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Tax and Superannuation Laws Amendment (Increased Concessional Contributions Cap and Other Measures) Bill 2013
48 Adjournment
49 Attendance

4164 4167 4167
1 MEETING OF SENATE
The Senate met at 10 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 PARLIAMENT—PARLVIEW—STATEMENT BY PRESIDENT
The President made a statement relating to the release of a new video on demand service, ParlView, on the parliamentary website.

3 CONSTITUTION ALTERATION (LOCAL GOVERNMENT) 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—and on the amendment moved by Senator Brandis:

At the end of the motion, add “but that further consideration of the bill be made an order of the day for the first sitting day after the Government puts into place financial arrangements to provide for equal funding for both the ‘yes’ and the ‘no’ cases, to ensure that the Australian community is properly informed about the arguments for and against the proposed change to the Constitution”.

Debate resumed.
Senator Collins moved—That the debate be adjourned.
Question put.
The Senate divided—

AYES, 37

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<tr>
<th>Senators—</th>
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<td>Bilyk</td>
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<td>Bishop</td>
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<td>Carr, Bob</td>
<td>Lines</td>
<td>Pratt</td>
<td>Whish-Wilson</td>
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<td>Carr, Kim</td>
<td>Ludlam</td>
<td>Rhiannon</td>
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<td>Faulkner</td>
<td>McEwen (Teller)</td>
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NOES, 33

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<th>Senators—</th>
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<td>Abetz</td>
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<td>Back</td>
<td>Cormann</td>
<td>Joyce</td>
<td>Ronaldson</td>
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<td>Bernardi</td>
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<td>Boyce</td>
<td>Fierravanti-Wells</td>
<td>Mason</td>
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<td>Brandis</td>
<td>Fifield</td>
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<td>Bushby</td>
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<td>Cash</td>
<td>Humphries</td>
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Question agreed to.
On the motion of Senator Collins the resumption of the debate was made an order of the day for a later hour.
4 DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), pursuant to notice, moved government business notice of motion no. 1—

That—

(1) On Monday, 24 June, Tuesday, 25 June, Wednesday, 26 June and Thursday, 27 June 2013, any proposal pursuant to standing order 75 shall not be proceeded with.

(2) On Wednesday, 26 June 2013, consideration of matters of public interest and government documents shall not be proceeded with, and instead the routine of business shall be government business only.

(3) Divisions may take place on:
   (a) Wednesday, 26 June 2013, from 12.45 pm to 2 pm; and
   (b) Thursday, 27 June 2013, after 4.30 pm.

(4) On Monday, 24 June 2013:
   (a) the hours of meeting shall be 10 am to 6.30 pm and 7.30 pm to 11.40 pm; and
   (b) the question for the adjournment of the Senate shall be proposed at 11 pm.

(5) On Tuesday, 25 June 2013:
   (a) the hours of meeting shall be 11 am to 6.30 pm and 7.30 pm to adjournment;
   (b) the routine of business from not later than 7.30 pm shall be government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

(6) On Wednesday, 26 June 2013:
   (a) consideration of the business before the Senate shall be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Lines to make her first speech without any question before the chair; and
   (b) immediately after Senator Lines’ first speech, valedictory statements may be made relating to Senators Joyce and Humphries.

(7) On Thursday, 27 June 2013:
   (a) the hours of meeting shall be 9.30 am to 6 pm and 7 pm to 11.40 pm;
   (b) the routine of business from not later than 3.30 pm to 4.20 pm and from not later than 7 pm shall be government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 11 pm.

(8) The Senate meet on Friday, 28 June 2013, and that:
   (a) the hours of meeting shall be 9.30 am to 3.40 pm;
   (b) the routine of business shall be:
      (i) notices of motion, and
      (ii) government business only; and
   (c) the question for the adjournment of the Senate shall be proposed at 3 pm.
(9) The following government business orders of the day shall have precedence over all other government business, be called on in the following order and be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:

