THURSDAY, 21 MARCH 2013

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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 **FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT (TOWARDS TRANSPARENCY) BILL 2012**

Order of the day read for the adjourned debate on the motion of the Leader of the Opposition in the Senate (Senator Abetz)—That this bill be now read a second time.

Debate resumed.

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

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

3 **AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) 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.

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

On the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) the bill was read a third time.

4 **EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT (FINANCE) 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.

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

On the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) the bill was read a third time.

5 **HIGHER EDUCATION SUPPORT AMENDMENT (FURTHER STREAMLINING AND OTHER MEASURES) 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.
No amendments to the bill were circulated and no senator required that it be considered in committee. On the motion of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) the bill was read a third time.

6 ADVANCES UNDER THE ANNUAL APPROPRIATION ACTS—REPORT FOR 2011-12
Order of the day read for the consideration of the issues from the advances in committee of the whole.

In the committee
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the committee approves the advances provided under the annual Appropriation Acts as a final charge for the year ended 30 June 2012. Question put and passed. Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Parry) reported accordingly. On the motion of Senator Collins the report from the committee was adopted.

At 12.30 pm—

7 COMMUNITY AFFAIRS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—COMMONWEALTH CONTRIBUTION TO FORMER FORCED ADOPTION POLICIES AND PRACTICES
The Minister for Broadband, Communications and the Digital Economy (Senator Conroy) tabled the following document:

Community Affairs References Committee—Report—Commonwealth contribution to former forced adoption policies and practices—Government response.

8 NATIONAL APOLOGY FOR FORCED ADOPTIONS
The Leader of the Government in the Senate (Senator Conroy) moved—That the Senate support the apology given on this day by the Prime Minister, on behalf of the nation, to people affected by forced adoption and removal policies and practices in the following terms:

Today, this Parliament, on behalf of the Australian people, takes responsibility and apologises for the policies and practices that forced the separation of mothers from their babies, which created a lifelong legacy of pain and suffering.

We acknowledge the profound effects of these policies and practices on fathers. And we recognise the hurt these actions caused to brothers and sisters, grandparents, partners and extended family members.
We deplore the shameful practices that denied you, the mothers, your fundamental rights and responsibilities to love and care for your children. You were not legally or socially acknowledged as their mothers. And you were yourselves deprived of care and support.

To you, the mothers who were betrayed by a system that gave you no choice and subjected you to manipulation, mistreatment and malpractice, we apologise.

We say sorry to you, the mothers who were denied knowledge of your rights, which meant you could not provide informed consent. You were given false assurances. You were forced to endure the coercion and brutality of practices that were unethical, dishonest and in many cases illegal.

We know you have suffered enduring effects from these practices forced upon you by others. For the loss, the grief, the disempowerment, the stigmatisation and the guilt, we say sorry.

To each of you who were adopted or removed, who were led to believe your mother had rejected you and who were denied the opportunity to grow up with your family and community of origin and to connect with your culture, we say sorry.

We apologise to the sons and daughters who grew up not knowing how much you were wanted and loved.

We acknowledge that many of you still experience a constant struggle with identity, uncertainty and loss, and feel a persistent tension between loyalty to one family and yearning for another.

To you, the fathers, who were excluded from the lives of your children and deprived of the dignity of recognition on your children’s birth records, we say sorry. We acknowledge your loss and grief.

We recognise that the consequences of forced adoption practices continue to resonate through many, many lives. To you, the siblings, grandparents, partners and other family members who have shared in the pain and suffering of your loved ones or who were unable to share their lives, we say sorry.

Many are still grieving. Some families will be lost to one another forever. To those of you who face the difficulties of reconnecting with family and establishing on-going relationships, we say sorry.

We offer this apology in the hope that it will assist your healing and in order to shine a light on a dark period of our nation’s history.

To those who have fought for the truth to be heard, we hear you now. We acknowledge that many of you have suffered in silence for far too long.

We are saddened that many others are no longer here to share this moment. In particular, we remember those affected by these practices who took their own lives. Our profound sympathies go to their families.

To redress the shameful mistakes of the past, we are committed to ensuring that all those affected get the help they need, including access to specialist counselling services and support, the ability to find the truth in freely available records and assistance in reconnecting with lost family.
We resolve, as a nation, to do all in our power to make sure these practices are never repeated. In facing future challenges, we will remember the lessons of family separation. Our focus will be on protecting the fundamental rights of children and on the importance of the child’s right to know and be cared for by his or her parents.

With profound sadness and remorse, we offer you all our unreserved apology.

Debate ensued.

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

*Suspension of sitting:* On the motion of the Parliamentary Secretary for Defence (Senator Feeney) the sitting of the Senate was suspended at 1.36 pm till 2 pm.

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At 2 pm—

9 **QUESTIONS**

Questions without notice were answered.

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*Leave refused:* The Leader of the Opposition in the Senate (Senator Abetz) sought leave to move a motion declaring that the Senate has no confidence in the Government’s ability to govern itself.

An objection was raised and leave was not granted.

*Proposed suspension of standing orders:* Senator Abetz, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion declaring that the Senate has no confidence in the Government’s ability to govern itself.

Debate ensued.

Question put.

The Senate divided—

**AYES, 32**

Senators—

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NOES, 40

Senators—

Bilyk  Faulkner  Marshall  Stephens
Bishop  Feeney  McEwen (Teller)  Sterle
Cameron  Furner  McLucas  Thistlethwaite
Carr, Kim  Gallacher  Milne  Thorp
Collins  Hanson-Young  Moore  Unquhart
Conroy  Hogg  Polley  Waters
Crossin  Ludlam  Pratt  Whish-Wilson
Di Natale  Ludwig  Rhiannon  Wong
Evans  Lundy  Siewert  Wright
Farrell  Madigan  Singh  Xenophon

Question negatived.

10 MOTIONS TO TAKE NOTE OF ANSWERS
Motions to take note of answers were called on but no motion was moved.

11 ECONOMICS LEGISLATION COMMITTEE—REFERENCE
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—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.
Question put and passed.

12 MULTICULTURALISM—HARMONY DAY—UNITED NATIONS INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), at the request of the Minister for Multicultural Affairs (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—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.

Question put and passed.
13 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**  
The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1205—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.  
Question put and passed.

14 **FAMILY AND COMMUNITY SERVICES—NEWSTART**  
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1207—That the Senate acknowledges that the current level of Newstart is too low.  
Question put and passed.

15 **FAMILY AND COMMUNITY SERVICES—GRANDCAREERS SUPPORT SCHEME**  
Senator Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1208—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.  
Question put and passed.

16 **FAMILY AND COMMUNITY SERVICES—WORLD DOWN SYNDROME DAY**  
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), at the request of Senators McLucas, Fifield, Boyce and Siewert and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1209—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, 1,325 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.

Question put and passed.

17 Indigenous Australians—National Close the Gap Day

Senator Siewert, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1210—

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.

Question put and passed.

18 Foreign Affairs—Sri Lanka

Senator Madigan, also on behalf of Senator Xenophon, amended general business notice of motion no. 1211 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

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, and
   (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.

Question put and passed.

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

19 FOREIGN AFFAIRS—CHINA—ORGAN HARVESTING

Senator Madigan amended general business notice of motion no. 1212 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:
   (i) the Special Rapporteur of the United Nations (UN) on torture and other cruel, inhumane 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 support the UN and Council of Europe initiatives to oppose the practice of organ harvesting.

Question put and passed.

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

Senator Kroger, at the request of Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1216—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.

Question put and passed.
21 FOREIGN AFFAIRS—SYRIA

Senator Rhiannon, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1214—

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.

Question put and passed.

