THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 153

WEDNESDAY, 26 JUNE 2013

Contents

1 Meeting of Senate ................................................................. 4203
2 Government Documents ......................................................... 4203
3 Senate Chamber—Debate Timing Clocks—Statement by President ........ 4203
4 Aged Care (Living Longer Living Better) Bill 2013
   Australian Aged Care Quality Agency Bill 2013
   Australian Aged Care Quality Agency (Transitional Provisions) Bill 2013
   Aged Care (Bond Security) Amendment Bill 2013
   Aged Care (Bond Security) Levy Amendment Bill 2013 ...................... 4203
5 Australian Education Bill 2013 and Related Bill—Proposed Suspension of
   Standing Orders ........................................................................ 4211
6 Australian Education Bill 2013
   Australian Education (Consequential and Transitional Provisions)
   Bill 2013 .................................................................................. 4213
7 Public Interest Disclosure Bill 2013
   Public Interest Disclosure (Consequential Amendments) Bill 2013 ........ 4217
8 Parliament—Mr Terry Malcolm—Retirement—Statement by President .... 4219
9 Questions ................................................................................... 4219
10 Question on Notice—Answer and Explanation .................................. 4219
11 Motions to Take Note of Answers ................................................. 4220
12 Notices ..................................................................................... 4220
13 Leave of Absence ....................................................................... 4226
14 Postponements ......................................................................... 4226
15 Overseas Aid (Millennium Development Goals) Bill 2013 ................. 4226
16 Transport—Australian Road Rules and Australian Vehicle Standards
   Rules—Order for Production of Documents ...................................... 4227
17 Environment—Great Barrier Reef World Heritage Area—Offshore
   Dumping .................................................................................. 4227
18 Foreign Affairs—China—Universal Periodic Review ......................... 4227
19 Industrial Relations—State Public Sector Employees—Employment
   Conditions .............................................................................. 4228
20 Environment—Protection of Flora and Fauna .................................. 4228
<table>
<thead>
<tr>
<th>No.</th>
<th>Committee/Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Environment—Coal Seam Gas</td>
<td>4229</td>
</tr>
<tr>
<td>22</td>
<td>Industrial Relations—National Broadband Network—Asbestos Concerns</td>
<td>4229</td>
</tr>
<tr>
<td>23</td>
<td>Environment—Marine Parks</td>
<td>4230</td>
</tr>
<tr>
<td>24</td>
<td>Foreign Affairs—Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria</td>
<td>4231</td>
</tr>
<tr>
<td>25</td>
<td>Environment—Japan—Whaling</td>
<td>4232</td>
</tr>
<tr>
<td>26</td>
<td>Notice</td>
<td>4232</td>
</tr>
<tr>
<td>27</td>
<td>Rural and Regional Affairs and Transport References Committee—Report</td>
<td>4232</td>
</tr>
<tr>
<td></td>
<td>Legal and Constitutional Affairs Legislation Committee—Report—Crimes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Bill 2013</td>
<td>4232</td>
</tr>
<tr>
<td>28</td>
<td>Legal and Constitutional Affairs Legislation Committee—Report—Migration Amendment (Offshore Resources Activity) Bill 2013</td>
<td>4233</td>
</tr>
<tr>
<td>29</td>
<td>First Speech</td>
<td>4233</td>
</tr>
<tr>
<td>30</td>
<td>Valedictory Statements</td>
<td>4233</td>
</tr>
<tr>
<td>31</td>
<td>Notice</td>
<td>4233</td>
</tr>
<tr>
<td>32</td>
<td>Adjournment</td>
<td>4234</td>
</tr>
<tr>
<td>33</td>
<td>Attendance</td>
<td>4234</td>
</tr>
</tbody>
</table>
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.

GOVERNMENT DOCUMENTS
The following documents were tabled:
Department of Resources, Energy and Tourism—Energy use in the Australian Government’s operations—Reports for—
2010-11.
2011-12.
Migration Act 1958—Section 486O—Assessment of detention arrangements—
Personal identifiers: 741/12, 745/12, 815/12, 818/12, 822/12, 826 and 827/12,
835/12, 837/12, 839 to 841/12, 845/12, 848/12, 852/12, 865 and 866/12, 868/12,
871/12, 877 and 878/12, 949/12, 961 to 966/12, 974 to 978/12,
980 and 981/12, 986 to 988/12, 1027/12, 1044/12, 1046 to 1049/12, 1060 and
1061/12, 1063/12, 1065 to 1072/12, 1101 to 1103/12, 1105/12, 1107/12, 1109 and
1110/12, 1114/12, 1117/12, 1119/12, 1121 to 1126/12, 1132/13, 1135/13, 1139 to
1141/13, 1148/13, 1152/13, 1154 to 1157/13, 1159 to 1165/13, 1168 to 1197/13,
1201 to 1213/13, 1215 to 1220/13, 1222 to 1262/13, 1264 to 1298/13, 1300 to
1335/13, 1337 to 1357/13, 1359 to 1366/13, 1369 and 1370/13, 1372/13, 1374 and
1375/13, 1377/13, 1379/13, 1381/13, 1384 to 1392/13, 1394 and 1395/13, 1407 to
1421/13, 1423/13, 1425 and 1426/13, 1428 to 1437/13, 1458 to 1466/13, 1469 to
1476/13, 1478 to 1480/13 and 1482/13—
Commonwealth Ombudsman’s reports.
Government response to Ombudsman’s reports, dated 21 June 2013.
Productivity Commission—Report No. 62—Electricity network regulatory frameworks—
Volume 1, dated 9 April 2013.
Volume 2, dated 9 April 2013.

SENATE CHAMBER—DEBATE TIMING CLOCKS—STATEMENT BY PRESIDENT
The President made a statement relating to the operation of the debate timing clocks.

AGED CARE (LIVING LONGER LIVING BETTER) BILL 2013
AUSTRALIAN AGED CARE QUALITY AGENCY BILL 2013
AUSTRALIAN AGED CARE QUALITY AGENCY (TRANSITIONAL PROVISIONS) BILL 2013
AGED CARE (BOND SECURITY) AMENDMENT BILL 2013
AGED CARE (BOND SECURITY) LEVY AMENDMENT 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
these bills be now read a second time.
Debate resumed.
Documents: Senator Siewert, by leave, tabled the following documents:

Aged Care (Living Longer Living Better) Bill 2013 and related bills—
Letter from the Minister for Mental Health and Ageing (Mr Butler) to the Chair of the Aged Care Financing Authority (Ms O’Grady).
Letters [2] from the Minister for Mental Health and Ageing (Mr Butler) to Senator Siewert.

Debate continued.

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

Explanatory memoranda: The Minister for Human Services (Senator McLucas) tabled a supplementary explanatory memorandum and an additional supplementary explanatory memorandum relating to the government amendments to be moved to the Aged Care (Living Longer Living Better) Bill 2013.

The requests for amendments to the Aged Care (Living Longer Living Better) Bill 2013 circulated by the Australian Greens were withdrawn by leave.

The following amendments in respect of the Aged Care (Living Longer Living Better) Bill 2013 circulated by the Government were agreed to:

Schedule 1, item 6, page 5 (after line 25), after paragraph (g), insert:
(ga) parents separated from their children by forced adoption or removal;

Schedule 1, item 72, page 14 (lines 25 and 26), omit the item, substitute:

72 Subsection 46-1(1) (note)
Repeal the note.

Schedule 1, page 25 (after line 6), after item 180, insert:

180A Subsection 85-6(1)

180B Paragraph 85-7(1)(a)

180C Paragraph 85-7(1)(b)

180D Subsection 85-7(2)

Schedule 1, item 196, page 27 (lines 11 to 18), omit subitems (1) and (2), substitute:

(1) This item applies if, before the commencement time:
   (a) a person was approved under Part 2.1 of the old law as a provider of aged care (whether or not the approval had come into force); and
   (b) the approval had not ceased to have effect.

