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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 Communications and Media Authority (ACMA)—Communications report for 2013-14.
- Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 16 July 2014, dated 3 December 2014.
- Government response to Ombudsman’s reports, dated 1 December 2014.
- National Health Act 1953—Section 89A—Continued dispensing—Report for the period 1 September 2013 to 30 June.
- President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 3 December 2014.
- Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September 2014.

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

- Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.

3 **COMMITTEES—LEAVE TO MEET DURING Sittings**

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

- Legal and Constitutional Affairs References Committee—today, from 11.30 am, for the committee’s inquiry into the Manus Island Detention Centre.
- Trade and Investment Growth—Joint Select Committee—Thursday, 4 December 2014, from 9.30 am.
4 DEATH OF MR PHILLIP HUGHES—STATEMENTS BY LEAVE

The Leader of the Government in the Senate (Senator Abetz), Senator Faulkner, the Leader of the Australian Greens (Senator Milne) and the Leader of The Nationals in the Senate (Senator Scullion), by leave, made statements relating to the death of Mr Phillip Hughes on 27 November 2014.

All senators present stood in silence as a mark of respect.

5 DEFENCE AMENDMENT (FAIR PAY FOR MEMBERS OF THE ADF) BILL 2014

Leave refused: Senator Lambie sought leave to move a motion to give precedence to the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Lambie, pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent her moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business order of the day relating to private senators’ bills no. 52 (Defence Amendment (Fair Pay for Members of the ADF) Bill 2014).

Debate ensued.

Question put.

The Senate divided—

AYES, 33

Senators—

Bilyk Ketter Milne Singh
Brillock Lambie Moore Sterle
Cameron Lines O’Neill Urquhart
Carr Ludlam Peris Waters
Collins Ludwig Polley Whish-Wilson
Dastyari Lundy Rhiannon Wong
Faulkner McEwen (Teller) Rice Wright
Gallacher McLucas Siewert Xenophon
Hanson-Young

NOES, 34

Senators—

Abetz Cormann Madigan Reynolds
Back Day Mason Ronaldson
Bernardi Edwards McGrath Ruston (Teller)
Birmingham Fawcett McKenzie Scullion
Brandis Fifield Nash Sinodinos
Bushby Heffernan O’Sullivan Smith
Canavan Lazarus Parry Wang
Cash Leyonhjelm Payne Williams
Colbeck Macdonald

Question negativated.
6 **MIGRATION AND MARITIME POWERS LEGISLATION AMENDMENT (RESOLVING THE ASYLUM LEGACY CASELOAD) BILL 2014**

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

Debate resumed.

*At 12.45 pm*: Debate was interrupted while Senator Canavan was speaking.

7 **SENATORS’ STATEMENTS**

Senators made statements.

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**Document**: Senator Heffernan, by leave, tabled the following document:

Health—Medicare Benefits Schedule (MBS)—Copy of article from the *Australian Doctor* of 21 November 2014, ‘Prolific MBS claimers targeted’.

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Senators made further statements.

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*At 2 pm*—

8 **QUESTIONS**

Questions without notice were answered.

9 **MOTION TO TAKE NOTE OF ANSWERS**

Senator Cameron moved—That the Senate take note of the answers given by the Minister for Defence (Senator Johnston) to questions without notice asked by Opposition senators today.

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**Document**: Senator Cameron, by leave, tabled the following document:

Defence—ASC Pty Ltd—Text of a resolution agreed to by the House of Assembly of South Australia on 3 December 2014.

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Debate ensued.

Question put and passed.