<table>
<thead>
<tr>
<th>Bill Description</th>
<th>Time Period</th>
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<tbody>
<tr>
<td>Constitution Alteration (Local Government) 2013</td>
<td>commencing from not later than 7.30 pm until 8 pm on 24 June 2013</td>
</tr>
<tr>
<td>Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013</td>
<td>commencing immediately after the preceding item until 9 pm on 24 June 2013</td>
</tr>
<tr>
<td>Australian Sports Anti-Doping Authority Amendment Bill 2013</td>
<td>commencing immediately after the preceding item until 9.45 pm on 24 June 2013</td>
</tr>
<tr>
<td>Superannuation Legislation Amendment (Service Providers and Other Governance Measures) Bill 2013</td>
<td>commencing immediately after the preceding item until 10.50 pm on 24 June 2013</td>
</tr>
<tr>
<td>Superannuation (Sustaining the Superannuation Contribution Concession) Imposition Bill 2013</td>
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<tr>
<td>Superannuation Laws Amendment (MySuper Capital Gains Tax Relief and Other Measures) Bill 2013</td>
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<tr>
<td>Tax and Superannuation Laws Amendment (Increased Concessional Contributions Cap and Other Measures) Bill 2013</td>
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</tr>
<tr>
<td>Banking Amendment (Unclaimed Money) Bill 2013</td>
<td>commencing from not later than 11 am until 11.40 am on 25 June 2013</td>
</tr>
<tr>
<td>Early Years Quality Fund Special Account Bill 2013</td>
<td>commencing immediately after the preceding item until 12.20 pm on 25 June 2013</td>
</tr>
<tr>
<td>Australia Council Bill 2013</td>
<td>commencing immediately after the preceding item until 1.45 pm on 25 June 2013</td>
</tr>
<tr>
<td>Australia Council (Consequential and Transitional Provisions) Bill 2013</td>
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<tr>
<td>Australian Jobs Bill 2013</td>
<td>commencing from not later than 4 pm until 5.45 pm on 25 June 2013</td>
</tr>
<tr>
<td>Tax Laws Amendment (2012 Measures No. 6) Bill 2012</td>
<td>commencing immediately after the preceding item until 6.30 pm on 25 June 2013</td>
</tr>
<tr>
<td>Bill Title</td>
<td>Commencing Times</td>
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<tr>
<td>Customs Amendment (Anti-dumping Measures) Bill 2013</td>
<td>commencing immediately after the preceding item until 8.10 pm on 25 June 2013</td>
</tr>
<tr>
<td>Customs Tariff (Anti-Dumping) Amendment Bill 2013</td>
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<tr>
<td>Tax Laws Amendment (Countering Tax Avoidance and Multinational Profit Shifting) Bill 2013</td>
<td>commencing immediately after the preceding item until 8.50 pm on 25 June 2013</td>
</tr>
<tr>
<td>Tax and Superannuation Laws Amendment (2013 Measures No. 1) Bill 2013</td>
<td>commencing immediately after the preceding item until 10.20 pm on 25 June 2013</td>
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<tr>
<td>Tax and Superannuation Laws Amendment (2013 Measures No. 2) Bill 2013</td>
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<tr>
<td>Aged Care (Living Longer Living Better) Bill 2013</td>
<td>commencing from not later than 9.35 am until 10.15 am on 26 June 2013</td>
</tr>
<tr>
<td>Australian Aged Care Quality Agency Bill 2013</td>
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<tr>
<td>Australian Aged Care Quality Agency (Transitional Provisions) Bill 2013</td>
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<td>Aged Care (Bond Security) Amendment Bill 2013</td>
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<tr>
<td>Aged Care (Bond Security) Levy Amendment Bill 2013</td>
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<tr>
<td>Australian Education Bill 2013</td>
<td>commencing immediately after the preceding item until 1 pm on 26 June 2013</td>
</tr>
<tr>
<td>Australian Education (Consequential and Transitional Provisions) Bill 2013</td>
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<tr>
<td>Malabar Headland Protection Bill 2012</td>
<td>commencing immediately after the preceding item until 1.20 pm on 26 June 2013</td>
</tr>
<tr>
<td>Public Interest Disclosure Bill 2013 and Public Interest Disclosure (Consequential Amendments) Bill 2013</td>
<td>commencing immediately after the preceding item until 1.55 pm on 26 June 2013</td>
</tr>
<tr>
<td>Family Assistance and Other Legislation Amendment Bill 2013</td>
<td>commencing from not later than 12.45 pm until 1.10 pm on 27 June 2013</td>
</tr>
<tr>
<td>Bill Title</td>
<td>Timeframe</td>
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<tr>
<td>Migration Amendment (Temporary Sponsored Visas) Bill 2013</td>
<td>commencing immediately after the preceding item until 1.40 pm on 27 June 2013</td>
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<tr>
<td>Migration Amendment (Offshore Resources Activity) Bill 2013</td>
<td>commencing immediately after the preceding item until 1.55 pm on 27 June 2013</td>
</tr>
<tr>
<td>Veterans' Affairs Legislation Amendment (Military Compensation Review and Other Measures) Bill 2013</td>
<td>commencing immediately after the preceding item until 7.40 pm on 27 June 2013</td>
</tr>
<tr>
<td>Competition and Consumer Amendment Bill 2013</td>
<td>commencing from not later than 3.45 pm until 4.30 pm on 27 June 2013</td>
</tr>
<tr>
<td>Charities Bill 2013 and Charities (Consequential Amendments and Transitional Provisions) Bill 2013</td>
<td>commencing immediately after the preceding item until 8.20 pm on 27 June 2013</td>
</tr>
<tr>
<td>Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013</td>
<td>commencing immediately after the preceding item until 9.35 am until 10 am on 28 June 2013</td>
</tr>
<tr>
<td>Fair Work Amendment Bill 2013</td>
<td>commencing immediately after the preceding item until 10 pm on 27 June 2013</td>
</tr>
<tr>
<td>Private Health Insurance Amendment (Lifetime Health Cover Loading and Other Measures) Bill 2012</td>
<td>commencing immediately after the preceding item until 10.55 pm on 27 June 2013</td>
</tr>
<tr>
<td>Private Health Insurance Legislation Amendment (Base Premium) Bill 2013</td>
<td>commencing immediately after the preceding item until 10.30 am on 28 June 2013</td>
</tr>
<tr>
<td>Tax Laws Amendment (Fairer Taxation of Excess Concessional Contributions) Bill 2013</td>
<td>commencing immediately after the preceding item until 11 am on 28 June 2013</td>
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Public Governance, Performance and Accountability Bill 2013

commencing immediately after the preceding item until 11.20 am on 28 June 2013

Tax Laws Amendment (2013 Measures No. 1) Bill 2013
Tax Laws Amendment (2013 Measures No. 2) Bill 2013
Tax Laws Amendment (2013 Measures No. 3) Bill 2013

commencing immediately after the preceding item until noon on 28 June 2013

Higher Education Support Amendment (Asian Century) Bill 2013

commencing immediately after the preceding item until 12.40 pm on 28 June 2013

Social Security Amendment (Supporting More Australians into Work) Bill 2013

commencing immediately after the preceding item until 1.30 pm on 28 June 2013

Appropriation (Parliamentary Departments) Bill (No. 1) 2013-2014
Appropriation Bill (No. 1) 2013-2014
Appropriation Bill (No. 2) 2013-2014

commencing immediately after the preceding item until 2 pm on 28 June 2013

Sugar Research and Development Services Bill 2013
Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013
Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013

commencing immediately after the preceding item until 2.20 pm on 28 June 2013

(10) Paragraph (9) of this order shall operate as a limitation of debate under standing order 142.

Debate ensued.

Closure: Senator Collins moved—That the question be now put.
Question—That the question be now put—put.
The Senate divided—

AYES, 36

Senators—

Bilyk
Bishop
Brown (Teller)
Cameron
Carr, Bob
Carr, Kim
Collins
Crossin
Di Natale

Farrell
Faulkner
Furner
Gallacher
Hanson-Young
Hogg
Lines
Ludlam
Ludwig

Lundy
Marshall
McEwen
McLucas
Milne
Moore
Polley
Rhiannon
Siewert

Singh
Stephens
Sterle
Thistlethwaite
Thorpe
Unquhart
Waters
Whish-Wilson
Wright

NOES, 32

Senators—

Abetz
Back (Teller)
Bernardi
Birmingham
Boswell
Boyce
Bushby
Cash

Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan

Humphries
Johnston
Joyce
Kroger
Macdonald
Mason
McKenzie

Nash
Parry
Payne
Ruston
Ryan
Scullion
Smith
Xenophon

Question agreed to.

The question was divided—

Question—That the motion in respect of paragraphs (9) and (10) be agreed to—put.

The Senate divided—

AYES, 37

Senators—

Bilyk
Bishop
Brown (Teller)
Cameron
Carr, Bob
Carr, Kim
Collins
Conroy
Crossin
Di Natale

Farrell
Faulkner
Furner
Gallacher
Hanson-Young
Hogg
Lines
Ludlam
Lundy

Marshall
Marshall
McLucas
Milne
Moore
Polley
Rhiannon
Siewert

Sterle
Thistlethwaite
Thorpe
Unquhart
Waters
Whish-Wilson
Wright

NOES, 33

Senators—

Abetz
Back (Teller)
Bernardi
Birmingham
Boswell
Boyce
Bushby
Cash
Colbeck

Cormann
Edwards
Eggleston
Fierravanti-Wells
Fifield
Heffernan
Humphries
Johnston

Joyce
Kroger
Macdonald
Mason
McKenzie
Nash
Payne
Williams
Xenophon

Ruston
Ryan
Scullion
Smith
Wright

Question agreed to.

Question—That the motion in respect of paragraphs (1) to (8) be agreed to—put.
The Senate divided—

AYES, 37

Senators—

Bilyk  Bisho  Brown (Teller)  Cameron  Carr, Bob  Carr, Kim  Collins  Conroy  Crossin  Di Natale

Farrell  Faulkner  Furner  Gallacher  Hanson-Young  Hogg  Lines  Ludlam  Ludwig  Lundy

Marshall  McEwen  McLucas  Milne  Moore  Polley  Rhiannon  Siewert  Singh  Stephens

Sterle  Thistlethwaite  Thorp  Urquhart  Waters  Whish-Wilson  Wright

NOES, 33

Senators—

Abetz  Back (Teller)  Bernardi  Birmingham  Boswell  Boyce  Bushby  Cash  Colbeck

Cormann  Edwards  Eggleston  Fawcett  Fierravanti-Wells  Fifield  Heffernan  Humphries  Johnston

Joyce  Kroger  Macdonald  Madigan  Mason  McKenzie  Nash  Parry  Payne

Ruston  Ryan  Scullion  Smith  Williams  Xenophon

Question agreed to.

A  After 2 pm—

5 QUESTIONS

Questions without notice were answered.

6 QUESTION ON NOTICE—ANSWER AND EXPLANATION

Senator Whish-Wilson, pursuant to standing order 74, asked the Minister for Finance and Deregulation (Senator Wong) for an explanation of an answer not being provided to question on notice no. 2992 (notice given 23 May 2013) relating to procurement guidelines for government uniforms.

Senator Wong provided an explanation.

Senator Whish-Wilson moved—that the Senate take note of the explanation.

Question put and passed.

7 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Cormann moved—that the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senator Cash, Cormann and Mason today relating to the consideration of legislation in the Senate.

Debate ensued.

Question put and passed.
The Leader of the Australian Greens (Senator Milne) moved—That the Senate take note of the answer given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to a question without notice asked by Senator Milne today relating to an extension to the Tasmanian World Heritage Area.

Question put and passed.

8 DEATH OF FORMER MEMBER THE HONOURABLE WILLIAM MICHAEL HODGMAN, AM, QC

The Deputy President (Senator Parry) informed the Senate of the death, on 19 June 2013, of the Honourable William Michael Hodgman, AM, QC, a former minister and member of the House of Representatives for the division of Denison from 1975 to 1987.

The Leader of the Government in the Senate (Senator Conroy), by leave, moved—That the Senate records its deep regret at the death, on 19 June 2013, of the Honourable William Michael Hodgman, AM, QC, former minister and member for Denison, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—Question passed.

9 PETITIONS

The following 3 petitions, lodged with the Clerk by Senator Ronaldson, were received:

From 3,161 petitioners, requesting that the Senate call on the Government to take immediate action to remedy doctor shortages in Colac, Victoria.

From 4 petitioners, requesting that the Senate oppose any change in the design or colour of the Australian national flag.

From 1,201 petitioners, requesting that the Senate urge the Government to ensure that Torquay, Victoria, receive improved postal services.

10 NOTICES

The Chair of the Environment and Communications References Committee (Senator Birmingham): To move on the next day of sitting—That the time for the presentation of the report of the Environment and Communications References Committee on extreme weather events be extended to 10 July 2013. (general business notice of motion no. 1289)

Senator Colbeck: To move 15 sitting days after today—


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

(a) commends the Government for taking action to protect Australians from asbestos and continuing to lead the world in trying to eliminate deadly asbestos-related diseases;

(b) notes the establishment of the new National Asbestos Exposure Register in the wake of community concerns after asbestos was found in Telstra pits in four states during the rollout of the National Broadband Network;

(c) acknowledges the response from Telstra to ensure all workers are trained in the removal and handling of asbestos located in its pits; and

(d) recognises the historic legislation to implement the National Strategic Plan for Asbestos Awareness and Management by:

(i) establishing the Asbestos Safety and Eradication Agency, which will be dedicated to working with all states and stakeholders to create a nationally consistent approach to the eradication, handling and awareness of asbestos,

(ii) working to develop a public awareness campaign to highlight the dangers of asbestos,

(iii) implementing a prioritised removal program across Australia, and

(iv) playing a leadership role in the global campaign for a worldwide asbestos plan. (*general business notice of motion no. 1290*)

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

(a) climate change is still the greatest moral, economic and social challenge of our time; and

(b) the Coalition’s Direct Action Plan, which was announced before the last election in 2010, still has not received public support from a single Australian economist or industry group. (*general business notice of motion no. 1291*)

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

(a) notes that:

(i) on any given night more than 105 000 Australians are experiencing homelessness, including 7 000 people sleeping rough or without adequate shelter,

(ii) homelessness has risen in Australia overall by 17 per cent between 2006 and 2011, and in 2012 more than 136 800 instances for a request for assistance went unmet, and

(iii) the Leader of the Opposition (Mr Abbott) refuses to commit to the goal of the Homelessness White Paper to halve homelessness by 2020 and provide services to all those seeking them; and
(b) calls on:
   (i) the Liberal Party to commit to the goal to halve homelessness and provide services to all seeking them by 2020, and
   (ii) all parties to commit to support for a new national partnership on homelessness to at least 2020 in order to provide the services and housing necessary to help Australians in most urgent need. (general business notice of motion no. 1292)

Senator Waters: To move on the next day of sitting—That the Senate—
(a) notes that coal seam gas mining threatens our land, our water, our communities and our climate; and
(b) calls on all parties to commit to not approving any more coal seam gas developments in Australia. (general business notice of motion no. 1293)

Senators Siewert, Di Natale and Heffernan: To move on the next day of sitting—That the Senate—
(a) notes the recent ruling by the United States Supreme Court that human genes are not eligible for patent protection;
(b) recognises that this ruling is a significant development in the debate over gene patenting and the future of medical research; and
(c) urges the Australian Government to consider the implications of this for the Patents Act 1990. (general business notice of motion no. 1294)

Senator Xenophon: To move on 26 June 2013—That Civil Aviation Order 48.1 Instrument 2013, made under subregulations 5(1), 5.55(1) and 215(3), and regulation 210A of the Civil Aviation Regulations 1988, subregulation 11.068(1) of the Civil Aviation Safety Regulations 1998, section 4 and subsection 33(3) of the Acts Interpretation Act 1901, and paragraph 28BA(1)(b) and subsection 98(4A) of the Civil Aviation Act 1988, be disallowed.

Senator Xenophon: To move on 27 June 2013—That all items in Schedule 1, except for item 12, to the Carbon Credits (Carbon Farming Initiative) Amendment Regulation 2013 (No. 1), as contained in Select Legislative Instrument 2013 No. 77 and made under the Carbon Credits (Carbon Farming Initiative) Act 2011, be disallowed.

Senator Rhiannon: To move on the next day of sitting—That there be laid on the table, by the Minister representing the Attorney-General, no later than noon on Thursday, 27 June 2013, the report of the review into the operation of the Freedom of Information Act 1982 and the Australian Information Commissioner Act 2010 and the government response to the review. (general business notice of motion no. 1295)

Senator Di Natale: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the low vaccination rates in certain parts of Australia, and the threat this poses to the health of Australian children, and
   (ii) the irresponsible campaign run by the Australian Vaccination Network (AVN), which is spreading misinformation about the risks of vaccination and discouraging parents from vaccinating their children; and
(b) calls on the AVN to immediately disband and cease their harmful and unscientific scare campaign against vaccines. (general business notice of motion no. 1296)
Senator Ludlam: To move on 27 June 2013—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 30 June 2014:

The benefits and risks of the uranium mining industry and the adequacy of federal regulation of the sector, including:

(a) the extent and means through which the findings of the October 2003 Senate inquiry that the uranium sector is characterised by a pattern of underperformance and non-compliance, an absence of reliable data to measure the extent of contamination or its impact on the environment and an operational culture that gives greater weight to short-term than long-term considerations have been addressed;

(b) an assessment of the wide variance in predictions of future growth estimates of uranium exports and nuclear power;

(c) an assessment of the adequacy of Australian standards and responsibilities in supplying uranium to Japan and the Tokyo Electric Power Company [TEPCO] where demonstrably inadequate regulation was evident;

(d) the Government’s efforts to address recommendations and issues raised in the September 2011 United Nations (UN) system-wide study on the implications of the accident at the Fukushima Daiichi nuclear power plant;

(e) an assessment of the adequacy of environmental practices, including security fencing and warning signs to prevent access to land and waters contaminated by exploration and mining activities;

(f) an assessment of the adequacy of worker and community health and safety at uranium mine sites;

(g) the impacts, benefits and costs of uranium mines for Aboriginal people;

(h) an assessment of whether the exemptions for the uranium industry from Aboriginal heritage, environment and water legislation are necessary or justifiable;

(i) the preparedness and resourcing of regional emergency contingency planning for accidents and incidents, including education and training services;

(j) an evaluation of the frequency and severity of transport and handling accidents and the process of issuing and auditing compliance with transport radiation management plans;

(k) the performance and scope of the Australian Safeguards and Non-Proliferation Office, including its capacity to fulfil its role with current human and budgetary resources;

(l) the proliferation risks associated with a policy of programmatic open-ended permissions for reprocessing Australian uranium rather than a case-by-case policy;

(m) an assessment of the compliance of Australian uranium companies operating overseas with regard to occupational health and safety and environmental standards and laws; and

(n) other relevant related matters.
The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—that the Senate—

(a) welcomes the World Heritage listing of the extension to Tasmania’s Wilderness World Heritage area decided at the World Heritage Committee meeting of the United Nations Educational, Scientific and Cultural Organization [UNESCO] on 24 June 2013;

(b) supports the values of Australia’s World Heritage listed areas and the provision of adequate funding to maintain their natural and cultural values; and

(c) calls on the Federal Government to ban logging in any World Heritage area in Australia. (general business notice of motion no. 1297)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes. Commonwealth Electoral Amendment (Leaders’ Debate Commission) Bill 2013. (general business notice of motion no. 1298)

11 ORDER OF BUSINESS—REARRANGEMENT

Senator Kroger, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), moved—that business of the Senate order of the day no. 2, relating to the presentation of the final report of the Rural and Regional Affairs and Transport References Committee on the Foreign Investment Review Board national interest test, be postponed till a later hour. Question put and passed.

12 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McEwen, by leave and at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), moved—that the Finance and Public Administration Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today. Question put and passed.

13 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 1243 standing in the name of Senator Madigan for today, proposing the introduction of the Health Insurance Amendment (Medicare Funding for Post-Operative Care for Illegal Organ Transplants) Bill 2013, postponed till 26 June 2013.

14 PRIMARY INDUSTRIES—SMALL-SCALE FOOD PRODUCERS

Senator Rhiannon amended general business notice of motion no. 1272 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate—

(a) notes that:

(i) Oxfam Australia recently released a report titled, *Grow: Getting big results from small-scale agriculture,*
(ii) the report found that:

(A) small-scale food producers play a critical role in global food production,

(B) 80 per cent of the world’s hungry people are involved in food production as small-scale producers, including small-scale farmers, fishers, forest foragers and landless labourers, and

(C) small-scale producers go hungry because they often lack access to the markets, land, financing and credit facilities, infrastructure, farmer training services, storage facilities and relevant technology enjoyed by large farms, and

(iii) in 2013-14, the Australian aid program will invest around $411 million in programs that will improve access to food for millions of people across Africa, Asia and the Pacific; and

(b) calls on the Australian Government to consider increasing aid to food security by 2016, and prioritising aid to small-scale food producers.

Question put.

The Senate divided—

AYES, 36

Senators—

Bilyk  Feeney  Marshall  Singh
Bishop  Furner  McEwen (Teller)  Stephens
Brown  Gallagher  McLucas  Sterle
Cameron  Hanson-Young  Milne  Thorp
Carr, Kim  Hogg  Moore  Urquhart
Crossin  Lines  Polley  Waters
Di Natale  Ludlam  Pratt  Whish-Wilson
Farrell  Landy  Rhiannon  Wright
Faulkner  Madigan  Stiewert  Xenophon

NOES, 27

Senators—

Back  Edwards  Kroger (Teller)  Ruston
Bernardi  Eggleston  Macdonald  Ryan
Boswell  Fawcett  Mason  Scullion
Boyce  Fierravanti-Wells  Nash  Sinodinos
Buahby  Fifield  Parry  Smith
Cash  Heffernan  Payne  Williams
Colbeck  Johnston  Ronaldson

Question agreed to.