22 CULTURE AND THE ARTS—LIVE MUSIC

Senator McEwen, at the request of Senator Thistlethwaite and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1215—

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.

Question put and passed.

23 SPORT—SPORTING CLUBS—FUNDING

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1195—

That the Senate—

(a) notes:

(i) that local sporting clubs bring significant social and health benefits to communities, and

(ii) with concern, the South Australian Government’s proposal to reduce funding for local sporting clubs by $3.5 million through cuts to the Community Recreation and Sports Facilities Program; and

(b) calls on the South Australian Premier to reverse his Government’s decision and reinstate the funding in the 2013-14 Budget.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.
24 ENVIRONMENT—COAL AND PASSENGER TRAINS—PARTICULATE EMISSIONS

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1201—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 PM$_{10}$ and PM$_{2.5}$ 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.

Question put and negatived.

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

25 FOREIGN AFFAIRS—WESTERN SAHARA

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1206—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.

Question put and negatived.

26 HEALTH—WORLD TUBERCULOSIS DAY

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1213—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.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.
27 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
INSTRUCTION TO COMMITTEE

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. 1217—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.

Question put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

28 NOTICES

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—That the hours of meeting for Tuesday, 14 May 2013 be from 12.30 pm to 6.30 pm and 8 pm to adjournment, and for Thursday, 16 May 2013 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:

(a) the routine of business from 8 pm on Tuesday, 14 May 2013 shall be:

(i) Budget statement and documents 2013-14, and
(ii) adjournment; and

(b) the routine of business from 8 pm on Thursday, 16 May 2013 shall be:

(i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and

(ii) adjournment.

Senator Hanson-Young: To move on 16 May 2013—That the Senate calls for all asylum seekers and refugees who are released into the community on a bridging visa to be granted the right to work and support themselves. (general business notice of motion no. 1218)

Senator Fifield: To move on the next day of sitting—

No. 1—That the Australian Charities and Not-for-profits Commission Regulation 2013, as contained in Select Legislative Instrument 2013 No. 22 and made under the Australian Charities and Not-for-profits Commission Act 2012, be disallowed.

No. 2—That the Australian Charities and Not-for-profits Commission Amendment Regulation 2013 (No. 1), as contained in Select Legislative Instrument 2013 No. 23 and made under the Australian Charities and Not-for-profits Commission Act 2012, be disallowed.

29 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2013

The Chair of the Selection of Bills Committee (Senator McEwen) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 4 OF 2013

1. The committee met in private session on Wednesday, 20 March 2013 at 7.25 pm.
2. The committee resolved to recommend—That—

(a) contingent upon its introduction in the House of Representatives, the provisions of the Aboriginal Land Rights and Other Legislation Amendment Bill 2013 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 25 June 2013;

(b) the provisions of the Asbestos Safety and Eradication Agency Bill 2013 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 14 May 2013;

(c) the provisions of the Australia Council Bill 2013 and the Australia Council (Consequential and Transitional Provisions) Bill 2013 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 9 May 2013;

(d) the Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 16 May 2013;

(e) the provisions of the Export Finance and Insurance Corporation Amendment (New Mandate and Other Measures) Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 14 May 2013;

(f) contingent upon its introduction in the House of Representatives, the provisions of the Fair Work Amendment Bill 2013 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 14 May 2013;

(g) the Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 25 June 2013;

(h) the provisions of the Insurance Contracts Amendment Bill 2013 be referred immediately to the Economics Legislation Committee for inquiry and report by 25 June 2013;

(i) the International Organisations (Privileges and Immunities) Amendment Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 25 June 2013;

(j) the provisions of the Marriage Amendment (Celebrant Administration and Fees) Bill 2013 and the Marriage (Celebrant Registration Charge) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 June 2013;

(k) contingent upon its introduction in the House of Representatives, the provisions of the Public Interest Disclosure Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 June 2013;

(l) the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 June 2013;
(m) contingent upon its introduction in the House of Representatives, the provisions of the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 17 June 2013;

(n) the provisions of the Student Identifiers Bill 2013 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 18 June 2013;

(o) contingent upon its introduction in the House of Representatives, the provisions of the Telecommunications Legislation Amendment (Consumer Protection) Bill 2013 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 17 June 2013;

(p) the Therapeutic Goods Amendment (Pharmaceutical Transparency) Bill 2013 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 17 June 2013;

(q) the provisions of the Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 17 June 2013; and

(r) the provisions of the Veterans’ Affairs Legislation Amendment (Military Compensation Review and Other Measures) Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 14 May 2013.

3. The committee resolved to recommend—that the following bills not be referred to committees:
   Aviation Transport Security Amendment (Inbound Cargo Security Enhancement) Bill 2013
   Corporations Amendment (Simple Corporate Bonds and Other Measures) Bill 2013
   Corporations and Financial Sector Legislation Amendment Bill 2013
   Court Security Bill 2013
   Court Security (Consequential Amendments) Bill 2013
   Financial Framework Legislation Amendment Bill (No. 2) 2013
   Military Justice (Interim Measures) Amendment Bill 2013
   National Measurement Amendment Bill 2013
   Not-for-profit Sector Freedom to Advocate Bill 2013
   Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013
   Social Security Legislation Amendment (Disaster Recovery Allowance) Bill 2013
   Statute Law Revision Bill 2013 and

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   Customs Tariff Amendment (Incorporation of Proposals) Bill 2013
   Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Bill 2013
   Indigenous Education (Targeted Assistance) Amendment Bill 2013

Anne McEwen
Chair
21 March 2013.

Senator McEwen moved—that the report be adopted.

Question put and passed.

30 LEAVE OF ABSENCE

Senator Kroger, by leave, moved—that leave of absence be granted to Senator Ruston for today, on account of parliamentary business.

Question put and passed.

31 SENATE—SENATOR EVANS—IMMINENT RESIGNATION—STATEMENT BY LEAVE

Senator Evans, by leave, made a statement relating to his imminent resignation.

32 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 Fawcett replace Senator Nash on the Rural and Regional Affairs and Transport References Committee for the committee’s inquiry into an aviation accident investigation on 21 March 2013, and Senator Nash be appointed as a participating member.

Question put and passed.

33 DOCUMENTS

The following documents were tabled by the Clerk:

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


Australian Communications and Media Authority Act—Australian Communications and Media Authority (Spectrum Licence Allocation – Combinatorial Clock Auction – Eligibility Deadline and Payment Terms) Direction 2013 [F2013L00499].

Australian Research Council Act—Linkage Infrastructure, Equipment and Facilities Funding Rules for funding commencing in 2014 [F2013L00514].

Broadcasting Services Act—Variations to Licence Areas Plans—
  Adelaide Radio – No. 1 of 2013 [F2013L00498].
  Broken Hill Radio – No. 1 of 2013 [F2013L00489].
  Ipswich Radio – No. 1 of 2013 [F2013L00509].
  Wagga Wagga Radio – No. 1 of 2013 [F2013L00506].

Civil Aviation Act—Civil Aviation Regulations—Instruments Nos CASA—
  31/13—Instructions – RNP as primary means of navigation for NDB, VOR or
  DME overlay approaches (Skytraders A319 aircraft) [F2013L00518].
  33/13—Authorisation of persons to carry out maintenance on certain
  amateur-built, kit-built and light sport aircraft with a special certificate of
  airworthiness; Appointment of authorised persons to issue maintenance releases
  for certain amateur-built, kit-built and light sport aircraft with a special
  certificate of airworthiness [F2013L00495].

Customs Act—Customs By-Law Amendment Notice (No. 1) 2013—Customs By-
  Law No. 1304168 [F2013L00504].

Environment Protection and Biodiversity Conservation Act—Amendments of lists
  of exempt native specimens—
  EPBC303DC/SFS/2013/15 [F2013L00491].
  EPBC303DC/SFS/2013/16 [F2013L00492].
  EPBC303DC/SFS/2013/18 [F2013L00493].
  EPBC303DC/SFS/2013/19 [F2013L00494].

Export Control Act—Export Control (Orders) Regulations—
  Export Control (Poultry Meat and Poultry Meat Products) Amendment Order
  2013 (No. 1) [F2013L00502].
  Export Control (Wild Game Meat and Wild Game Meat Products) Amendment
  Order 2013 (No. 1) [F2013L00501].

Financial Management and Accountability Act—Notice under section 39A—NBN
  Co Limited.

Higher Education Support Act—VET Provider Approval No. 10 of 2013—
  Australian Vocational Learning Institute Pty. Ltd. [F2013L00515].

Income Tax Assessment Act 1997—
  Location Offset Rules 2008 (Amendment No. 1 of 2012) [F2013L00510].
  PDV Offset Rules 2008 (Amendment No. 1 of 2012) [F2013L00516].

Maternity Leave (Commonwealth Employees) Act—Select Legislative Instrument
  2013 No. 34—Maternity Leave (Commonwealth Employees) Amendment
  Regulation 2013 (No. 1) [F2013L00500].

Migration Act—
  Migration Regulations—Instruments IMMI—
  13/001—Post office box, courier address and facsimile number
  [F2013L00503].
  13/002—Specification of addresses [F2013L00505].
  13/004—Class of persons [F2013L00512].
  13/008—Visitor visa applications from citizens of the People’s Republic of
  China [F2013L00513].
  13/007—Travel agents for PRC citizens applying for visitor visas
  [F2013L00511].
  13/010—Class of persons [F2013L00508].
  13/035—Instrument of revocation [F2013L00507].
Select Legislative Instrument 2013 No. 33—Migration Legislation Amendment Regulation 2013 (No. 1) [F2013L00490].

Private Health Insurance Act—
Private Health Insurance (Benefit Requirements) Amendment Rules 2013 (No. 1) [F2013L00497].
Private Health Insurance (Complying Product) Amendment Rules 2013 (No. 1) [F2013L00496].

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(d) No. 1 of 2013 [F2013L00517].

34 INDEXED LISTS OF DEPARTMENTAL AND AGENCY FILES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:
Indexed lists of departmental and agency files for the period 1 July to 31 December 2012—Statement of compliance—Climate Change and Energy Efficiency portfolio.

35 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended:
Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2011 to 30 June 2012.

36 IMMIGRATION—DETENTION CENTRES—NUMBER OF DETAINEES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following document was tabled pursuant to the order of the Senate of 20 March 2013:
Immigration—Detention centres—Number of detainees—Letter to the President of the Senate from the Minister for Multicultural Affairs (Senator Lundy) responding to the order of the Senate of 20 March 2013, and attachment.

37 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave and at the request of Senators Birmingham and Cameron, moved—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 1 June 2013:
The effectiveness of current regulatory arrangements (under the Broadcasting Services Act 1992 and the Copyright Act 1968) in dealing with the simultaneous transmission of radio programs using the broadcasting services bands and the Internet (‘simulcast’), including:
(a) the impact of current regulation on stakeholders, including broadcasters, copyright holders, including both publishing and performance rights holders, and the audience; and
(b) any related matter.

Question put and passed.
38 **ADJOURNMENT**

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the Senate do now adjourn.

Debate ensued.

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*Document*: The Deputy President (Senator Parry) tabled the following document:

- Finance and Public Administration Legislation Committee—Report—The Performance of the Department of Parliamentary Services—President’s response.

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The Senate adjourned at 4.11 pm till Tuesday, 14 May 2013 at 12.30 pm.

39 **ATTENDANCE**

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

ROSEMARY LAING
Clerk of the Senate

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