(2) To the extent that the approval was in respect of community care, the approval is taken, for the purposes of the new law, to be in respect of home care.

(3) To the extent that the approval was in respect of flexible care, the approval is taken, for the purposes of the new law, to be in respect of both home care and flexible care.

Schedule 3, item 103, page 52 (line 21), after “dementia”, insert “and severe behaviours”.

Schedule 3, item 142, page 71 (line 5), after “dementia”, insert “and cognition”.

Schedule 3, page 117 (after line 12), after item 175, insert:

175A Subsection 72-1(2)
Omit “Residential Care”.

Schedule 3, Part 2, page 134 (after line 13), at the end of the Part, add:

292 Determining the status of residential care service buildings
A provision of the Subsidy Principles has effect before it commences as if it had commenced if the provision:
   (a) is made for the purposes of section 44-28 of the Aged Care Act 1997 as amended by item 125 of this Schedule; and
   (b) relates to determining, or applying for the determination of, the status of a building.

Schedule 4, Part 1, page 135 (after line 16), at the end of the Part, add:

National Disability Insurance Scheme Act 2013
5A Section 9 (definition of community care)
Repeal the definition.

5B Section 9
Insert:

home care has the same meaning as in the Aged Care Act 1997.

5C Paragraph 29(1)(b)
Omit “community”, substitute “home”.

5D Subsection 29(1) (note)
Omit “community”, substitute “home”.

Schedule 5, item 215, page 169 (line 4), omit the definition of commencement time, substitute:

first commencement time means the time when Part 1 of this Schedule commences.

second commencement time means the time when this Part commences.
Schedule 5, item 216, page 169 (line 8), before “commencement”, insert “first”.
Schedule 5, item 216, page 169 (line 10), before “commencement”, insert “second”.
Schedule 5, item 216, page 169 (line 14), before “commencement”, insert “second”.
Schedule 5, item 217, page 169 (line 21), before “commencement”, insert “first”.
Schedule 5, item 217, page 169 (line 22), before “commencement”, insert “second”.
Schedule 5, item 217, page 169 (lines 25 and 26), omit subitem (2), substitute:
(2) Without limiting its effect apart from this item, the process is also taken, after the second commencement time, to have been begun under the corresponding provision.

The following amendments in respect of the Aged Care (Living Longer Living Better) Bill 2013 circulated by the Government were considered:

Clause 2, page 2 (table item 3), omit the table item, substitute:

<table>
<thead>
<tr>
<th>Schedule 2, item</th>
<th>1 January 2014</th>
<th>1 January 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Schedule 2, items 1 to 4</td>
<td>1 January 2014</td>
<td>1 January 2014</td>
</tr>
<tr>
<td>3A. Schedule 2, item 5</td>
<td>1 August 2013</td>
<td>1 August 2013</td>
</tr>
<tr>
<td>3B. Schedule 2, item 6</td>
<td>1 January 2014</td>
<td>1 January 2014</td>
</tr>
<tr>
<td>3C. Schedule 2, items 7 to 11</td>
<td>1 August 2013</td>
<td>1 August 2013</td>
</tr>
<tr>
<td>3D. Schedule 2, item 12</td>
<td>1 January 2014</td>
<td>1 January 2014</td>
</tr>
<tr>
<td>3E. Schedule 2, items 13 and 14</td>
<td>1 August 2013</td>
<td>1 August 2013</td>
</tr>
<tr>
<td>3F. Schedule 2, item 15</td>
<td>1 January 2014</td>
<td>1 January 2014</td>
</tr>
<tr>
<td>3G. Schedule 2, items 16 and 16A</td>
<td>1 August 2013</td>
<td>1 August 2013</td>
</tr>
<tr>
<td>3H. Schedule 2, item 17</td>
<td>1 January 2014</td>
<td>1 January 2014</td>
</tr>
<tr>
<td>3I. Schedule 2, item 18</td>
<td>1 August 2013</td>
<td>1 August 2013</td>
</tr>
<tr>
<td>3J. Schedule 2, items 19 to 21</td>
<td>1 January 2014</td>
<td>1 January 2014</td>
</tr>
<tr>
<td>3K. Schedule 2, item 22</td>
<td>1 August 2013</td>
<td>1 August 2013</td>
</tr>
<tr>
<td>3L. Schedule 2, item 23</td>
<td>1 January 2014</td>
<td>1 January 2014</td>
</tr>
<tr>
<td>3M. Schedule 2, Part 2</td>
<td>1 August 2013</td>
<td>1 August 2013</td>
</tr>
</tbody>
</table>
Schedule 2, page 36 (before line 30), after item 16, insert:

16A Section 96-1 (after table item 14)

Insert:

14A Fees and Payments Principles Parts 3A.1, 3A.2 and 3A.3

Schedule 2, item 24, page 38 (line 6), omit the definition of commencement time, substitute:

first commencement time means the time when item 5 of this Schedule commences.

Schedule 2, item 24, page 38 (line 8), before “commencement”, insert “second”.

Schedule 2, item 24, page 38 (line 10), before “commencement”, insert “second”.

Schedule 2, item 24, page 38 (after line 10), at the end of the item, add:

second commencement time means the time when item 1 of this Schedule commences.

Schedule 2, item 25, page 38 (line 13), before “commencement”, insert “second”.

Schedule 2, item 25, page 38 (line 14), before “commencement”, insert “second”.

Schedule 2, item 26, page 38 (line 18), before “commencement”, insert “first”.

Schedule 3, item 236, page 125 (table items 15 and 15A), omit the table items, substitute:

15 Grant Principles Parts 5.1, 5.5, 5.6 and 5.7

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

2. Schedule 1 1 August 2013.

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

5. Schedule 4, 1 August 2013.

Schedule 1, heading, page 5 (line 2), omit “1 July 2013”, substitute “1 August 2013”.

Schedule 4, heading to Part 1, page 135 (line 2), omit “1 July 2013”, substitute “1 August 2013”.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 34

Senators—

Bilyk
Bishop
Brown
Cameron
Carr, Kim
Collins
Crossin
Di Natale
Faulkner
Feeney
Furner
Gallacher
Hanson-Young
Lines
Ladlam
Ludwig
Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert
Singh
Stephens
Sterle
Thorp
Unquhart
Waters
Whish-Wilson
Wong
Wright
Question agreed to.

The following amendment in respect of the Aged Care (Living Longer Living Better) Bill 2013 circulated by Senator Xenophon was considered:

Page 4 (after line 6), after clause 4, insert:

**4A Further review of operation of amendments**

1. The Minister must cause an independent review to be undertaken of the operation of the amendments made by:
   (a) this Act; and
   (b) the *Aged Care (Bond Security) Amendment Act 2013*; and
   (c) the *Aged Care (Bond Security) Levy Amendment Act 2013*.

2. The review must consider at least the following matters:
   (a) the effectiveness of the provisions for determining the value of a person’s assets in accordance with the Subsidy Principles;
   (b) the operation of the provisions relating to accommodation agreements and the impact that those provisions have on approved providers and care recipients;
   (c) the relative use of refundable deposits and daily payments and the impact that refundable deposits and daily payments have on aged care providers and residents;
   (d) any other related matter that the Minister specifies.

3. The review must make provision for public consultation and, in particular, must provide for consultation with:
   (a) approved providers; and
   (b) aged care workers; and
   (c) consumers; and
   (d) people with special needs; and
   (e) carers; and
   (f) representatives of consumers.

4. The review must be undertaken as soon as practicable after the end of the period of 18 months after the commencement of Schedule 1.

5. The person who undertakes the review must give the Minister a written report of the review within 6 months after the end of the 18 month period.