Statement by leave: Senator Williams, by leave, made a statement relating to the motion.
15 **TRANSPORT—COAL TRAINS—EMISSIONS—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1273—That there be laid on the table by the Minister representing the Minister for Infrastructure and Transport, by 27 June 2013, all documents relating to the production of the report, *Pollution Reduction Program 4.2 Particulate Emissions from Coal Trains*, dated May 2013, prepared for the Australian Rail Track Corporation (ARTC) by Katestone Environmental Pty Ltd, from 1 July 2012 until present, including correspondence between the ARTC and the Minister, the department, the New South Wales Environmental Protection Authority and the report consultant.

Question put.

The Senate divided—

**AYES, 11**

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Question negatived.

16 **HEALTH—CENTRAL AUSTRALIA—RENAL HEALTH SERVICES**

Senator Siewert amended general business notice of motion no. 1284 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the Federal Government allocated $13 million of funding to address kidney health and dialysis in central Australia in response to the Central Desert Renal Study in 2011, and

(ii) $3 million of this funding has already been pulled back into consolidated revenue and that much of the balance of $10 million remains unspent; and

(b) calls on the Federal Government to:

(i) ensure that the entirety of the $10 million in funding is used for dialysis-related purposes, and
(ii) be more flexible in its negotiations with state and territory governments and other stakeholders.

Question put and passed.

17 PRIVILEGES—STANDING COMMITTEE—STANDING ORDER 18—PROPOSED AMENDMENT

*Motion determined as not formal:* The Leader of the Australian Greens (Senator Milne) asked that general business notice of motion no. 1288 standing in her name for today, proposing an amendment to standing order 18, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

18 NOTICE OF MOTION WITHDRAWN

The Minister for Science and Research (Senator Farrell) withdrew government business notice of motion no. 2 standing in the name of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) for today, relating to the routine of business for 26 June 2013.

19 DEFENCE—DEFENCE ABUSE RESPONSE TASKFORCE—MINISTERIAL STATEMENT—DOCUMENTS

The Minister for Science and Research (Senator Farrell) tabled the following documents:

- Defence—Defence Abuse Response Taskforce—Ministerial statement by the Minister for Defence (Mr Smith), dated 20 June 2013.
- Defence Abuse Response Taskforce—Second interim report to the Attorney-General and Minister for Defence, dated June 2013.

20 AUDITOR-GENERAL—AUDIT REPORT NO. 51 OF 2012-13—DOCUMENT

The Acting Deputy President (Senator Edwards) tabled the following document:


21 CONSTITUTION ALTERATION (LOCAL GOVERNMENT) 2013—EXPLANATORY MEMORANDUM

The Minister for Science and Research (Senator Farrell) tabled an addendum to the explanatory memorandum relating to the Constitution Alteration (Local Government) 2013.

22 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—AGED CARE (LIVING LONGER LIVING BETTER) BILL 2013 AND RELATED BILLS

Senator McEwen, at the request of the Chair of the Community Affairs Legislation Committee (Senator Moore), tabled the following documents:

23 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MIGRATION AMENDMENT (TEMPORARY SPONSORED VISAS) BILL 2013**

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


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

24 **EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS LEGISLATION COMMITTEE—REPORT—AUSTRALIAN EDUCATION BILL 2013 AND RELATED BILL**

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


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

25 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—SLAVERY, SLAVERY LIKE CONDITIONS AND PEOPLE TRAFFICKING**

Senator McEwen, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:


Senator McEwen, by leave, moved—that the Senate take note of the report.

Question put and passed.

26 **PRIVILEGES—STANDING COMMITTEE—153rd REPORT**

Senator Back, at the request of the Chair of the Standing Committee of Privileges (Senator Humphries), tabled the following report and documents:


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

Senator Back, by leave, moved—that the Senate take note of the report.

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

27 **PRIVILEGES—STANDING COMMITTEE—154TH REPORT**

Senator Back, at the request of the Chair of the Standing Committee of Privileges (Senator Humphries), tabled the following report:

Privileges—Standing Committee—154th report—Persons referred to in the Senate: Ms Deborah Hegarty and Mr Peter Ross Hegarty, dated June 2013.

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

Senator Back, by leave, moved—that report be adopted.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.
28 **CYBER SAFETY—JOINT SELECT COMMITTEE—REPORT—CYBER-SAFETY FOR INDIGENOUS AUSTRALIANS**

The Chair of the Joint Select Committee on Cyber Safety (Senator Bilyk) tabled the following report:


Senator Bilyk, by leave, moved—that the Senate take note of the report.

Question put and passed.

29 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—REPORT—CARE OF AUSTRALIAN DEFENCE FORCE PERSONNEL WOUNDED AND INJURED ON OPERATIONS**

Senator Furner, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:

Foreign Affairs, Defence and Trade—Joint Standing Committee—Care of ADF personnel wounded and injured on operations—Report, dated June 2013.

Senator Furner, by leave, moved—that the Senate take note of the report.

Debate ensued.

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

30 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—POTENTIAL REFORMS OF AUSTRALIA’S NATIONAL SECURITY LEGISLATION**

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


Senator Faulkner, by leave, moved—that the Senate take note of the report.

Debate ensued.

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

31 **GAMBLING REFORM—JOINT SELECT COMMITTEE—REPORT—POKER MACHINE HARM REDUCTION ($1 BETS AND OTHER MEASURES) BILL 2012—ANTI-MONEY LAUNDERING AMENDMENT (GAMING MACHINE VENUES) BILL 2012—INTERACTIVE GAMBLING AMENDMENT (VIRTUAL CREDITS) BILL 2013**

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


Report ordered to be printed on the motion of Senator Brown.
32 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—DOCUMENT—AUDITOR-GENERAL’S REPORTS NOS 26 OF 2007-08 AND 22 OF 2012-13 IN RELATION TO THE TASMANIAN FOREST INDUSTRY

Senator Back, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan), tabled the following document:

Rural and Regional Affairs and Transport References Committee—Report—Auditor-General’s reports on Tasmanian forestry grants programs—Correction.

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

Senator Ruston, by leave, moved—that the Senate take note of the document.

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

33 AUSTRALIAN PARLIAMENTARY DELEGATION TO PAPUA NEW GUINEA—DOCUMENT

Senator Macdonald, by leave, tabled the following document:


Senator Macdonald, by leave, moved—that the Senate take note of the document.

Question put and passed.

34 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 Hearing Services Act—Declared Hearing Services Amendment Determination 2013 (No. 1) [F2013L01109].

Australian Prudential Regulation Authority Act—Australian Prudential Regulation Authority (Confidentiality) Determination No. 13 of 2013—Information provided by locally-incorporated banks and foreign ADIs under Reporting Standard ARS 320.0 [F2013L01113].

Civil Aviation Act—

Civil Aviation Regulations—Instrument No. CASA 119/13—Directions under subregulation 235(2) relating to landing weight and landing distance required [F2013L01104].

Civil Aviation Regulations and Civil Aviation Safety Regulations—Instrument No. CASA 129/13—Authorisation – Category A maintenance authority holder in a CAR 30 organisation; Exemption – from regulation 66.130 of CASR 1998 [F2013L01108].

Civil Aviation Safety Regulations—Instrument No. CASA EX64/13—Exemption – single operation into and out of Broome conducted by Queensland Recreational Aircraft Association [F2013L01075].

Copyright Act—Declaration under section 10A, dated 22 May 2013.

Corporations Act—ASIC Class Orders—

[CO 13/518] [F2013L01102].

[CO 13/519] [F2013L01100].
Environment Protection and Biodiversity Conservation Act—Amendment of list of exempt native specimens—EPBC303DC/SFS/2013/41 [F2013L01079].


Hearing Services Administration Act—
  Hearing Services (Eligible Persons) Amendment Determination 2013 (No. 1) [F2013L01105].
  Hearing Services (Participants in the Voucher System) Amendment Determination 2013 (No. 1) [F2013L01103].

Industrial Chemicals (Notification and Assessment) Act—Cosmetics Amendment (Sunscreen) Standard 2013 [F2013L01110].

Migration Act—Migration Regulations—Instruments IMMI—
  13/012—Class of persons [F2013L01073].
  13/049—Regional certifying bodies and regional postcodes [F2013L01107].
  13/053—Transit passengers who are eligible for a special purpose visa [F2013L01074].

National Health Act—

Personal Property Securities Act—Personal Property Securities (Fees) Determination 2013 [F2013L01071].


Radiocommunications Act—Radiocommunications (Duration of Community Television Transmitter Licences) Determination No. 1 of 2008 (Amendment No. 1 of 2013) [F2013L01077].

Remuneration Tribunal Act—Determinations—
  2013/07—Departmental Secretaries – Classification Structure and Terms and Conditions [F2013L01080].
  2013/08—Specified Statutory Offices – Remuneration and Allowances [F2013L01081].
TAX LAWS AMENDMENT (FAIRER TAXATION OF EXCESS CONCESSIONAL CONTRIBUTIONS) BILL 2013

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

Message no. 718, dated 20 June 2013—A Bill for an Act to amend the law relating to taxation and superannuation, and for related purposes.

Message no. 720, dated 20 June 2013—A Bill for an Act to impose a charge on excess concessional contributions, 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.

On the motion of Senator Collins the debate was adjourned till the next day of sitting.
36 Tax Laws Amendment (2013 Measures No. 3) Bill 2013
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) 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 Collins moved—That this bill be now read a second time.
On the motion of Senator Collins the debate was adjourned till the next day of sitting.

37 Public Interest Disclosure Bill 2013
Public Interest Disclosure (Consequential Amendments) Bill 2013
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 722, dated 24 June 2013—A Bill for an Act to facilitate disclosure and investigation of wrongdoing and maladministration in the Commonwealth public sector, and for other purposes.
Message no. 713, dated 19 June 2013—A Bill for an Act to deal with consequential matters arising from the enactment of the Public Interest Disclosure Act 2013, 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.

Explanatory memorandum: Senator Collins tabled a revised explanatory memorandum relating to the Public Interest Disclosure Bill 2013.

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

38 Superannuation Laws Amendment (MySuper Capital Gains Tax Relief and Other Measures) Bill 2013
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 721, dated 24 June 2013—A Bill for an Act to amend the law relating to taxation and superannuation, and for related purposes.
The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) 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 Collins moved—That this bill be now read a second time.

Explanatory memorandum: Senator Collins tabled a revised explanatory memorandum relating to the bill.

On the motion of Senator Collins the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

39 GOVERNOR-GENERAL’S MESSAGES—ASSENT TO LAWS
Messages from Her Excellency the Governor-General were reported, informing the Senate that she had assented to the following laws:

21 June 2013—Messages Nos—
43—Australian Citizenship Amendment (Special Residence Requirements) Act 2013 (Act No. 57, 2013).

40 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—
CITIZEN INITIATED REFERENDUM BILL 2013
Pursuant to order, Senator McEwen, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Polley), tabled the following report and documents:


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

41 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—
PRIVACY AMENDMENT (PRIVACY ALERTS) BILL 2013
Pursuant to order, Senator McEwen, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Crossin), tabled the following report and documents:


Report ordered to be printed on the motion of Senator McEwen.
Pursuant to order, Senator McEwen, at the request of the Chair of the Economics Legislation Committee (Senator Bishop), tabled the following report and documents:


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

The Chair of the Joint Select Committee on Broadcasting Legislation (Senator Cameron) tabled the following report:


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

Debate ensued.

Pursuant to order, debate was interrupted while Senator Birmingham was speaking.

At 7.30 pm—

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—and on the amendment moved by Senator Brandis (see entry no. 3).

Debate resumed.

Limitation of debate: The time allotted for the consideration of this bill expired.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 31

Senators—

Abetz  Cormann  Kroger (Teller)  Ruston
Back  Edwards  Macdonald  Ryan
Bernardi  Eggleston  Madigan  Scullion
Birmingham  Fawcett  Mason  Sinodinos
Boyce  Fierravanti-Wells  McKenzie  Smith
Bushby  Fifield  Nash  Williams
Cash  Humphries  Parry  Xenophon
Colbeck  Joyce  Payne  

Question negatived.

Question—That this bill be now read a second time—put.

The Senate divided—

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<td>Back</td>
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<td>Bernardi</td>
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The following 46 senators voted for the third reading.

Senators—

Bilyk
Birmingham
Bishop
Boyce
Brown
Cameron
Carr, Kim
Collins
Crossin
Di Natale
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Hogg
Humphries
Joyce
Lines
Ludlam
Lundy
Macdonald
Marshall
McEwen
McLucas
Mills
Milne
Moore
Nash
Payne
Policy (Teller)
Pratt
Rhiannon
Ruston
Scullion
Siewert
Singh
Sinodinos
Stephens
Sterle
Thorp
Urquhart
Waters
Whish-Wilson
Williams
Wright
Xenophon

The following 8 senators voted against the third reading.

Senators—

Back
Bernardi
Bushby (Teller)
Eggleston
Fawcett
Madigan
McKenzie
Smith

Question agreed to by an absolute majority of the Senate, as required by the Constitution.

Bill read a third time.

45 SEX DISCRIMINATION AMENDMENT (SEXUAL ORIENTATION, GENDER IDENTITY AND INTERSEX STATUS) 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—and on the amendment moved by Senator Wright:

At the end of the motion, add “but while the Senate does not decline to pass the bill, it notes:

(a) that it is intended to replace the Human Rights and Anti-Discrimination Bill 2012, and that, despite three successive Attorneys-General committing to streamline and modernise anti-discrimination and human rights law via that instrument, this bill shows that this Government has no intention to do so;

(b) this bill’s preservation of sections 37 and 38 of the Sex Discrimination Act 1984, and indeed its extension of these exemptions for religious bodies to discriminate on the grounds of newly protected attributes, represents another missed opportunity;

(c) that not only has this Government declined to modernise federal anti-discrimination laws generally, it has also declined to address some of the most pronounced cases where an organisation can deny a person’s human right to freedom from discrimination; and

(d) the Government’s statement that the Commonwealth legislation is not intended to cover the field with respect to jurisdictions with more advanced anti-discrimination law, and that it intends for state protections from discrimination to operate concurrently with the federal law”.

Debate resumed.

Limitation of debate: The time allotted for the consideration of this bill expired.

Question—That the amendment be agreed to—put and negatived.
Question—That this bill be now read a second time—put and passed.
Bill read a second time.

Explanatory memorandum: The Minister for Human Services (Senator McLucas) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

The following amendments circulated by the Government were considered:

Schedule 1, page 3 (after line 14), after item 3, insert:

3A Subsection 4(1)
Insert:

Commonwealth-funded aged care means:
(a) aged care, within the meaning of the Aged Care Act 1997:
   (i) that is provided by an approved provider, within the meaning of that Act; and
   (ii) in relation to which the approved provider has responsibilities under that Act; or
(b) care or services in relation to which a grant has been paid under Chapter 5 of the Aged Care Act 1997; or
(c) care or services of a class prescribed by the regulations for the purpose of this paragraph.

Schedule 1, page 9 (after line 20), after item 39, insert:

39A After subsection 23(3)
Insert:

(3A) Paragraph (3)(b) does not apply to accommodation provided by a religious body in connection with the provision, by the body, of Commonwealth-funded aged care.

Schedule 1, page 10 (after line 23), after item 49, insert:

49A Section 37
Before “Nothing”, insert “(1)”.

49B At the end of section 37
Add:

(2) Paragraph (1)(d) does not apply to an act or practice of a body established for religious purposes if:
(a) the act or practice is connected with the provision, by the body, of Commonwealth-funded aged care; and
(b) the act or practice is not connected with the employment of persons to provide that aged care.

Question—That the amendments be agreed to—put.
The Senate divided—

**AYES, 36**

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Question agreed to.

The following amendments circulated by the Government were agreed to:

Schedule 1, page 13 (after line 1), after the heading to Part 2 of Schedule 1, insert:

**Division 1—Amendments of references to marital status**

Schedule 1, Part 2, page 13 (after line 6), at the end of the Part, add:

**Division 2—Amendments of references to sexual preference**

**Broadcasting Services Act 1992**

**63A Paragraph 123(3)(e)**

Omit “sexual preference”, substitute “sexual orientation”.

**63B Paragraph 28(3)(e) of Schedule 6**

Omit “sexual preference”, substitute “sexual orientation”.

**Fair Work Act 2009**

**63C Subsection 153(1)**

Omit “sexual preference”, substitute “sexual orientation”.

**63D Subsection 195(1)**

Omit “sexual preference”, substitute “sexual orientation”.

**63E Subsection 351(1)**

Omit “sexual preference”, substitute “sexual orientation”.

**63F Paragraph 578(c)**

Omit “sexual preference”, substitute “sexual orientation”.

**63G Paragraph 772(1)(f)**

Omit “sexual preference”, substitute “sexual orientation”.
No. 151—24 June 2013

Fair Work (Registered Organisations) Act 2009
63H Paragraph 142(1)(d)
Omit “sexual preference”, substitute “sexual orientation”.
The following amendment circulated by the Opposition was negatived:
Schedule 1, item 52, page 11 (lines 7 to 9), omit “in direct compliance with a law of the Commonwealth, or of a State or Territory, that is prescribed by the regulations for the purpose of this subsection”, substitute “in accordance with or necessary to comply with a law of the Commonwealth, or of a State or Territory”.

Question—That the remaining stages of this bill be agreed to and this bill, as amended, be now passed—put and passed.
Bill read a third time.

46 Australian Sports Anti-Doping Authority Amendment Bill 2013
Order of the day read for the adjourned debate on the motion of the Minister for Sport (Senator Lundy)—That this bill be now read a second time.
Debate resumed.

Limitation of debate: The time allotted for the consideration of this bill expired.
Question—That this bill be now read a second time—put and passed.
Bill read a second time.

Explanatory memoranda: Senator Lundy tabled a replacement explanatory memorandum relating to the bill and a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

The following amendments circulated by the Government were agreed to:
Schedule 1, item 9, page 4 (line 29), omit “notice;”, substitute “notice.”.
Schedule 1, item 9, page 4 (lines 30 to 32), omit all the words from and including “if the” to the end of subsection 13A(1).
Schedule 1, item 9, page 4 (after line 32), after subsection 13A(1), insert:

(1A) The NAD scheme must provide that the CEO must not give a disclosure notice to a person unless:
(a) the CEO declares in writing that the CEO reasonably believes that the person has information, documents or things that may be relevant to the administration of the NAD scheme; and
(b) 3 ADRVP members agree in writing that the belief is reasonable.

Schedule 1, item 9, page 7 (lines 13 and 14), omit paragraph 13D(2)(f), substitute:
(f) any proceedings that would expose the individual to a penalty, other than proceedings in connection with this Act or the regulations.
Schedule 1, item 9, page 7 (after line 14), at the end of section 13D, add:

(3) To avoid doubt, proceedings (however described) before a sporting administration body or the Court of Arbitration for Sport or other sporting tribunal that relate to sports doping and safety matters are proceedings in connection with this Act or the regulations.

Schedule 2, page 15 (after line 19), after item 3, insert:

3A Before subsection 74(2)

Insert:

(1B) Without limiting subsection (1), the report must set out the number of times the CEO has exercised the discretion referred to in subsection 68(5A) in relation to protected customs information during the financial year.

Schedule 3, page 16 (after line 9), after item 2, insert:

2A Subsection 5(1A)

Omit “6”, substitute “8”.

Schedule 3, page 17 (after line 13), after item 9, insert:

9A Section 42

Omit “7”, substitute “9”.

The following amendment circulated by the Australian Greens was agreed to:

Schedule 1, item 9, page 4 (after line 32), after subsection 13A(1), insert:

(1A) The NAD scheme must provide that the CEO must not give a disclosure notice to a person unless:

(a) the CEO declares in writing that the CEO reasonably believes that the person has information, documents or things that may be relevant to the administration of the NAD scheme; and

(b) if:

(i) the person is a registered medical practitioner; and

(ii) the notice is given to the person in his or her capacity as a registered medical practitioner;

the CEO declares in writing that the CEO reasonably believes that the person has been involved, in that capacity, in the commission, or attempted commission, of a possible violation of the anti-doping rules; and

(c) 3 ADRVP members agree in writing that the belief referred to in paragraph (a) (and, if applicable, paragraph (b)) is reasonable.

The following amendments circulated by the Australian Greens were agreed to:

Schedule 1, item 9, page 6 (line 2), after “apply if”, insert “the person gives the CEO a statutory declaration stating that”

Schedule 1, item 9, page 6 (line 24), omit “not an excuse”.

Schedule 1, item 9, page 6 (before line 25), before subsection 13D(1), insert:

(1) An individual is excused from complying with a requirement to answer a question or to give information if the answer to the question or the information might tend to incriminate the individual or expose the individual to a penalty.
Schedule 1, item 9, page 6 (lines 25 to 31), omit subsection 13D(1), substitute:

(1A) A person is not excused from producing a document or thing as required by a disclosure notice given to the person on the ground that the document or thing might tend to incriminate the person or expose the person to a penalty.

Schedule 1, item 9, page 7 (lines 1 to 7), omit paragraphs 13D(2)(a) to (d), substitute:

(a) the document or thing produced;
(b) the producing of the document or thing;
(c) any information, document or thing obtained as a direct or indirect consequence of producing the document or thing;

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

Bill read a third time.

47 SUPERANNUATION LEGISLATION AMENDMENT (SERVICE PROVIDERS AND OTHER GOVERNANCE MEASURES) BILL 2013
SUPERANNUATION (SUSTAINING THE SUPERANNUATION CONTRIBUTION CONCESSION) IMPOSITION BILL 2013
SUPERANNUATION LAWS AMENDMENT (MYSUPER CAPITAL GAINS TAX RELIEF AND OTHER MEASURES) BILL 2013
TAX AND SUPERANNUATION LAWS AMENDMENT (INCREASED CONCESIONAL CONTRIBUTIONS CAP AND OTHER MEASURES) BILL 2013

Order read for the adjourned debate on the motions of the Minister for Finance and Deregulation (Senator Wong) and the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins)—That these bills be now read a second time.

Debate resumed.

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

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

Bills read a second time.

The following amendments in respect of the Superannuation Legislation Amendment (Service Providers and Other Governance Measures) Bill 2013 circulated by the Opposition were considered:

Clause 2, page 5 (table item 24), omit the table item, substitute:

<table>
<thead>
<tr>
<th>24.</th>
<th>Schedule 1, items 72 and 73</th>
<th>1 July 2013.</th>
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<tr>
<td>24A.</td>
<td>Schedule 1, items 73A to 73E</td>
<td>1 July 2015.</td>
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<td>24B.</td>
<td>Schedule 1, items 74 to 110</td>
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Clause 2, page 5 (after table item 29), insert:

| 29AA. | Schedule 1, items 119D to 119F | 1 July 2015. | 1 July 2015 |
Clause 3, page 6 (lines 7 to 12), omit the clause, substitute:

3 Schedule(s)

(1) Each Act, and each set of regulations, that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

(2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

Schedule 1, page 35 (after line 31), after item 73, insert:

73A After section 89

Insert:

89A Public offer fund independence rule

Basic rule

(1) For the purposes of this Part, a fund complies with the public offer fund independence rule if:

(a) both:

(i) the fund has a group of individual trustees;

(ii) at least one third of the group of trustees are independent directors or independent trustees, or a combination of both; or

(b) both:

(i) the fund has a single corporate trustee;

(ii) at least one third of the board of the corporate trustee are independent directors or independent trustees, or a combination of both.

Note: Independent director and independent trustee are defined in subsection 10(1) of this Act.

Vacancy

(2) For the purposes of the application of the public offer fund independence rule, if:

(a) a vacancy occurs in the membership of a group of trustees or of the board of a corporate trustee; and

(b) immediately before the vacancy occurred, the fund complied with the public offer fund independence rule; and

(c) the vacancy is filled within 90 days after it occurred; and

(d) immediately after the vacancy is filled, the fund complies with the public offer fund independence rule;

the fund is taken to have complied with the public offer fund independence rule at all times during the period of the vacancy.

Schedule 1, page 35 (after line 31), after item 73, insert:

73B Subparagraph 92(3)(a)(ii)

Omit “basic equal representation rules”, substitute “public offer fund independence rule”.
73C Paragraph 92(3)(c)
Repeal the paragraph, substitute:
(c) each prescribed policy committee must consist of equal numbers of employer representatives, independent representatives and member representatives.

Schedule 1, page 35 (after line 31), after item 73, insert:

73D Subparagraph 93(3)(a)(ii)
Omit “basic equal representation rules”, substitute “public offer fund independence rule”.

73E Paragraph 93(3)(c)
Repeal the paragraph, substitute:
(c) each prescribed policy committee must consist of equal numbers of employer representatives, independent representatives and member representatives.

Schedule 1, page 52 (after line 15), after item 119, insert:

Superannuation Industry (Supervision) Regulations 1994

119D Subregulation 3.05(4)
Omit “basic equal representation rules stated in section 89”, substitute “public offer fund independence rule stated in section 89A”.

119E Subregulation 3.05(5) (heading)
Note: The heading to subregulation 3.05(5) is replaced by the heading “Equal representation of employers, independent representatives and members on policy committees—effect of vacancy”.

119F Subregulation 3.05(5)
Repeal the subregulation, substitute:

(5) If a vacancy occurs in the membership of a policy committee of a public offer superannuation fund the policy committee is taken to consist of equal numbers of employer representatives, independent representatives and member representatives during the period of the vacancy, in accordance with paragraph 91(3)(c), 92(3)(c) or 93(3)(c) of the Act (whichever is applicable) if:
(a) immediately before the vacancy occurred, the policy committee consisted of equal numbers of employer representatives, independent representatives and member representatives; and
(b) the vacancy is filled within 90 days after it occurred; and
(c) immediately after the vacancy is filled, the policy committee consists of equal numbers of employer representatives, independent representatives and member representatives.

Question—That the amendments be agreed to—put.
The Senate divided—

AYES, 32

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Question negatived.

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.

48 ADJOURNMENT

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

Debate ensued.

Documents: Senator Scullion, by leave, tabled the following documents:


Debate continued.

The Senate adjourned at 11.36 pm till Tuesday, 25 June 2013 at 11 am.

49 ATTENDANCE

Present, all senators.