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

2 **MIGRATION AMENDMENT (VISA MAXIMUM NUMBERS DETERMINATIONS) BILL 2013**
Order of the day read for the adjourned debate on the motion of Senator Hanson-Young—That this bill be now read a second time.
Debate resumed.
*Time expired:* The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.
Debate adjourned till the next day of sitting, Senator Dastyari in continuation.

3 **PETITION**
The following petition, lodged with the Clerk by Senator Waters, was received:
From 6 101 petitioners, requesting that the Senate consider future generations when making decisions on environment protections and oppose any moves to weaken national environment laws or to transfer federal environmental responsibilities to state governments.

*Document:* Senator Siewert, by leave, tabled the following document:
Environment—White sharks—Petitioning document from 16 393 signatories relating to the protection of the white shark.

*Document:* Senator Boyce, by leave, tabled the following document:
Health—Petitioning document from 45 signatories relating to the recognition of fetal alcohol spectrum disorder as a disability.

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

4 **NOTICES**
*Notices of motion:*
Senator Ludlam: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Telecommunications (Interception and Access) Act 1979*, and for related purposes, *Telecommunications (Interception and Access) Amendment (Get a Warrant) Bill 2014*. (general business notice of motion no. 93)

Senator Hanson-Young: To move on the next day of sitting—That the Senate condemns the Indian Supreme Court’s decision to outlaw homosexual acts, which could see people jailed for up to 10 years because of their sexuality. (general business notice of motion no. 94)
No. 11—12 December 2013

Notice of motion withdrawn: Senator Moore, at the request of Senator Lundy, withdrew general business notice of motion no. 80 standing in the name of Senator Lundy for today, proposing an order for the production of documents by the Minister representing the Minister for Foreign Affairs.

5 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 11 OF 2013

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 11 OF 2013

1. The committee met in private session on Wednesday, 11 December 2013 at 7.36 pm.

2. The committee resolved to recommend—that—
(a) the Criminal Code Amendment (Harming Australians) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 4 March 2014;
(b) contingent upon its introduction in the Senate, the Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 19 February 2014;
(c) contingent upon its introduction in the Senate, the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 11 February 2014;
(d) the Environment Legislation Amendment Bill 2013 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 12 February 2014;
(e) contingent upon its introduction in the House of Representatives, the provisions of the Migration Amendment Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 12 February 2014; and
(f) the Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013 be referred immediately to the Economics Legislation Committee for inquiry and report by 26 March 2014.

3. The committee resolved to recommend—that the following bills not be referred to committees:
   Fair Trade (Workers’ Rights) Bill 2013
   Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013
   Private Health Insurance Legislation Amendment Bill 2013
   Tax Bonus for Working Australians Repeal Bill 2013
   Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013
   Veterans’ Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013.

The committee recommends accordingly.
4. The committee deferred consideration of the following bills to its next meeting:
   Landholders’ Right to Refuse (Gas and Coal) Bill 2013
   Marriage Equality Amendment Bill 2013
   National Integrity Commission Bill 2013.

Helen Kroger
Chair
11 December 2013.
Senator Kroger moved—That the report be adopted.
Question put and passed.

6 ORDER OF BUSINESS—REARRANGEMENT
The Assistant Minister for Social Services (Senator Fifield) moved—That—
(a) the following government business orders of the day be considered from 12.45 pm today:
   No. 14 Australian Civilian Corps Amendment Bill 2013
   No. 15 Import Processing Charges Amendment Bill 2013
   No. 16 Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013
       Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Bill 2013
       Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Bill 2013
   No. 17 Offshore Petroleum and Greenhouse Gas Storage Amendment (Cash Bidding) Bill 2013
       Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2013
   No. 18 Rural Research and Development Legislation Amendment Bill 2013
       Primary Industries (Excise) Levies Amendment Bill 2013
       Primary Industries (Customs) Charges Amendment Bill 2013
   No. 19 Customs Amendment (Anti-Dumping Commission Transfer) Bill 2013; and
   (b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.
Question put and passed.
Senator Fifield moved—That the order of general business for consideration today be as follows:
   (a) general business notice of motion no. 88 standing in the name of Senator Moore relating to pre-election commitments; and
   (b) orders of the day relating to government documents.
Question put and passed.
7 NATIONAL DISABILITY INSURANCE SCHEME—JOINT STANDING COMMITTEE—
LEAVE TO MEET DURING SITTING
Senator Kroger, by leave and on behalf of the Joint Standing Committee on the National Disability Insurance Scheme, moved—That the Joint Standing Committee on the National Disability Insurance Scheme be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.30 pm.
Question put and passed.

8 LEAVE OF ABSENCE
Senator Urquhart, by leave, moved—That leave of absence be granted to Senator McEwen for today, for personal reasons.
Question put and passed.

9 POSTPONEMENT
The following item of business was postponed:
   Business of the Senate notice of motion no. 7 standing in the name of Senator Madigan for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 11 February 2014.

10 EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE
Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Education and Employment References Committee for inquiry and report by 17 June 2014:
   The delivery of quality and affordable early childhood education and care services, including:
   (a) outcomes for children in early childhood education and care services, including:
      (i) workforce factors such as stability, qualifications and wage rates,
      (ii) quality regulation (including staff-to-child ratios),
      (iii) participation and access to services, and
      (iv) environments for learning;
   (b) a progress report into the implementation of the National Quality Framework (NQF), including targets met and those working toward;
   (c) parents’ experiences of the outcomes of the NQF;
   (d) impacts of the announced government amendments to the NQF, and the outcomes for children and early childhood education and care services; and
   (e) any other related matters.
Question put and passed.
11 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—
REFERENCES

Senator Urquhart, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 25 June 2014:

The implications of the restriction on the use of Fenthion on Australia’s horticultural industry, including:

(a) the roles and responsibilities of relevant departments and agencies of Commonwealth, state and territory governments in relation to the regulation of pesticides and veterinary chemicals;
(b) the short- and long-term impact of the decision on stakeholders;
(c) the effectiveness and sustainability of chemicals other than Fenthion to manage fruit fly;
(d) transition arrangements following the restriction on the use of Fenthion, including Area Wide Management; and
(e) any related matters.

Question put and passed.

Senator McKenzie, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 28 March 2014:

The industry structures and systems governing the collection and disbursement of marketing and research and development levies pertaining to the sale of grass-fed cattle set out in subsections 6(1)(a), 6(1)(b), 6(2)(a) and 6(2)(b) of Schedule 3 (Cattle transactions) of the Primary Industries (Excise) Levies Act 1999, including:

(a) the basis on which levies are collected and used;
(b) the opportunities levy payers have to influence the quantum and investment of the levies;
(c) industry governance arrangements, consultation and reporting frameworks; and
(d) recommendations to maximise the ability of grass-fed cattle producers to respond to challenges and capture opportunities in marketing and research and development.

Question put and passed.

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 26 March 2014:

The future of the beekeeping and pollination service industries in Australia, with particular reference to:

(a) the importance of these industries from a food security, environmental and financial point of view;
(b) current challenges facing the beekeeping industry domestically and internationally, and its future sustainability;
(c) the adequacy of the current biosecurity arrangements for imported and exported honey, apiary products, package bees and queen bees;

(d) Australia’s food labelling requirements, and how these affect the beekeeping industry;

(e) the recommendations from the House Standing Committee on Primary Industries and Resources 2008 report *More than Honey: the future of the Australian honey bee and pollination industries*, and the Rural Affairs and Transport References Committee 2011 report *Science underpinning the inability to eradicate the Asian honey bee*; and

(f) any related matters.

Question put and passed.

12 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator McLucas, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 8—that the following matter be referred to the Economics References Committee for inquiry and report by 16 July 2014:

Affordable housing, including the following matters:

(a) the role of all levels of government in facilitating affordable home ownership and affordable private rental, including:

   (i) the effect of policies designed to encourage home ownership and residential property investment,

   (ii) the taxes and levies imposed by state and territory governments,

   (iii) the effect of policies designed to increase housing supply,

   (iv) the operation, effect and future of the National Rental Affordability Scheme,

   (v) the regulatory structures governing the roles of financial institutions and superannuation funds in the home lending and property sectors, and

   (vi) the operation and effectiveness of rent and housing assistance programs;

(b) the impacts, including social implications, of public and social housing policies on housing affordability and the role of all levels of government in providing public and social housing;

(c) the impact of Commonwealth, state and territory government policies and programs on homelessness;

(d) the contribution of home ownership to retirement incomes;

(e) the implications for other related changes to Commonwealth government policies and programs, including taxation policy, aged care, disability services, Indigenous affairs and for state and territory governments;

(f) the need to develop improved overview and accountability mechanisms in relation to Commonwealth grants and funding to the states and territories in order to ensure that public funding delivers outcomes consistent with Commonwealth objectives;

(g) planning and policies that will ensure that women, particularly vulnerable women, have access to secure, appropriate, affordable and adaptable accommodation;

(h) planning and policies that will ensure emergency and essential service workers have access to affordable housing close to where they work;
the role of all levels of government in facilitating affordable home ownership and affordable private rental, including:

(i) the effect of policies designed to encourage home ownership and residential property investment,

(ii) the taxes and levies imposed by the Commonwealth, state, territory and local governments,

(iii) the effect of policies designed to increase housing supply,

(iv) the operation, effect and future of the National Rental Affordability Scheme,

(v) the regulatory structures governing the roles of financial institutions and superannuation funds in the home lending and property sectors, and

(vi) the operation and effectiveness of rent and housing assistance programs;

(b) the impacts, including social implications, of public and social housing policies on housing affordability and the role of all levels of government in providing public and social housing;

(c) the impact of Commonwealth, state and territory government policies and programs on homelessness;

(d) the contribution of home ownership to retirement incomes;

(e) the implications for other related changes to Commonwealth government policies and programs, including taxation policy, aged care, disability services, Indigenous affairs and for state and territory governments;

(f) the need to develop improved overview and accountability mechanisms in relation to Commonwealth grants and funding to the states and territories in order to ensure that public funding delivers outcomes consistent with Commonwealth objectives;

(g) planning and policies that will ensure that women, particularly vulnerable women, have access to secure, appropriate, affordable and adaptable accommodation;

(h) planning and policies that will ensure emergency and essential service workers have access to affordable housing close to where they work;

(i) planning and policies that will ensure the availability of an appropriately skilled workforce;

(j) the role of innovation in building materials and construction, including prefabricated and sustainable materials;

(k) the impacts of improving sustainability (including energy efficiency) of new and existing housing stock on improving housing affordability;
(l) the role of innovative and responsible funding mechanisms used in other countries, including the United Kingdom, United States of America, France, Canada, Austria and the Netherlands, that provide a stable and cost effective way of funding affordable rental and social housing, such as affordable housing supply bonds and an affordable housing finance corporation;

(m) the role and contribution of the community housing sector in delivering social and affordable renting housing;

(n) the need to increase the supply of accessible and adaptable housing, and housing that is culturally appropriate;

(o) the impact of not having a long-term, national affordable housing plan; and

(p) any other matters the committee considers relevant”.

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

Main question, as amended, put and passed.

13 **Marriage Equality Amendment Bill 2013**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 28—That the following bill be introduced:

A Bill for an Act to amend the Marriage Act 1961 to create the opportunity for marriage equality for people regardless of their sex, sexual orientation or gender identity, and for related purposes.

Question put and passed.

Senator Hanson-Young 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 Hanson-Young moved—That this bill be now read a second time.

________

*Explanatory memorandum:* Senator Hanson-Young, by leave, tabled an explanatory memorandum relating to the bill.

________

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.

*Statement by leave:* Senator Hanson-Young, by leave, made a statement relating to the matter.

14 **Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013**

Senator Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 85—That the following bill be introduced:

A Bill for an Act to amend legislation relating to defence, and for related purposes.

Question put and passed.

Senator Farrell 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 Farrell moved—that this bill be now read a second time.


Debate adjourned till the next day of sitting, Senator Farrell in continuation.
Reference to committee: Pursuant to the order of the Senate agreed to earlier today (see entry no. 5) the bill stands referred to the Foreign Affairs, Defence and Trade Legislation Committee.
Statement by leave: The Assistant Minister for Social Services (Senator Fifield), by leave, made a statement relating to the matter.

15 CRIMINAL CODE AMENDMENT (MISREPRESENTATION OF AGE TO A MINOR) BILL 2013
Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 87—that the following bill be introduced:


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

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

Debate adjourned till the next day of sitting, Senator Xenophon in continuation.
Reference to committee: Pursuant to the order of the Senate agreed to earlier today (see entry no. 5) the bill stands referred to the Legal and Constitutional Affairs Legislation Committee.

16 TAXATION—GOODS AND SERVICES TAX—MOBILE HOME PARKS
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 92—that the Senate—

(a) notes that:
(i) the Australian Taxation Office (ATO) has issued a new Draft GST Ruling, GSTR 2013/02, in which it has drastically altered its view on the goods and services tax (GST) treatment of supplies made by operators of mobile home parks,
(ii) once the draft ruling is finalised, home park operators will no longer be able to treat their lease, or licence of the site, to a resident as a supply of commercial residential premises and as a result, operators will be liable for GST on the full value of the supply rather than having access to the 50 per cent discount that is currently available for supplies of long-term accommodation, and

(iii) the likelihood that these charges will be passed on to consumers, many of whom are low income earners and pensioners, and that the increase in their fee may constitute 10 per cent or more of their meagre disposable income; and

(b) urges the ATO to maintain the current GST arrangements on mobile home parks, in order to ensure that low income earners are not disproportionately impacted.

Question put and passed.

17 TRANSPORT—WESTCONNEX MOTORWAY PROJECT—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. 82—That there be laid on the table, by 2 January 2014, by Infrastructure Australia or the Infrastructure Coordinator, all documents in relation to the WestConnex motorway project in New South Wales provided to Infrastructure Australia by the New South Wales Government, in particular, but not restricted to, the full business case.

Question put and passed.

18 INDIGENOUS AUSTRALIANS—CLOSING THE GAP REPORT—PARLIAMENTARY CONSIDERATION

Senator O’Neill, also on behalf of Senators Lines, McLucas, Pratt, Peris and Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 83—That the Senate—

(a) notes the national framework agreed to by the Council of Australian Governments (COAG) in 2008 to tackle Indigenous disadvantage and the six priority areas for change identified by COAG;

(b) further notes that there have been five annual reports by the Prime Minister to the Australian Parliament on progress in meeting these Closing the Gap targets;

(c) is of the view that the presentation of these annual reports should be marked by a special parliamentary procedure in recognition of the significance of these initiatives to all Australians;

(d) therefore proposes to the House of Representatives that it consider marking the presentation of the Prime Minister’s annual report on Closing the Gap by:

(i) hosting a meeting of the House to which senators are invited in a similar manner as senators are invited to attend addresses by foreign Heads of State, and

(ii) inviting senior Indigenous leaders to be present when the Prime Minister’s annual report is presented; and

(e) resolves that, on its presentation to the Senate, the Prime Minister’s annual report on Closing the Gap and accompanying ministerial statement be listed for consideration as a government business order of the day, and that the Government undertake to provide for at least 2 hours consideration of the statement during government business time.
Statement by leave: The Minister for Indigenous Affairs (Senator Scullion), by leave, made a statement relating to the motion.

Question put and passed.

Senator O’Neill, pursuant to standing order 154, moved—That the resolution be communicated by message to the House of Representatives for concurrence.

Question put and passed.

19 HEATH—PHARMACEUTICAL BENEFITS SCHEME—IMPACT OF TREATIES

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 89—That the Senate—

(a) notes the open letter to the Government, dated 9 December 2013, signed by 44 prominent academics and public health experts, which expresses alarm around the effects these potential changes could have on the Pharmaceutical Benefits Scheme and the integrity of Australian public health initiatives;

(b) reiterates its call for the Government to make public the details of the final agreed text and Australia’s position regarding these controversial intellectual property provisions; and

(c) reaffirms its opposition to any measures, such as Investor-State Dispute provisions or strengthening of the patent system, whether in this treaty or otherwise, which limit Australia’s ability to implement domestic public health policy and safeguard the efficient operation of our system of medicines.

Question put and passed.

20 SCHOOL FUNDING—SELECT COMMITTEE—APPOINTMENT

Senator Urquhart, at the request of Senator Carr and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 86—

(1) That a select committee, to be known as the Select Committee on School Funding, be established to inquire into and report on the development and implementation of national school funding arrangements and school reform, with particular reference to:

(a) the implementation of needs-based funding arrangements, from 1 January 2014, for all schools and school systems, including:

(i) Commonwealth funding, methods for the distribution of funds, funding arrangements and agreements with states and territories, as well as related accountability and transparency measures,

(ii) funding arrangements for individual schools,

(iii) the extent to which schools can anticipate their total future funding and links to educational programs in future years,

(iv) the consequential equity of educational opportunity between states and territories, schools and students,

(v) progress towards the Schooling Resource Standard, and

(vi) the implementation of schools reforms;

(b) how funding arrangements will meet the needs of all schools and individual students, including Indigenous students, students with disability, small schools, remote schools, students with limited English, and students from socially and economically disadvantaged backgrounds;

(c) the Government’s proposed changes to the Australian Education Act 2013, related legislative instruments and their consequences;
(d) the economic impacts of school education policy;
(e) the Government’s consideration of expert findings, research, public consultation and reports in the development and implementation of school policy, including the selection of experts to provide advice on education policy; and
(f) any related matters.

(2) That the committee may present interim reports and must present a final report on or before 13 May 2014.

(3) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by the Leader of the Australian Greens.

(4) That:
   (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(5) That 3 members of the committee constitute a quorum of the committee.

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

(7) That the committee elect as chair a member nominated by the Leader of the Opposition and as deputy chair, a member nominated by the Leader of the Australian Greens.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(9) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(10) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

(11) 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 examine.

(12) 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, the evidence taken and such interim recommendations as it may deem fit.

(13) 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.

(14) 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.

Question put and passed.
21 TRANSPORT—QANTAS

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 81—That the Senate—

(a) notes the significant benefit that a majority Australian-owned Qantas brings to national security, manufacturing and tourism jobs, and the wider economy; and

(b) calls on the Government to seriously consider investing in Qantas as a signal of its importance to the national economy.

Senator Xenophon, by leave, moved the following amendment:

After paragraph (b), insert:

(c) considers that any government investment should not be made while the Chief Executive Officer (Mr Joyce) and Chairman (Mr Clifford) remain in the company.

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

Main question put and passed.

22 EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE

Senator Xenophon amended business of the Senate notice of motion no. 5 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Education and Employment References Committee for inquiry and report by 17 June 2014:

The immediate future of the childcare sector in Australia, with particular reference to:

(a) cost and availability for parents over the short term, including the effectiveness of the current government rebates;

(b) administrative burden, including the impact of the introduction of the National Quality Framework;

(c) the current regulatory environment and the impact on children, educators and service operators;

(d) how the childcare sector can be strengthened in the short term to boost Australia’s productivity and workplace participation for parents; and

(e) any related matters.

Question put and passed.

23 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE

Senator Moore amended business of the Senate notice of motion no. 9 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 27 March 2014:

The role of public transport in delivering productivity outcomes, with particular reference to:

(a) the need for an integrated approach across road and rail in addressing congestion in cities, including Sydney, Melbourne, Brisbane, Adelaide and Perth;

(b) the social and environmental benefits of public transport projects compared to road infrastructure projects such as WestConnex and the East West Link;

(c) the national significance of public transport;
(d) the relationship between public transport and building well-functioning cities;
(e) the decision of the Federal Government to refuse to fund public transport projects;
(f) the impact on user charges arising from requiring states to fund public transport projects; and
(g) any related matter.

Senator Rhiannon, by leave, moved the following amendment:

After paragraph (f), insert:

(fa) why motorway development in the last decade has received higher levels of federal and state government funding compared with public transport; and

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

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

Main question put and passed.

24 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 10 June 2014:

Comprehensive revision of the Telecommunications (Interception and Access) Act 1979 (the Act), with regard to:

(a) the recommendations of the Australian Law Reform Commission For Your Information: Australian Privacy Law and Practice report, dated May 2008, particularly recommendation 71.2; and
(b) recommendations relating to the Act from the Parliamentary Joint Committee on Intelligence and Security Inquiry into the potential reforms of Australia’s National Security Legislation report, dated May 2013.

Question put and passed.

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

25 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—UNANSWERED ESTIMATES QUESTIONS

The Chair of the Education and Employment Legislation Committee (Senator McKenzie), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 84—That answers be provided by 13 January 2014 to the Education and Employment Legislation Committee in respect of estimates questions to the Department of Education lodged with its predecessor committee in the course of the Budget estimates hearings in June 2013 which remained unanswered at the beginning of the new Parliament.

Question put and passed.

Statement by leave: Senator Moore, by leave, made a statement relating to the motion.
26 PRIMARY INDUSTRIES—LIVE ANIMAL EXPORTS

Senator Siewert, also on behalf of Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 90—That the Senate—

(a) acknowledges:

(i) the Exporter Supply Chain Assurance System was introduced under the Export Control Act 1982 to provide minimum standards for the welfare of Australian livestock in importing countries,

(ii) that exporters who disregard or deliberately flout the standards set under this system should be met with the full force of the law,

(iii) that the Department of Agriculture is currently investigating 14 complaints regarding breaches of these standards,

(iv) that the export company Livestock Shipping Services is implicated in three of these complaints regarding the sale and cruel slaughter of livestock outside approved supply chains, and

(v) the Maysora, a ship operated by Livestock Shipping Services, has docked in the Fremantle Port; and

(b) calls on the Government to prevent Livestock Shipping Services from exporting any further animals from Australia until investigations on their previous activities have been completed.

Question put.

The Senate divided—

AYES, 9

Dietmar Di Natale
Hanson-Young
Ludlam

Senator Siewert (Teller)

Whish-Wilson

NOES, 44

Bernardi
Bilyk
Boyce
Brown
Bushby
Cameron
Colbeck
Collins
Cormann
Dastyari
Edwards
Fierravanti-Wells
Fifield
Finner
Gallacher
Hogg
Kroger
Lines
Ludwig
Maysora

Faulkner
Fawcett
Ferrer
Furner
Galagher
Hogg
Kroger
Lines
Ludwig

McKenzie
McLucas
Moore
O’Neill
Parry
Payne
Peris
Polley
Pratt
Ruston

Seselja
Singh
Smid
Smith
Stephens
Sterle
Thorpe
Tillem
Urquhart (Teller)

Waters
Whish
Wright

Ryan
Seselja
Singh
Smid
Smith
Stephens
Sterle
Thorpe
Tillem
Urquhart (Teller)

Wright

Question negatived.
27 GAMBLING REFORM—JOINT SELECT COMMITTEE—PROPOSED APPOINTMENT

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 91—

(1) That a Joint Select Committee on Gambling Reform be established to:
   (a) inquire into and report on the following:
      (i) the Productivity Commission report on gambling, released in June 2010, including a national response to the full set of its recommendations,
      (ii) any gambling-related legislation that has been tabled in either House, either as a first reading or exposure draft,
      (iii) monitoring the impact of problem gambling and reforms to address problem gambling, and
      (iv) such other matters relating to gambling referred by either House; and
   (b) make recommendations to the Minister for Social Services and the Assistant Treasurer to inform any position that the Commonwealth will take to the COAG Select Council on Gambling Reform.

(2) That the committee consist of 10 members, 2 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips, 1 Member of the House of Representatives to be nominated by any minority party or independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority party or independent Senator.

(3) That:
   (a) participating members may be appointed to the committee; and
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of a member of the committee, but may not vote on any questions before the committee.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(5) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.

(6) That the committee elect as its chair a member nominated by the Leader of the Government in the Senate.

(7) That the committee elect as its deputy chair a non-Government member nominated by either the Opposition Whip or a minority party or independent Member of the House of Representatives.

(8) That the deputy chair shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
(11) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

(12) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

(13) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(14) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(15) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(16) That the committee or any subcommittee may conduct proceedings at any place it sees fit and sit in public or private.

(17) That the committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(18) That the committee may report from time to time, but that it present its final report no later than 30 June 2015.

(19) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(20) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

Statements by leave: Senators Xenophon and Di Natale, by leave, made statements relating to the motion.

Question put and negatived.

28 COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES

Senator Kroger, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2012-13 (Supplementary)—Legal and Constitutional Affairs Legislation Committee—Additional information received between 15 November and 12 December 2013—Attorney-General’s portfolio.

Additional estimates 2012-13—

Education, Employment and Workplace Relations Legislation Committee—Additional information received on 24 July 2013—Education, Employment and Workplace Relations portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 15 November and 12 December 2013—Attorney-General’s portfolio.
Budget estimates 2013-14—
Economics Legislation Committee—Additional information received between 15 November and 10 December 2013—
  Treasury portfolio.
Education, Employment and Workplace Relations Legislation Committee—
Additional information received between 18 July and 11 November 2013—
  Education, Employment and Workplace Relations portfolio.
Finance and Public Administration Legislation Committee—Additional information received between 13 November and 10 December 2013—
  Finance and Deregulation portfolio.
Prime Minister and Cabinet portfolio.
Legal and Constitutional Affairs Legislation Committee—Additional information received between 15 November and 12 December 2013—
  Attorney-General’s portfolio.
  Immigration and Citizenship portfolio.
Rural and Regional Affairs and Transport Legislation Committee—Additional information received between 11 October and 12 December 2013—Regional Australia, Local Government, Arts and Sport portfolio.
Budget estimates 2013-14 (Supplementary)—
Economics Legislation Committee—Additional information received between 20 November and 10 December 2013—
  Industry portfolio.
  Treasury portfolio.
Environment and Communications Legislation Committee—Additional information—
  Communications portfolio.
  Environment portfolio.
Finance and Public Administration Legislation Committee—Additional information received between—
  12 November and 10 December 2013—Parliamentary departments.
  18 November and 10 December 2013—Prime Minister and Cabinet portfolio.
  19 November and 10 December 2013—Finance portfolio.
Foreign Affairs, Defence and Trade Legislation Committee—Additional information—
  Defence portfolio.
  Foreign Affairs and Trade portfolio.
Legal and Constitutional Affairs Legislation Committee—Additional information received between 18 November and 12 December 2013—
  Attorney-General’s portfolio.
  Immigration and Border Protection portfolio.
29 FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—COMMONWEALTH ELECTORAL AMENDMENT (ABOVE THE LINE VOTING) BILL 2013

The Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi) tabled the following report:


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

Reference to committee: Senator Bernardi moved—that the Senate adopt the following recommendations contained in the report:

(a) that the Commonwealth Electoral Amendment (Above the Line Voting) Bill 2013 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report; and

(b) that, in conducting any inquiry, the Joint Standing Committee on Electoral Matters have the power to consider and use any evidence submitted to the Senate Finance and Public Administration Legislation Committee in relation to its inquiry into the Commonwealth Electoral Amendment (Above the Line Voting) Bill 2013.

Question put and passed.

30 SENATORS’ INTERESTS—STANDING COMMITTEE—DOCUMENT

The Chair of the Standing Committee of Senators’ Interests (Senator Bilyk) tabled the following document:

Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations of interests lodged between 27 June and 10 December 2013, dated December 2013.

31 PUBLICATIONS—STANDING COMMITTEE—1ST REPORT

The Chair of the Standing Committee on Publications (Senator McKenzie), tabled the following report:

PUBLICATIONS COMMITTEE
1ST REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 27 June 2013, recommends that the following be printed:

Australian Centre for International Agricultural Research (ACIAR)—Report for 2012-13.
Australian Charities and Not-for-profits Commission (ACNC)—Report for the period 3 December 2012 to 30 June 2013.
Australian Communications and Media Authority (ACMA)—Report for 2012-13.
Australian Competition and Consumer Commission (ACCC)—Report for 2012-13, including report of the Australian Energy Regulator (AER).
Telstra’s compliance with the retail price control arrangements—Report for 2012-13.
Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2012-13.
Reports—
No. 58—BB v Commonwealth of Australia (Department of Immigration and Citizenship).
No. 60—Behme v Commonwealth of Australia (Department of Education, Employment and Workplace Relations).
No. 61—BD v Queensland (Department of Community Safety).
No. 62—Ince v Commonwealth of Australia (Department of Immigration and Citizenship).
No. 63—Paul family v Commonwealth of Australia (Department of Immigration and Citizenship).
No. 64—Immigration detainees with adverse security assessments v Commonwealth of Australia (Department of Immigration and Citizenship)
Review into the treatment of women at the Australian Defence Force Academy, dated July 2013.
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2012-13.
Australian National University—Report for 2012.
Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2012-13.
Australian Prudential Regulation Authority (APRA)—Report for 2012-13.
Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2012-13, including report of the Merit Protection Commissioner.
Australian Research Council (ARC)—Report for 2012-13.
Clean Energy Finance Corporation (CEFC)—Report for the period 3 August 2012 to 30 June 2013.
Commonwealth Ombudsman—
Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2012-13, including reports of the Aboriginals Benefit Account and Coordinator General for Remote Indigenous Services, and financial statements for the Aboriginal and Torres Strait Islander Land Account.
Department of Foreign Affairs and Trade—
   Australia in the Asian Century: towards 2025—Country strategy—
   China.
   India.
   Indonesia.
   Japan.
   South Korea.
Department of Health and Ageing—Report for 2012-13 (2 volumes), including report of the Pharmaceutical Benefits Pricing Authority, Pharmaceutical Benefits Advisory Committee report on processes, and financial statements for the Therapeutic Goods Administration.
Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education—
  Report for 2012-13, including reports of IP Australia and the Tuition Protection Service.
Department of Regional Australia, Local Government, Arts and Sport—Report for 2012-13, including report on the operation of the Protection of Movable Cultural Heritage Act 1986.
Department of Resources, Energy and Tourism—Report for 2012-13, including report of Geoscience Australia.
Department of Sustainability, Environment, Water, Population and Communities—Report for 2012-13, including reports on the operation of Acts administered by the department, report of the Commonwealth Environmental Water Holder, and financial statements of the Natural Heritage Trust of Australia.
Department of the Prime Minister and Cabinet—Report for 2012-13.
Federal Court of Australia—Report for 2012-13, including report of the National Native Title Tribunal.
Migration Agents Registration Authority (MARA)—Report for 2012-13.
Moorebank Intermodal Company—Report for the period 13 December 2012 to 30 June 2013.
National Health and Medical Research Council (NHMRC)—Report for 2012-13.
National Health Funding Pool—Report for 2012-13, including financial statements for state and territory State Pool Accounts.
Productivity Commission—
  Reports—
  No. 63—Safeguards inquiry into the import of processed tomato products, dated 18 September 2013.
  No. 64—Safeguards inquiry into the import of processed fruit products, dated 18 September 2013.
Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Reports for 2012-13, including financial statements of the Defence Service Homes Insurance Scheme.

Torres Strait Regional Authority (TSRA)—Report for 2012-13.
Wet Tropics Management Authority—Report for 2012-13, including State of the Wet Tropics report.
Wheat Exports Australia—Report for the period 1 July 2012 to 31 December 2012 [Final report].

Senator McKenzie
Chair
12 December 2013.

Senator McKenzie moved—that the report be adopted.
Question put and passed.
32 Community Affairs Legislation Committee—Report—Social Services and Other Legislation Amendment Bill 2013

Pursuant to order, the Chair of the Community Affairs Legislation Committee (Senator Boyce) tabled the following report and documents:

Community Affairs Legislation Committee—Social Services and Other Legislation Amendment Bill 2013 [Provisions]—Report, dated December 2013, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

33 Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013

A message from the House of Representatives was reported agreeing to the following bill without amendment:

Message no. 54, dated 11 December 2013—Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013.

34 Fair Work (Registered Organisations) Amendment Bill 2013

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


The Assistant Minister for Social Services (Senator Fifield) 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 Fifield 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 first day in the next period of sittings.

At 12.45 pm—

35 Australian Civilian Corps Amendment Bill 2013

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time.

On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

36 Import Processing Charges Amendment Bill 2013

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the bill was read a third time.

37 **GRAPE AND WINE LEGISLATION AMENDMENT (AUSTRALIAN GRAPE AND WINE AUTHORITY) BILL 2013**

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the bills were read a third time.

38 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (CASH BIDDING) BILL 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the bills were read a third time.

39 **RURAL RESEARCH AND DEVELOPMENT LEGISLATION AMENDMENT BILL 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the bills were read a third time.

40 **CUSTOMS AMENDMENT (ANTI-DUMPING COMMISSION TRANSFER) BILL 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) the bill was read a third time.

41 **ORDER OF BUSINESS—REARRANGEMENT**

The Parliamentary Secretary to the Minister for Education (Senator Ryan) moved—That intervening business be postponed till after consideration of government business order of the day no. 14 (Australian Civilian Corps Amendment Bill 2013).

Question put and passed.

42 **AUSTRALIAN CIVILIAN CORPS AMENDMENT BILL 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the bill was read a third time.

43 **SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT BILL 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Immigration and Border Protection (Senator Cash)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Hanson-Young was speaking.

44 **HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION**

Leave refused: The Leader of the Government in the Senate (Senator Abetz) sought leave to move a motion to vary the hours of meeting and routine of business for today. An objection was raised and leave was not granted.
Proposed suspension of standing orders: Senator Abetz, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the hours of meeting and routine of business for today. Debate ensued.

Question put.

The Senate divided—

AYES, 31

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Question negatived.

45 QUESTIONS

Questions without notice were answered.

46 MOTION TO TAKE NOTE OF ANSWERS

Senator Carr moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Veterans’ Affairs (Senator Ronaldson) to questions without notice asked by Senators Farrell, Carr and Conroy today relating to the automotive industry. Debate ensued.

Question put and passed.

47 IMMIGRATION—ASYLUM SEEKERS—UNDETECTED BOAT ARRIVAL—ORDER FOR PRODUCTION OF DOCUMENTS

The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:

Immigration—Asylum seekers—Undetected boat arrival—Letter from the Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 11 December 2013 and raising public interest immunity claims, dated 12 December 2013.
48 AUDITOR-GENERAL—AUDIT REPORT NO. 11 OF 2013-14—DOCUMENT
The Acting Deputy President (Senator Whish-Wilson) tabled the following document:

49 DEPARTMENT OF THE SENATE—REGISTER OF SENIOR EXECUTIVE OFFICERS’ INTERESTS—DOCUMENT
The Acting Deputy President (Senator Whish-Wilson) tabled the following document:
Department of the Senate—Register of Senate senior executive officers’ interests incorporating notifications of alterations of interests lodged between 27 June and 10 December 2013.

50 PARLIAMENTARY COMMITTEE REPORTS—PRESIDENT’S REPORT—GOVERNMENT RESPONSES OUTSTANDING
The Acting Deputy President (Senator Whish-Wilson) tabled the following document:
President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 12 December 2013.

51 GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAW
A message from Her Excellency the Governor-General was reported, informing the Senate that she had assented to the following law:

52 DEPARTMENT OF DEFENCE—SPECIAL PURPOSE FLIGHTS—DOCUMENT
The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:
Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2013.

53 ATTORNEY-GENERAL’S DEPARTMENT—INDEPENDENT NATIONAL SECURITY LEGISLATION MONITOR—DOCUMENT
The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:

54 DEPARTMENT OF SOCIAL SERVICES—SOCIAL SECURITY APPEALS TRIBUNAL—DOCUMENT
The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:
55 **HEALTH—PHARMACEUTICAL BENEFITS SCHEME—IMPACT OF TREATIES—**

**DOCUMENT**

The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:

Health—Pharmaceutical Benefits Scheme—Impact of treaties—Letter to President of the Senate from the Minister for Finance (Senator Cormann) responding to the resolution of the Senate of 12 December 2013, dated 12 December 2013.

56 **PRIVILEGES—STANDING COMMITTEE—155TH REPORT**

The Chair of the Standing Committee of Privileges (Senator Collins) tabled the following report:


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

Senator Collins, by leave, moved—That the report be adopted.

Response as recommended by the committee incorporated in Hansard accordingly.

57 **PROCEDURE—STANDING COMMITTEE—SECOND REPORT OF 2013**

The Chair of the Procedure Committee (Senator Parry) tabled the following report:


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

Senator Parry, by leave, moved—That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

Question put and passed.

58 **DOCUMENTS**

The following documents were tabled by the Clerk:

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

`Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—`

Approval — means of providing surface wind information — Exemption — provision of a wind direction indicator—CASA 267/13 [F2013L02069].

Exemption – from standard take-off and landing minima – Japan Airlines—CASA EX121/13 [F2013L02072].

Exemption – from standard take-off and landing minima – Philippine Airlines—CASA EX124/13 [F2013L02071].

`Environment Protection and Biodiversity Conservation Act 1999—Conservation Themes for Prioritising Nominations for Listing Threatened Species, Threatened Ecological Communities and Key Threatening Processes for the Assessment Period Commencing 1 October 2014 (21 November 2013) [F2013L02074].`


59 TRADE—FREE TRADE AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS

The following document was tabled pursuant to the order of the Senate of 11 December 2013:

Trade—Free trade agreements—Letter to the President of the Senate from the Minister for Finance (Senator Cormann) responding to the order of the Senate of 11 December 2013, dated 11 December 2013.

60 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Whish-Wilson) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, moved—that senators be discharged from and appointed to committees as follows:

Abbott Government’s Commission of Audit—Select Committee—

Appointed—

Senators Bernardi, Bushby, Dastyari, Di Natale, Lines, Lundy and Smith

Education and Employment References Committee—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Rhiannon for the committee’s inquiries into the immediate future of the childcare sector in Australia, and the delivery of quality and affordable early childhood education and care services
Participating member: Senator Rhiannon

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Discharged—Senator Ludwig
Appointed—Senator Bishop

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Whish-Wilson for the committee’s inquiry into the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013
Participating member: Senator Whish-Wilson
Intelligence and Security—Joint Statutory Committee—
Appointed—Senators Bishop, Eggleston, Faulkner, Fawcett and Ludwig, pursuant to the Intelligence Services Act 2001

Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the Migration Amendment Bill 2013
Participating member: Senator Wright

Legal and Constitutional Affairs References Committee—
Appointed—
Substitute member: Senator Ludlam to replace Senator Wright for the committee’s inquiry into the comprehensive revision of the Telecommunications (Interception and Access) Act 1979
Participating member: Senator Wright

Rural and Regional Affairs and Transport References Committee—
Appointed—
Substitute members:
Senator Rhiannon to replace Senator Whish-Wilson for the committee’s inquiry into public transport
Senator Siewert to replace Senator Whish-Wilson for the committee’s inquiries into the implications of the restrictions on the use of Fenthion, the future of the beekeeping and pollination service industries in Australia, and grass-fed cattle levies
Participating member: Senator Whish-Wilson

School Funding—Select Committee—
Appointed—
Senators Collins, Kroger, McKenzie, O’Neill, Urquhart, Williams and Wright

Question put and passed.
Statement by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the membership of the Parliamentary Joint Committee on Intelligence and Security.

61 AGED CARE ACT—DISALLOWANCES
Order of the day read for the adjourned debate on the following motions of Senator Polley—
No. 1—That the Residential Care Subsidy Amendment (Workforce Supplement) Principle 2013, made under the Aged Care Act 1997, be disallowed.
No. 2—That the Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013, made under the Aged Care Act 1997, be disallowed.
Question put.
The Senate divided—

**AYES, 34**

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Question agreed to.

*General business was called on.*

**62 ADMINISTRATION—ABBOTT GOVERNMENT**

The Leader of the Opposition in the Senate (Senator Wong), at the request of Senator Moore and pursuant to notice, moved general business notice of motion no. 88—That the Senate condemns the Coalition for its failure to honour its pre-election commitments to the Australian people.

Debate ensued.

*At 6 pm:* Debate was interrupted while Senator Faulkner was speaking.

**63 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to government documents were considered:

- Department of Foreign Affairs and Trade—Australia in the Asian Century: towards 2025—Country strategy—
  - China.
  - India.
  - Indonesia.
  - Japan.
  - South Korea.

—Motion of Senator Macdonald to take note of documents called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

- Australian Human Rights Commission—Audit report—Review into the treatment of women at the Australian Defence Force Academy. Motion of Senator Boyce to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


Australian Postal Corporation (Australia Post)—
Statement of corporate intent 2013-14 to 2016-17.—Motion of Senator Boyce to take note of documents called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Centre for International Agricultural Research (ACIAR)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Health Workforce Australia—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Research Council (ARC)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Department of Agriculture, Fisheries and Forestry—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Charities and Not-for-profits Commission (ACNC)—Report for the period 3 December 2012 to 30 June 2013. Motion of Senator Boyce to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Aged Care Standards and Accreditation Agency Limited—Report for 2012-13. Motion of Senator Polley to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2012-13. Motion of Senator Edwards to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Insolvency and Trustee Service Australia (Australian Financial Security Authority)—Report for 2012-13, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Electoral Commission (AEC)—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Department of Infrastructure and Transport—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2012-13, including report of the Science and Industry Endowment Fund. Motion of Senator Edwards to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


Tourism Australia—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Customs and Border Protection Service—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Prudential Regulation Authority (APRA)—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Reinsurance Pool Corporation (ARPC)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Director of National Parks—Report for 2012-13. Motion of Senator Edwards to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Climate Change Authority—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Strategic Policy Institute Limited (ASPI)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


Wet Tropics Management Authority—Report for 2012-13, including State of the Wet Tropics report. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Torres Strait Regional Authority (TSRA)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Outback Stores Pty Ltd—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Indigenous Business Australia (IBA)—Report for 2012-13. Motion of Senator Kroger to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Public Service Commission—State of the service—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Workplace Gender Equality Agency (formerly Equal Opportunity for Women in the Workplace Agency)—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Institute of Family Studies—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Rural Industries Research and Development Corporation (RIRDC)—Report for 2012-13. Motion of Senator Kroger to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers: 1378/13, 1489/13, 1491/13, 1502/13, 1506/13, 1513/13, 1516/13, 1518/13, 1539/13, 1563 and 1564/13, 1568/13, 1578 to 1582/13, 1584 and 1585/13, 1587/13, 1589 to 1592/13, 1601/13, 1618/13, 1624/13, 1626 to 1628/13, 1630 and 1631/13, 1638/13, 1640 and 1641/13, 1646 and 1647/13, 1649/13, 1659/13, 1670/13—Commonwealth Ombudsman’s reports. Motion of Senator Brown to take note of documents called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.
Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2013-14. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2012-13. Motion of Senator Brown to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2013. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

National Health and Medical Research Council—Changes to national statement on ethical conduct in human research, 2007, updated December 2013. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Communications and Media Authority (ACMA)—Communications report for 2012-13. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice and native title—Report for 2012-13. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


General business concluded.

64 Committee Reports and Government Responses—Orders of the Day—Consideration

The following orders of the day relating to committee reports and government responses were considered:

Environment and Communications References Committee—Interim report—Performance, importance and role of Australia Post in Australian communities and its operations in relations to licensed post offices. Motion of Senator McKenzie to take note of report agreed to.

Environment and Communications References Committee—Interim (2) and final reports—Recent trends in and preparedness for extreme weather events. Motion of Senator Urquhart to take note of reports called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Community Affairs References Committee—First and final reports—Involuntary or coerced sterilisation of people with disabilities in Australia. Motion of Senator Urquhart to take note of reports called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.
Corporations and Financial Services—Joint Statutory Committee—Report—Statutory oversight of the Australian Securities and Investments Commission: the role of gatekeepers in Australia’s financial services system. Motion of Senator Urquhart to take note of report called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

65 AUDITOR-GENERAL’S REPORTS—ORDERS OF THE DAY—CONSIDERATION
The following order of the day relating to reports of the Auditor-General was considered:

Auditor-General—Audit report no. 10 of 2013-14—Performance audit—Torres Strait Regional Authority — Service delivery: Torres Strait Regional Authority. Motion to take note of document moved by Senator McLucas. Debate adjourned till the next day of sitting, Senator McLucas in continuation.

66 COMMITTEE MEMBERSHIP
Messages from the House of Representatives were reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 56, dated 12 December 2013—Parliamentary Joint Committee on Intelligence and Security, Mr Byrne, Mr Nikolic, Ms Plibersek, Mr Ruddock, Mr BC Scott and Mr Tehan, appointed.

Message no. 57, dated 12 December 2013—Joint Standing Committee on Treaties, Mr O’Dowd in place of Dr Stone.

67 NEXT MEETING OF SENATE
The Minister for Veterans’ Affairs (Senator Ronaldson) moved—That the Senate, at its rising, adjourn till Tuesday, 11 February 2014 at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

68 LEAVE OF ABSENCE
The Minister for Veterans’ Affairs (Senator Ronaldson) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

69 END OF 2013 SITTINGS—STATEMENT BY PRESIDENT
The President made a statement relating to the end of the 2013 sittings.

Statements by leave: The Leader of the Government in the Senate (Senator Abetz), the Leader of the Opposition in the Senate (Senator Wong) and Senator Siewert, by leave, made statements relating to the matter.

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

Debate ensued.

The Senate adjourned at 6.58 pm till Tuesday, 11 February 2014 at 12.30 pm.
71 ATTENDANCE

ROSEMARY LAING
Clerk of the Senate