6. The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of receiving it.

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

AYES, 29

Senators—

Back
Bernardi
Birmingham
Boswell
Boyce
Brandis
Busby
Cash

Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan

Humphries
Johnston
Kroger
Macdonald
Mason
McKenzie
Nash
Parry

Ronaldson
Ruston
Smith
Williams (Teller)
Xenophon

NOES, 34

Senators—

Bilyk
Bishop
Brown
Cameron
Carr, Kim
Collins
Crossin
Di Natale
Faulkner

Feeney
Furner
Gallacher
Hanson-Young
Lines
Ludlam
Ludwig
Marshall
McEwen (Teller)

McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Stewart
Singh
Stephens

Sterle
Thorp
Urquhart
Waters
Whish-Wilson
Wong
Wright

Question negatived.

Question—That Schedule 1, items 36, 37 and 40, and Schedule 2, clause 95B-11 of the Aged Care (Living Longer Living Better) Bill 2013 stand as printed—put.

The Senate divided—

AYES, 34

Senators—

Bilyk
Bishop
Brown
Cameron
Carr, Kim
Collins
Crossin
Di Natale
Faulkner

Feeney
Furner
Gallacher
Hanson-Young
Lines
Ludlam
Ludwig
Marshall
McEwen (Teller)

McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Stewart
Singh
Stephens

Sterle
Thorp
Urquhart
Waters
Whish-Wilson
Wong
Wright

NOES, 29

Senators—

Back
Bernardi
Birmingham
Boswell
Boyce
Brandis
Busby
Cash

Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan

Humphries
Johnston
Kroger
Macdonald
Mason
McKenzie
Nash
Parry

Ronaldson
Ruston
Smith
Williams (Teller)
Xenophon

Items and clause agreed to.
The following amendment in respect of the Aged Care (Living Longer Living Better) Bill 2013 circulated by the Australian Greens was considered:

Schedule 1, page 25 (after line 8), after item 181, insert:

**181A At the end of section 95A-1**

Add:

(3) If the *Aged Care Commissioner requests the Secretary to give the Commissioner information that the Commissioner requires for the purposes of the Commissioner’s functions, the Secretary must, if the information is available to the Secretary, give the information to the Commissioner.

(4) If, on and after 1 January 2014, the *Aged Care Commissioner requests the CEO of the Quality Agency to give the Commissioner information that the Commissioner requires for the purposes of the Commissioner’s functions, the CEO must, if the information is available to the CEO, give the information to the Commissioner.

**181B After section 95A-11**

Insert:

95A-11A Aged Care Commissioner may give report to Minister at any time

The *Aged Care Commissioner may, at any time, give a written report to the Minister on any matter relating to the Commissioner’s functions.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 34

Senators—

<table>
<thead>
<tr>
<th>Bilyk</th>
<th>Feeney</th>
<th>McLucas</th>
<th>Sterle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bishop</td>
<td>Furner</td>
<td>Milne</td>
<td>Thorp</td>
</tr>
<tr>
<td>Brown</td>
<td>Gallagher</td>
<td>Moore</td>
<td>Unquhart</td>
</tr>
<tr>
<td>Cameron</td>
<td>Hanson-Young</td>
<td>Polley</td>
<td>Waters</td>
</tr>
<tr>
<td>Carr, Kim</td>
<td>Lines</td>
<td>Pratt</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Collins</td>
<td>Ladlam</td>
<td>Rhiannon</td>
<td>Wong</td>
</tr>
<tr>
<td>Crossin</td>
<td>Ludwig</td>
<td>Stiewert</td>
<td>Wright</td>
</tr>
<tr>
<td>Di Natale</td>
<td>Marshall</td>
<td>Singh</td>
<td></td>
</tr>
<tr>
<td>Faulkner</td>
<td>McEwen (Teller)</td>
<td>Stephens</td>
<td></td>
</tr>
</tbody>
</table>

NOES, 29

Senators—

<table>
<thead>
<tr>
<th>Back</th>
<th>Colbeck</th>
<th>Humphries</th>
<th>Ronaldson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bernardi</td>
<td>Cormann</td>
<td>Johnston</td>
<td>Ruston</td>
</tr>
<tr>
<td>Birmingham</td>
<td>Edwards</td>
<td>Kroger</td>
<td>Smith</td>
</tr>
<tr>
<td>Boswell</td>
<td>Eggleston</td>
<td>Macdonald</td>
<td>Williams (Teller)</td>
</tr>
<tr>
<td>Boyce</td>
<td>Fawcett</td>
<td>Mason</td>
<td>Xenophon</td>
</tr>
<tr>
<td>Brandis</td>
<td>Fierravanti-Wells</td>
<td>McKenzie</td>
<td></td>
</tr>
<tr>
<td>Bushby</td>
<td>Fifield</td>
<td>Nash</td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td>Heffernan</td>
<td>Parry</td>
<td></td>
</tr>
</tbody>
</table>

Question agreed to.
The following amendments in respect of the Aged Care (Living Longer Living Better) Bill 2013 circulated by the Australian Greens were agreed to:

Schedule 1, page 25 (after line 14), after item 184, insert:

184A Subsection 96-3(1)
Repeal the subsection, substitute:

(1) For the purposes of this Act, the Minister:
   (a) must establish a committee to be known as the Aged Care Financing Authority; and
   (b) may establish other committees.

Schedule 1, Part 1, page 26 (after line 21), at the end of the Part, add:

194A Application
Despite the amendment made by item 184A of this Schedule, subsection 96-3(1) of the Aged Care Act 1997 has effect, before 1 August 2013, as if that amendment had not been made.

Schedule 3, item 246, page 126 (lines 17 and 18), omit the item, substitute:

246 Subsection 96-3(1)
After “this Act”, insert “and the Aged Care (Transitional Provisions) Act 1997”.

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.

5 Australian Education Bill 2013 and Related Bill—Proposed Suspension of Standing Orders
Leave refused: Senator Mason sought leave to move a motion relating to the Australian Education Bill 2013 and a related bill.
An objection was raised and leave was not granted.
Senator Mason, at the request of the Leader of the Opposition in the Senate (Senator Abetz) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Abetz moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the Australian Education Bill 2013 and a related bill.
Debate ensued.
Closure: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) moved—That the question be now put.
Question—That the question be now put—put.
The Senate divided—

**AYES, 35**

Senators—

- Bilyk
- Bishop
- Cameron
- Carr, Kim
- Collins
- Conroy
- Crossin
- Di Natale
- Farrell
- Faulkner
- Feeney
- Furner
- Gallacher
- Hanson-Young
- Hogg
- Lines
- Ludlam
- Ludwig

**NOES, 30**

Senators—

- Back
- Bernardi
- Birmingham
- Boswell
- Boyce
- Brandis
- Bushby
- Cash
- Colbeck
- Cormann
- Edwards
- Eggleston
- Fawcett
- Fierravanti-Wells
- Fifield
- Heffernan

Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

**AYES, 28**

Senators—

- Bernardi
- Birmingham
- Boswell
- Boyce
- Brandis
- Bushby
- Cash
- Colbeck
- Cormann
- Edwards
- Eggleston
- Fawcett
- Fierravanti-Wells
- Fifield
- Heffernan

**NOES, 35**

Senators—

- Bilyk
- Bishop
- Cameron
- Carr, Kim
- Collins
- Conroy
- Crossin
- Di Natale
- Farrell
- Faulkner
- Feeney
- Furner
- Gallacher
- Hanson-Young
- Hogg
- Lines
- Ludlam
- Ludwig

Question negatived.
6 AUSTRALIAN EDUCATION BILL 2013
AUSTRALIAN EDUCATION (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS)
BILL 2013

Orders of the day read for the adjourned debate on the motions of the Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and the Parliamentary Secretary for Defence (Senator Feeney)—That these bills be now read a second time.

Debate resumed.

Senator Mason moved the following amendment:

At the end of the motion, add “but the Senate:

(a) notes:

(i) the need for the Government to provide certainty that individual schools will not be left worse off under the new arrangements, and

(ii) the importance of more transparency regarding the financial impact of the proposed arrangements; and

(b) further notes its concern about:

(i) parts of the National Plan for School Improvement, which have the effect of micromanaging schools or increasing red-tape, and the increased federal interference in the operations of state government and Catholic schools, and

(ii) proposals to change the capacity to contribute measure for non-government schools in the future”.

Debate ensued.

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

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 32

Back
Bernardi
Birmingham
Boyce
Brandis
Bushby (Teller)
Cash

Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Heffernan

Humphries
Johnston
Kroger
Macdonald
Madigan
Mason
McKenzie
Nash

Parry
Payne
Ronaldson
Ruston
Ryan
Sinodinos
Smith
Xenophon

NOES, 36

Senators—
Bilyk
Bishop
Brown
Cameron
Carr, Kim
Collins
Crossin
Di Natale
Farrell

Faulkner
Furner
Gallacher
Hanson-Young
Hogg
Lines
Ludlam
Ludwig
Lundy

Marshall
McEwen (Teller)
McLucas
Milne
Moore
Polley
Pratt
Rhiannon
Siewert

Singh
Stephens
Sterle
Thistlethwaite
Thorp
Unquhart
Waters
Whish-Wilson
Wright

Question negatived.
The following amendment in respect of the Australian Education Bill 2013 circulated by the Australian Greens was negatived:

At the end of the motion “That these bills be now read a second time”, add “but the Senate notes that:

(a) the bill is an important step towards establishing an enduring schools funding model, where public money is equitably provided to schools according to need, to ensure a universally accessible school education system;

(b) needs-based funding is necessary to ensure public schools are funded to provide a world-class education to any student regardless of their background;

(c) a genuine needs-based funding model would ensure all resources of a school are taken into account in determining need; and

(d) the Gonski Review of Funding for Schooling concluded that an independent and expert national schools resourcing body should determine the applicable schooling resource standards”.

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

The following amendments in respect of the Australian Education Bill 2013 circulated by the Australian Greens were considered:

Clause 77, page 78 (after line 28), after paragraph (2)(e), insert:

(ea) the approved authority complies, and ensures each school complies, with relevant anti-discrimination laws of the Commonwealth, a State or a Territory, and does not rely upon sections 37 or 38 of the Sex Discrimination Act 1984 to exempt discriminatory practices from such law;

Page 92 (after line 9), at the end of Part 6, add:

Part 6A—Accountability for approved authorities and bodies

96A Report about financial assistance and financial operations

(1) An approved authority, block grant authority or non-government representative body for a school must give the Secretary a report for each year that includes the following:

(a) the total amount of financial assistance paid to the authority or body, and allocated to the school, for the year in accordance with the Act;

(b) for an approved authority—the total amount mentioned in paragraph (a) broken down into the school’s base amount, and loadings as referred to in any of paragraphs 35(a) to (f), for the year;

(c) in any case—a statement by the board (however described) of the authority or body about how the financial assistance paid in accordance with the Act was used, or is intended to be used, by the authority or body, and the school;

(d) a statement by the board (however described) of the authority about whether the authority or body, and the school, has in place satisfactory internal accounting systems, controls and procedures for records kept by the authority in compliance with section 34;
(e) a statement by the board (however described) of the authority or body about the financial operations (including the financial viability and funding sources) of the authority or body and the school, and includes the following:
   (i) recurrent income and expenditure;
   (ii) capital income and expenditure;
   (iii) trading activities;
   (iv) loans for recurrent or capital purposes;
   (v) assets and liabilities;
   (vi) bequests;
   (vii) any other financial information required by the Minister;
   (viii) for approved authorities—refundable enrolment deposits.

(2) The report must:
   (a) identify any records kept by the authority or body in compliance with section 34; and
   (b) include a copy of any financial statement prepared in compliance with section 35; and
   (c) include a copy of any audit document prepared in compliance with section 35.

(3) The report must not include any information that would identify a donor as a funding source of the school.

(4) The report must be given to the Minister no later than a day or days (if any) determined by the Minister.

96B Public information about financial assistance

(1) For the purposes of paragraphs 85(2)(c) and 93(2)(d), a non-government representative body for a non-government school must publish the following information each year:
   (a) the amount of financial assistance (if any) provided in the year under Division 4 of Part 5 (funding for non-government representative bodies) and the application of that financial assistance;
   (b) information about the way a school applies to be allocated financial assistance in relation to capital expenditure (as the case requires);
   (d) how decisions of the authority or body to allocate financial assistance are reviewed.

(2) The information mentioned in subsection (1) is the minimum information required, and this section does not prevent the body from making other information publicly available.

(3) The body must:
   (a) make the information publicly available on the internet; and
   (b) make arrangements to provide the information, on request, to a person who is responsible for a student and is unable to access the internet.

Note: The authority or body may have obligations under the Privacy Act 1988 in providing information.
(4) For the purpose of paragraph 93(2)(b), a non-government representative body for a school must spend, or commit to spend, financial assistance that is payable to the body under Division 4 of Part 5 (funding for non-government representative bodies) for the purpose of supporting school education.

Page 92 (after line 9), at the end of Part 6, add:

96C Further review of operation of amendments

(1) The Minister must cause an independent review to be undertaken of the operation of the issues provided for in this Act.

(2) The Minister must appoint at least 3 people with expert knowledge in the field of education to undertake the independent review.

(3) The review must consider at least the following matters:

(a) the model for providing financial assistance to States and Territories as provided for in this Act; and

(b) the effectiveness of the model for providing financial assistance to States and Territories as measured against the principles of needs based funding; and

(c) any other related matter that the Minister specifies.

(4) The review must be undertaken during the period 1 July 2018 to 30 April 2019.

(5) The person who undertakes the review must give the Minister a written report of the review by 30 June 2019.

(6) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of receiving it.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 56

Senators—

Back
Bernardi
Bilyk
Birmingham
Bishop
Boswell
Boyce
Brown
Bushby (Teller)
Cameron
Carr, Kim
Cash
Colbeck
Cormann
Crossin
Edwards
Eggleston
Farrell
Faulkner
Fawcett
Fifield
Furner
Gallacher
Heffernan
Hogg
Humphries
Johnston
Kroger
Lines
Ludwig
Lundy
Macdonald
Madigan
Marshall
Mason
McEwen
McKenzie
McLucas
Moore
Nash
Parry
Payne
Polley
Pratt
Ronaldson
Ryan
Singh
Sinodinos
Smith
Stephens
Sterle
Thistlethwaite
Thorp
Urqhart
Xenophon

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.

7  PUBLIC INTEREST DISCLOSURE BILL 2013  
PUBLIC INTEREST DISCLOSURE (CONSEQUENTIAL AMENDMENTS) 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 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 and passed.

Bills read a second time.

The following amendments in respect of the Public Interest Disclosure Bill 2013 circulated by the Australian Greens were considered:

Page 22 (after line 7), at the end of Division 1, add:

24A Act of grace payments

(1) The Minister may authorise one or more payments of an amount or amounts specified in the authorisation to a person who has made a public interest disclosure (even though the payment or payments would not otherwise be authorised by law or required to meet a legal liability), if:
   (a) the Minister is satisfied that the disclosure resulted in protection or the reclaiming of public money; or
   (b) the Minister considers, in the Minister’s absolute discretion, that there are reasons of public interest for making the payment or payments.

(2) Nothing in subsection (1) has the effect of appropriating the Consolidated Revenue Fund for the purposes of making a payment under that subsection.

Clause 31, page 31 (lines 31 to 34), omit paragraph (b).

Clause 36, page 35 (line 29), before “An”, insert “(1)”.

Clause 36, page 36 (line 3), at the end of the definition of authorised officer, add: ; or (c) in the case of a House of the Parliament:
   (i) a Senator or Member who belongs to that House or a public official who belongs to the Finance Department; and
   (ii) is appointed, in writing, by the principal officer of that House (with the agreement of the principal officer of the Finance Department, if the public official belongs to the Finance Department), as an authorised officer for the purposes of this Act.

Clause 36, page 36 (after line 3), at the end of the clause, add:

(2) For the purposes of paragraph (c) of the definition of authorised officer, the Finance Department means the Department administered by the Minister administering the Financial Management and Accountability Act 1997.
Clause 41, page 36 (lines 7 to 16), omit paragraphs (1)(a) and (b), substitute:
(a) information that has originated with, or has been received from, an intelligence agency that is about, or that might reveal:
   (i) a source of information; or
   (ii) the technologies or methods used, proposed to be used, or being developed for use, by an intelligence agency to collect, analyse, secure or otherwise deal with, information; or
   (iii) operations that have been, are being, or are proposed to be, undertaken by an intelligence agency;

Clause 41, page 36 (line 32), omit “(b).”.

Clause 69, page 61 (after table item 12), insert:

<table>
<thead>
<tr>
<th>12A</th>
<th>A Senator.</th>
<th>The Senate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12B</td>
<td>A member of the House of Representatives.</td>
<td>The House of Representatives.</td>
</tr>
<tr>
<td>12C</td>
<td>A person employed under the Members of Parliament (Staff) Act 1984.</td>
<td>Whichever of the following agencies is applicable: (a) the Senate; (b) the House of Representatives.</td>
</tr>
</tbody>
</table>

Clause 71, page 65 (after line 15), after paragraph (b), insert:
(ba) a House of the Parliament; or

Clause 73, page 67 (after table item 2), insert:

<table>
<thead>
<tr>
<th>2A</th>
<th>The Senate.</th>
<th>The President of the Senate.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2B</td>
<td>The House of Representatives.</td>
<td>The Speaker of the House of Representatives.</td>
</tr>
</tbody>
</table>

Question—That the amendments be agreed to—put and negatived. All Australian Greens senators and Senator Xenophon, by leave, recorded their votes for the ayes.

The following amendment in respect of the Public Interest Disclosure Bill 2013 circulated by Senator Xenophon was considered:

Page 74 (after line 7), at the end of Part 5, add:

84 Interception and access

(1) Subsection (2) applies if the Minister is required to prepare a report for the purposes of section 99 or 161 of the Telecommunications (Interception and Access) Act 1979.

(2) The report must set out, for each enforcement agency, statistics about applications, warrants, interceptions, notices and authorisations made in respect of persons who are:
(a) members of either of the Houses of Parliament of the Parliament of Australia; or
(b) members of a parliament of a State or Territory of Australia; or
(c) journalists.
Notwithstanding paragraphs (h) and (i) of Column 3 of item 2 of the table in subsection 26(1), the report may refer to each of the following:

(a) information that is intelligence information;
(b) conduct that is concerned with or relates to an intelligence agency.

Question—That the amendment be agreed to—put and negatived. All Australian Greens senators and Senator Xenophon, by leave, recorded their votes for the ayes.

The following amendments in respect of the Public Interest Disclosure (Consequential Amendments) Bill 2013 circulated by the Australian Greens were considered:

Schedule 1, page 6 (after line 15), after item 7, insert:

7A After subsection 5(4)
Insert:

(4A) Paragraph (2)(d) does not prevent the Ombudsman from investigating action that, under subsection 5A(1), is taken to relate to a matter of administration.

Schedule 1, item 8, page 6 (line 29), omit “it”, substitute “the conduct, and any action taken by the agency in relation to the disclosure,”.

Question—That the amendments be agreed to—put and negatived. All Australian Greens senators and Senator Xenophon, by leave, recorded their votes for the ayes.

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.

8 PARLIAMENT—MR TERRY MALCOLM—RETIREMENT—STATEMENT BY PRESIDENT
The President made a statement relating to the retirement of Mr Terry Malcolm, parliamentary broadcaster for the Australian Broadcasting Corporation.

After 2 pm—

9 QUESTIONS
Questions without notice were answered.

10 QUESTION ON NOTICE—ANSWER AND EXPLANATION
Senator Ludlam, pursuant to standing order 74, asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities (Senator Conroy) for an explanation of an answer not being provided to question on notice no. 2980 (notice given 16 May 2013) relating to the Mangles Bay Marina project in Western Australia.

Senator Conroy indicated that an explanation would be provided.

Senator Ludlam moved—That the Senate take note of the minister’s failure to provide either an answer or an explanation.

Debate ensued.

Question put and passed.
11 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Birmingham moved—That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senators Cormann, Ryan, Ruston and Williams today relating to the carbon tax.

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 Sport (Senator Lundy) to a question without notice asked by Senator Milne today relating to climate change.

Question put and passed.

12 NOTICES

Notices of motion:

Senator Williams: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act relating to maritime safety to ensure the maintenance of standards of training and certification of marine engineers. *Marine Engineers Qualifications Bill 2013*. (general business notice of motion no. 1309)

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

(a) notes:

(i) the ethnic and sectarian unrest in parts of Myanmar, including in the states of Rakhine, Kachin and Shan, in the Mandalay, Bago, and Yangon regions,

(ii) that in Rakhine State in particular, this has created significant humanitarian concerns given the current monsoon season,

(iii) that Human Rights Watch recently released a report on the unrest in Rakhine State in 2012 and the situation of Rohingya Muslims there,

(iv) that the Australian Government continues to assist affected people in Rakhine State through direct humanitarian assistance, and in 2012-13 provided over $5.79 million in humanitarian assistance to Rakhine State, making Australia one of the largest donors to the crisis, and

(v) that the Myanmar Government and the Kachin Independence Organisation recently reached an agreement on 30 May 2013 following peace talks in Myitkyina (Kachin State), to de-escalate and cease hostilities; and

(b) calls on the Australian Government to:

(i) urge the Myanmar Government to:

(A) redouble its efforts to resolve ethnic and sectarian unrest in parts of Myanmar,

(B) resolve the underlying causes of unrest,

(C) bring to justice those responsible,

(D) ensure proper judicial procedures are applied, and

(E) support the reconciliation of local communities, and

(ii) continue to urge the Myanmar Government to provide appropriate humanitarian assistance, including adequate shelter, and access by humanitarian organisations, to those affected by the unrest. (general business notice of motion no. 1310)
Senator Ludlam: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) Stage 8 of the Roe Highway:
       (A) threatens the Beeliar wetlands and its regionally significant
           vegetation, banksia woodlands and the habitat of fauna,
           migratory birds and the endangered Carnaby cockatoo, and
       (B) would dissect North Lake and Bibra Lake, recognised as valuable
           biodiversity sites by all three levels of government, and one of
           the most significant Aboriginal historical sites within the Perth
           metropolitan area south of the Swan River, and
   (ii) the Western Australian Environment Protection Authority received
        449 submissions, 29 from organisations and government agencies and
        420 from the public opposing Stage 8 of the Roe Highway extension;
        and
(b) calls on all political parties to:
   (i) recognise widespread community opposition to this project, and
   (ii) affirm that Commonwealth funding for this project will not be
        forthcoming. (general business notice of motion no. 1311)

Senator Ludlam: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) Western Australia has the fifth largest reserve of shale gas in the world,
       and
   (ii) the Western Australian Government is providing significant subsidies
        and royalty reductions to incentivise the gas fracking while failing to
        establish environmental assessment processes to assess its impact on
        groundwater, environmental integrity and agricultural productivity; and
(b) calls on the Government to:
   (i) explain why the Commonwealth Government deems coal seam gas
       dangerous to ground water and agricultural productivity but not shale
       gas fracking, and
   (ii) amend the Environment Protection and Biodiversity Conservation
        Amendment Bill 2013 to apply equivalent Commonwealth regulatory
        oversight to shale gas as coal seam gas. (general business notice of
        motion no. 1312)

Senator Humphries: To move on the next day of sitting—That the following matter be
referred to the Legal and Constitutional Affairs References Committee for inquiry and
report by 30 September 2013:
The operation and effectiveness of customs functions within the Australian Customs
and Border Protection Service, with particular reference to:
(a) the effectiveness of controls in place to prevent goods from entering the
country illicitly;
(b) issues of alleged misconduct, bribery and corruption in the Australian Customs
and Border Protection Service;
(c) any links between staff of the Australian Customs and Border Protection
Service and organised crime;
(d) the extent to which criminal gangs use the proceeds of smuggled goods to fund
their activities;
(e) an assessment of the current division of roles and responsibilities of different levels of government (federal, state and local) to respond to smuggling and the integration of these roles to ensure best outcomes;

(f) the incentives and disincentives for criminal organisations to engage in illicit trade;

(g) the levels of illicit tobacco products coming into Australia and the cost to the Australian taxpayer;

(h) options to improve border security and control; and

(i) any related matter.

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

(a) notes:

(i) the concern of Hansard editors about their trial changes which have reduced their presence in the Senate and House of Representatives chambers, and

(ii) that this trial, if made permanent, has a number of serious implications for the social, legal and historical value of Hansard in the future; and

(b) calls on the Presiding Officers to:

(i) not make decisions which adversely affect or compromise the quality of Hansard services, and

(ii) ensure that the integrity and quality of Hansard is their foremost consideration. (general business notice of motion no. 1313)

Senator Birmingham: To move on the next day of sitting—That the Senate calls on the Government to bring forward urgently a bill to provide that the legislated increase in the carbon tax from 1 July 2013 does not proceed. (general business notice of motion no. 1314)

Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Reserve Bank Act 1959, and for related purposes. Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013. (general business notice of motion no. 1315)

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

(a) notes that:

(i) over one year ago the Australian Heritage Council found that the 30 000 year old rock art complex on the Dampier Archipelago and Burrup Peninsula met two World Heritage criteria, and

(ii) construction of the Yara Pilbara Nitrates ammonium nitrate plant began in November 2012, in breach of approval conditions under the Environment Protection and Biodiversity Conservation Act 1999, as a survey of rock art within a 2 km radius of the site has not been completed and no air quality monitoring instruments are in place; and

(b) calls on the Minister to:

(i) commit to taking all necessary steps to have the Dampier Archipelago, which includes the Dampier Archipelago Rock Art Province with its uninterrupted rock art collection spanning 30 000 years, placed on the World Heritage List by 2016;

(ii) confirm that the Dampier Archipelago is on the Tentative List for World Heritage Nomination, and
(iii) urgently suspend construction of the Yara Pilbara Burrup Nitrates ammonium nitrate production facility until approval conditions are met.

The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins): To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee on Cyber Safety, be appointed to inquire into and report on options for addressing the issue of sexting by minors.

(2) That the committee present its final report on or before 13 September 2013.

(3) That the committee consist of 6 senators, 3 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, and 1 to be nominated by minority groups or independents.

(4) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair one of the members nominated by the Leader of the Government in the Senate.

(6) That the chair of the committee may, from time to time, appoint another member of the committee to be the deputy chair of the committee, and that the member so appointed act as chair of the committee at any time when there is no chair or the chair is not present, at a meeting of the committee.

(7) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(8) That the quorum of the committee be 3 members.

(9) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of a subcommittee be a majority of the senators appointed to the subcommittee.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

The Minister for Broadband, Communications and the Digital Economy (Senator Conroy): To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 19 July 2013:

All matters relevant to the impacts of imposing on Telstra Corporation Limited a carrier licence condition that would require it to produce printed and online national number directories within Australia.
Senators Madigan, Xenophon, Smith and Di Natale: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Sleep Health Foundation is one of Australia’s foremost authorities on sleep disorders and their effects,

(ii) the Foundation aims to raise public awareness of sleep health issues and to improve public health and safety through the treatment of sleep disorders and sleep deprivation, and

(iii) the Foundation’s report, *Re-awakening Australia: The economic cost of sleep disorders in Australia, 2010* (dated October 2011) estimates the total cost of sleep disorders on the Australian health system in 2010 at $5.1 billion, with a broader economic cost to the community of $31.4 billion;

(b) recognises that reducing the incidence of sleep disorders and sleep deprivation would have a positive effect on the wellbeing of the Australian community as well as on the economy; and

(c) calls on the Government to review the findings of the Foundation’s study and consider the inclusion of sleep health issues as part of a broader preventive health strategy. (*general business notice of motion no. 1317*)

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

(a) notes that:

(i) the Government has indicated, in a fact sheet, ‘Emissions from landfill facilities’, available online, that landfill waste projects approved under the New South Wales Government’s Greenhouse Gas Reduction Scheme would receive Carbon Farming Initiative (CFI) credits for emissions abatement from 1 July 2010,

(ii) the Government has since informed industry participants that they are not able to backdate an abatement that has been registered but not sold or retired under these schemes, and so cannot claim credits under the CFI, despite what is indicated on the fact sheet, and

(iii) the Government has stated this is due to double counting, when in fact the abatement in question has been registered but not sold or retired under any other scheme, which does not constitute double counting; and

(b) calls on the Government to:

(i) stand by the position outlined on the fact sheet and allow companies to backdate certain abatements that have been issued but not sold or retired under other schemes, and to claim this abatement under the CFI where they relate to eligible offset projects, and

(ii) amend the relevant regulations to this effect. (*general business notice of motion no. 1318*)

Senator Hanson-Young: To move on the next day of sitting—That the following bill be introduced: *A Bill for an Act to establish an independent Office of Guardian for Unaccompanied Non-citizen Children, and for related purposes. Guardian for Unaccompanied Children Bill 2013.* (*general business notice of motion no. 1319*)
Senator McKenzie: To move on the next day of sitting—That the Senate—

(a) notes that Australia is a signatory to the Convention on Biological Diversity, confirming Australia’s commitment to sustainable development through the conservation of biological diversity and the sustainable use of resources, and specifically notes Article 10 of the Convention and its focus on:

(i) encouraging cooperation between government and the private sector in the sustainable use of biological resources,
(ii) protecting and encouraging customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements, and
(iii) supporting local approaches to remedial action in areas of reduced biological diversity;

(b) supports the sustainable use of Australia’s national parks and reserves to conserve biological diversity; and

(c) notes the Foundation for Australia’s Most Endangered Species recognition of value of hunting in protecting biological diversity, particularly in relation to feral control. (general business notice of motion no. 1320)

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

(a) notes the significance of the Convention on Wetlands of International Importance (Ramsar Convention), an intergovernmental treaty, which centres on the concept of ‘wise use’ to promote the conservation and sustainable use of wetlands and their resources, through ecosystem approaches, for the benefit of humankind, and specifically that:

(i) the Ramsar Convention aims are to halt the worldwide loss of wetlands and to conserve through ‘wise use’ management those that remain, and
(ii) that ‘wise use’ means the conservation and sustainable use of wetlands and their resources for the benefit of humankind;

(b) acknowledges that:

(i) the Ramsar Convention stresses the importance of maintaining ‘ecological character’ and that this should be done for the peoples’ benefit, and
(ii) the natural environment has inherent value, and value in relation to peoples’ relationship and interaction with it;

(c) supports the wise use of wetlands; and

(d) congratulates Field and Game Australia for the conservation of the Heart Morass, the largest habitat conservation project in Australia. (general business notice of motion no. 1321)

Intention to withdraw: Senator Fifield, pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 and 2 standing in his name for today for the disallowance of the following instruments:

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.

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.
Notices of motion withdrawn: Senator Madigan withdrew general business notices of motion nos 607, 1078 and 1243 standing in his name for today, proposing the introduction of the Treaties (Parliamentary Approval) Bill 2012, the Citizen Initiated Legislation (Plebiscite) Bill 2013 and the Health Insurance Amendment (Medicare Funding for Post-Operative Care for Illegal Organ Transplants) Bill 2013.

13 Leave of Absence
Senator Kroger, by leave, moved—That leave of absence be granted to Senator Scullion for today, on account of parliamentary business.
Question put and passed.

14 Postponements
The following items of business were postponed:
- Business of the Senate notice of motion no. 4 standing in the name of Senator Xenophon for today, proposing the disallowance of Civil Aviation Order 48.1 Instrument 2013, postponed till 27 June 2013.
- General business notice of motion no. 1281 standing in the name of Senator Madigan for 27 June 2013, proposing the introduction of the Fair Trade (Australian Standards) Bill 2013, postponed till 26 August 2013.
- General business notice of motion no. 1302 standing in the name of Senator Ludlam for today, proposing the introduction of the Copyright Legislation Amendment (Fair Go for Fair Use) Bill 2013, postponed till 27 June 2013.

15 Overseas Aid (Millennium Development Goals) Bill 2013
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1233—That the following bill be introduced:

A Bill for an Act to require Australia to meet United Nations targets for official development assistance and to establish an Independent Commissioner on Aid Effectiveness, and for related purposes.
Question put and passed.
Senator Rhiannon presented the bill and moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
Senator Rhiannon moved—That this bill be now read a second time.

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

Debate adjourned till the next day of sitting, Senator Rhiannon in continuation.
16 TRANSPORT—AUSTRALIAN ROAD RULES AND AUSTRALIAN VEHICLE STANDARDS RULES—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. 1300—That there be laid on the table, by the Minister representing the Minister for Infrastructure and Transport, no later than noon on Thursday, 27 June 2013, the overdue report by the National Transport Commission, ‘Review of the Australian Road Rules and Australian Vehicle Standards Rules: Draft Evaluation Report’, which was due for release in March 2012.

Statement by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, made a statement relating to the motion.

Question put and passed.

17 ENVIRONMENT—GREAT BARRIER REEF WORLD HERITAGE AREA—OFFSHORE DUMPING

Senator Waters amended general business notice of motion no. 1304 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

(i) the government estimates that the Reef Rescue program has stopped the equivalent of over one million wheelbarrows worth of sediment run-off entering the Great Barrier Reef,

(ii) that at least 193 times that amount of sediment has been approved by this Government for offshore dumping in the Great Barrier Reef World Heritage Area, and

(iii) scientific understanding, that added sediment in the marine environment has destructive impacts on seagrasses and corals; and

(b) calls on the Government to prohibit offshore dumping of dredge spoil within the Great Barrier Reef World Heritage Area.

Question put and passed.

18 FOREIGN AFFAIRS—CHINA—UNIVERSAL PERIODIC REVIEW

Senator McEwen, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1305—That the Senate—

(a) notes that the Universal Periodic Review (UPR) Working Group of the United Nations Human Rights Council will review the implementation of recommendations which emerged from the first UPR cycle of 14 states, as well as human rights developments since the first review of these states, in its seventeenth session commencing in October 2013;

(b) urges the full and transparent engagement of all states with the UPR process and consideration of the recommendations arising thereof; and

(c) notes that China is scheduled in this session for review, and:

(i) supports China’s participation in the UPR,

(ii) notes the ongoing tension in the Tibetan regions, and nearly 120 deaths by self-immolation in protests against China’s policies in those regions, and

(iii) endorses Australia’s efforts to promote human rights in Tibet.

Question put and passed.
19 **INDUSTRIAL RELATIONS—STATE PUBLIC SECTOR EMPLOYEES—EMPLOYMENT CONDITIONS**

Senator McEwen, at the request of Senator Moore and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1306—

That the Senate calls on the Federal Government to:

(a) work cooperatively with the states through the Council of Australian Governments and the Australian Council of Trade Unions, in order to get agreement among all states on a minimum standard of entitlements for all workers in all industrial relations jurisdictions across Australia, particularly around reflecting Australia’s international obligations in respect of consultation, dispute resolution, general protections, major organisational change and entitlements;

(b) commence the process of ratifying the International Labor Organization’s Collective Bargaining Convention 1981 (No. 154) and Collective Bargaining Recommendation 1981 (No.163); and

(c) explore options to:

(i) deal with the growing problem of indirect employment relationships, particularly through labour hire arrangements used by state governments and the Commonwealth, and

(ii) ensure all Australian workers, including those in state public sector employment, have adequate and equal protections of their rights at work.

*Statement by leave:* The Leader of the Opposition in the Senate (Senator Abetz), by leave, made a statement relating to the motion.

Question put and passed.

20 **ENVIRONMENT—PROTECTION OF FLORA AND FAUNA**

Senator McKenzie amended general business notice of motion no. 1307 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes the importance of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and specifically that signatories to the convention:

(i) are conscious of the value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view,

(ii) recognise that peoples and states are and should be the best protectors of their own wild fauna and flora, and

(iii) recognise that wild flora and fauna are an irreplaceable part of the natural systems of the earth, needing conservation for generations to come;

(b) acknowledges that flora and fauna have value to recreational users of our national parks; and

(c) supports the different values that are placed on flora and fauna by different people and groups, and agrees those different values should be balanced through sustainable usage approach.

Question put.
The Senate divided—

AYES, 30

Senators—

Abetz  
Back  
Bernardi  
Birmingham  
Boswell  
Boyce  
Bushby  
Cash  
Colbeck  
Edwards  
Fawcett  
Ferravanti-Wells  
Fifield  
Heffernan  
Humphries  
Johnston  
Joyce  
Kroger (Teller)  
Macdonald  
Mason  
McKenzie  
Nash  
Parry  
Payne  
Ronaldson  
Ruston  
Ryan  
Sinodinos  
Smith  
Williams

NOES, 37

Senators—

Bilyk  
Bishop  
Brown  
Cameron  
Carr, Kim  
Collins  
Crossin  
Di Natale  
Farrell  
Faulkner  
Feeney  
Furner  
Gallacher  
Hanson-Young  
Hogg  
Lines  
Ladlam  
Marshall  
McEwen (Teller)

Feeney  
Furner  
Gallacher  
Hanson-Young  
Hogg  
Lines  
Ladlam  
Marshall  
McEwen (Teller)

McLucas  
Milne  
Moore  
Polkey  
Pratt  
Rhiannon  
Siewert  
Sterle  
Thistlethwaite  
Thorp  
Unquhart  
Waters  
Whish-Wilson  
Wong  
Wright

Question negatived.

21 ENVIRONMENT—COAL SEAM GAS

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1293—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.

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

22 INDUSTRIAL RELATIONS—NATIONAL BROADBAND NETWORK—ASBESTOS CONCERNS

The Leader of the Opposition in the Senate (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1299—That the Senate—

(a) notes:

(i) that in 2011, the Government passed the Work Health and Safety Bill 2011 which removed the term ‘control’ from the Duties of Care which changed the longstanding principle that responsibility for safety under the Act should be allocated according to what was within reasonable and practicable control,

(ii) that this principle was established in the 1972 Robens Review which recommended that responsibility for safety be allocated according to reasonable and practicable control and enshrined in the International Labor Organization Convention 155, article 16,
(iii) that the Parliamentary Secretary for School Education and Workplace Relations, Senator Collins, confirmed in the 2011 Senate debate that a principal contractor retains responsibility for all safety down the contractual line with the new person conducting a business or undertaking test,

(iv) the numerous reports of exposure to asbestos in telecommunications pits while rolling out the National Broadband Network,

(v) evidence from the Chief Executive Officer of Comcare at Senate estimates that the Commonwealth Government may be liable for these exposures under the Work Health and Safety Act 2011, and

(vi) further evidence that more than half of all asbestos cases since 1996 involving telecommunications pits have occurred in the past 6 weeks;

(b) calls on the Minister for Broadband, Communications and the Digital Economy and the Minister for Employment and Workplace Relations to provide the Senate with a detailed report before 27 June 2013 on asbestos in telecommunications pits and the responsibilities of the Government, the Department of Broadband, Communications and the Digital Economy and the National Broadband Network Corporation under the Work Health and Safety Act 2011; and

(c) supports moves to protect workers by the Government and Telstra, and recognises the longstanding contribution of the trade union movement towards awareness and identification of asbestos.

Senator Ludlam, by leave, moved the following amendment:

Omit paragraphs (a) and (b), substitute:

(a) calls on the Minister for Broadband, Communications and the Digital Economy and the Minister for Employment and Workplace Relations to provide the Senate with a detailed report before 27 July 2013 on asbestos in telecommunications pits and the responsibilities of Telstra, the Government, the Department of Broadband, Communications and the Digital Economy and the National Broadband Network Corporation under the Work Health and Safety Act 2011; and

Statements by leave: The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins) and Senator Abetz, by leave, made statements relating to the motion.

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

Main question, as amended, put and passed.

23 ENVIRONMENT—MARINE PARKS

Senator McEwen, at the request of Senators Pratt and Singh and pursuant to notice of motion not objected to as a formal motion moved general business notice of motion no. 1301—That the Senate—

(a) supports the world’s largest network of marine parks put in place by this Government; and

(b) supports the management plans for the marine parks.

Question put.
The Senate divided—

AYES, 35

Senators—

Bilyk  
Bishop  
Brown  
Cameron  
Carr, Kim  
Collins  
Crossin  
Di Natale  
Farrell  
Feeney  
Furner  
Gallacher  
Hanson  
Hanson-Young  
Lines  
Ludlam  
McCulloch  
McEwen (Teller)  
McLucas  
Milne  
Moore  
Polley  
Pratt  
Rhianon  
Stewart  
Marshall  
Singh

NOES, 28

Senators—

Abetz  
Back  
Boswell  
Boyce  
Brandis  
Bushby  
Cash  
Colbeck  
Edwards  
Eggleston  
Fawcett  
Fierravanti-Wells  
Fifield  
Heffernan  
Humphries  
Johnston  
Joyce  
Kroger (Teller)  
Mason  
McKenzie  
Nash  
Parry  
Payne  
Ronaldson  
Ryan  
Sinodinos  
Smith  
Williams

Question agreed to.

24 FOREIGN AFFAIRS—GLOBAL FUND TO FIGHT HIV/AIDS, TUBERCULOSIS AND MALARIA

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1303—That the Senate—

(a) notes that:

(i) the Global Fund to fight AIDS, Tuberculosis, and Malaria board meeting, held in the week beginning 16 June 2013, approved the first funding grants under its new funding model,

(ii) one of the first three countries receiving funding is Myanmar, with which Australia has established significant ties, including support for its health sector and efforts to tackle HIV/AIDS and tuberculosis,

(iii) the Australian Government has been a significant supporter of the Global Fund since 2004, contributing $310 million to help the Global Fund save an estimated 8.7 million lives to date,

(iv) this money has been leveraged in the Asia Pacific, where between 2002 and 2012 the Global Fund has invested $3.1 billion, and

(v) the Global Fund remains the biggest international funder for the three diseases, providing 80 per cent of international funding for tuberculosis, 50 per cent for malaria and one-fifth of international funding for HIV;

(b) calls on the Government to consider the request of the Global Fund and civil society health professionals to significantly increase Australia’s financial support to the Global Fund to help address the funding gap that has grown between patient needs and resources available to meet those needs, as part of the fourth Global Fund replenishment at the end of 2013; and

(c) reiterates the commitment of all parties to Australia’s ongoing financial support for global efforts to eradicate HIV/AIDS, tuberculosis and malaria.

Question put and negatived.
25 **ENVIRONMENT—JAPAN—WHALING**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1308—That the Senate—

(a) notes that Australia’s legal action against Japanese whaling will begin in the International Court of Justice, The Hague, on 26 June 2013, and will be followed closely by all Australians who have expressed significant concern about the annual slaughter of whales in Antarctic waters; and

(b) urges the Government to outline how a positive result for Australia in this court case will be enforced by Australia and what financial provisions have been made to resource the enforcement efforts.

*Statement by leave:* The Parliamentary Secretary for School Education and Workplace Relations (Senator Collins), by leave, made a statement relating to the motion. Question put and passed.

26 **NOTICE**

The Leader of the Australian Greens (Senator Milne), by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate congratulates the President of the United States of America, Barack Obama, on his speech about climate change. *(general business notice of motion no. 1322)*

27 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REPORT—FOREIGN INVESTMENT REVIEW BOARD NATIONAL INTEREST TEST**

Pursuant to order, the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Foreign investment and the national interest—Report, dated June 2013, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Heffernan moved—That the Senate take note of the report. Debate ensued.

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

28 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—CRIMES LEGISLATION AMENDMENT (LAW ENFORCEMENT INTEGRITY, VULNERABLE WITNESS PROTECTION AND OTHER MEASURES) BILL 2013**

Senator Brown, 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 Brown.
29 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MIGRATION AMENDMENT (OFFSHORE RESOURCES ACTIVITY) BILL 2013**

Senator Brown, 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 Brown.

_____

**After 5 pm—**

30 **FIRST SPEECH**

Pursuant to order (see entry no. 4, 24 June 2013), Senator Lines made her first speech.

31 **VALEDICTORY STATEMENTS**

Pursuant to order (see entry no. 4, 24 June 2013), senators made statements relating to the retirement of Senators Humphries and Joyce.

32 **NOTICE**

Senator Boswell, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the importance of the London Declaration on Combating Antisemitism, an essential document which asserts the need for global cooperation in the fight against antisemitism and draws the democratic world’s attention to the resurgence of antisemitism in politics, international affairs and society,

(ii) the preamble to the London Declaration which notes the ‘dramatic increase in recorded antisemitic hate crimes and attacks targeting Jewish persons and property, and Jewish religious, educational and communal institutions’, the ‘resurrection of the old language of prejudice and its modern manifestations in rhetoric and political action – against Jews, Jewish belief and practice and the State of Israel’, and ‘Government-backed antisemitism in general, and state-backed genocidal antisemitism, in particular’,

(iii) over 300 parliamentarians in over 40 countries have signed the Declaration and, in particular, that it has received overwhelming support from all parliamentary parties in Australia other than the Australian Greens,

(iv) that the Boycott, Divestment and Sanctions campaign against Israel targets Jewish businesses in Australia and around the world and plans to end the State of Israel’s existence as a Jewish state,

(v) that according to the European Union’s working definition of antisemitism adopted by the London Declaration, one example of antisemitism includes, ‘Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour’, and
(vi) that the Centre for Peace and Conflict Studies at the University of Sydney, whose directors Jake Lynch and Stuart Rees are strong proponents of the Boycott, Divestment and Sanctions campaign against Israel, has been supported with Commonwealth funding;

(b) condemns the Boycott, Divestment and Sanctions campaign;

(c) condemns the Australian Greens for refusing to sign the London Declaration and for wrongly suggesting that the London Declaration equates criticism of the State of Israel with antisemitism; and

(d) condemns Holocaust denial and antisemitism. (general business notice of motion no. 1323)

At 7.20 pm—

33 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 7.59 pm till Thursday, 27 June 2013 at 9.30 am.

34 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate