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1 **MEETING OF SENATE**

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

2 **DOCUMENTS**

The following documents were tabled pursuant to standing order 61(1)(b):


Australian Competition and Consumer Commission (ACCC)—Report for 2013-14, including report of the Australian Energy Regulator (AER).


Gene Technology Regulator—
Quarterly report for the period 1 April to 30 June 2014.


Migration Act 1958—Section 486O—Assessment of detention arrangements—
Personal identifiers 1000975, 1001190, 1001194, 1001195, 1001201, 1001204, 1001237, 1001257, 1001275, 1001276, 1001291, 1001302, 1001354, 1001358, 1001366, 1001415, 1001435, 1001475, 1001482, 1001490, 1001492, 1001560, 1001580, 1001582, 1001591, 1001594, 1001605, 1001615, 1001622, 1001654, 1001667, 1001671, 1001676, 1001692, 1001693, 1001743, 1001746, 1001747, 1001751, 1001755, 1001756, 1001761, 1001765, 1001770, 1001773, 1001812 and 1001813—

Commonwealth Ombudsman’s reports, dated 29 October 2014.

Government response to Ombudsman’s reports, dated 24 October 2014.


Public Lending Right Committee—Report for 2013-14.


Treaties—


List of multilateral treaties under negotiation, consideration or review by the Australian Government as at 1 October 2014.

The following document was tabled by the Clerk pursuant to statute:

Defence Act 1903—Section 58H—Salaries – Army Employment Categories – Amendment—Defence Force Remuneration Tribunal Determination No. 8 of 2014.

Committees—Leave to Meet During Sitting

Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today as follows:

Foreign Affairs, Defence and Trade References Committee—from 3.45 pm, for the purposes of the committee’s inquiry into abuse in Defence.

Health—Select Committee—from 3.30 pm.

Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014

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

In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Wright:

Schedule 1, item 61, page 63 (line 11), omit “reckless as to whether”, substitute “with the intention that”.

Debate resumed.

Senator Wright, by leave, moved the following additional amendment:

Schedule 1, item 61, page 64 (line 1), omit “promotes,”.

Debate ensued.

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

Senator Collins moved the following amendment:

Schedule 1, page 64 (after line 14), after item 61, insert:

61A After subsection 80.3(1)

Insert:

(1A) Without limiting subsection (1), section 80.2C does not apply to a person who engages in good faith in public discussion of any genuine academic, artistic, scientific, political or religious matter.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A). See subsection 13.3(3).
61B Subsection 80.3(2)

After “subsection (1)”, insert “or (1A)”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

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Question negatived.

On the motion of the Attorney-General (Senator Brandis) the following amendments, taken together by leave, were agreed to:

Schedule 1, page 64 (after line 16), after item 62, insert:

62A Subsection 100.1(1) of the Criminal Code

Insert:

engage in a hostile activity has the meaning given by subsection 117.1(1).

Schedule 1, item 71, page 66 (lines 24 and 25), omit “(within the meaning of subsection 117.1(1))”.

Schedule 1, item 73, page 67 (lines 11 and 12), omit “(within the meaning of subsection 117.1(1))”.

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

Schedule 1, item 71, page 66 (line 26), omit “or a foreign country”.

Schedule 1, item 71, page 66 (after line 29), at the end of paragraph 104.2(2)(b), add:

; or (iv) been convicted in a foreign country of an offence that is constituted by conduct that, if engaged in in Australia, would constitute a terrorism offence (within the meaning of subsection 3(1) of the Crimes Act 1914).

Schedule 1, item 73, page 67 (lines 13 and 14), omit “or a foreign country”.
Schedule 1, item 73, page 67 (line 17), omit “and”, substitute “or”.
Schedule 1, item 73, page 67 (after line 17), after subparagraph 104.4(1)(c)(iv), insert:

(v) that the person has been convicted in a foreign country of an offence that is constituted by conduct that, if engaged in in Australia, would constitute a terrorism offence (within the meaning of subsection 3(1) of the Crimes Act 1914); and

On the motion of Senator Brandis the following amendment was agreed to:
Schedule 1, page 69 (after line 20), after item 81, insert:

81A Subsection 104.23(1) of the Criminal Code
Repeal the subsection, substitute:

(1) The Commissioner of the Australian Federal Police may cause an application to be made to an issuing court to vary, under section 104.24, a confirmed control order, by adding one or more obligations, prohibitions or restrictions mentioned in subsection 104.5(3) to the order, if the Commissioner:

(a) suspects on reasonable grounds that the varied order in the terms to be sought would substantially assist in preventing a terrorist act; or

(b) suspects on reasonable grounds that the person has:

(i) provided training to, received training from or participated in training with a listed terrorist organisation; or

(ii) engaged in a hostile activity in a foreign country; or

(iii) been convicted in Australia of an offence relating to terrorism, a terrorist organisation (within the meaning of subsection 102.1(1)) or a terrorist act (within the meaning of section 100.1); or

(iv) been convicted in a foreign country of an offence that is constituted by conduct that, if engaged in in Australia, would constitute a terrorism offence (within the meaning of subsection 3(1) of the Crimes Act 1914).

On the motion of Senator Brandis the following amendments, taken together by leave, were agreed to:
Schedule 1, item 94, page 72 (lines 10 and 11), omit the item, substitute:

94 Paragraph 105.8(6)(a) of the Criminal Code
Repeal the paragraph, substitute:

(a) any of the following:

(i) the true name of the person in relation to whom the order is made;

(ii) if, after reasonable inquiries have been made, the person’s true name is not known but an alias is known for the person—the alias of the person in relation to whom the order is made;
(iii) if, after reasonable inquiries have been made, the person’s true name is not known and no alias is known for the person—a description sufficient to identify the person in relation to whom the order is made; and

Schedule 1, page 72 (after line 20), after item 95, insert:

**95A Subsection 105.8(8) of the Criminal Code**

After “must”, insert “as soon as reasonably practicable after the order is made”.

Schedule 1, item 96, page 72 (lines 21 and 22), omit the item, substitute:

**96 Paragraph 105.12(6)(a) of the Criminal Code**

Repeal the paragraph, substitute:

(a) any of the following:

(i) the true name of the person in relation to whom the order is made;

(ii) if, after reasonable inquiries have been made, the person’s true name is not known but an alias is known for the person—the alias of the person in relation to whom the order is made;

(iii) if, after reasonable inquiries have been made, the person’s true name is not known and no alias is known for the person—a description sufficient to identify the person in relation to whom the order is made; and

**96A Subsection 105.12(8) of the Criminal Code**

After “must”, insert “as soon as reasonably practicable after the order is made”.

The Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley) tabled the following report:


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

On the motion of Senator Brandis the following amendment was agreed to:

Schedule 1, item 109, page 76 (after line 17), after subsection 106.5(4), insert:

(4A) Section 104.23, as amended by Schedule 1 to the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014, applies to variations of control orders, where the relevant interim control order is requested after that commencement.
On the motion of Senator Brandis the following amendments, taken together by leave, were agreed to:

Schedule 1, item 110, page 77 (line 23) to page 78 (line 14), omit the definition of *engage in a hostile activity* in subsection 117.1(1), substitute:

*engage in a hostile activity*: a person engages in a hostile activity in a foreign country if the person engages in conduct in that country with the intention of achieving one or more of the following objectives (whether or not such an objective is achieved):

(a) the overthrow by force or violence of the government of that or any other foreign country (or of a part of that or any other foreign country);

(b) the engagement, by that or any other person, in action that:
   (i) falls within subsection 100.1(2) but does not fall within subsection 100.1(3); and
   (ii) if engaged in in Australia, would constitute a serious offence;

(c) intimidating the public or a section of the public of that or any other foreign country;

(d) causing the death of, or bodily injury to, a person who is the head of state of that or any other foreign country, or holds, or performs any of the duties of, a public office of that or any other foreign country (or of a part of that or any other foreign country);

(e) unlawfully destroying or damaging any real or personal property belonging to the government of that or any other foreign country (or of a part of that or any other foreign country).

Schedule 1, item 110, page 78 (lines 15 and 16), omit the definition of *engage in subverting society* in subsection 117.1(1).

Schedule 1, item 110, page 78 (after line 31), after the definition of *recruit* in subsection 117.1(1), insert:

*serious offence* means an offence against a law of the Commonwealth, a State or a Territory that is punishable by imprisonment for 2 years or more.

Schedule 1, item 110, page 79 (lines 8 and 9), omit paragraph 117.1(2)(b), substitute:

(b) the engagement, in Australia or a foreign country allied or associated with Australia, in action that falls within subsection 100.1(2) but does not fall within subsection 100.1(3);

or

Schedule 1, item 110, page 79 (line 12), after “relations”, insert “(within the meaning of section 10 of the *National Security Information (Criminal and Civil Proceedings) Act 2004*)”.

Schedule 1, item 110, page 79 (line 13) to page 80 (line 7), omit subsections 117.1(3) and (4).

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Wright, in respect of Schedule 1, item 110, sections 119.2 and 119.3.

Schedule 1, item 110, sections 119.2 and 119.3 debated.

Question—That Schedule 1, item 110, sections 119.2 and 119.3 stand as printed—put.
The committee divided—

AYES, 38

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NOES, 11

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<td>Hanson-Young</td>
<td>Milne</td>
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<td>Leyonhjelm</td>
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Sections agreed to.
The Leader of the Opposition in the Senate (Senator Wong) moved the following amendment:

Schedule 1, item 110, page 82 (line 18) to page 83 (line 8), omit subsection 119.2(3), substitute:

Exception—entering or remaining for a legitimate purpose

(3) Subsection (1) does not apply if the person enters, or remains in, the area for a legitimate purpose.

Example: A legitimate purpose may include, but is not limited to, a purpose in the following list:

(a) providing aid of a humanitarian nature;
(b) satisfying an obligation to appear before a court or other body exercising judicial power;
(c) performing an official duty for the Commonwealth, a State or a Territory;
(d) performing an official duty for the government of a foreign country or the government of part of a foreign country (including service in the armed forces of the government of a foreign country), where that performance would not be a violation of the law of the Commonwealth, a State or a Territory;
(e) performing an official duty for the United Nations or an agency of the United Nations;
(f) making a news report of events in the area, where the person is working in a professional capacity as a journalist or is assisting another person working in a professional capacity as a journalist;
(g) making a bona fide visit to a family member.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3); see subsection 13.3(3).

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

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 29

Bilyk (Teller)
Brown
Bullock
Cameron
Carr
Conroy
Di Natale
Faulkner
Gallacher
Hanson-Young
Ketter
Leyonhjelm
Lines
Ludlam
Lundy

Senators—

Marshall
Milne
O’Neill
Polley
Rhiannon
Rice
Siewert

Singh
Sterle
Urquhart
Waters
Whish-Wilson
Wong
Wright

NOES, 33

Back
Bernardi
Birmingham
Brandis
Bushby
Canavan
Colbeck
Cormann
Day
Edwards
Fierravanti-Wells
Fifield
Heffernan
Lambie
Lazarus
Macdonald
Madigan

Mason
McGrath
McKenzie
Muir
Nash
O’Sullivan
Payne
Ronaldson

Ruston (Teller)
Ryan
Scullion
Sinodinos
Smith
Wang
Williams
Xenophon

Question negatived.

Question—That Schedule 2, Part 2 stand as printed—put and negatived.

The following amendments circulated by the Government were agreed to:

Schedule 1, item 110, page 84 (lines 7 to 14), omit subsection 119.3(2), substitute:

(2) A single declaration may cover areas in 2 or more foreign countries if the Foreign Affairs Minister is satisfied that one or more listed terrorist organisations are engaging in a hostile activity in each of those areas.

(2A) A declaration must not cover an entire country.

Schedule 1, item 110, page 85 (after line 10), at the end of section 119.3, add:

Review of declaration

(7) The Parliamentary Joint Committee on Intelligence and Security may review a declaration before the end of the period during which the declaration may be disallowed under section 42 of the Legislative Instruments Act 2003.

Schedule 1, item 125, page 100 (line 21) to page 101 (line 7), omit subsection 27D(2), substitute:

(2) Foreign material or foreign government material is not admissible if the court is satisfied that the material, or information contained in the material, was obtained directly as a result of torture or duress.
Schedule 1, item 125, page 101 (lines 11 to 13), omit paragraph (b) of the definition of *duress* in subsection 27D(3), substitute:

(b) is a threat to imminently cause one or both of the following unless material or information is provided:

(i) death or serious injury of the person, a member of the person’s family or a third party;
(ii) damage to, or loss by the person of, the person’s significant assets; and

Schedule 1, item 125, page 102 (after line 5), after section 27D, insert:

27DA Warning and informing jury

(1) If foreign material or foreign government material is admitted in a terrorism-related proceeding conducted before a jury, and a party to the proceeding so requests, the judge is to:

(a) warn the jury that the material may be unreliable; and
(b) inform the jury of matters that may cause it to be unreliable; and
(c) warn the jury of the need for caution in determining whether to accept the material and the weight to be given to it.

(2) The judge need not comply with subsection (1) if there are good reasons for not doing so.

(3) It is not necessary that a particular form of words be used in giving the warning or information.

(4) This section does not affect any other power of the judge to give a warning to, or to inform, the jury.

Schedule 1, item 129, page 103 (line 2), omit “ASIO”, substitute “The Director-General of Security”.

Schedule 1, item 129, page 103 (line 4), omit “ASIO”, substitute “the Director-General”.

Schedule 1, item 129, page 103 (lines 11 to 16), omit subsection 15A(2), substitute:

(2) If the Minister has made an order under section 16A in relation to a person’s foreign travel documents, another request under subsection (1) of this section relating to the person must not be made unless the grounds for suspicion mentioned in that subsection include information first obtained by the Director-General of Security or an officer or employee of ASIO more than 14 days after the Minister made the order.

(3) The Director-General of Security may, in writing, delegate his or her power under subsection (1) to a Deputy Director-General of Security (within the meaning of the Australian Security Intelligence Organisation Act 1979).

(4) In exercising power under a delegation, the delegate must comply with any directions of the Director-General of Security.

Schedule 1, item 131, page 103 (lines 25 to 27), omit subsection 16A(1), substitute:

(1) The Minister may, on request under section 15A relating to a person’s foreign travel documents, order the surrender of the documents.
Schedule 1, page 104 (after line 30), after item 131, insert:

**Independent National Security Legislation Monitor Act 2010**

131A After subsection 6(1A)

Insert:

(1B) The Independent National Security Legislation Monitor must complete the review under paragraph (1)(a) of the following counter-terrorism and national security legislation by 7 September 2017:

(a) Division 3 of Part III of the *Australian Security Intelligence Organisation Act 1979* and any other provision of that Act as far as it relates to that Division;

(b) Division 3A of Part IAA of the *Crimes Act 1914* and any other provision of that Act as far as it relates to that Division;

(c) Divisions 104 and 105 of the *Criminal Code* and any other provision of the *Criminal Code Act 1995* as far as it relates to those Divisions;

(d) sections 119.2 and 119.3 of the *Criminal Code* and any other provision of the *Criminal Code Act 1995* as far as it relates to those sections.

Schedule 1, items 132 and 133, page 104 (line 32) to page 105 (line 2), omit the items, substitute:

131B Section 3

Insert:

**AFP** means the Australian Federal Police.

132 Paragraph 29(1)(ba)

Repeal the paragraph, substitute:

(baa) to monitor and to review the performance by the AFP of its functions under Part 5.3 of the *Criminal Code*; and

(bab) to report to both Houses of the Parliament, with such comments as it thinks fit, upon any matter appertaining to the AFP or connected with the performance of its functions under Part 5.3 of the *Criminal Code* to which, in the opinion of the Committee, the attention of the Parliament should be directed; and

(bac) to inquire into any question in connection with its functions under paragraph (baa) or (bab) that is referred to it by either House of the Parliament, and to report to that House upon that question; and

133 Paragraph 29(1)(bb)

Omit “22 January 2016”, substitute “7 March 2018”.

133A Paragraph 29(3)(g)

Omit “or ONA”, substitute “, ONA or AFP”.

133B At the end of subsection 29(3)

Add:

: or (j) reviewing sensitive operational information or operational methods available to the AFP; or
(k) reviewing particular operations or investigations that have been, are being or are proposed to be undertaken by the AFP.

133C At the end of section 30
Add:
; (d) the Commissioner of the AFP.

133D Clause 1A of Schedule 1 (definition of agency)
Omit “or ONA”, substitute “, ONA or AFP”.

133E Clause 1A of Schedule 1 (at the end of the definition of agency head)
Add:
; or (e) the Commissioner of the AFP.

133F Clause 1A of Schedule 1 (definition of staff member)
After “employee of the agency,,”, insert “a member or special member of the agency (within the meaning of the Australian Federal Police Act 1979),”.

133G Application of amendments
The amendments of the Intelligence Services Act 2001 made by this Schedule apply in relation to the performance of the AFP of its functions under Part 5.3 of the Criminal Code, whether those functions are performed before or after this item commences.

Schedule 1, page 105 (after line 7), after item 135, insert:

Parliamentary Joint Committee on Law Enforcement Act 2010

135A At the end of subsection 7(2)
Add:
; or (g) monitoring, reviewing or reporting on the performance by the AFP of its functions under Part 5.3 of the Criminal Code.

135B Application of amendment
The amendment of the Parliamentary Joint Committee on Law Enforcement Act 2010 made by this Schedule applies in relation to the monitoring, reviewing, or reporting on, after this item commences, of the performance of the AFP of its functions under Part 5.3 of the Criminal Code (whether those functions are performed before or after this item commences).

Schedule 2, item 1, page 108 (before line 6), before the definition of Foreign Affairs Minister, insert:

Attorney-General’s Secretary means the Secretary of the Department administered by the Minister administering the Australian Security Intelligence Organisation Act 1979.

Schedule 2, item 1, page 108 (after line 7), after the definition of Foreign Affairs Minister, insert:

Human Services Secretary means the Secretary of the Department administered by the Minister administering the Human Services (Centrelink) Act 1997.
Schedule 2, item 2, page 110 (after line 21), at the end of section 57GJ, add:

(3) Before giving a notice under this section, the Attorney-General must have regard to the following:

(a) the extent (if any) that any payments of family assistance of the individual are being, or may be, used for a purpose that might prejudice the security of Australia or a foreign country, if the Attorney-General is aware of that extent;

(b) the likely effect of the operation of section 57GI on the individual’s dependants, if the Attorney-General is aware of those dependants.

(4) The Attorney-General’s Secretary must:

(a) seek the advice of the Human Services Secretary in relation to paragraph (3)(b); and

(b) inform the Attorney-General of that advice.

(5) Subsection (3) does not limit the matters to which regard may be had.

Schedule 2, item 2, page 111 (after line 34), after section 57GN, insert:

57GNA Annual review of security notice

Before the end of the following periods, the Attorney-General must consider whether to revoke a security notice (if it has not already been revoked):

(a) 12 months after it came into force;

(b) 12 months after the Attorney-General last considered whether to revoke it.

Schedule 2, item 3, page 113 (before line 8), before the definition of Foreign Affairs Minister, insert:

Attorney-General’s Secretary means the Secretary of the Department administered by the Minister administering the Australian Security Intelligence Organisation Act 1979.

Schedule 2, item 3, page 113 (after line 9), after the definition of Foreign Affairs Minister, insert:

Human Services Secretary means the Secretary of the Department administered by the Minister administering the Human Services (Centrelink) Act 1997.

Schedule 2, item 4, page 114 (line 31), before “The”, insert “(1)”.

Schedule 2, item 4, page 115 (after line 4), at the end of section 278C, add:

(2) Before giving a notice under this section, the Attorney-General must have regard to the following:

(a) the extent (if any) that any payments of parental leave pay or dad and partner pay of the person are being, or may be, used for a purpose that might prejudice the security of Australia or a foreign country, if the Attorney-General is aware of that extent;

(b) the likely effect of the operation of section 278B on the person’s dependants, if the Attorney-General is aware of those dependants.
(3) The Attorney-General’s Secretary must:
   (a) seek the advice of the Human Services Secretary in relation to paragraph (2)(b); and
   (b) inform the Attorney-General of that advice.

(4) Subsection (2) does not limit the matters to which regard may be had.

Schedule 2, item 4, page 116 (after line 11), after section 278G, insert:

278GA  Annual review of security notice

Before the end of the following periods, the Attorney-General must consider whether to revoke a security notice (if it has not already been revoked):
   (a) 12 months after it came into force;
   (b) 12 months after the Attorney-General last considered whether to revoke it.

Schedule 2, item 5, page 117 (before line 9), before the definition of Foreign Affairs Minister, insert:

Attorney-General’s Secretary means the Secretary of the Department administered by the Minister administering the Australian Security Intelligence Organisation Act 1979.

Schedule 2, item 5, page 117 (after line 10), after the definition of Foreign Affairs Minister, insert:

Human Services Secretary means the Secretary of the Department administered by the Minister administering the Human Services (Centrelink) Act 1997.

Schedule 2, item 6, page 118 (line 25), before “The”, insert “(1)”.

Schedule 2, item 6, page 118 (after line 30), at the end of section 38N, add:

(2) Before giving a notice under this section, the Attorney-General must have regard to the following:
   (a) the extent (if any) that any social security payments of the person are being, or may be, used for a purpose that might prejudice the security of Australia or a foreign country, if the Attorney-General is aware of that extent;
   (b) the likely effect of the operation of section 38M on the person’s dependants, if the Attorney-General is aware of those dependants.

(3) The Attorney-General’s Secretary must:
   (a) seek the advice of the Human Services Secretary in relation to paragraph (2)(b); and
   (b) inform the Attorney-General of that advice.

(4) Subsection (2) does not limit the matters to which regard may be had.

Schedule 2, item 6, page 120 (after line 5), after section 38S, insert:

38SA  Annual review of security notice

Before the end of the following periods, the Attorney-General must consider whether to revoke a security notice (if it has not already been revoked):
   (a) 12 months after it came into force;
(b) 12 months after the Attorney-General last considered whether to revoke it.

Schedule 3, item 6, page 124 (line 24), omit “4 hours”, substitute “2 hours”.
Schedule 3, item 8, page 125 (line 25), omit “4 hours”, substitute “2 hours”.
Schedule 5, item 3, page 133 (line 16), omit “authority”, substitute “officer”.
Schedule 5, item 3, page 133 (lines 21 to 26), omit paragraph 166(1)(d), substitute:
(d) if under paragraph (a) the person presents evidence to an authorised system—provide to the authorised system a photograph or other image of the person’s face and shoulders.

Schedule 5, item 7, page 134 (line 9), omit “or (d)”.
Schedule 5, item 8, page 134 (line 12), omit “paragraphs (1)(c) and (d)”, substitute “paragraph (1)(c)”.
Schedule 5, item 15, page 135 (lines 11 to 16), omit paragraph 170(1)(d), substitute:
(d) if under paragraph (a) the person presents evidence to an authorised system—to provide to the authorised system a photograph or other image of the person’s face and shoulders.

Schedule 5, item 19, page 136 (line 3), omit “or (d)”.
Schedule 5, item 20, page 136 (line 6), omit “paragraphs (1)(c) and (d)”, substitute “paragraph (1)(c)”.
Schedule 5, item 28, page 137 (lines 9 to 14), omit paragraph 175(1)(d), substitute:
(d) if under paragraph (a) the person presents evidence to an authorised system—provide to the authorised system a photograph or other image of the person’s face and shoulders.

Schedule 5, item 32, page 138 (line 1), omit “or (d)”.
Schedule 5, item 33, page 138 (line 4), omit “paragraphs (1)(c) and (d)”, substitute “paragraph (1)(c)”.

Question—That Schedule 1, item 133 and Schedules 2 and 5, as amended, be agreed to; and Schedule 6 stand as printed—put and passed.

The following amendments circulated by the Australian Greens were considered:
Clause 2, page 2 (table item 2, column 1), omit “Schedules 1 and 2”, substitute “Schedule 1”.
Clause 2, page 2 (table item 3, column 1), omit “Schedules 3 to 5”, substitute “Schedules 3 and 4”.
Clause 2, page 2 (table item 4), omit the table item.
Schedule 4, item 4, page 128 (line 25), before “The”, insert “(1)”.
Schedule 4, item 4, page 128 (line 25), omit “must”, substitute “may”.
Schedule 4, item 4, page 129 (lines 4 and 5), omit “a risk to security (within the meaning of section 4 of the ASIO Act)”, substitute “a serious risk to security”.
Schedule 4, item 4, page 129 (after line 8), at the end of section 134B, add:

(2) In this section: serious risk to security has the meaning given by regulations made for the purposes of this section.
Schedule 4, item 4, page 131 (after line 21), at the end of section 134F, add:

(3) When exercising the discretion under subsection (2), the Minister must have regard to the relevant human rights Conventions to which Australia is a party, including the Convention on the Rights of the Child.

Schedule 1, item 110, page 82 (line 13), at the end of subsection 119.2(1), add: ; and (d) the person enters the area with the intention of engaging in a terrorist act, a hostile activity or an activity prescribed by the regulations.

Schedule 1, item 110, page 83 (after line 5), after paragraph 119.2(3)(g), insert:

(ga) making a bona fide visit to a friend or personal or business associate;

(gb) providing legal advice;

(gc) performing a bona fide business, teaching or research obligation;

Schedule 1, item 110, page 83 (line 6), at the end of subsection 119.3(3), add: ; (i) any other purpose that the court determines is legitimate in all the circumstances.

Schedule 2, item 2, page 110 (after line 21), at the end of section 57GJ, add:

(3) In deciding whether to give a notice under this section in relation to an individual, the Attorney-General must have regard to the following matters:

(a) whether there are reasonable grounds to suspect that the individual is or will be directly involved in activities which are prejudicial to security;

(b) whether there are reasonable grounds to suspect that the individual’s family assistance payments are being or will be used to support those activities;

(c) the necessity and likely effectiveness of cancelling the individual’s family assistance payments in addressing the prejudicial risk, having regard to the availability of alternative responses;

(d) the likelihood that the prejudicial risk of the individual to security may be increased as a result of issuing the security notice.

Schedule 2, item 2, page 110 (before line 22), before section 57GK, insert:

57GJA Review of decision to give security notice

(1) An application may be made to the Administrative Appeals Tribunal for review of a decision to give a notice under section 57GJ.

(2) A review of a decision to give a notice under section 57GJ must be conducted by the Security Appeals Division of the Administrative Appeals Tribunal.

(3) Section 39A of the Administrative Appeals Tribunal Act 1975 applies to a review of a decision to give a notice under section 57GJ of this Act as if:

(a) a reference in section 39A of the Administrative Appeals Tribunal Act 1975 to a security assessment were a reference to the notice; and
(b) a reference in section 39A of the *Administrative Appeals Tribunal Act 1975* to the Director-General of Security were a reference to the Attorney-General.

Schedule 2, item 4, page 114 (line 31), before “The”, insert “(1)”.

Schedule 2, item 4, page 115 (after line 4), at the end of section 278C, add:

(2) In deciding whether to give a notice under this section in relation to a person, the Attorney-General must have regard to the following matters:

(a) whether there are reasonable grounds to suspect that the person is or will be directly involved in activities which are prejudicial to security;

(b) whether there are reasonable grounds to suspect that the person’s parental leave pay or dad and partner pay are being or will be used to support those activities;

(c) the necessity and likely effectiveness of cancelling the person’s parental leave pay or dad and partner pay in addressing the prejudicial risk, having regard to the availability of alternative responses;

(d) the likelihood that the prejudicial risk of the person to security may be increased as a result of issuing the security notice.

Schedule 2, item 4, page 115 (before line 5), before section 278D, insert:

### 278CA Review of decision to give security notice

(1) An application may be made to the Administrative Appeals Tribunal for review of a decision to give a notice under section 278C.

(2) A review of a decision to give a notice under section 278C must be conducted by the Security Appeals Division of the Administrative Appeals Tribunal.

(3) Section 39A of the *Administrative Appeals Tribunal Act 1975* applies to a review of a decision to give a notice under section 278C of this Act as if:

(a) a reference in section 39A of the *Administrative Appeals Tribunal Act 1975* to a security assessment were a reference to the notice; and

(b) a reference in section 39A of the *Administrative Appeals Tribunal Act 1975* to the Director-General of Security were a reference to the Attorney-General.

Schedule 2, item 6, page 118 (line 25), before “The”, insert “(1)”.

Schedule 2, item 6, page 118 (after line 30), at the end of section 38N, add:

(2) In deciding whether to give a notice under this section in relation to a person, the Attorney-General must have regard to the following matters:

(a) whether there are reasonable grounds to suspect that the person is or will be directly involved in activities which are prejudicial to security;

(b) whether there are reasonable grounds to suspect that the person’s social security payments are being or will be used to support those activities;
(c) the necessity and likely effectiveness of cancelling the person’s social security payments in addressing the prejudicial risk, having regard to the availability of alternative responses;
(d) the likelihood that the prejudicial risk of the person to security may be increased as a result of issuing the security notice.

Schedule 2, item 6, page 118 (before line 31), before section 38P, insert:

38NA Review of decision to give security notice

(1) An application may be made to the Administrative Appeals Tribunal for review of a decision to give a notice under section 38N.

(2) A review of a decision to give a notice under section 38N must be conducted by the Security Appeals Division of the Administrative Appeals Tribunal.

(3) Section 39A of the Administrative Appeals Tribunal Act 1975 applies to a review of a decision to give a notice under section 38N of this Act as if:
   (a) a reference in section 39A of the Administrative Appeals Tribunal Act 1975 to a security assessment were a reference to the notice; and
   (b) a reference in section 39A of the Administrative Appeals Tribunal Act 1975 to the Director-General of Security were a reference to the Attorney-General.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

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NOES, 43

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Question negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The President resumed the chair and the Chair of Committees (Senator Marshall) reported accordingly.
Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.

The Senate divided—

AYES, 43

Senators—

Back
Bernardi
Bilyk
Birmingham
Brandis
Bullock
Bushiwy
Canavan
Carr
Colbeck
Collins

Day
Edwards
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Heffernan
Ketter
Lambie
Lazarus
Lines

Lundy
Macdonald
Madigan
Marshall
McGrath
McKenzie
Muir
O’Neill
O’Sullivan
Parry
Payne

Pelley
Ruston (Teller)
Scullion
Seselja
Singh
Sinodinos
Smith
Sterle
Wang
Wong

NOES, 12

Senators—

Di Natale
Hanson-Young
Leyonhjelm

Ludlam
Milne
Rhiannon

Rice
Siewert (Teller)
Waters

Whish-Wilson
Wright
Xenophon

Question agreed to.

Bill read a third time.

______

After 12.45 pm—

5 SENATORS’ STATEMENTS

Senators made statements.

______

At 2 pm—

6 QUESTIONS

A question without notice was answered.

______

Distinguished visitor: The President welcomed the President of the German Bundestag, Professor Dr Norbert Lammert, and, with the concurrence of honourable senators, invited him to take a seat on the floor of the chamber.

______

Further questions without notice were answered.
Document: The Minister for Employment (Senator Abetz) tabled the following document:

Industrial relations—Unions—Extract of a Construction, Forestry, Mining and Energy Union pamphlet ‘What to do if FWBC on your job’.

Further questions without notice were answered.

7 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Cameron moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Cameron today relating to indexation of fuel excise.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Minister for Indigenous Affairs (Senator Scullion) to a question without notice asked by Senator Siewert today relating to assistance schemes for Indigenous Australians in remote communities.

Question put and passed.

8 NOTICES

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 9 September 2015:

Aspects of road safety in Australia, having particular regard to:

(a) the social and economic cost of road-related injury and death;
(b) the importance of design standards on imported vehicles, as Australian vehicle manufacturing winds down;
(c) the impact of new technologies and advancements in understanding of vehicle design and road safety;
(d) the different considerations affecting road safety in urban, regional and rural areas; and
(e) other associated matters.

Senator O’Sullivan: To move on the next day of sitting—That the Senate acknowledges the fact that the Australian resources sector contributes about 10 per cent of our gross domestic product, directly employs around 270 000 people and supports the work and incomes of another 800 000. (general business notice of motion no. 491)

Senator Moore: To move on the next day of sitting—That there be laid on the table by the Minister representing the Prime Minister (Senator Abetz), by 3.30 pm on Monday, 24 November 2014, any correspondence between the Prime Minister’s Office and other ministers, or their offices, concerning approval of international travel by members of the executive, since 7 September 2013. (general business notice of motion no. 492)
Senator Moore: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Agriculture (Senator Abetz), by 3.30 pm on Monday, 24 November 2014, copies of any documents, including correspondence to and from other members of the Executive, prepared since 7 September 2013, concerning: (a) arrangements; and (b) changes in biosecurity functions within the department and any other department or agency under current administrative arrangements or proposed administrative arrangements. (general business notice of motion no. 493)

Senator Moore: To move on the next day of sitting—That the Senate notes the Abbott Government’s petrol tax ambush and its negative impact on cost pressures facing Australian households and businesses. (general business notice of motion no. 494)

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—

(1) That the Senate meet from Monday, 17 November to Wednesday, 19 November 2014.

(2) That the following government business orders of the day be considered:
   Aged Care and Other Legislation Amendment Bill 2014
   Health and Other Services (Compensation) Care Charges (Amendment) Bill 2014
   Australian Citizenship Amendment (Intercountry Adoption) Bill 2014
   Australian Education Amendment Bill 2014
   Australian National Preventive Health Agency (Abolition) Bill 2014
   Australian Sports Anti-Doping Authority Amendment Bill 2014
   Business Services Wage Assessment Tool Payment Scheme Bill 2014
   Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014
   Carbon Farming Initiative Amendment Bill 2014
   Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014
   Counter-Terrorism Legislation Amendment Bill (No. 1) 2014
   Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014
   Fair Work Amendment Bill 2014
   Freedom of Information Amendment (New Arrangements) Bill 2014
   Higher Education and Research Reform Amendment Bill 2014
   Private Health Insurance Amendment Bill (No. 1) 2014
   Social Services and Other Legislation Amendment (2014 Budget Measures No. 6) Bill 2014
   Social Services and Other Legislation Amendment (Seniors Supplement Cessation) Bill 2014
   Social Services and Other Legislation Amendment (Student Measures) Bill 2014
   Tax Laws Amendment (Research and Development) Bill 2013.

(3) That on Monday, 17 November 2014, the sitting of the Senate shall be suspended at 3.20 pm till the ringing of the bells to enable senators to attend the address by His Excellency Mr Xi Jinping, President of the People’s Republic of China.
(4) That—

(a) the estimates hearings by legislation committees which did not proceed on Tuesday, 21 October 2014, be rescheduled as follows:

**2014-15 Budget estimates:**
Thursday, 20 November 2014 (supplementary hearings—Group A); and

(b) the following committees meet:
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport.

Senator Dastyari: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 2 March 2015:

Incentives to privatisate state or territory assets and recycle the proceeds into new infrastructure, with particular reference to:

(a) the role of the Commonwealth in working with states and territories to fund nation-building infrastructure, including:
   (i) the appropriateness of the Commonwealth providing funding, and
   (ii) the capacity of the Commonwealth to contribute an additional 15 per cent, or alternative amounts, of reinvested sale proceeds;

(b) the economics of incentives to privatise assets;

(c) what safeguards would be necessary to ensure any privatisations were in the interests of the state or territory, the Commonwealth and the public;

(d) the process for evaluating potential projects and for making recommendations about grants payments, including the application of cost-benefit analyses and measurement of productivity and other benefits;

(e) parliamentary scrutiny;

(f) alternative mechanisms for funding infrastructure development in states and territories;

(g) equity impacts between states and territories arising from Commonwealth incentives for future asset sales; and

(h) any related matter.

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

(a) notes that:
   (i) many Australians consider universities to be important institutions that provide a significant social, cultural and economic good,
   (ii) Australian universities collectively hold investments worth billions of dollars,
   (iii) the University of Glasgow, Stanford and 12 other universities in the United States have divested from fossil fuels, and the Australian National University has divested itself from a range of social and environmentally damaging companies, including fossil fuel companies, and
   (iv) more than 120 academics and eminent alumni of the University of New South Wales (UNSW) have written an open letter calling on UNSW to divest from fossil fuels;
(b) congratulates the students and staff across Australia who have led inspiring campaigns and organised referenda calling on their universities to divest from fossil fuels; and

(c) calls on all Australian universities to divest themselves from fossil fuels and prioritise the research, development and financing of renewable energy technologies to help shift Australia to a clean energy future. *(general business notice of motion no. 495)*

Senator Xenophon: To move on the next day of sitting—That there be laid on the table by the Minister for Defence, no later than 4 pm on Thursday, 30 October 2014, any documents produced by Macroeconomics.com.au Pty Ltd as a result of tender reference DMOCIP/RFT 0315/2012, including economic modelling and other examination of the potential economic impact of the SEA1000 submarine project on the Australian economy, among other subjects. *(general business notice of motion no. 496)*

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

(a) notes:

(i) the tragic death in custody of Ms Julieka Dhu on 4 August 2014,

(ii) the National Day of Action held on 23 October 2014 – Justice for Julieka,

(iii) the alarming number of Aboriginal people who have died in custody since the Royal Commission into Aboriginal Deaths in Custody,

(iv) the unacceptably high rates of incarceration of Aboriginal and Torres Strait Islander peoples, and

(v) the majority of the 339 recommendations by the Royal Commission into Aboriginal Deaths in Custody have not been implemented; and

(b) calls on the Government to:

(i) show leadership in the implementation of the recommendations from the Royal Commission into Aboriginal Deaths in Custody, and

(ii) work with the states and territories to develop programs that address the unacceptably high incarceration rates of Aboriginal and Torres Strait Islander peoples, including justice reinvestment. *(general business notice of motion no. 497)*

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the Senate—

(a) notes:

(i) the role of the Independent National Security Legislation Monitor is essential in reviewing the operation, effectiveness and implications of Australia’s counter-terrorism and national security legislation on an ongoing basis, including considering whether Australia’s national security laws contain appropriate safeguards for protecting the rights of Australians, and remain necessary and proportionate to any threat of terrorism or threat to national security,

(ii) the Government has announced an intention to reverse its decision, announced earlier in 2014, to abolish the role of the Independent National Security Legislation Monitor; and

(iii) the position of Independent National Security Legislation Monitor has been vacant since 20 April 2014; and
(b) calls on the Attorney-General to immediately take steps to ensure the appointment, as a matter of priority, of a suitably qualified and experienced person to the role of Independent National Security Legislation Monitor. 

(*general business notice of motion no. 498*)

*Intention to withdraw:* The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), 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 notice of motion no. 1 standing in his name for 8 sitting days after today for the disallowance of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 102 and made under the *Corporations Act 2001*.

Senator Williams, by leave, made a statement relating to the notice of intention.

9 **LEAVE OF ABSENCE**

Senator Urquhart, by leave, moved—That leave of absence be granted to Senators McEwen and Peris for today, for personal reasons.

Question put and passed.

10 **POSTPONEMENT**

Business was postponed as follows:

General business notice of motion no. 474 standing in the name of Senator Siewert for today, proposing the introduction of the Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014, postponed till 30 October 2014.

11 **COMMITTEE—EXTENSION OF TIME TO REPORT**

The following committee was granted an extension of time to report:


12 **COUNTER-TERRORISM LEGISLATION AMENDMENT BILL (NO. 1) 2014**

**CIVIL LAW AND JUSTICE LEGISLATION AMENDMENT BILL 2014**

The Attorney-General (Senator Brandis), pursuant to notices of motion not objected to as formal motions, moved government business notices of motion nos 1 and 2—That the following bills be introduced:

- A Bill for an Act to amend the law relating to counter-terrorism, and for related purposes.
- A Bill for an Act to amend various Acts relating to law and justice, and for related purposes.

Question put and passed.

Senator Brandis presented the bills and 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 Brandis moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings, 17 November 2014.

Senator Brandis moved—That the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.

13 FAMILY AND COMMUNITY SERVICES—PUBLIC HOUSING
Senator Rhiannon amended general business notice of motion no. 477 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—
(a) notes that:
(i) the New South Wales Coalition Government policy of increasing public housing sell-offs is causing stress and uncertainty for public housing tenants across New South Wales,
(ii) the Glebe Community Development Project (the project) supports a range of organisations that foster community cohesion and improve life opportunities of residents and the New South Wales Government is currently defunding the project, and
(iii) the 1970s Green Bans organised by local residents and the Builders Labourers Federation and supported by New South Wales Labor’s introduction of the Heritage Act 1977, Environmental Planning and Assessment Act 1979 and Land and Environment Court Act 1979, as well as the intervention of the Federal Labor Minister for Urban and Regional Development, Mr Tom Uren, saved considerable housing stock in Glebe from demolition when they stopped the construction of an inner city motorway; and
(b) calls on the New South Wales Government to reverse its policy of selling off public housing and continue funding the project.
Question put and passed.

14 IMMIGRATION—HUMANITARIAN INTAKE FROM EBOLA-AFFECTED COUNTRIES—ORDER FOR PRODUCTION OF DOCUMENTS
Senator Hanson-Young, also on behalf of Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 484—That there be laid on the table by the Assistant Minister for Immigration and Border Protection, no later than 3 pm on 30 October 2014, a copy of the advice which informed the Minister for Immigration and Border Protection’s decision to suspend the humanitarian intake from Ebola-affected countries, in particular Liberia, Sierra Leone and Guinea.
Question put and passed.
15 **ADMINISTRATION—NBN Co CORPORATE PLAN—ORDER FOR PRODUCTION OF DOCUMENT**

Senator Urquhart, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 490—That there be laid on the table by the Minister for Finance (Senator Cormann), and the Minister representing the Minister for Communications (Senator Fifield), by 3.30 pm on Monday, 24 November 2014, a copy of the NBN Co Corporate Plan 2014-17, prepared by NBN Co under section 95 of the *Public Governance, Performance and Accountability Act 2013* and in accordance with the Government’s Statement of Expectations.

Question put and passed.

16 **INDUSTRY—ENERGY COSTS**

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 485—That the Senate notes the biggest reduction in energy costs ever recorded and continues to support initiatives that will bring downward pressure on the cost of energy to all Australians.

*Statement by leave:* The Leader of the Australian Greens (Senator Milne), by leave, made a statement relating to the motion.

Question put and passed.

17 **HEALTH—BRAIN TUMOURS**

Senator Urquhart, at the request of Senators Bilyk, Ryan, Di Natale and Xenophon and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 487—That the Senate notes that:

(a) 26 October to 1 November 2014 marks International Brain Tumour Awareness Week and, in doing so, acknowledges the impact brain tumours have on patients, their families and the community;

(b) statistics show that:

(i) in 2014, about 1785 Australians (1060 men and 725 women) are expected to be diagnosed with brain cancer, with 130 new cases a year among young people 0-24 years old,

(ii) brain cancer is the leading cause of cancer death in people under the age of 40, and

(iii) between 2006 and 2010, people with a brain cancer had just a 22 per cent chance of surviving for at least 5 years; and

(c) approximately 2000 benign brain tumours are also diagnosed each year in Australia, and that these may cause permanent disability or death.

Question put and passed.

18 **WOMEN—INTERNATIONAL DAY OF THE GIRL CHILD**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 486—That the Senate—

(a) notes:

(i) the significant impact of the International Day of the Girl Child, on 11 October, in promoting girls’ rights and women’s empowerment, bringing attention to gender-based discrimination, inequity and abuse suffered by girls globally, and
(ii) that Plan International and its parliamentary delegates are calling for
cross-party support for the seven goals in relation to the post-2015
development agenda contained within Plan International’s 2014 Girls
Call to Action:

1. Ensure girls in Australia and around the world have access to
   inclusive and quality education and life-long learning
   opportunities
2. End harmful practices such as child marriage, child labour and
   human trafficking
3. Provide accessible health care and protect the sexual and
   reproductive rights of girls and young women
4. Ensure women have the same access to employment
   opportunities as their male counterparts and encourage young
   women to participate fully in the workforce
5. Eliminate gender-based violence and improve safety to ensure
   that girls are protected from harm
6. Ensure young women and girls live in an environment that
   supports a healthy lifestyle and have access to clean water, clean
   land and clean air
7. Achieve gender equality, the full realisation of women’s and
   girls’ human rights and the empowerment of all women and girls
   worldwide; and

(b) calls on all parties and parliamentarians to consider how they can support these
goals and work towards gender equality in Australia and around the world.

Question put and passed.

19 SCIENCE AND TECHNOLOGY—RENEWABLE TECHNOLOGIES—SUNSWIFT
UNIVERSITY OF NEW SOUTH WALES SOLAR RACING TEAM

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion,
moved general business notice of motion no. 488—That the Senate—

(a) notes that:
   (i) the Sunswift University of New South Wales Solar Racing Team was
       recently confirmed by the Fédération Internationale de l’Automobile to
       have broken the world speed record for electric vehicles, averaging more
       than 100 km/hr over 500 km on a single battery charge,
   (ii) the team is in the process of making their vehicle road registrable, which
       will be a good proof of concept for solar vehicles and inspire the young
       engineers of the future, and
   (iii) projects like these are only possible with federal research funding that
       prioritises clean, renewable technologies;

(b) congratulates the Sunswift team on their achievements; and

(c) calls on the Government to reverse its cuts to federal research funding and
    prioritise funding for the development of clean, renewable technologies.

Statement by leave: The Assistant Minister for Social Services (Senator Fifield), by
leave, made a statement relating to the motion.

Question put and passed.
Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 489—That the Senate—

(a) notes members of the:

(i) Australian Parliament will only be allowed to see the final text of the Trans-Pacific Partnership Agreement (the Agreement) once it has been signed,

(ii) United States of America Congress are allowed access to the Agreement draft text, and

(iii) Malaysian Parliament will be shown the draft text prior to Malaysia signing the Agreement; and

(b) calls on the Minister for Trade and Investment and the Department of Foreign Affairs and Trade to allow members of Parliament access to the Agreement draft text.

Sessions by leave: Senator Whish-Wilson and the Assistant Minister for Social Services (Senator Fifield), by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 15

Di Natale          Madigan          Rice         Whish-Wilson
Hanson-Young       Milne            Siewert (Teller)   Wright
Lazarus           Muir            Wang         Xenophon
Ludlam            Rhiannon        Waters

NOES, 31

Back              Fawcett          McKenzie      Ruston
Bilyk            Gallacher        McLucas       Ryan
Bullock          Ketter           Moore         Singh
Bushby           Leyonhjelm       O’Neill       Simodinos
Cameron          Lines            O’Sullivan    Smith
Canavan          Lundy            Parry         Urquhart (Teller)
Colbeck          Marshall         Polley        Williams
Day              McGrath          Reynolds

Question negatived.

The President informed the Senate that he had received a letter from Senator Siewert advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need for the Abbott Government to respond to the Ebola epidemic and to take responsibility for Australia’s role in the international effort to combat Ebola.

The proposal was supported by four senators.

Senator Di Natale, at the request of Senator Siewert, moved the motion.

Debate ensued.

Question put and passed.
22 DOCUMENTS—CONSIDERATION
The following documents tabled earlier today (see entry no. 2) were considered:


23 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)
Senator Bilyk, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

Scrutiny of Bills—Standing Committee—
14th report of 2014, dated 29 October 2014.

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

Senator Ruston, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:


Senator Ruston, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


Pursuant to order, the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher) tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Australia’s future activities and responsibilities in the Southern Ocean and Antarctic waters—Report, dated October 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.
Report ordered to be printed on the motion of Senator Gallacher.

Senator Gallacher moved—that the Senate take note of the report.

Debate ensued.

Debate adjourned till the next day of sitting, Senator Macdonald in continuation.
Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Grandparents who take primary responsibility for raising their grandchildren—Report, dated October 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Siewert. Senator Siewert moved—That the Senate take note of the report.

Debate ensued.

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

24 FOREIGN AFFAIRS—DARFUR—DOCUMENT

Senator Ludlam, by leave, tabled the following document:

Foreign affairs—Darfur—Petitioning document calling for the Government to help improve the security and protection of civilians in Darfur.

Statement by leave: Senator Ludlam, by leave, made a statement relating to the matter.

25 IMMIGRATION—ASYLUM SEEKERS—DOCUMENT

Senator Hanson-Young, by leave, tabled the following document:

Immigration—Asylum seekers—Petitioning document from 56 720 signatories calling for the Government to change its policies on asylum seekers.

26 ADMINISTRATION—FUTURE FUND—RISKS POSED BY CLIMATE CHANGE—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT

The Assistant Minister for Health (Senator Nash) tabled the following document:

Administration—Future Fund—Risks posed by climate change—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 28 October 2014, responding to the order of the Senate of 28 October 2014.

27 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator O’Neill) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Assistant Minister for Health (Senator Nash), by leave, moved—That senators be discharged from and appointed to committees as follows:

Australia Fund Establishment—Joint Select Committee—

Appointed—
Senators Reynolds and Seselja
Participating members: Senators Back, Bernardi, Bushby, Canavan, Edwards, Fawcett, Heffernan, Macdonald, McGrath, McKenzie, O’Sullivan, Ruston, Smith and Williams

Health—Select Committee—

Appointed—
Substitute members:
Senator Milne to replace Senator Di Natale on 3 November 2014
Senator Whish-Wilson to replace Senator Di Natale on 4 November 2014
Participating member: Senator Di Natale.

Question put and passed.

28 **PRIVATE HEALTH INSURANCE AMENDMENT BILL (NO. 1) 2014**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:


The Assistant Minister for Health (Senator Nash) 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 Nash moved—That this bill be now read a second time.

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

29 **PARLIAMENTARY ENTITLEMENTS LEGISLATION AMENDMENT BILL 2014**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 257, dated 28 October 2014—A Bill for an Act to amend the law relating to benefits for members and former members of Parliament, and for certain other persons, and for related purposes.

The Assistant Minister for Health (Senator Nash) 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 Nash moved—That this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Finance and Public Administration Legislation Committee to report on the bill, 24 November 2014.

30 **ADDRESSES BY PRIME MINISTER OF THE UNITED KINGDOM, PRESIDENT OF THE PEOPLE’S REPUBLIC OF CHINA AND PRIME MINISTER OF THE REPUBLIC OF INDIA**

Messages from the House of Representatives were reported informing the Senate of resolutions of that House:

Message no. 253, dated 28 October 2014, inviting senators to attend a meeting of the House for an address by the Right Honourable David Cameron MP, Prime Minister of the United Kingdom.

Message no. 254, dated 28 October 2014, inviting senators to attend a meeting of the House for an address by His Excellency Mr Xi Jinping, President of the People’s Republic of China.

Message no. 255, dated 28 October 2014, inviting senators to attend a meeting of the House for an address by the Honourable Narendra Modi, Prime Minister of the Republic of India.
31 **HIGHER EDUCATION AND RESEARCH REFORM AMENDMENT BILL 2014**

Order of the day read for the adjourned debate on the motion of the Minister for Veterans’ Affairs (Senator Ronaldson)—That this bill be now read a second time.

Debate resumed.

At 7.20 pm: Debate was interrupted while Senator Lines was speaking.

32 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.58 pm till Thursday, 30 October 2014 at 9.30 am.

33 **ATTENDANCE**

Present, all senators except Senators Ludwig*, McEwen* and Peris* (*on leave).

**ROSEMARY LAING**

Clerk of the Senate

Printed by authority of the Senate