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1 **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

*Migration Act 1958—Section 486O—Assessment of detention arrangements—*
Personal identifiers: 796/12, 799/12, 810/12, 816 and 817/12, 828/12, 830 to 832/12, 838/12, 842 and 843/12, 849/12, 859/12, 861/12, 867/12, 870/12, 875 and 876/12, 947/12, 960/12, 968 and 969/12, 973/12, 983/12, 1012/12, 1020/12, 1041/12, 1045/12, 1053/12, 1055/12, 1057 to 1059/12, 1062/12, 1064/12, 1073 to 1100/12, 1106/12, 1118/12, 1128/13 and 1149/13—

Commonwealth Ombudsman’s reports.

Government response to Ombudsman’s reports, dated 14 March 2013.

Snowy Hydro Limited—Financial report for the period 3 July 2011 to 30 June 2012.

3 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—PROPOSED LEAVE TO MEET DURING SITTING**

*Leave refused:* Senator McEwen sought leave to move a motion to authorise the Environment and Communications Legislation Committee and the Rural and Regional Affairs and Transport References Committee to meet during the sitting of the Senate today.

An objection was raised and leave was not granted.

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 government business order of the day no. 1 (National Disability Insurance Scheme Bill 2013).

Question put and passed.

5 **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.

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 to the Prime Minister (Senator McLucas) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.

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

Clause 3, page 4 (lines 5 to 7), omit paragraph (1)(a), substitute:
(a) in conjunction with other laws, give effect to Australia’s obligations under the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006 ([2008] ATS 12); and

Clause 3, page 4 (line 28), at the end of subclause (1), add:
; and (i) in conjunction with other laws, give effect to certain obligations that Australia has as a party to:
(i) the International Covenant on Civil and Political Rights done at New York on 16 December 1966 ([1980] ATS 23); and
(ii) the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966 ([1976] ATS 5); and
(iii) the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4); and
(iv) the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979 ([1983] ATS 9); and

Note: In 2013, the text of a Convention or Covenant in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Clause 4, page 6 (after line 19), after subclause (12), insert:
(13) The role of advocacy in representing the interests of people with disability is to be acknowledged and respected, recognising that advocacy supports people with disability by:
(a) promoting their independence and social and economic participation; and
(b) promoting choice and control in the pursuit of their goals and the planning and delivery of their supports; and
(c) maximising independent lifestyles of people with disability and their full inclusion in the mainstream community.

Clause 4, page 6 (line 20), omit “(13)”, substitute “(14)”.  
Clause 4, page 6 (line 24), omit “(14)”, substitute “(15)”.
Clause 4, page 6 (line 27), omit “(14A)”, substitute “(16)”.
Clause 4, page 6 (line 29), omit “(15)”, substitute “(17)”.
Clause 5, page 7 (line 18), after “circumstances”, insert “, and the gender,”.
Clause 9, page 12 (lines 7 to 13), omit the definition of Convention on the Rights of Persons with Disabilities
Clause 26, page 29 (lines 13 to 16), omit subparagraph (1)(b)(ii), substitute:
(ii) undergo, whether or not at a particular place, a medical, psychiatric, psychological or other examination, conducted by an appropriately qualified person, and provide to the CEO the report, in the approved form, of the person who conducts the examination.
Clause 36, page 40 (lines 23 to 26), omit subparagraph (2)(b)(ii), substitute:
(ii) undergo, whether or not at a particular place, a medical, psychiatric, psychological or other examination, conducted by an appropriately qualified person, and provide to the CEO the report, in the approved form, of the person who conducts the examination.
Clause 50, page 49 (lines 1 to 4), omit subparagraph (2)(b)(ii), substitute:
(ii) undergo, whether or not at a particular place, a medical, psychiatric, psychological or other examination, conducted by an appropriately qualified person, and provide to the CEO the report, in the approved form, of the person who conducts the examination.
Clause 73, page 64 (line 4), at the end of subclause (1), add:
; and (d) processes to deal with conflicts of interest, or perceived conflicts of interest.
Clause 73, page 64 (after line 19), after paragraph (2)(d), insert:
(da) obligations relating to dealing with conflicts of interest, or perceived conflicts of interest; and
Clause 85, page 75 (lines 9 and 10), omit “a medical, psychiatric or psychological”.
Clause 147, page 119 (lines 8 to 26), omit subclause (5), substitute:
Membership requirements
(5) In appointing the members of the Advisory Council, the Minister must:
(a) have regard to the desirability of the membership of the Advisory Council reflecting the diversity of people with disability; and
(b) ensure that all members are persons with skills, experience or knowledge that will help the Advisory Council perform its function; and
(c) ensure that:
(i) a majority of the members are people with disability; and
(ii) at least 2 of the members are carers of people with disability; and
(iii) at least one of the members is a person who has skills, experience or knowledge in relation to disability in rural or regional areas; and
(iv) at least one of the members is a person who has skills, experience or knowledge in the supply of equipment, or the provision of services, to people with disability.

Note: A particular member may meet one or more of the conditions in subparagraphs (5)(c)(ii), (iii) and (iv).

On the motion of Senator Siewert the following amendment was debated and agreed to:

Clause 3, page 5 (line 9), at the end of subclause (3), add:
; and (d) the provision of services by other agencies, Departments or organisations and the need for interaction between the provision of mainstream services and the provision of supports under the National Disability Insurance Scheme.

Senator Xenophon moved the following amendment:

Clause 4, page 5 (after line 23), after subclause (5), insert:

(5A) People with disability have a right to access independent disability advocacy support to promote, protect and ensure their full and equal enjoyment of all human rights and to enable them to participate fully in the community.

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

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

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), by leave, moved—That the Rural and Regional Affairs and Transport References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.50 pm.

Question put and passed.

7 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

At 2 pm—

8 QUESTIONS

Questions without notice were answered.

9 MOTION TO TAKE NOTE OF ANSWERS

Senator Brandis moved—That the Senate take note of the answers given by ministers to all questions without notice asked today.

Debate ensued.

Question put and passed.
10 NOTICES

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the time for the presentation of the report of the Community Affairs References Committee on the impacts on health of air quality be extended to 26 June 2013. (general business notice of motion no. 1205)

Senator Ludlam: To move on the next day of sitting—That the Senate—
(a) notes that the question of Western Sahara remains unresolved;
(b) expresses its strong support for the right to self-determination of the Sahrawi people, in accordance with the relevant United Nations (UN) resolutions;
(c) expresses its deep concern at the continued violations of human rights in Western Sahara; and
(d) calls on the Government to:
   (i) play an active and positive role at the UN Security Council to encourage a speedy and just solution to the issue of Western Sahara, including the release of all Sahrawi political prisoners,
   (ii) do all it can to encourage the protection of the fundamental rights of the people of Western Sahara, including freedom of association, freedom of expression and the right to demonstrate, and
   (iii) urge the UN to fulfil its responsibility towards the right of the people of Western Sahara to self-determination and include human rights monitoring in the mandate of the United Nations Mission for the Referendum in Western Sahara. (general business notice of motion no. 1206)

The Minister for Multicultural Affairs (Senator Lundy): To move on the next day of sitting—That the Senate notes that:
(a) Harmony Day is celebrated throughout Australia on 21 March and is a significant day for Australians to celebrate the rich and vibrant cultural diversity of Australia;
(b) this day is also the United Nations International Day for the Elimination of Racial Discrimination;
(c) Harmony Day is about community participation, inclusiveness and respect – it is a day to reflect on our success as a multicultural nation, our strong social cohesion and the benefits of cultural diversity;
(d) the central message for Harmony Day is that everyone belongs, reinforcing the importance of inclusiveness to all Australians;
(e) in 2013, the theme for Harmony Day is ‘Many Stories – One Australia’;
(f) since Harmony Day began in 1999, 50 000 events have been celebrated across Australia and in 2013 over 2 000 events have been registered; and
(g) orange is the colour of Harmony Day and everyone is encouraged to wear something orange to show their support for multiculturalism and an inclusive Australia.

Senator Siewert: To move on the next day of sitting—That the Senate acknowledges that the current level of Newstart is too low. (general business notice of motion no. 1207)
Senator Smith: To move on the next day of sitting—That the Senate acknowledges:

(a) the valuable contribution that grandparents who take on the primary responsibility for raising their grandchildren make to the Australian community;

(b) that, while these grandparents take on these added responsibilities with great care and commitment, it can often lead to financial, physical and emotional hardship; and

(c) the announcement by the Western Australian State Government that it will introduce a Grandcarers Support Scheme which will provide financial assistance to those grandparents who care for their grandchildren full-time but do not receive financial support through the Department of Child Protection. (general business notice of motion no. 1208)

Senators McLucas, Fifield, Boyce and Siewert: To move on the next day of sitting—

That the Senate—

(a) notes that 21 March 2013 marks the 8th anniversary of World Down Syndrome Day and the second time that day has been acknowledged under the auspices of the United Nations (UN);

(b) recognises that Down syndrome is the most prevalent genetic cause of intellectual disability;

(c) acknowledges that barriers faced by people with Down syndrome can be overcome through the shared vision for an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens (National Disability Strategy 2010-2020);

(d) recognises that, through the Government’s Better Start for Children with Disability program, as at the end of February, 1325 children with Down syndrome have registered to receive up to $12,000 for early intervention;

(e) acknowledges the multi-partisan support for the National Disability Insurance Scheme, with the first stage of the scheme launching in a number of sites from 1 July which will give Australians with Down syndrome and other disabilities the opportunity to live fulfilling lives; and

(f) supports the celebration of UN World Down Syndrome Day by people with Down syndrome, their families, friends and carers, and the wider community. (general business notice of motion no. 1209)

Senators Siewert and Moore: To move on the next day of sitting—

That the Senate—

(a) notes that 21 March is National Close the Gap Day and that at least 900 community events are being held around the country, with an estimated 140,000 Australians expressing their support for continued investment to close the appalling gap in life expectancy between Aboriginal and Torres Strait Islander people and non-Indigenous Australians;

(b) affirms its commitment to the Close the Gap campaign Statement of Intent as the blueprint for action to close the health equality gap; and

(c) calls on the Government to continue:

(i) the funding of the National Partnership Agreement on Indigenous Health and to work with the states and territories to ensure that they commit to ongoing funding and continued transparency and accountability, and

(ii) to work in partnership with Aboriginal and Torres Strait Islander peoples and their representatives to continue to drive the development, implementation and monitoring of the National Aboriginal and Torres Strait Islander Health Plan. (general business notice of motion no. 1210)
Senators Madigan and Rhiannon: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the 22nd Session of the United Nations (UN) Human Rights Council will this week vote on a resolution, tabled by the United States of America (US), urging Sri Lanka to fulfil its public commitments, including the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,

(ii) the resolution expresses concern at the continuing reports of human rights violations in Sri Lanka, including enforced disappearances, extrajudicial killings, torture, and violations of various rights of freedom, as well as intimidation of, and reprisals against, human rights defenders, and discriminations on the basis of religion or belief,

(iii) the resolution has been co-sponsored by Austria, Canada, Croatia, Belgium, Denmark, Estonia, France, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Malta, Monaco, Montenegro, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, St Kitts and Nevis, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the US, and

(iv) the UN High Commissioner for Human Rights has called for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law in Sri Lanka; and

(b) calls on the Government to:

(i) add Australia to the list of co-sponsors of the resolution,

(ii) support efforts to secure the US-initiated resolution on Sri Lanka at the 22nd Session of the UN Human Rights Council, through the Australian permanent representative in Geneva, and

(iii) note that the US-initiated resolution on Sri Lanka would be strengthened by calling for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law in Sri Lanka. (general business notice of motion no. 1211)

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

(a) notes that:

(i) the Special Rapporteur of the United Nations (UN) on torture and other cruel, inhuman or degrading treatment or punishment has issued two reports detailing allegations of organ harvesting in China,

(ii) the UN and the Council of Europe are planning to introduce a new binding international treaty to prevent trafficking in organs, tissues and cells and have already issued protocols containing appropriate measures to combat the trafficking of human beings for organ removal, and

(iii) since the publication of the UN reports, the United States of America (US), from June 2011, has included on its online non-immigrant visa application Form DS-160 the question, ‘Have you ever been directly involved in the coercive transplantation of human organs or bodily tissues?’; and
(b) calls on the Government to:
   (i) support the UN and Council of Europe initiatives to oppose the practice of organ harvesting, and
   (ii) implement a policy, including a similar question to that used by the US in the appropriate forms for all applicants of Australian visas and for all arrivals to the country. (general business notice of motion no. 1212)

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

(a) notes that:
   (i) 24 March is World Tuberculosis Day,
   (ii) tuberculosis (TB) is a preventable and treatable disease claiming the lives of up to 1.4 million people every year, mostly in developing countries, and
   (iii) the World Health Organization (WHO) estimates most new TB cases in 2011 occurred in the south-east Asia region, which, combined with the Western Pacific region, accounted for 59 per cent of incident cases globally;

(b) recognises that:
   (i) investment in research and development funding for TB has stagnated over the past few years,
   (ii) in 2011 the WHO Global Plan to Stop TB suffered an estimated 68 per cent shortfall of the targeted $2 billion for TB research and development, equating to a shortfall of US$1.35 billion,
   (iii) the Global Fund to Fight AIDS, Tuberculosis and Malaria is a key international partnership providing critical basic services for many developing countries in the fight against TB, with more than two-thirds of international financing for TB services provided by the Global Fund, and
   (iv) the Australian Government has provided increasing support to the Global Fund since 2004, but has deferred payment of $11 million to the Global Fund in the current financial year; and

(c) calls on the Government to:
   (i) further expand and monitor results from its TB program in Papua New Guinea, and
   (ii) include the deferred payment of $11 million to the Global Fund in the 2013-14 Budget, and work with other donors to ensure the Global Fund receives an increased replenishment for the 2014 to 2016 period. (general business notice of motion no. 1213)

Senators Moore and Rhiannon: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) it is 2 years since violence erupted in Syria, an estimated 70 000 people have been killed and more than 1 million have sought refuge in neighbouring countries, with an estimated 2.5 million people displaced inside Syria and an estimated 4 million people requiring humanitarian assistance,
   (ii) Syria’s hospitals have been damaged with a third no longer functioning and there is a shortage of medicine,
(iii) food production throughout Syria has been dramatically curtailed and food prices have soared leaving many people unable to feed their families, and
(iv) despite the impeded humanitarian access the United Nations (UN) Office for the Coordination of Humanitarian Affairs has expressed concern that UN agencies expect to receive only half of the funding pledged; and
(b) welcomes Australia’s support of $41.5 million to date for the Syrian crisis. 

( general business notice of motion no. 1214)

Senator Thistlethwaite: To move on the next day of sitting—That the Senate—
(a) notes the strong work conducted by the Commonwealth Arts portfolio to promote the contribution live music makes to Australian communities; and
(b) acknowledges the work of campaigners reinvigorating the Australian live music scene. (general business notice of motion no. 1215)

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That the exposure draft of the Australian Jobs Bill 2013 be referred to the Economics Legislation Committee for inquiry and report by 14 May 2013.

Document: Senator Collins tabled the following document:

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Thursday, 21 March 2013. (general business notice of motion no. 1216)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Rural and Regional Affairs and Transport References Committee take evidence in Tasmania for its inquiry into the Auditor-General’s reports nos 26 of 2007-08 and 22 of 2012-13 in relation to the Tasmanian forest industry. (general business notice of motion no. 1217)

11 LEAVE OF ABSENCE
Senator McEwen, by leave, moved—that leave of absence be granted to the following senators for 21 March 2013:
(a) Senator Stephens, on account of parliamentary business; and
(b) Senator Brown, for personal reasons.
Question put and passed.

Senator Kroger, by leave, moved—that leave of absence be granted to Senator Boyce for 20 March and 21 March 2013, for personal reasons.
Question put and passed.
12 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 1201 standing in the name of Senator Rhiannon for today, relating to particulate emissions from coal and passenger trains, postponed till 21 March 2013.

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

Senator McEwen, 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 public meeting during the sitting of the Senate on Thursday, 21 March 2013, from 10 am, to take evidence for the committee’s inquiry into the statutory oversight of the Australian Securities and Investments Commission.

Question put and passed.

14 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—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.

Question put and passed.

15 FOREIGN AFFAIRS—TIBET

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1196—That the Senate notes the Australian Government’s efforts to urge Chinese authorities to:

(a) address the underlying causes of tension in Tibetan regions;

(b) end the use of harsh policies, such as increased surveillance and violent crack-downs, which have only exacerbated the security situation in Tibetan areas;

(c) lift restrictions on access to Tibetan regions, including for international media and diplomats; and

(d) resume substantive talks with the Dalai Lama’s representatives to prevent the situation deteriorating further.

Question put and passed.

16 DEFENCE—AUSTRALIAN PEACEKEEPERS

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1200—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.

Statements by leave: Senators Ronaldson and Wright, by leave, made statements relating to the motion.

Question put and passed.

17 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (GREAT BARRIER REEF) BILL 2013

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1202—That the following bill be introduced:

Question put and passed.
Senator Waters 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 Waters moved—that this bill be now read a second time.

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

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

18 Immigration—Detention Centres—Number of Detainees—Order for Production of Documents
Senator Madigan, also on behalf of Senator Xenophon, amended general business notice of motion no. 1203 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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, of the 2,043 children and unaccompanied minors in immigration detention facilities and alternative places of detention, 59.8 per cent were held in detention facilities, being immigration residential housing, immigration transit accommodation and alternative places of 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 the aforementioned detention facilities,
(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 detailing the total number of people held in detention facilities and the total number of children and unaccompanied minors held in the aforementioned detention facilities.

Question put and passed.
19 Primary Industries—Fisheries Management Legislation Review—Order for Production of Document

Senator Siewert amended general business notice of motion no. 1204 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that there be laid on the table by the Minister for Agriculture, Fisheries and Forestry, by noon on 8 May 2013, the report of the review of Commonwealth fisheries management legislation undertaken by Mr David Borthwick.

Question put and passed.

20 Education, Employment and Workplace Relations References Committee—Higher Education and Skills Training—Government’s Response

Senator Kroger, at the request of Senator Back, amended general business notice of motion no. 1199 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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,

(D) 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

(E) 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) explain their failure to respond in the timeframe required under the resolution, and

(ii) respond to the report and its recommendations without delay.

Question put and passed.
21 ENVIRONMENT—INDEPENDENT SNOWY SCIENTIFIC COMMITTEE

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1197—That the Senate—

(a) notes:
(i) with concern, the New South Wales Government’s intention to abolish the Independent Snowy Scientific Committee established under section 57 of the Snowy Hydro Corporatisation Act 1997 (NSW), and
(ii) that the Independent Snowy Scientific Committee was established with the purpose of maintaining political and scientific independence in conducting research and providing advice to the Minister in relation to Snowy catchments, Snowy Montane and the Snowy River; and

(b) calls on the New South Wales Government to reverse its decision and to reinstate and fully fund the Independent Snowy Scientific Committee and all its legislative functions.

Question put.
The Senate divided—

AYES, 10

Senators—

Di Natale
Hanson-Young
Ludlam

Milne
Rhiannon
Siewert (Teller)

Waters
Whish-Wilson
Wright

NOES, 38

Senators—

Bilyk
Birmingham
Bishop
Brown
Cameron
Cash
Crossin
Evans
Faulkner
Fawcett

Feeney
Fifield
Furner
Gallacher
Heffernan
Kroger (Teller)
Ludwig
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Madigan
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McEwen
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Moore
Nash
Parry
Polley
Pratt
Ruston
Ryan

Singh
Smith
Stephens
Thistlethwaite
Thorp
Urquhart
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Question negatived.

22 CONSIDERATION OF LEGISLATION

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—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.

Question put.
The Senate divided—

**AYES, 36**

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Question agreed to.

**23 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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) any proposal pursuant to standing order 75 shall not be proceeded with,
(xiv) from not later than 4 pm to 5 pm, statements relating to the imminent retirement of Senator Evans,

(xv) consideration of general business under standing order 57(1)(d)(xi) shall not be proceeded with,

(xvi) from not later than 5 pm to 6 pm, consideration of government documents under standing order 57(1)(d)(xii),

(xvii) from not later than 6 pm to 7 pm, consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1),

(xviii) the question for the adjournment of the Senate shall be proposed at 7 pm, and

(xix) the time limit for the adjournment shall be 40 minutes.

_Sentences by leave:_ Senators Collins and Fifield, by leave, made statements relating to the motion.

Question put and passed.

_Leave refused:_ Senator Collins sought leave to move a motion relating to the hours of meeting and routine of business for today and Thursday, 21 March 2013.

An objection was raised and leave was not granted.

_Suspension of standing orders:_ Senator Collins, at the request of the Leader of the Government in the Senate (Senator Conroy) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Conroy moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the hours of meeting and routine of business for today and Thursday, 21 March 2013.

Debate ensued.

Question put.

The Senate divided—

**AYES, 34**

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Question agreed to.
Senator Collins, at the request of Senator Conroy, moved—That a motion to vary the hours of meeting and routine of business for today and Thursday, 21 March 2013 may be moved immediately and have precedence over all other business today till determined.

Debate ensued.

Closure: Senator Collins moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

**AYES, 35**

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Question agreed to.

Main question put.

The Senate divided—

**AYES, 34**

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Senators—

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Cash
Colbeck
Cormann

Edward
Eggleston
Fawcett
Fifield
Humphries
Joyce
Kroger

Macdonald
Madigan
Mason
McKenzie
Nash
Payne

Ruston
Ryan
Scullion
Sinodinos
Smith
Xenophon

Question agreed to.

Senator Collins moved—That—

(1) On Wednesday, 20 March 2013:

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

(b) the routine of business for the remainder of the day be as follows:

(i) consideration of the following government business orders of the day:

| National Disability Insurance Scheme Bill 2013 | commencing immediately to 6.15 pm—all remaining stages |
| Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 | commencing immediately after the preceding item to 9 pm—all remaining stages |
| Television Licence Fees Amendment Bill 2013 | |

(ii) the bills listed in paragraph (1)(b)(i) be considered under a limitation of debate, and that the time allotted be as follows:

and this paragraph shall operate as a limitation of debate under standing order 142,

(iii) committee memberships,

(iv) messages from the House of Representatives,

(v) tabling of committee reports,

(vi) the proposal pursuant to standing order 75 shall not be proceeded with,

(vii) consideration of government documents shall not be proceeded with, and

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

(2) On Thursday, 21 March 2013:

(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7 pm 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) from not later than 4.45 pm consideration of the following government business order of the day:

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,

(xiv) the bills listed in paragraph (2)(b)(xiii) be considered under a limitation of debate, and that the time allotted be as follows:

4.45 pm to 6.30 pm, and from not later than 7 pm to 9 pm—all remaining stages,

and this paragraph shall operate as a limitation of debate under standing order 142,

(xv) divisions may take place after 4.30 pm,

(xvi) any proposal pursuant to standing order 75 shall not be proceeded with,

(xvii) consideration of general business and committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with, and

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

Senator Macdonald moved the following amendment:

Before subparagraph (1)(b)(i), insert:

(iia) tabling and consideration of committee reports pursuant to standing order 62(4),

Closure: Senator Collins moved—That the question be now put.

Question—That the question be now put—put.
The Senate divided—

AYES, 34

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NOES, 30

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Question agreed to.

Question—That the amendment moved by Senator Macdonald be agreed to—put.

The Senate divided—

AYES, 30

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Question negatived.
Senator Siewert moved the following amendment:

Omit paragraphs (2)(b)(xi) and (xii), substitute:

(xii) further consideration of business referred to in paragraphs (ii) to (vi), if not concluded,

Closure: Senator Collins moved—That the question be now put.

Question—That the question be now put—put and passed.

Question—That the amendment moved by Senator Siewert be agreed to—put and passed.

Closure: Senator Collins moved—That the question on the motion to vary the hours of meeting and routine of business be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 34

Senators—

Bishop
Brown
Collins
Crossin
Di Natale
Evans
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Ludwig
Lundy
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Thorp
Urquhart
Waters
Whish-Wilson
Wright

NOES, 30

Senators—

Back
Bernardi
Birmingham
Brandis
Bushby (Teller)
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fifield
Fifield
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Humphries
Johnston
Joyce
Kroger
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Rustin
Ryan
Scullion
Sinodinos
Smith
Xenophon

Question agreed to.

Main question, as amended, put.

The Senate divided—

AYES, 34

Senators—

Bishop
Brown
Collins
Crossin
Di Natale
Evans
Farrell
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Ludlam
Ludwig
Lundy
Marshall
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Polley
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle
Thistlethwaite
Thorp
Urquhart
Waters
Whish-Wilson
Wright
Question agreed to.

24 SCRUTINY OF BILLS—STANDING COMMITTEE—4TH REPORT AND ALERT DIGEST NO. 4 OF 2013

Leave refused: Senator Macdonald sought leave to present the 4th report of 2013 and alert digest no. 4 of 2013 of the Standing Committee for the Scrutiny of Bills and to allow Senators Macdonald and Edwards to speak to the report for a total of not more than 15 minutes.

An objection was raised and leave was not granted.

Leave refused: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) sought leave to make a statement relating to the matter.

An objection was raised and leave was not granted.

25 NATIONAL DISABILITY INSURANCE SCHEME BILL 2013

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

In the committee

Consideration resumed of the bill, as amended—*and of the amendment moved by Senator Xenophon (see entry no. 5).*

Debate resumed.

Question—That the amendment be agreed to—put and negatived.

Senator Siewert moved the following amendments together by leave:

Clause 22, page 25 (lines 20 to 26), omit subclause (1), substitute:

(1) A person *meets the age requirements* if the National Disability Insurance Scheme rules for the purposes of this paragraph prescribe that on a prescribed date or a date in a prescribed period the person must be a prescribed age and the person is that age on that date.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Senator Siewert moved the following amendments together by leave:

Clause 22, page 25 (lines 20 to 26), omit subclause (1), substitute:

(1) A person *meets the age requirements* if:

(a) the person was aged under 65 when the access request in relation to the person was made; and
(b) if the National Disability Insurance Scheme rules for the purpose of this paragraph prescribe that on a prescribed date or a date in a prescribed period the person must be a prescribed age—the person is that age on that date.

(1A) A person also meets the age requirements if the person is a polio survivor (whether aged above or below 65 years of age) when the access request in relation to the person was made.

Clause 22, page 25 (line 27), omit “paragraph (1)(b)”, substitute “subsections (1) and (1A)”. Question—That the amendments be agreed to—put and negatived.

Senator Siewert moved the following amendment:

Clause 23, page 26 (lines 2 to 11), omit subclause (1), substitute:

(1) A person meets the residence requirements if the person:
   (a) resides in Australia; and
   (b) is:
      (i) an Australian resident for the purposes of the Health Insurance Act 1973; or
      (ii) is an eligible person by reason of section 6 or 6A of that Act; and
   (c) satisfies the other requirements in relation to residence that are prescribed by the National Disability Insurance Scheme rules.

Question—That the amendment be agreed to—put and negatived.

Limitation of debate: The time allotted for the consideration of this bill expired. The following amendment circulated by the Australian Greens was negatived:

Clause 40, page 41 (line 25) to page 42 (line 2), omit “6 weeks” (wherever occurring), substitute “12 months”.

The following amendments circulated by Senator Xenophon were negatived:

Clause 100, page 84 (line 19), at the end of subclause (1), add:

; and (c) explaining the reasons for the reviewable decision.

Page 86 (after line 17), at the end of Part 6, add:

103A Costs

(1) The Administrative Appeals Tribunal can make a costs order providing that the CEO or Agency must pay the costs of a person who makes an application for a review of a decision.

(2) The Administrative Appeals Tribunal must not make a costs order providing that a person who makes an application for review of a decision is required to pay the CEO’s or Agency’s costs, unless in the opinion of the Tribunal the person is acting in a manner that is vexatious or an abuse of process of the Tribunal.

Page 86 (after line 17), at the end of Part 6, add:

103B Administrative Decisions (Judicial Review) Act 1977

For the avoidance of doubt, if the CEO makes a decision under this Act, the decision is taken to be a decision of an administrative character made under an enactment.
Page 86 (after line 17), at the end of Part 6, add:

**103C CEO to ensure appropriate means of communication**

The CEO must ensure that the Agency institutes a process to ensure that communications with participants in the National Disability Insurance Scheme are undertaken so as to allow the participants to deal with the Agency in the most effective way possible.

Note: For example, providing written communications to a person who is vision impaired does not allow that person to effectively communicate with the Agency. In this case, the Agency may determine that it is appropriate to directly speak with the person and to send them the written communication in braille form.

Clauses 104 to 105B, page 87 (line 5) to page 90 (line 26), omit the clauses, substitute:

**104 Compensation**

Where:

(a) compensation is paid or payable to a person (the *injured party*), otherwise than under a scheme of compensation under a Commonwealth, State or Territory law; and

(b) the injured party has received, or is entitled to, damages from another person (the *wrongdoer*) in pursuance of rights arising from the same trauma as gave rise to the rights to compensation; and

(c) the person to whom the compensation is paid or payable (the *claimant*) is entitled to recover the amount of the compensation; and

(d) the person has taken no action to claim or obtain compensation, then the following provisions apply:

(e) the CEO is entitled to recover the amount of compensation paid or payable from the wrongdoer or the injured party, but subject to the following qualifications:

(i) no amount may be recovered from the wrongdoer in excess of the wrongdoer’s unsatisfied liability to the injured party; and

(ii) no amount may be recovered from the injured party in excess of the amount of the damages received by the injured party; and

(iii) in a case involving contributory negligence, the amount to be recovered from the wrongdoer by the claimant under this subsection must be adjusted to the extent that is just and equitable having regard to the extent to which the wrongdoer establishes that the contributory negligence contributed to the occurrence of the relevant injury; and

(f) the claimant shall, on giving notice to a wrongdoer of an entitlement to recover compensation under this section, have a first charge, to the extent of the entitlement, on damages payable by the wrongdoer to the injured party; and
(g) any amount recovered by the claimant against a wrongdoer under this subsection shall be deemed to be an amount paid in or towards satisfaction of the wrongdoer’s liability to the injured party; and

(h) an action for the recovery of compensation may be heard in a Court of competent jurisdiction.

The following amendment circulated by the Opposition was considered:

Page 86 (after line 17), at the end of Part 6, add:

**Part 7—Joint Select Committee on the National Disability Insurance Scheme**

**103A Parliamentary Joint Committee on the National Disability Insurance Scheme**

(1) As soon as practicable after the commencement of the first session of each Parliament, a joint committee of members of the Parliament, to be known as the Parliamentary Joint Committee on the National Disability Insurance Scheme, is to be appointed according to the practice of the Parliament.

(2) The Committee is to consist of 10 members, made up of the following:
   (a) 2 members of the House of Representatives who are Government members;
   (b) 2 members of the Senate who are Government members;
   (c) 2 members of the House of Representatives who are Opposition members;
   (d) 2 members of the Senate who are Opposition members;
   (e) 1 member of the House or Representatives or the Senate who is a member of the Australian Greens;
   (f) 1 member of the House of Representatives or the Senate who is an independent member.

(3) A member of the Parliament is not eligible for appointment as a member of the Committee if he or she is:
   (a) a Minister; or
   (b) the President of the Senate; or
   (c) the Speaker of the House of Representatives.

(4) A member ceases to hold office:
   (a) when the House of Representatives expires by effluxion of time or is dissolved; or
   (b) if he or she becomes the holder of an office specified in any of the paragraphs of subsection (3); or
   (c) if he or she ceases to be a member of the House of the Parliament by which he or she was appointed; or
   (d) if he or she resigns his or her office as provided by subsection (5) or (6).

(5) A member appointed by the Senate may resign his or her office by writing signed by him or her and delivered to the President of the Senate.
(6) A member appointed by the House of Representatives may resign his or her office by writing signed by him or her and delivered to the Speaker of that House.

(7) Subject to the requirements of subsection (2), either House of the Parliament may appoint one of its members to fill a vacancy amongst the members of the Committee appointed by that House.

103B Powers and proceedings of the Committee
All matters relating to the powers and proceedings of the Committee are to be determined by resolution of both Houses of the Parliament.

103C Functions of the Committee
(1) The functions of the Committee are:
   (a) to review the implementation of the National Disability Insurance Scheme; and
   (b) to review the administration and expenditure of the National Disability Insurance Scheme; and
   (c) to review any matter in relation to the National Disability Insurance Scheme referred to the Committee by:
      (i) the responsible Minister; or
      (ii) a resolution of either House of the Parliament; and
   (d) to report the Committee’s comments and recommendations to each House of the Parliament and to the responsible Minister;
   (e) such functions as agreed to by resolutions of the House of Representatives and the Senate.

103D Annual report
As soon as practicable after each year ending on 30 June, the Committee must give to the Parliament a report on the activities of the Committee during the year.

Question—That the amendment be agreed to—put.
The committee divided—

AYES, 30

Senators—
Abetz
Back
Bernardi
Birmingham
Boswell
Brandis
Broughy
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fifield
Humphries
Johnston
Joyce
Kroger
Macdonald
Madigan
Mason
McKenzie
Nash
Parry
Payne
Ruston
Ryan
Scullion
Smith
Williams (Teller)
Xenophon
Question negatived.

Question—That the bill, as amended, be agreed to—put and passed.

Bill to be reported with amendments.

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

Document: The Parliamentary Secretary to the Prime Minister (Senator McLucas) tabled the following document:

National Disability Insurance Scheme Bill 2013—Document relating to refugees and asylum seekers eligible to access the NDIS.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

Suspension of sitting: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—that the sitting of the Senate be suspended till 7 pm.

Debate ensued.

Closure: Senator Collins moved—that the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 34

Senators—

Bishop  Feeney  McEwen (Teller)  Sterle
Brown  Foner  McLucas  Thistlethwaite
Cameron  Gallacher  Moore  Thorp
Collins  Hanson-Young  Polley  Urquhart
Crossin  Hogg  Pratt  Waters
Di Natale  Ladlam  Rhiannon  Whish-Wilson
Evans  Ludwig  Stiewart  Wright
Farrell  Lundy  Singh  
Faulkner  Marshall  Stephens  

Question agreed to.
Main question put.
The Senate divided—

### AYES, 35

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### NOES, 29

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<th>Senators—</th>
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<td>Cormann</td>
<td>Macdonald</td>
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Question agreed to.
The sitting of the Senate was suspended at 6.55 pm till 7 pm.

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At 7 pm—
26 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—BROADCASTING LEGISLATION AMENDMENT (CONVERGENCE REVIEW AND OTHER MEASURES) BILL 2013 AND RELATED BILLS**

The Chair of the Environment and Communications Legislation Committee (Senator Cameron) tabled the following report and documents:

- Environment and Communications Legislation Committee—Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 [Provisions]
- News Media (Self-regulation) (Consequential Amendments) Bill 2013 [Provisions]
- News Media (Self-regulation) Bill 2013 [Provisions]
- Public Interest Media Advocate Bill 2013 [Provisions]
- Television Licence Fees Amendment Bill 2013 [Provisions]

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

27 **BROADCASTING LEGISLATION AMENDMENT (CONVERGENCE REVIEW AND OTHER MEASURES) BILL 2013**

**TELEVISION LICENCE FEES AMENDMENT BILL 2013**

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

- Message no. 609, dated 19 March 2013—A Bill for an Act to amend legislation relating to broadcasting, and for other purposes.

The Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) 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 Ludwig moved—That these bills be now read a second time.

Documents: Senator Ludwig tabled the following documents:


Debate ensued.
Document: Senator Birmingham, by leave, tabled the following document:


Debate continued.

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


Debate continued.

Limitation of debate: The time allotted for the consideration of these bills expired.

Document: The Parliamentary Secretary to the Prime Minister (Senator McLucas) tabled the following document:


Question—That these bills be now read a second time—put and passed.

Bills read a second time.

The amendment in respect of the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 circulated by Senator Xenophon was withdrawn by leave.

The following amendments in respect of the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 circulated by the Australian Greens were negatived:

Schedule 1, item 5, page 5 (line 10), omit “1,095”, substitute “1,460”.
Schedule 1, item 5, page 5 (line 17), omit “1,460”, substitute “2,920”.

Question—That Schedule 1, item 27 of the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 stand as printed—put.

The Senate divided—

AYES, 36

- Bishop
- Brown
- Cameron
- Collins
- Crossin
- Di Natale
- Evans
- Farrell
- Faulkner
- Feeney
- Furner
- Hanson-Young
- Hogg
- Ludlam
- Ludwig
- Madigan
- Marshall
- McEwen (Teller)
- McLaren
- Milne
- Moore
- Polley
- Singh
- Stephens
- Sterle
- Thistlethwaite
- Thorp
- Urquhart
- Waters
- Whish-Wilson
- Wright
- Xenophon

NOES, 26

- Back (Teller)
- Bernardi
- Birmingham
- Bushby
- Cash
- Colbeck
- Edwards
- Eggleston
- Fawcett
- Fieravanti-Wells
- Fifield
- Heffernan
- Humphries
- Joyce
- Kroger
- Mason
- McKenzie
- Nash
- Parry
- Payne
- Rhiannon
- Ryan
- Sinodinos
- Smith
- Williams
- Ronan
- Thistlethwaite
- Thorp
- Urquhart
- Waters
- Whish-Wilson
- Wright
- Xenophon

Item agreed to.

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

Bills read a third time.

28 Environment and Communications Legislation Committee—Additional Comments—Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013 and Related Bills

Senator Birmingham moved—That the document tabled earlier today (see entry no. 27) be printed and included in the report of the Environment and Communications Legislation Committee.

Question put and passed.

29 Committee Membership

The President informed the Senate that he had received a letter requesting changes in the membership of a committee.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, moved—That Senator Colbeck replace Senator Nash on the Rural and Regional Affairs and Transport References Committee for the committee’s inquiry into the Auditor-General’s reports nos 26 of 2007-08 and 22 of 2012-13 in relation to the Tasmanian forest industry, and Senator Nash be appointed as a participating member.

Question put and passed.
No. 142—20 March 2013

30 Broadcasting Legislation Amendment (Digital Dividend) Bill 2013  
Financial Framework Legislation Amendment Bill (No. 2) 2013  
Foreign Affairs Portfolio Miscellaneous Measures Bill 2013  
Insurance Contracts Amendment Bill 2013

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

Message no. 605, dated 19 March 2013—A Bill for an Act to amend legislation relating to broadcasting, and for other purposes.

Message no. 610, dated 20 March 2013—A Bill for an Act to amend the law relating to finance, and for other purposes.


The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Collins moved—That these bills be now read a second time.


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.

Senator Collins moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

31 Water Efficiency Labelling and Standards (Registration Fees) Bill 2013  
Water Efficiency Labelling and Standards Amendment (Registration Fees) Bill 2013

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

Message no. 612, dated 20 March 2013—A Bill for an Act to impose, as taxes, fees for applying for registration of WELS products for the purposes of the WELS scheme, and for related purposes.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Collins moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

32 HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—4TH AND 5TH REPORTS OF 2013

Senator McEwen, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following reports:

Human Rights—Joint Statutory Committee—


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

Senator McEwen, by leave, moved—That the Senate take note of the reports.

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

33 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—SOCIAL DETERMINANTS OF HEALTH

The Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Australia’s domestic response to the World Health Organization’s (WHO) Commission on Social Determinants of Health report “Closing the gap within a generation”—Report, dated March 2013, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

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

34 SCRUTINY OF BILLS—STANDING COMMITTEE—4TH REPORT AND ALERT DIGEST NO. 4 OF 2013

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

Scrutiny of Bills—Standing Committee—

Alert Digest No. 4 of 2013, dated 20 March 2013.

Report ordered to be printed on the motion of Senator Back.
Senator Back, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), tabled the following report:

Rural and Regional Affairs and Transport References Committee—Fresh pineapple imports—Fresh ginger import risk analysis—New Zealand potatoes import risk analysis—Interim report, dated March 2013.

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

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

Corporations and Financial Services—Joint Statutory Committee—Family businesses in Australia—different and significant: why they shouldn’t be overlooked—Report, dated March 2013, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

The Chair of the Environment and Communications References Committee (Senator Birmingham) tabled the following report and documents:

Environment and Communications References Committee—Australian Broadcasting Corporation’s commitment to reflecting and representing regional diversity—Report, dated March 2013, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

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

The Parliamentary Secretary for Defence (Senator Feeney) moved—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 9.49 pm till Thursday, 21 March 2013 at 9.30 am.

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

ROSEMARY LAING
Clerk of the Senate