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1 **MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

- Australian Communications and Media Authority (ACMA)—National Relay Service provider performance—Report for 2011-12.
- Australian Fisheries Management Authority—Report for 2011-12.

3 **CONSIDERATION OF LEGISLATION**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) amended government business notice of motion no. 1 by leave and, pursuant to notice, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Australian Capital Territory (Self-Government) Amendment Bill 2013
- Export Finance and Insurance Corporation Amendment (Finance) Bill 2013
- Export Market Development Grants Amendment Bill 2013
- Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013
- Royal Commissions Amendment Bill 2013.

Question put and passed.

4 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Royal Commissions Amendment Bill 2013.

Question put and passed.

5 **ROYAL COMMISSIONS AMENDMENT BILL 2013**

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.
The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Parliamentary Secretary for Sustainability and Urban Water (Senator Farrell) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Schedule 1, page 3 (before line 3), before item 1 (before the heading relating to the Royal Commissions Act 1902), insert:

**Freedom of Information Act 1982**

1A After subsection 7(2D)

Insert:

(2E) A Minister and an agency are exempt from the operation of this Act in relation to the following documents:

(a) a document that has originated with, or has been received from, the Child Sexual Abuse Royal Commission (within the meaning of Part 4 of the Royal Commissions Act 1902) and:

(i) that contains information obtained at a private session (within the meaning of that Part); or

(ii) that relates to a private session and identifies a natural person who appeared at a private session;

(b) a document that contains a summary of, or an extract or information from, a private session.

Schedule 1, item 30, page 7 (after line 24), after the heading to Part 4, insert:

**Division 1—Definitions**

Schedule 1, item 30, page 8 (after line 3), after section 6OA, insert:

**Division 2—Private sessions**

Schedule 1, item 30, page 8 (line 15), omit “section 6OD”, substitute “Division 3”.

Schedule 1, item 30, page 9 (line 27) to page 10 (line 23), omit section 6OD.

Schedule 1, item 30, page 11 (after line 10), at the end of Part 4, add:

**Division 3—Privacy of private sessions**

6OG Privacy of private sessions

A private session must be held in private, and only persons who are authorised by a member of the Child Sexual Abuse Royal Commission holding the private session may be present during the private session.
6OH Offence for unauthorised use or disclosure of information given at a private session

A person commits an offence if:
(a) the person obtains information:
   (i) at a private session; or
   (ii) that was given at a private session; and
(b) the person makes a record of, uses or discloses the information; and
(c) none of the following applies:
   (i) the record, use or disclosure is for the purposes of performing functions or duties or exercising powers in relation to the Child Sexual Abuse Royal Commission;
   (ii) the person is authorised to make the record of, or use, disclose or publish, the information in accordance with section 6OJ (inclusion of information in reports and recommendations), 6P (Commission may communicate information) or 9 (custody and use of records of Commission);
   (iii) the person gave the information at the private session;
   (iv) the person makes the record of, uses or discloses the information with the consent of the person who gave the information at the private session.

Penalty: 20 penalty units or imprisonment for 12 months or both.

Note: For a defence to this offence, see section 6OK.

6OJ Inclusion of information in reports and recommendations

Information that relates to a natural person that has been obtained at a private session may be included in a report or recommendation of the Child Sexual Abuse Royal Commission only if:
(a) the information is also given as evidence to the Commission or under a summons, requirement or notice under section 2; or
(b) the information is de-identified.

6OK Defence for disclosure to person who provided the information

Section 6OH does not apply to a disclosure of information to the person who gave the information at a private session.

Note: A defendant bears an evidential burden in relation to the matter in this section (see subsection 13.3(3) of the Criminal Code).

6OL No other exceptions under other laws

(1) A provision of a law of the Commonwealth, a State or a Territory has no effect to the extent that it would otherwise require or authorise a person to make a record of, use or disclose information obtained at a private session if the record, use or disclosure:
   (a) would contravene a provision of this Division; or
   (b) would not be permitted by a provision of this Division.

(2) Subsection (1) has effect whether the provision concerned is made before or after the commencement of this section.
6OM Relationship with the Archives Act 1983

(1) For the purposes of the Archives Act 1983, a record:
   (a) that contains information obtained at a private session; or
   (b) that relates to a private session and identifies a natural person
       who appeared at a private session;

   is in the open access period on and after 1 January in the year that is
   99 years after the calendar year that the record came into existence.

(2) To avoid doubt, subsection (1) applies in relation to a record even if
the record came into existence after the private session.

(3) Subsection 3(7) and section 56 of the Archives Act 1983 do not apply
    to a record referred to in subsection (1).

Schedule 1, page 11 (after line 14), after item 31, insert:

31A After subsection 6P(2B)

   Insert:

   (2C) A person who obtains information, evidence, a document or a thing in
        accordance with this section may (subject to sections 6DD and 6OE)
        make a record of, use or disclose the information, evidence, document
        or thing for the purposes of performing his or her functions or
        exercising his or her powers.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Farrell the report from the committee was adopted and the
bill read a third time.

6 National Disability Insurance Scheme Bill 2013

Order of the day read for the adjourned debate on the motion of the Parliamentary
Secretary for School Education and Workplace Relations (Senator Collins)—That this
bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator McKenzie was speaking.

7 Questions

Questions without notice were answered.

8 Motion to Take Note of Answers

The Leader of The Nationals in the Senate (Senator Joyce) moved—That the Senate
take note of the answers given by the Minister for Broadband, Communications and
the Digital Economy (Senator Conroy) to questions without notice asked by Senators
McKenzie, Smith and Birmingham today relating to proposed media legislation and to
the National Broadband Network.

Debate ensued.

Question put and passed.
NOTICES

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That, on Thursday, 21 March 2013:

(a) the hours of meeting shall be 9.30 am to adjournment; and
(b) the routine of business shall be:

(i) general business orders of the day for consideration of bills only for up to 2 hours and 20 minutes,
(ii) non-controversial government business only,
(iii) petitions,
(iv) notices of motion,
(v) tabling of Selection of Bills Committee report,
(vi) postponement and rearrangement of business,
(vii) consideration of reports under standing order 62(4),
(viii) consideration of the business before the Senate shall be interrupted at 12.30 pm to enable a motion relating to the National Apology for Forced Adoptions to be moved,
(ix) at 2 pm, questions,
(x) motions to take note of answers,
(xi) further consideration of business referred to in paragraphs (ii) to (vi), if not concluded,
(xii) formal motions – discovery of formal business,
(xiii) divisions may take place after 4.30 pm,
(xiv) any proposal pursuant to standing order 75 shall not be proceeded with,
(xv) from not later than 4 pm to 5 pm, statements relating to the imminent retirement of Senator Evans,
(xvi) from not later than 5 pm to 6 pm, consideration of government business,
(xvii) from not later than 6 pm to 6.30 pm, consideration of government documents,
(xviii) from not later than 6.30 pm to 7 pm, consideration of committee reports, government responses and Auditor-General’s reports,
(xix) consideration of general business under standing order 57(1)(d)(xi) shall not be proceeded with,
(xx) the question for the adjournment of the Senate shall be proposed at 7 pm or after the conclusion of business listed in paragraphs (xvii) and (xviii), whichever is the earlier, and
(xxi) the time limit for the adjournment shall be 40 minutes.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Tax Laws Amendment (2012 Measures No. 6) Bill 2012, allowing it to be considered during this period of sittings. (statement of reasons for introduction and passage of the bill in the 2013 autumn sittings tabled on 18 March 2013 (see entry no. 10, 18 March 2013))
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That, on Wednesday, 20 March 2013:

(a) the hours of meeting shall be 9.30 am to adjournment;

(b) the following government business orders of the day shall have precedence over all other business:

Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013
Television Licence Fees Amendment Bill 2013
Broadcasting Legislation Amendment (News Media Diversity) Bill 2013
News Media (Self-regulation) Bill 2013
News Media (Self-regulation) (Consequential Amendments) Bill 2013
Public Interest Media Advocate Bill 2013,
National Disability Insurance Scheme Bill 2013;

(c) the bills listed in paragraph (b) be considered under a limitation of time, and that the time allotted be as follows:

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<td>Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 and related bills</td>
<td>commencing immediately to 2 pm and from not later than 4 pm to 6.15 pm—all remaining stages</td>
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<tr>
<td>National Disability Insurance Scheme Bill 2013</td>
<td>commencing immediately after the preceding item to 7.30 pm—all remaining stages</td>
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and this paragraph shall operate as a limitation of debate under standing order 142;

(d) consideration of matters of public interest not occur at 12.45 pm;

(e) divisions may take place between 12.45 pm and 2 pm;

(f) any proposal pursuant to standing order 75 shall not be proceeded with;

(g) consideration of government documents shall not be proceeded with; and

(h) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister.

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

(a) notes that:

(i) the Education, Employment and Workplace Relations References Committee tabled its report, *Higher education and skills training to support agriculture and agribusiness in Australia*, on 21 June 2012 with the support of the Australian Greens and without dissent of the Labor senators,

(ii) eleven recommendations were made relating to:

(A) encouraging a greater understanding by children and teachers in metropolitan and regional centres of the importance of agriculture to our community,

(B) cost effective delivery of post-secondary skills and higher education in Australia,

(C) options for more effective collaboration between institutions and their relationships with federal, state and other providers,
the decline in public investment in research and development in agricultural activity, its association with productivity in the sector and the reduced emphasis on agricultural extension, and

the establishment of a national peak industry representative body for agricultural production and agribusiness sectors, and

(iii) the Government failed to respond to the report by the required date of 23 September 2012, being 3 months from the tabling of the report, in accordance with continuing resolution 42(1), and has still not responded some 6 months after the due date to respond; and

(b) calls on the Government to:

(i) apologise to the Senate and the agricultural community for its failure to respond in the timeframe required under the resolution, and

(ii) respond to the report and its recommendations without delay. (general business notice of motion no. 1199)

Senator Xenophon: 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 3 June 2013:

The current framework and operation of subclass 457 visas, Enterprise Migration Agreements and Regional Migration Agreements, including:

(a) their effectiveness in filling areas of identified skill shortages and the extent to which they may result in a decline in Australia’s national training effort, with particular reference to apprenticeship commencements;

(b) their accessibility and the criteria against which applications are assessed, including whether stringent labour market testing can or should be applied to the application process;

(c) the process of listing occupations on the Consolidated Sponsored Occupations List, and the monitoring of such processes and the adequacy or otherwise of departmental oversight and enforcement of agreements and undertakings entered into by sponsors;

(d) the process of granting such visas and the monitoring of these processes, including the transparency and rigour of the processes;

(e) the adequacy of the tests that apply to the granting of these visas and their impact on local employment opportunities;

(f) the economic benefits of such agreements and the economic and social impact of such agreements;

(g) whether better long-term forecasting of workforce needs, and the associated skills training required, would reduce the extent of the current reliance on such visas;

(h) the capacity of the system to ensure the enforcement of workplace rights, including occupational health and safety laws and workers’ compensation rights;

(i) the role of employment agencies involved in on-hiring subclass 457 visa holders and the contractual obligations placed on subclass 457 visa holders;

(j) the impact of the recent changes announced by the Government on the above points; and

(k) any related matters.
Senator Wright: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) about 70 000 Australian Defence Force and Australian Federal Police personnel have been deployed on over 60 peacekeeping operations throughout the world, significantly contributing to international peace and security, and
   (ii) more than 40 000 people signed a community petition calling for the 48 Australian peacekeepers who have died in service to receive equal recognition and be placed on the Roll of Honour at the Australian War Memorial; and
(b) commends:
   (i) the Australian War Memorial Council’s decision to recognise peacekeepers on the Roll of Honour; and
   (ii) the tireless work of advocates, including Mrs Avril Clark, Ms Sarah McCarthy and the Australian Peacekeeper and Peacemaker Veterans’ Association for their work on this matter. (general business notice of motion no. 1200)

Senator Rhiannon: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) a spokesperson for the Minister for Infrastructure and Transport was quoted on 16 March 2013 as saying that the level of particulate matter emitted by coal trains was ‘not statistically significantly different to passenger trains’;
   (ii) the Australian Rail Track Corporation (ARTC), a wholly government-owned corporation, commissioned a Rail Corridor Air Quality Monitoring Study, ‘Pollution Reduction Program 4 – Particulate Emissions from Coal Trains’ released in September 2012, which assessed the levels of particulate pollution on the Hunter rail corridor at Mayfield and Metford and concluded that ‘concentrations coinciding with loaded and unloaded coal train passes are statistically higher for PM10 than concentrations recorded during passenger train passes’ and that, ‘the PM2.5 concentrations that were recorded to coincide with freight, unloaded coal and loaded coal are statistically higher than concentrations recorded during passenger train passes’,
   (iii) the ARTC earmarked $3.525 billion to spend on upgrading the Hunter coal rail network in its ‘Hunter Valley Corridor 2012-2021 Capacity Strategy’, released June 2012, and
   (iv) there is a high level of concern about the health impacts of coal rail dust along frequently-used coal rail lines, such as communities along the Hunter Valley and Brisbane coal rail lines;
(b) acknowledges the inconsistency between the spokesperson’s comments that the difference between particulate emissions from coal and passenger trains is not statistically significant and the findings of the ARTC-commissioned particulate emissions study; and
(c) requests that the Minister for Infrastructure and Transport (Mr Albanese) correct the comments or provide evidence to the Senate that proves the difference between particulate emissions from coal and passenger trains is not statistically significant. (general business notice of motion no. 1201)
Senator Waters: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for related purposes. *Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013*. (general business notice of motion no. 1202)

Senators Madigan and Xenophon: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) the Department of Immigration and Citizenship last published its monthly statistics regarding the number of people, including children, being held in detention in Australia on 31 December 2012,
   (ii) those statistics stated that 59.8 per cent of children and unaccompanied minors were held in closed detention, and
   (iii) in a joint media release and press conference held by the Minister for Immigration and Citizenship and the Prime Minister on 18 October 2010 they acknowledged that protracted detention can have negative impacts on children’s development and mental health, and stated that the majority of children would be moved to community detention by June 2011; and
(b) calls on the Minister representing the Minister for Immigration and Citizenship to:
   (i) explain the department’s high December figure of 59.8 per cent of children held in closed detention,
   (ii) explain the delay in publishing detention figures since 31 December 2012, and
   (iii) lay on the table by noon on Thursday, 21 March 2013 documents from the Department of Immigration and Citizenship detailing the total number of people and the total number of children held in detention centres. (general business notice of motion no. 1203)

Senator Siewert: To move on the next day of sitting—That there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, by noon on Monday, 8 May 2013, the final report of the review of the Commonwealth fisheries management legislation undertaken by Mr David Borthwick. (general business notice of motion no. 1204)

10 **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Brown, by leave and on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, moved—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question put and passed.

11 **LEAVE OF ABSENCE**

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

Question put and passed.
12 POSTPONEMENTS
The following items of business were postponed:

General business notice of motion no. 1188 standing in the name of Senator Whish-Wilson for today, proposing the introduction of the Mutual Recognition Amendment (Northern Territory Beverage Containers and Plastic Bags) Bill 2013, postponed till 15 May 2013.

General business notice of motion no. 1195 standing in the name of Senator Hanson-Young for 20 March 2013, relating to funding for local sporting clubs, postponed till 21 March 2013.

General business notice of motion no. 1197 standing in the name of Senator Hanson-Young for today, relating to the Independent Snowy Scientific Committee, postponed till 20 March 2013.

13 LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Nash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1191—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 20 March 2013, from 1 pm.

Question put and passed.

14 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, at the request of Senator Urquhart and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1192—That the Parliamentary Standing Committee on Public Works be authorised to hold a public meeting during the sitting of the Senate on Thursday, 21 March 2013, from 5 pm, followed by an in camera hearing, to take evidence for the committee’s inquiry into the Sydney Commonwealth Parliamentary Offices.

Question put and passed.

15 FOREIGN AFFAIRS—ROMAN CATHOLIC PONTIFF
The Leader of The Nationals in the Senate (Senator Joyce), also on behalf of the Leader of the Opposition in the Senate (Senator Abetz) and Senators Brandis, Fierravanti-Wells, Stephens, Madigan, Back, Williams, Heffernan, Ryan, Cormann, Mason, Cash, Boswell, Bernardi and Humphries, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1193—That the Senate—

(a) congratulates Argentine Cardinal Jorge Mario Bergoglio SJ on his election as the 266th Roman Catholic pontiff;

(b) notes that Pope Francis is the first Jesuit Pope, and not only is the first Pope from South America but the first Pope from outside Europe in over 1 000 years; and
(c) acknowledges Pope Francis’ very strong commitment to social justice, as exemplified by his decision to choose his papal name in honour of St. Francis of Assisi.

Statement by leave: Senator Joyce, by leave, made a statement relating to the motion. Question put and passed.

16 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE

The Leader of the Australian Greens (Senator Milne) amended business of the Senate notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the findings of the Auditor-General’s audit report no. 26 of 2007-08, Performance Audit Tasmanian forest industry development and assistance programs, and the Auditor-General’s audit report no. 22 of 2012-13, Administration of the Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Program, be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 6 May 2013.

Question put and passed.

Statements by leave: Senators Colbeck and Milne, by leave, made statements relating to the motion.

17 HEALTH INSURANCE AMENDMENT (MEDICARE FUNDING FOR CERTAIN TYPES OF ABORTION) BILL 2013

Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1147—That the following bill be introduced:

A Bill for an Act to amend the Health Insurance Act 1973, and for related purposes.

Question put and passed.

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

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

Debate adjourned till the next day of sitting, Senator Madigan in continuation.
18 **DEFENCE—IRAQ—PARLIAMENTARY APPROVAL OF OVERSEAS SERVICE**

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1189—
That the Senate—

(a) notes that:

(i) it is 10 years since the United States of America (US) led the invasion of Iraq,

(ii) the British non-government organisation, Iraq Body Count, estimates about 162,000 people, almost 80 per cent of them civilians, were killed in Iraq from the start of the 2003 US-led invasion, up to the withdrawal of American forces in 2012, and

(iii) in sending Australian troops to Iraq in 2003, the Howard Government was the first government in Australia’s history to go to war without the support of both Houses of Parliament; and

(b) calls on the Government and the Opposition to:

(i) support the Australian Greens’ Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2010 [No. 2] which would require parliamentary approval of overseas service by members of the Australian Defence Force, and

(ii) support an independent inquiry into the reasons behind Australia’s participation in the invasion.

Question put.

The Senate divided—

**AYES, 10**

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Question negatived.
19 **LAW AND JUSTICE—PUBLIC INTEREST DISCLOSURE LEGISLATION**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1190—That the Senate—

(a) notes:
   (i) the resolution of the Senate of 22 November 2012, that the Government was to fulfil its 2007 election commitment and introduce a public interest disclosure bill into the Parliament in the first sitting week of 2013, and
   (ii) that this resolution has not been complied with and, to date, there is still no listing of the public interest disclosure bill; and

(b) calls on the Government to:
   (i) provide an explanation as to whether it will deliver on its 2007 election commitment, and
   (ii) introduce legislation within the current Parliament that would comprehensively protect whistle-blowers across the entire government sector.

Question put.

The Senate divided—

**AYES, 11**

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**NOES, 37**

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Question negatived.

20 **ENVIRONMENT—CAPE YORK PENINSULA—QUINKAN ROCK ART GALLERIES**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1194—That the Senate—

(a) notes that:
   (i) Cape York’s Quinkan region is home to rock art galleries and cultural sites of great cultural significance, with some sites dated to 30 000 years old,
   (ii) much of this art and cultural heritage is not adequately protected and is open to mining exploration activities, and
(iii) the traditional owners of the Quinkan region want the Quinkan rock art galleries and surrounding cultural landscapes fully protected from mining exploration and other destructive activities, and support its inclusion in a World Heritage nomination for Cape York Peninsula; and

(b) calls on:
   (i) the Queensland Government to refuse any mining exploration in the Quinkan rock art galleries until the area is declared a World Heritage Area, and
   (ii) the Federal Government to step in to protect the Quinkan rock art galleries and surrounding cultural landscapes from all mining activities, until the area is declared a World Heritage Area in accordance with the wishes of the traditional owners.

Question put.
The Senate divided—

AYES, 9

Senators—

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

NOES, 37

Senators—

Bilyk  Evans  Marshall  Smith
Bishop  Feeney  McEwen  Stephens
Brown  Fifield  McKenzie  Sterle
Bushby  Furner  Moore  Thistlethwaite
Carr, Kim  Gallacher  Parry  Thorp
Cash  Kroger (Teller)  Polley  Unquhart
Colbeck  Ludwig  Pratt  Williams
Collins  Lundy  Ruston
Crossin  Macdonald  Ryan
Eggleston  Madigan  Singh

Question negatived.

Statements by leave: Senator Waters, the Parliamentary Secretary to the Prime Minister (Senator McLucas) and Senator Macdonald, by leave, made statements relating to the motion.

21 ENVIRONMENT—WESTERN AUSTRALIA—JAMES PRICE POINT—HUMPBACK WHALES

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1198—That the Senate—

(a) notes that:

   (i) a recently released community survey of humpback whales recorded a minimum of 2,669 individual whales, including cow-calf pairs, passed within 8 km of the James Price Point shoreline, which exceeds the 1,000 whales that the Western Australian environmental assessment process estimated would pass, and
(ii) the research recorded that the whales engaged in resting, milling, playing and slow swimming behaviour close to shore, and that some humpback whales are born in the area and use it for vital first interactions; and

(b) calls for the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to:
   (i) commission more extensive and thorough research into the use of the James Price Point area by humpback whales so that the potential impact of the proposed gas hub development can be adequately assessed, and
   (ii) examine the Browse gas hub proposal in light of its impact on humpback whales.

Question put and negatived.

22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—REGIONAL AUSTRALIA—NORTHERN AUSTRALIA—SUSTAINABLE DEVELOPMENT
The Acting Deputy President (Senator Bernardi) informed the Senate that, at 8.30 am today, Senator Fifield and Senator Siewert had each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

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

The lack of any plan by the Gillard Government for the sustainable development of Northern Australia.

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

23 WOMEN—UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN—MINISTERIAL STATEMENT—DOCUMENT
The Parliamentary Secretary to the Prime Minister (Senator McLucas) tabled the following document:


Senator Cash, by leave, moved—That the Senate take note of the document.
Debate ensued.

Question put and passed.

24 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—NATIONAL DISABILITY INSURANCE SCHEME BILL 2012
Senator Polley, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following documents:

25 **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—AUSTRALIAN EDUCATION BILL 2012**

Senator Polley, at the request of the Chair of the Education, Employment and Workplace Relations Legislation Committee (Senator Marshall), tabled the following document:


26 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—DOCUMENT—NATIVE TITLE AMENDMENT BILL 2012**

Senator Polley, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following document:


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

27 **PUBLIC WORKS—JOINT STATUTORY COMMITTEE—76TH ANNUAL REPORT AND 1ST REPORT OF 2013**

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

Public Works—Joint Statutory Committee—

76th annual report, dated March 2013.

1st report of 2013—Referrals made May to November 2012: Extension of budget and timeline for the CSIRO Australian Square Kilometre Array Pathfinder (ASKAP) radio telescope project; The Australian Nuclear Science and Technology Organisation (ANSTO) Nuclear Medicine Project; Australian Federal Police proposed new forensic facility at Majura, ACT; The Australian War Memorial redevelopment of the First World War galleries; Proposed new National Archives Preservation Facility for the National Archives of Australia at Mitchell, ACT, dated March 2013.

28 **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—SUPERANNUATION LEGISLATION AMENDMENT (REFORM OF SELF MANAGED SUPERANNUATION FUNDS SUPERVISORY LEVY ARRANGEMENTS) BILL 2013**

Senator Bushby, on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, tabled the following report and documents:


Report ordered to be printed on the motion of Senator Bushby.
29 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REPORT—TAX AND SUPERANNUATION LAWS AMENDMENT (2013 MEASURES NO. 1) BILL 2013

Senator Bushby, on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, tabled the following report and documents:


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

30 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—REPORT—INTEGRITY COMMISSIONER—REPORT FOR 2011-12

The Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Cash) tabled the following report and document:


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

Senator Cash, by leave, moved—That the Senate take note of the report.

Question put and passed.

31 MIGRATION—JOINT STANDING COMMITTEE—REPORT—MIGRATION AND MULTICULTURALISM IN AUSTRALIA

Senator Singh, on behalf of the Joint Standing Committee on Migration, tabled the following report:


Senator Singh, by leave, moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.

32 DOCUMENTS

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Christmas Island Act—List of applied Western Australian Acts for the period 7 September 2012 to 8 March 2013.

Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 7 September 2012 to 8 March 2013.
Corporations Act—ASIC Class Order [CO 13/184] [F2013L00480].
Migration Act—Select Legislative Instrument 2013 No. 32—Migration Amendment Regulation 2013 (No. 1) [F2013L00486].
Patents Act, Trade Marks Act, Designs Act and Copyright Act—Select Legislative Instrument 2013 No. 31—Intellectual Property Legislation Amendment (Raising the Bar) Regulation 2013 (No. 1) [F2013L00479].
Superannuation (Financial Assistance Funding) Levy Act and Financial Institutions Supervisory Levies Collection Act—Select Legislative Instrument 2013 No. 29—Superannuation (Financial Assistance Funding) Levy and Collection Amendment Regulation 2013 (No. 1) [F2013L00488].

Governor-General’s Proclamations—Commencement of provisions of Acts—
Migration Legislation Amendment (Student Visas) Act 2012—Schedule 1—13 April 2013 [F2013L00485].
Public Service Amendment Act 2013—Schedules 1, 2, 3 and 4—1 July 2013 [F2013L00484].

33 TAX LAWS AMENDMENT (2012 MEASURES NO. 6) BILL 2012
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 603, dated 18 March 2013—A Bill for an Act to amend the law relating to taxation and superannuation, and for related purposes.
The Parliamentary Secretary for Defence (Senator Feeney) 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 Feeney 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.

34 CYBER SAFETY—JOINT SELECT COMMITTEE—VARIATION OF APPOINTMENT
A message from the House of Representatives was reported as follows:

Message no. 604, dated 19 March 2013—Agreeing to the Senate resolution varying the resolution of appointment of the Joint Select Committee on Cyber Safety.
35 **GOVERNOR-GENERAL’S MESSAGES—ASSENT TO LAWS**

Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

14 March 2013—Messages Nos—

8—
Financial Framework Legislation Amendment Act (No. 1) 2013 (Act No. 8, 2013)
Marine Safety (Domestic Commercial Vessel) National Law Amendment Act 2013 (Act No. 9, 2013)

9—


36 **LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2012-13**

Pursuant to order, Senator Polley, at the request of the chairs of the respective committees, tabled the following reports, dated March 2013 and documents:

Additional estimates 2012-13—

Community Affairs Legislation Committee—Report, Hansard record of proceedings and additional information.
Economics Legislation Committee—Report and additional information.
Education, Employment and Workplace Relations Legislation Committee—Report and Hansard record of proceedings.
Environment and Communications Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
Finance and Public Administration Legislation Committee—Report, Hansard record of proceedings and additional information.
Foreign Affairs, Defence and Trade Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
Legal and Constitutional Affairs Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.
Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings and additional information.

Reports ordered to be printed on the motion of Senator Polley.
37 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—FAMILY ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL 2013

Pursuant to order, Senator Polley, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following report and documents:


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

38 NATIONAL DISABILITY INSURANCE SCHEME BILL 2013

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That this bill be now read a second time.

Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Payne was speaking.

39 GOVERNMENT DOCUMENTS—CONSIDERATION

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


40 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.22 pm till Wednesday, 20 March 2013 at 9.30 am.

41 ATTENDANCE

Present, all senators except Senators Boyce*, Cameron and Bob Carr* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate