 million), the United Kingdom (AU $181 million), Kuwait (AU $553 million) and Norway (AU $235 million); and

Omit paragraph (b), substitute:

(b) calls on the Abbott Government to immediately increase its humanitarian aid commitment to people affected by the Syrian conflict in line with Oxfam Australia’s call for an additional $96 million.

Question—That the amendments be agreed to—put and passed.
Statement by leave: The Assistant Minister for Social Services (Senator Fifield), by leave, made a statement relating to the motion.

Main question, as amended, put and passed.

17 EDUCATION—SCHOOLS—AUSTRALIAN CURRICULUM

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 102—That the Senate—

(a) notes:
   (i) the Australian Curriculum was developed over 6 years, involving input from thousands of educators, parents and academics, and was negotiated with, and agreed to by, state and territory governments,
   (ii) the Australian Curriculum is still in the process of being implemented by state and territory governments, and
   (iii) there is widespread concern among educators and the public about the timeframe, scope and transparency of the Federal Government’s review of the Australian Curriculum, and the objectivity and expertise of the panel;

(b) recognises:
   (i) the importance of a non-partisan perspective in the development of the curriculum for Australian students, and
   (ii) the need to appoint proficient and independent experts to oversee reviews of Commonwealth programs; and

(c) calls on the Government to immediately restore the established system of appointing independent education experts to oversee the development and implementation of the Australian Curriculum.

Question put and passed.

18 ENVIRONMENT—TASMANIAN WILDERNESS WORLD HERITAGE AREA

Senator Siewert, at the request of the Leader of the Australian Greens (Senator Milne) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 103—That the Senate—

(a) condemns the Abbott Government for its attempt to reduce the size of the Tasmanian Wilderness World Heritage Area by 74,000 hectares to enable logging of high conservation value forests;

(b) supports the findings of the World Heritage Committee that the areas proposed for excision satisfy World Heritage criteria;

(c) notes that commercial markets reject timber products from primary native forests as unsustainable and uncertified;

(d) understands that the Abbott Government’s proposed boundary adjustments are not based on evidence that this area does not contain World Heritage values;

(e) supports the 2013 boundary modification; and

(f) calls on the World Heritage Committee to reject the request to reduce the size of the World Heritage Area.

Question put and passed.
19 Women—International Day of Zero Tolerance to Female Genital Mutilation
The Minister Assisting the Prime Minister for Women (Senator Cash), also on behalf of Senators Kroger, Moore and Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 104—That the Senate—
(a) notes that:
   (i) Thursday, 6 February 2014, marked the International Day of Zero Tolerance to Female Genital Mutilation (FGM),
   (ii) the day has been designated by the United Nations to raise awareness amongst the general public about this practice which violates the human rights of women and girls, and
   (iii) approximately 140 million girls and women worldwide are currently living with the consequences of FGM;
(b) recognises that FGM in Australia is prohibited by specific legislation in every jurisdiction;
(c) congratulates the New South Wales Government for moving to increase the maximum penalty for performing FGM from 7 to 21 years; and
(d) supports and encourages ongoing domestic and international efforts to support and empower women and girls affected by FGM and to eliminate the practice of FGM.
Question put and passed.

20 Health—Ovarian Cancer Awareness Month
The Minister Assisting the Prime Minister for Women (Senator Cash), also on behalf of Senators Moore and Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 105—That the Senate—
(a) notes that:
   (i) February 2014 is Ovarian Cancer Awareness Month,
   (ii) Ovarian Cancer Awareness Month is run each year by Ovarian Cancer Australia, its purpose to raise awareness of the signs and symptoms of ovarian cancer and to offer support for the women, their families and friends affected by ovarian cancer, and
   (iii) Wednesday, 26 February 2014, is Ovarian Cancer Australia’s Teal Ribbon Day, a day when Australians are invited to purchase and wear a Teal Ribbon to show support for ovarian cancer awareness, support and research and recognise those affected;
(b) recognises that:
   (i) according to Ovarian Cancer Australia, one woman dies every 8 hours from ovarian cancer,
   (ii) the organisation also reports that each year more than 1 400 Australian women are diagnosed with ovarian cancer and around 1 000 will die from the disease, equating to an average of four Australian women being diagnosed every day, and
   (iii) early detection of ovarian cancer is key, as when ovarian cancer is detected in the early stages, the majority of women will survive; and
(c) commends Ovarian Cancer Australia for the work that it has done in raising awareness of the signs and symptoms of ovarian cancer and to reduce its impact on Australians.

Question put and passed.

21 ENVIRONMENT—WESTERN AUSTRALIA—GREAT WHITE SHARKS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 112—That the Senate—

(a) notes that:

(i) the Minister for the Environment has granted an exemption to Western Australia, under section 158 of the Environment Protection and Biodiversity Conservation Act 1999 (the Act), from all of the provisions of Part 3 of the Act, to allow the setup of baited drum lines off the West Australian coast with the intent to catch and kill great white sharks, tiger sharks and bull sharks over 3 metres,

(ii) the Western Australian Government has broken its commitment to minimise the environmental impact of these drum lines by failing to reduce the chance of small shark by-catch,

(iii) there is a lack of public reporting by the Western Australian Government on the number of sharks and other marine life caught, killed or released, and

(iv) Communities and Surf Life Saving WA reports indicate that at least 36 sharks have been caught since the drum lines were set, 32 of which were smaller than 3 metres, contravening clause 17 of the exemption;

(b) condemns the Catch and Kill Shark Policy of the Western Australian Government; and

(c) calls on the Minister for the Environment to revoke the exemption of the drum lines given to the Western Australian Government under section 158 of the Act.

Question put and passed.

22 ADELAIDE AIRPORT CURFEW AMENDMENT (PROTECTING RESIDENTS’ AMENITY) BILL 2014

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 113—That the following bill be introduced:

A Bill for an Act to amend the Adelaide Airport Curfew Act 2000, and for related purposes.

Question put and passed.

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

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

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

23 **ENVIRONMENT—QUEENSLAND—GREAT BARRIER REEF COASTLINE**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 114—That the Senate—

(a) notes that:

(i) the World Heritage Committee has expressed extreme concern about industrialisation of the Great Barrier Reef coastline, as have Queensland fishers and tourism operators, and the broader Australian community,

(ii) the Federal and Queensland Governments are currently undertaking two strategic assessments which will decide how the Great Barrier Reef’s coast will be protected into the future, and

(iii) there has been a public submission process on the draft strategic assessments, however submissions have not been made public, denying the public the ability to scrutinise submissions made by experts and industry; and

(b) calls on the Federal Government to promptly publish all submissions received on the two Great Barrier Reef draft strategic assessments.

Question put and passed.

24 **SPORT—AUSTRALIAN WINTER OLYMPIC TEAM**

Senator Hanson-Young amended general business notice of motion no. 108 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate congratulates the members of the Australian Olympic team competing at the 2014 Sochi Winter Olympic Games who have shown their support for the lesbian, gay, bisexual, transgender and intersex community and expressed their deep concern for Russia’s discriminatory and homophobic laws.

Question put and passed.

25 **POSTPONEMENT**

Senator Hanson-Young, by leave, moved—That business of the Senate notice of motion no. 1 standing in her name for today, proposing a reference to the Legal and Constitutional Affairs References Committee, be postponed till 13 February 2014.

Question put and passed.
26 **INDUSTRY—SPC ARDMONA—REPORT ON GOVERNMENT ASSISTANCE—ORDER FOR PRODUCTION OF DOCUMENT**

Senator McEwen, at the request of Senator Carr and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 110—That there be laid on the table by the Minister representing the Minister for Industry, no later than Thursday, 13 February 2014, a copy of the report produced by the high-level panel, comprised of Ms Catherine Livingstone AO, Mr Richard (Dick) Warburton AO LVO and the Honourable Greg Combet AM, established in December 2013 to advise the Government on assistance to SPC Ardmona.

Question put and passed.

27 **IMMIGRATION—BORDER PROTECTION OPERATIONS—LIFEBOATS—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator McEwen, at the request of Senator Carr and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 109—That there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later than noon on Thursday, 13 February 2014, documents detailing the number and cost of the lifeboats purchased by the Australian Government for use in border protection operations, including the cost of any upgrades or alterations; the number of lifeboats remaining in the Australian Government’s possession; and details of the procurement process for these lifeboats in accordance with the Commonwealth Procurement Rules.

*Statement by leave:* The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

**AYES, 35**

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Question agreed to.
28 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, by leave and on behalf of the Joint Standing Committee on the National Capital and External Territories, moved—that the Joint Standing Committee on the National Capital and External Territories be authorised to hold a private meeting otherwise than in accordance with standing order 33(1), followed by a public meeting, during the sitting of the Senate on Thursday, 13 February 2014, from 10 am to 11 am, to take evidence for the committee’s biannual review of the National Capital Authority.

Question put and passed.

29 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EMPLOYMENT—JOB LOSSES

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

The decisions of the Abbott Government that have led to the loss of more than 50,000 jobs in the past five months.

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


Senator Fawcett, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:


Senator Fawcett moved—that the Senate take note of the report.

Question put and passed.

31 PUBLICATIONS—STANDING COMMITTEE—2ND REPORT

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

PUBLICATIONS COMMITTEE
2ND REPORT

The Committee, having considered documents presented to the Parliament since 12 December 2013, recommends that the following be printed:

Australian Customs and Border Protection Service—Report for 2012-13—Correction.
Productivity Commission—Reports—
  No. 67—Safeguards inquiry into the import of processed fruit products, dated 12 December 2013.
  No. 68—Safeguards inquiry into the import of processed tomato products, dated 12 December 2013.
Royal Australian Mint—Report for 2012-13—Replacement page 64.

Senator McKenzie
Chair
12 February 2014.
Senator Bushby moved—That the report be adopted.
Question put and passed.

32 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT

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


33 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—REPORTS—77TH ANNUAL REPORT AND 1ST REPORT OF 2014

Senator Bushby, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:

Public Works—Joint Statutory Committee—
  77th annual report, dated February 2014.
  1st report of 2014—Referrals made December 2013: Proposed integrated fit-out of new leased premises for the Australian Taxation Office at the site known as Site 5 and 6, the Revitalised Dandenong Project, Dandenong, dated February 2014.

Senator Bushby moved—That the Senate take note of the reports.
Debate ensued.
Question put and passed.
34 SCRUTINY OF BILLS—STANDING COMMITTEE—1ST REPORT AND ALERT DIGEST NO. 1 OF 2014
Senator Bilyk, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

Scrutiny of Bills—Standing Committee—
Alert Digest No. 1 of 2014, dated 12 February 2014.

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

35 INDIGENOUS AUSTRALIANS—CLOSING THE GAP—MINISTERIAL STATEMENT—DOCUMENTS
The Minister for Indigenous Affairs (Senator Scullion) tabled the following documents:

Indigenous Australians—Closing the gap—
Ministerial statement by the Prime Minister (Mr Abbott), dated 12 February 2014.
Prime Minister’s report 2014—Closing the gap.

Senator Scullion, by leave, moved—That the time for the consideration of the documents today not exceed 60 minutes.

Question put and passed.

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

Debate ensued.

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

Indigenous Australians—Closing the gap—Progress and priorities report 2014—Close the Gap Campaign Steering Committee.

Debate continued.

Time expired: Pursuant to order, the time for the consideration of the documents reached the limit of 60 minutes.

Debate adjourned till the next day of sitting.

36 AUDITOR-GENERAL—AUDIT REPORT NO. 19 OF 2013-14—DOCUMENT
The Acting Deputy President (Senator Gallacher) tabled the following document:

Auditor-General—Performance audit—Audit report no. 19 of 2013-14—
Management of complaints and other feedback: Australian Taxation Office.

37 ODGERS’ AUSTRALIAN SENATE PRACTICE—13TH EDITION (SUPPLEMENT)—DOCUMENT
The Acting Deputy President (Senator Gallacher) tabled the following document:

Odgers’ Australian Senate Practice—13th edition (Supplement)—Updates to 31 December 2013.
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.]

Commissioner of Taxation—Public Rulings—
Class Ruling CR 2014/15.
Goods and Services Tax Determination GSTD 2014/2.
Product Ruling—Addendum—PR 2013/16.

Migration Act 1958—
Statements under section 46A—1 July to 31 December 2013 [15].
Statements under section 48B—1 July to 31 December 2013 [2].
Statements under section 91L—1 July to 31 December 2013 [6].
Statements under section 91Q—1 July to 31 December 2013 [9].
Statements under section 195A—1 July to 31 December 2013 [73].
Statements under section 198AE—1 July to 31 December 2013 [7].
Statements under section 351—1 July to 31 December 2013 [67].
Statements under section 417—1 July to 31 December 2013 [69].


Departmental and agency contracts for 2013—Letter of advice—Communications portfolio.

Departmental and agency appointments and vacancies—Additional estimates—Letters of advice—
Attorney-General’s portfolio.
Foreign Affairs and Trade portfolio.
41 COMMITTEE MEMBERSHIP

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

The Assistant Treasurer (Senator Sinodinos), by leave, moved—That Senator Seselja replace Senator Bernardi on the Finance and Public Administration Legislation Committee for the consideration of the 2013-14 additional estimates on Friday, 28 February 2014.

Question put and passed.

A message from the House of Representatives was reported informing the Senate of the appointment of a member of the House of Representatives to the Joint Select Committee on Northern Australia, as follows:

Message no. 63, dated 11 February 2014—Ms ML Landry, participating member.

42 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2013
MIGRATION AMENDMENT BILL 2013
PRIVATE HEALTH INSURANCE LEGISLATION AMENDMENT BILL 2013
THERAPEUTIC GOODS AMENDMENT (2013 MEASURES NO. 1) BILL 2013
VETERANS’ AFFAIRS LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2013

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

Message no. 61, dated 11 February 2014—A Bill for an Act to amend the Education Services for Overseas Students Act 2000, and for related purposes.

Message no. 65, dated 12 February 2014—A Bill for an Act to amend the Migration Act 1958, and for related purposes.

Message no. 66, dated 12 February 2014—A Bill for an Act to amend the law relating to private health insurance, and for related purposes.


Message no. 64, dated 12 February 2014—A Bill for an Act to amend the law relating to veterans’ affairs and military rehabilitation and compensation, and for other purposes.

The Assistant Treasurer (Senator Sinodinos) 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 Sinodinos moved—That these bills be now read a second time.

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

Consideration of legislation: Senator Sinodinos moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.
43 **Environment and Communications Legislation Committee—Report—Parliamentary Proceedings Broadcasting Amendment Bill 2013**

Pursuant to order, Senator McKenzie, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams), tabled the following report and document:


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

44 **Environment and Communications Legislation Committee—Report—Environment Legislation Amendment Bill 2013**

Pursuant to order, Senator McKenzie, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams), tabled the following report and documents:


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

45 **Legal and Constitutional Affairs Legislation Committee—Report—Migration Amendment Bill 2013**

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


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

46 **Climate Change Authority (Abolition) Bill 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time—*and on the amendment moved by Senator Pratt (see entry no. 3).*

Debate resumed.

*At 6.50 pm:* Debate was interrupted while Senator Rhiannon was speaking.

47 **Government Documents—Consideration**

The following government document tabled earlier today (see entry no. 2) was considered:

Mid-year economic and fiscal outlook—2013-14—Statement by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann). Motion to take note of document moved by Senator Ludwig. Debate adjourned till Thursday at general business, Senator Ludwig in continuation.
48 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.31 pm till Thursday, 13 February 2014 at 9.30 am.

49 ATTENDANCE

Present, all senators except Senator Tillem (on leave).

ROSEMARY LAING
Clerk of the Senate