10 **NOTICES**

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

(a) on Thursday, 4 December 2014:

(i) the hours of meeting shall be 9.30 am to adjournment,

(ii) the routine of business from not later than 8 pm shall be consideration of the government business orders of the day listed in paragraph (b),

(iii) divisions may take place after 4.30 pm, and
(iv) if the Senate is sitting at 11 pm, the sitting of the Senate shall be suspended till 9 am on Friday, 5 December 2014;

(b) on each calendar day after Thursday, 4 December 2014 until the Senate has finally considered the bills listed below, including any messages from the House of Representatives:

- Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014
- Migration Amendment (Protection and Other Measures) Bill 2014
- Tax Laws Amendment (Research and Development) Bill 2013
- Parliamentary Service Amendment Bill 2014
- Social Services and Other Legislation Amendment (Student Measures) Bill 2014,

the hours of meeting shall be 9 am to 6.30 pm and 7.30 pm to 11 pm and if the Senate is still sitting at 11 pm, the sitting of the Senate be suspended till 9 am the following day; and

(c) the Senate shall adjourn after it has finally considered the bills listed in paragraph (b), or a motion for the adjournment is moved by a minister, whichever is the earlier.

Senator Smith: To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Thursday, 12 February 2015, from 10.30 am;
(b) Thursday, 5 March 2015, from 10.30 am, followed by a public meeting;
(c) Thursday, 19 March 2015, from 10.30 am, followed by a public meeting; and
(d) Thursday, 26 March 2015, from 10.30 am, followed by a public meeting. (general business notice of motion no. 577)

Senator O’Sullivan: To move on the next day of sitting—That the Senate acknowledges and encourages the efforts of Indigenous groups across the nation working in partnership with resource companies to provide employment, training and educational opportunities to local Aboriginal populations, where mining activity is occurring on their traditional land. (general business notice of motion no. 578)

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

(a) notes statements of support for the Boycott, Divestment and Sanctions (BDS) campaign against Israel, including the Victoria Trades Hall Council’s recent reiteration of its support for the BDS strategy; and
(b) denounces such support as anti-Semitic, ill-informed, simplistic, inflammatory and having no place in our society. (general business notice of motion no. 579)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher): To move on the next day of sitting—that the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 26 November 2015:

The delivery and effectiveness of Australia’s bilateral aid program in Papua New Guinea (PNG), with particular reference to:

(a) the political, economic and social objectives of Australia’s aid;
(b) the role of multilateral and regional organisations, non-government organisations, Australian civil society and other donors;
(c) scope for increasing private sector involvement in sustainable economic growth and reducing poverty;

(d) scope for expanding private sector partnerships in leveraging private sector investment and domestic finance;

(e) improving PNG’s progress towards internationally-recognised development goals;

(f) supporting inclusive development by investing in good governance, health and education, law and justice and women’s empowerment;

(g) establishing realistic performance benchmarks to assess aid outcomes against set targets and to improve accountability; and

(h) the extent to which development outcomes in PNG can be improved by learning from successful aid programs in other countries.

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

(a) notes:

(i) the Abbott Government’s failure to propose and deliver revenue measures that target the big end of town, instead of the sick, the young and the poor, and

(ii) the billions in foregone revenue from corporate tax avoidance in Australia that could be recouped simply by enforcing current laws; and

(b) calls on the Treasurer (Mr Hockey) to do more to crack down on corporate tax avoidance in Australia instead of persisting with cruel budget measures that have been rejected by the Australian people. (general business notice of motion no. 580)

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

(a) notes that:

(i) on 13 October 2014, the British House of Commons passed a motion to recommend the United Kingdom recognise the state of Palestine, and

(ii) the state of Palestine is currently recognised by 135 states; and

(b) supports the passage of the same motion as that supported by the British House of Commons, namely, the Government should recognise the state of Palestine alongside the state of Israel, as a contribution to securing a negotiated two state solution. (general business notice of motion no. 581)

Senator Moore: To move on the next day of sitting—That the Senate condemns the Abbott Government for its litany of broken promises which are hurting low- and middle-income earners, harming the economy, damaging business and consumer confidence, costing jobs, undermining fairness, and changing Australia for the worse. (general business notice of motion no. 582)

Senator Whish-Wilson: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Trade and Investment, no later than 7 pm on 4 December 2014, a copy of:

(a) the draft investment chapter of the Trans-Pacific Partnership Agreement that refers to state-owned enterprises (SOEs); and

(b) the list of Australian SOEs that the Australian Government has requested be exempted from investment clauses in the Trans-Pacific Partnership Agreement. (general business notice of motion no. 583)
Senator Whish-Wilson: 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 3 December 2015:

The future role and contribution of regional capitals to Australia, including:

(a) current demographic trends and the role of regional capitals in this change;

(b) the current Government funding provided to regional capitals;

(c) an analysis of the appropriate level of funding regional capitals should be receiving based on their population, demand for services and strategic importance;

(d) investment challenges and opportunities to maintain or grow regional capitals, including in areas such as telecommunication technology, transportation links, human services, energy and other infrastructure;

(e) incentives and policy measures required to sustainably grow regional capitals;

(f) the impact the changing environment and demand for water will have on regional capitals; and

(g) any other related matters.

Senator Rhiannon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918 to prohibit political donations from certain industries, and for related purposes. Commonwealth Electoral Amendment (Donations Reform) Bill 2014. (general business notice of motion no. 584)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to establish the Australian Centre for Social Cohesion, and for related purposes. Australian Centre for Social Cohesion Bill 2014. (general business notice of motion no. 585)

Senator Xenophon: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 26 April 2015:

(a) recent media reports on apparent breaches in airport and aviation security at Australian airports;

(b) consideration of the responses to those reports from the Government, regulators, airports and other key stakeholders, and the adequacy of those responses;

(c) whether there are further measures that ought to be taken to enhance airport security and the safety of the travelling public;

(d) the findings of, and responses to, reports undertaken into airport security issues since 2000; and

(e) any related matters.

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

(a) notes the motion passed in the South Australian House of Assembly on Wednesday, 3 December 2014, with the support of Labor, Liberal and crossbench members, that:

(i) condemned the remarks of the Commonwealth Minister for Defence that he would not trust the Australian Submarine Corporation (ASC) to ‘build a canoe’,
(ii) reaffirmed its support for ASC workers and all other South Australians employed in the Defence industry,

(iii) demanded that the Abbott Liberal Government upholds its election commitment to build the 12 future submarines in Adelaide, and

(iv) noted that Australians should have the right to trust the word of its leaders when it comes to decisions that affect the national security of this country; and

(b) concurs with the sentiments expressed by the South Australian House of Assembly. (general business notice of motion no. 586)

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

(a) there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Thursday, 4 December 2014, copies of the following National Mental Health Commission documents in relation to its Mental Health review, as referred to during the estimates hearing of the Community Affairs Legislation Committee on Wednesday, 22 October 2014:

(i) the preliminary report completed during February 2014, and

(ii) the interim report completed in June 2014; and

(b) the Senate not accept a public interest immunity claim by the Minister that tabling these documents would impact the Government’s ability to properly respond to the Mental Health Review because:

(i) the production of these documents is necessary to allow people living with mental illness, their representative organisations and service providers to have an open and honest conversation about the future of the mental health system in Australia,

(ii) the Mental Health Review must be transparent for the community to have faith in the review outcomes,

(iii) there has been significant demand from the mental health sector, including consumers, for the reports to be made available, and

(iv) the more than 1800 organisations and individuals that made submissions to the review have the right to see these reports. (general business notice of motion no. 587)

Senator Cameron: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 11 November 2015:

The scale and incidence of insolvency in the Australian construction industry, including:

(a) the amount of money lost by secured and unsecured creditors in the construction industry and related insolvencies, including but not limited to:

(i) employees,

(ii) contractors and sub-contractors,

(iii) suppliers,

(iv) developers,

(v) governments, and

(vi) any other industry participants or parties associated with the Australian construction industry;
(b) the effects, including the economic and social effects, of construction industry insolvencies, having particular regard to the classes of creditors in paragraph (a);
(c) the causes of construction industry insolvencies;
(d) the incidence of ‘phoenix companies’ in the construction industry, their operation, their effects and the adequacy of the current law and regulatory framework to curb the practice of ‘phoenixing’;
(e) the impact of insolvency in the construction industry on productivity in the industry;
(f) the incidence and nature of criminal and civil misconduct related to construction industry insolvencies, having particular regard to breaches of the Corporations Law both prior to and after companies enter external administration and/or liquidation;
(g) the current extent and future potential for the amount of unpaid debt in the industry to attract non-construction industry participants to the industry for the purposes of debt collecting and related activities and the extent of anti-social and unlawful conduct related to debt collecting and related activities;
(h) the adequacy of the current law and regulatory framework to reduce the level of insolvency in the construction industry; and
(i) any other relevant matter.

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the ACT Government Loan Bill 2014, allowing it to be considered during this period of sittings.

Document: Senator Fifield tabled the following document:
Consideration of legislation—Statement of reasons for introduction and passage of the bill in the 2014 spring sittings.

Notice of motion withdrawn: The Chair of the Procedure Committee (Senator Marshall) withdrew general business notice of motion no. 434 standing in his name for 4 December 2014, proposing a variation to the order of the Senate relating to photography in the chamber.

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

12 POSTPONEMENTS
Business was postponed as follows:
Business of the Senate notice of motion no. 1 standing in the name of Senator Di Natale for today, proposing a reference to the Community Affairs References Committee, postponed till 9 February 2015.
General business notice of motion no. 93 standing in the name of Senator Ludlam for 4 December 2014, proposing the introduction of the Telecommunications (Interception and Access) Amendment (Get a Warrant) Bill 2014, postponed till 3 December 2015.

General business notice of motion no. 572 standing in the name of Senator Faulkner for today, proposing the introduction of the Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2014, postponed till 4 December 2014.

13 COMMITTEES—EXTENSIONS OF TIME TO REPORT
The following committees were granted extensions of time to report:

Legal and Constitutional Affairs Legislation Committee—
Criminal Code Amendment (Harming Australians) Bill 2013, extended to 12 February 2015.
Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013, extended to 12 February 2015.

Legal and Constitutional Affairs References Committee—Manus Island Detention Centre, extended to 5 December 2014.

14 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCES
Senator Reynolds, 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 Community Affairs References Committee for inquiry and report by 30 June 2015:

The adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia, with reference to:

(a) the estimated number and distribution of young people in care in the aged care system in Australia, and the number of young people who require care but are not currently receiving care;

(b) short- and long-term trends in relation to the number of young people being cared for within the aged care system;

(c) the health and support pathways available to young people with complex needs;

(d) the appropriateness of the aged care system for care of young people with serious and/or permanent mental or physical disabilities;

(e) alternative systems of care available in federal, state and territory jurisdictions for young people with serious and/or permanent mental, physical or intellectual disabilities;

(f) the options, consequences and considerations of the de-institutionalisation of young people with serious and/or permanent mental, physical or intellectual disabilities;

(g) what Australian jurisdictions are currently doing for young people with serious and/or permanent mental, physical or intellectual disabilities, and what they intend to do differently in the future;

(h) the impact of the introduction of the National Disability Insurance Scheme on the ability of young people in aged care facilities to find more appropriate accommodation;
(i) state and territory activity in regard to the effectiveness of the Council of Australian Governments’ Younger People in Residential Aged Care initiatives in improving outcomes for young people with serious and/or permanent mental, physical or intellectual disabilities, since the Commonwealth’s contribution to this program has been rolled into the National Disability Agreement and subsequent developments in each jurisdiction; and

(j) any related matters.

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. 2—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 26 March 2015:

The availability of new, innovative and specialist cancer drugs in Australia, with particular reference to:

(a) the timing and affordability of access for patients;
(b) the operation of the Pharmaceutical Benefits Advisory Committee and the Pharmaceutical Benefits Scheme in relation to such drugs, including the impact of delays in the approvals process for Australian patients;
(c) the impact on the quality of care available to cancer patients; and
(d) any related matters.

Question put and passed.

15 DEFENCE LEGISLATION AMENDMENT (MILITARY JUSTICE ENHANCEMENTS—INSPECTOR-GENERAL ADF) BILL 2014

The Assistant Minister for Social Services (Senator Fifield), at the request of the Minister for Defence (Senator Johnston) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—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 Fifield 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 Fifield moved—That this bill be now read a second time.

Explanatory memorandum: Senator Fifield tabled an explanatory memorandum relating to the bill.

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, 9 February 2015.
16 **INDEPENDENT NATIONAL SECURITY LEGISLATION MONITOR (IMPROVED OVERSIGHT AND RESOURCING) BILL 2014**

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 555—That the following bill be introduced:


Question put and passed.

Senator Wright 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 Wright moved—That this bill be now read a second time.


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

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

17 **TRIBUNALS AMALGAMATION BILL 2014**

The Assistant Minister for Social Services (Senator Fifield), at the request of the Attorney-General (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amalgamate certain administrative review tribunals, and for other purposes.

Question put and passed.

Senator Fifield 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 Fifield moved—That this bill be now read a second time.


**Explanatory memorandum:** Senator Fifield tabled an explanatory memorandum relating to the bill.

**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, 9 February 2015.
18 **LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator McEwen, at the request of the Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Singh) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 567—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Wednesday, 11 February 2015;
(b) Wednesday, 4 March 2015; and
(c) Wednesday, 18 March 2015.

Question put and passed.

19 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator McEwen, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Bilyk) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 568—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Thursday, 12 February 2015;
(b) Thursday, 5 March 2015; and
(c) Thursday, 19 March 2015.

Question put and passed.

20 **WOMEN—YWCA AUSTRALIA SURVEY**

The Leader of the Australian Greens (Senator Milne), at the request of Senators Waters, Moore and Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 570—That the Senate—

(a) notes the launch of the YWCA Australia ‘She Speaks’ survey, which brings to our attention the voices of 1,600 girls and young women, ages 15 to 30, from across Australia;

(b) recognises that of the survey respondents:
   (i) 71 per cent want to be leaders in their community in the future,
   (ii) 58 per cent currently consider themselves to be a leader in their family, school, community and/or workplace,
   (iii) 90 per cent think that women experience discrimination,
   (iv) 80 per cent do not believe that equality has been achieved, and
   (v) 79 per cent feel that gender-based stereotypes damage their working lives, their sense of self, their safety in relationships, and their leadership capacity;

(c) recognises that the survey respondents called on:
   (i) the Prime Minister to lead change on gender stereotypes,
(ii) the Government to fund programs across their school and university education that will support their leadership development and access to mentors; and

(d) congratulates the YWCA Australia for its ‘She Speaks’ survey and work on girls’ and young women’s leadership.

Statement by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion.

Question put and passed.

21 MINING—QUEENSLAND COAL INDUSTRY

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 508—That the Senate—

(a) notes the support that the Queensland Government is giving to the coal industry in that state;

(b) acknowledges that this support has created thousands of employment opportunities, which in turn has greatly nourished the economies of the towns and communities associated with that industry; and

(c) further notes the balance that the Queensland Government is achieving between these investments and significantly important environmental protections.

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

22 TRADE—CHINA-AUSTRALIA FREE TRADE AGREEMENT

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 519—That the Senate notes the statements by the new Australian Live Exporters Chair, Mr Simon Crean, that the newly-announced free trade agreement with China will make our nation more competitive against the likes of other live dairy cattle export nations, such as New Zealand, and will help stimulate further growth in the dairy trade.

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

23 TRADE—INDIA

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 531—That the Senate recognises the developing business and trade relationship between Australia and India, and its central role in raising the living standards of the Indian people.

Question put and passed.

24 INDUSTRY—BLACK COAL INDUSTRY

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 543—That the Senate notes that:

(a) the black coal industry is Australia’s second-highest export commodity, and indeed, Australia is the world’s leading coal exporter, and is the world’s fifth-largest producer of coal; and
(b) in 2009-10, Australia exported 293.4 million tonnes of black coal to 33 destinations and directly employed 54,900 Australians.

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

25 MINING—MINING SECTOR

Senator O'Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 553—That the Senate recognises that a profitable and strong mining sector is essential to government being able to further fund and develop Australia’s agricultural interests, especially in relation to infrastructure.

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

26 FAMILY AND COMMUNITY SERVICES—CHILD CARE AND EARLY CHILDHOOD LEARNING—ORDER FOR PRODUCTION OF DOCUMENT

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 561—That there be laid on the table by the Assistant Treasurer, no later than 3 pm on 4 December 2014, a copy of the final report of the Productivity Commission’s inquiry into child care and early childhood learning.

Question put and passed.

27 EDUCATION—STUDENTS WITH DISABILITY—NATIONALLY CONSISTENT COLLECTION OF DATA—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 571—That there be laid on the table by the Minister representing the Minister for Education, no later than 3.30 pm on 8 February 2015, the following:

(a) the reports on the results of the Nationally Consistent Collection of Data on students with disability in 2013 and 2014; and

(b) the report by Ernst and Young on a national quality assurance framework for the Nationally Consistent Collection of Data on students with disability.

Question put and passed.

28 PRIMARY INDUSTRIES—LIVE EXPORT CATTLE MARKET

Senator O'Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 569—That the Senate acknowledges the huge surge in demand for our live export cattle market, which has more than doubled to about 1.39 million head between September 2013 and October 2014, delivering much needed earnings for Australian rural enterprises gripped by drought conditions.

Question put and passed.
29 Environment—Climate Change

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 573—That the Senate—

(a) notes that according to the Australian Bureau of Meteorology, south and southeast Australia experienced a severe drop in average rainfall with the highest October temperatures ever recorded, leading to high vulnerability to fire danger;

(b) recognises that these conditions are consistent with climate change projections by the Intergovernmental Panel on Climate Change and have not been attributed to El Niño, but that these conditions will continue with a 70 per cent likelihood they will be worsened by El Niño in coming months; and

(c) calls on the Government to reduce Australia’s vulnerability to extreme weather by taking urgent action to reduce Australia’s greenhouse gas emissions at the source and contribute fairly to the global effort to limit warming to 2 degrees.

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

Question put and passed.

30 Environment—United Nations Environment Programme

The Leader of the Australian Greens (Senator Milne), at the request of Senator Waters and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 575—That the Senate—

(a) notes that:

(i) the Minister for the Environment (Mr Hunt) announced $6 million to combat illegal logging at the Asia-Pacific Rainforest Summit,

(ii) the Minister did not mention that the Government would simultaneously cut Australia’s commitment to the United Nations Environment Programme (UNEP) by 80 per cent, or $4 million, and

(iii) Australia benefits from leveraging over $500 million in contributions from other countries to the UNEP in a range of areas, including air pollution, ozone depletion and biodiversity loss;

(b) condemns the Government’s sleight of hand which has further embarrassed Australia on the global stage; and

(c) calls on the Government to restore Australia’s financial commitment to the UNEP.

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

Question put.

The Senate divided—

AYES, 11

Senators—

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NOES, 36

Senators—

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Bullock
Bushby
Cameron
Canavan
Carr
Cash
Colbeck

Day
Edwards
Fawcett
Fifield
Gallacher
Ketter
Lines
Ludwig
Lundy

Marshall
McEwen (Teller)
McGrath
McKenzie
McLucas
Moore
O’Neill
O’ Sullivan
Parry

Peris
Reynolds
Ruston
Ryan
Seselja
Singh
Smith
Sinnodinos
Urquhart

Question negatived.

31 ENVIRONMENT—CLIMATE CHANGE—EMISSIONS REDUCTION TARGETS

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 574—That the Senate—

(a) notes that Australia must declare, to the United Nations Framework Convention on Climate Change, our Intended Nationally Determined Contributions by March 2015;

(b) acknowledges the comprehensive targets and progress review of the Climate Change Authority which recommends Australia commit to a 30 to 40 per cent reduction below 2000 level emissions by 2025 and a 40 to 60 per cent reduction by 2030; and

(c) urges the Australian Government to not obstruct constructive progress in the Lima Conference of the Parties and set national targets consistent with the Climate Change Authority’s recommended range.

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

Question put.

The Senate divided—

AYES, 11

Senators—

Hanson-Young
Lazarus
Ludlam

Milne
Rhiannon
Rice

Siewert (Teller)
Wang
Waters

Whish-Wilson
Wright

NOES, 38

Senators—

Back
Bilyk
Bullock
Bushby
Cameron
Canavan
Carr
Cash
Colbeck
Day

Edwards
Fawcett
Fierravanti-Wells
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Gallacher
Ketter
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Moore
O’Neill
O’Sullivan
Parry
Peris

Reynolds
Ruston
Ryan
Seselja
Singh
Sinnodinos
Smith
Urquhart
Williams

Question negatived.
32 LAW AND JUSTICE—DATA RETENTION—COST ESTIMATES—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 576—that the Senate—

(a) notes that:

(i) on 25 November 2014, the Attorney-General (Senator Brandis) declined to table a report by PricewaterhouseCoopers into the cost of the Government’s data retention legislation, and

(ii) the Government has not detailed the cost of its data retention legislation; and

(b) orders that there be laid on the table by the Attorney-General, no later than noon on Thursday, 4 December 2014:

(i) the summarised findings of the PricewaterhouseCoopers study or a copy of the study with commercially-sensitive information redacted, and

(ii) a timeline for the Government’s process for developing cost estimates for its data retention policy.

Question put.

The Senate divided—

AYES, 38

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NOES, 30

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Canavan    Canavan  Canavan  Canavan  Canavan  Canavan  Canavan  Canavan
Cash       Cash    Cash    Cash    Cash    Cash    Cash    Cash
Colbeck    Colbeck  Colbeck  Colbeck  Colbeck  Colbeck  Colbeck  Colbeck
Day        Day     Day     Day     Day     Day     Day     Day
Fawcett    Fawcett  Fawcett  Fawcett  Fawcett  Fawcett  Fawcett  Fawcett
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Question agreed to.

33 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BUDGET 2014-15

The President informed the Senate that Senator Moore had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Abbott Government’s budget of barnacles and broken promises.

The proposal was supported by four senators and the matter was discussed.
34 DOCUMENTS—CONSIDERATION

The following documents tabled earlier today (see entry no. 2) were considered:


35 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLEING 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—
Alert Digest No. 17 of 2014, dated 3 December 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:


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

Community Affairs References Committee—Extent of income inequality in Australia—Bridging our growing divide: inequality in Australia—Report, dated December 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 Moore in continuation.
36 **SOCIAL ISSUES—HOUSING AND HOMELESSNESS INITIATIVES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) tabled the following document:

Social issues—Housing and homelessness initiatives—Letter to the President of the Senate from the Assistant Minister for Social Services (Senator Fifield), dated 3 December 2014, responding to the order of the Senate of 27 November 2014.

37 **TRANSPORT—QUEENSLAND—IPSWICH MOTORWAY—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) tabled the following document:

Transport—Queensland—Ipswich Motorway—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 2 December 2014, responding to the order of the Senate of 1 December 2014 and raising a public interest immunity claim.

38 **FAMILY AND COMMUNITY SERVICES—NORTHERN TERRITORY—INCOME MANAGEMENT—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT**

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) tabled the following document:

Family and community services—Northern Territory—Income management—Letter to the President of the Senate from the Assistant Minister for Social Services (Senator Fifield), dated 3 December 2014, responding to the order of the Senate of 1 December 2014.

39 **TRANSPORT—AVIATION—AUSTRALIAN GOVERNMENT’S RESPONSE TO THE AVIATION SAFETY REGULATION REVIEW REPORT—MINISTERIAL STATEMENT—DOCUMENTS**

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) tabled the following documents:

Transport—Aviation—The Australian Government’s response to the Aviation Safety Regulation Review report—


Ministerial statement by the Minister for Infrastructure and Regional Development (Mr Truss), dated December 2014.

40 **DEFENCE—AFGHANISTAN AND IRAQ—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Defence (Senator Johnston), by leave, made a statement relating to Australia’s involvement in Afghanistan and Iraq and tabled the following document:

Defence—Afghanistan and Iraq—Ministerial statement by the Minister for Defence (Senator Johnston), dated 3 December 2014.

Senator Conroy, by leave, moved—That the Senate take note of the document.

Question put and passed.
FAMILY AND COMMUNITY SERVICES—NORTHERN TERRITORY—INCOME MANAGEMENT—ORDER FOR PRODUCTION OF DOCUMENT—DOCUMENT—CONSIDERATION

Senator Siewert, by leave, moved—That the Senate take note of the document tabled earlier today (see entry no. 38).

Question put and passed.

COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Smith) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That Senator Ludlam replace Senator Di Natale on the Select Committee into the Abbott Government’s Budget Cuts on 12 December 2014, and Senator Di Natale be appointed as a participating member.

Question put and passed.

ACT GOVERNMENT LOAN BILL 2014

ACTS AND INSTRUMENTS (FRAMEWORK REFORM) BILL 2014

FEDERAL COURTS LEGISLATION AMENDMENT BILL 2014

TREASURY LEGISLATION AMENDMENT (REPEAL DAY) BILL 2014

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

Message no. 284, dated 2 December 2014—A Bill for an Act to authorise the making of a loan to the Australian Capital Territory for the purposes of undertaking an asbestos remediation program, and for purposes related to that program.

Message no. 283, dated 2 December 2014—A Bill for an Act to amend the Legislative Instruments Act 2003 and other Acts, and for other purposes.


Message no. 285, dated 3 December 2014—A Bill for an Act to amend the law relating to taxation, superannuation and shareholdings in certain financial sector companies, and for related purposes.

The Assistant Minister for Social Services (Senator Fifield) 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 Fifield 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, 9 February 2015.

Senator Fifield moved—that the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.
44 **COUNTER-TERRORISM LEGISLATION AMENDMENT BILL (NO. 1) 2014**

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

Message no. 281, dated 2 December 2014—Counter-Terrorism Legislation Amendment Bill (No. 1) 2014.

45 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—RURAL RESEARCH AND DEVELOPMENT LEGISLATION AMENDMENT BILL 2014**

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


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

46 **ORDER OF BUSINESS—REARRANGEMENT**

The Assistant Minister for Social Services (Senator Fifield) moved—That intervening business be postponed till after consideration of government business order of the day no. 3 (National Water Commission (Abolition) Bill 2014).

Debate ensued.

Question put.

The Senate divided—

**AYES, 34**

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Question agreed to.
47 **NATIONAL WATER COMMISSION (ABOLITION) BILL 2014**

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.

*At 7.20 pm:* Debate was interrupted.

48 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.55 pm till Thursday, 4 December 2014 at 9.30 am.

49 **ATTENDANCE**

Present, all senators except Senators Brown* and Di Natale* (*on leave).

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**ROSEMARY LAING**

Clerk of the Senate

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Printed by authority of the Senate