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1 **MEETING OF SENATE**

The Senate met at 12.30 pm. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2 **DOCUMENTS**

The following document was tabled pursuant to standing order 61(1)(b):

Trade—China-Australia Free Trade Agreement—Letter from the Minister for Finance (Senator Cormann) to Senator Madigan, dated 17 November 2014, providing additional information relating to the question asked by Senator Madigan on 17 November 2014.

The following documents were tabled by the Clerk pursuant to statute:

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

- **Australian Research Council Act 2001**—Funding Rules for schemes under the Linkage Program for 2014—Special Research Initiative for Antarctic Gateway Partnership [F2014L01517].
- Repeal of Airworthiness Directives—CASA ADCX 018/14 [F2014L01507].
- **Corporations Act 2001**—ASIC Class Order—CO 14/870 [F2014L01509].
- **Defence Act 1903**—Section 58B—Additional risk insurance and deployment allowance – amendment—Defence Determination 2014/59.
- Benchmark schools, location allowance and hardship posts – amendment—Defence Determination 2014/58.


3 COMMITTEES—LEAVE TO MEET DURING Sittings

Committees were authorised to hold public meetings during the sittings of the Senate, as follows:

Corporations and Financial Services—Joint Statutory Committee—Wednesday, 26 November 2014, from 6 pm, to take evidence for the committee’s inquiry into proposals to lift the professional, ethical and education standards in the financial services industry.

Legal and Constitutional Affairs Legislation Committee—Thursday, 27 November 2014, from 3.30 pm, for the consideration of supplementary Budget estimates 2014-15.

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

4 AUSTRALIAN EDUCATION AMENDMENT 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.

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 Minister for Human Services (Senator Payne) the bill was read a third time.

5 PRIVATE HEALTH INSURANCE AMENDMENT BILL (NO. 1) 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.

Question put.

The Senate proceeded to divide—

The call for the division was withdrawn, by leave.
Question—That this bill be now read a second time—put and passed.
Bill read a second time.
The Senate resolved itself into committee for the consideration of the bill.

In the committee
Bill, taken as a whole by leave, debated and agreed to.
Bill to be reported without amendment.

The President resumed the chair and the Temporary Chair of Committees (Senator Dastyari) reported accordingly.
On the motion of Senator Nash the report from the committee was adopted and the bill read a third time.

At 2 pm—

6 QUESTIONS
Questions without notice were answered.

7 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Conroy moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Dastyari today relating to the manufacture of the next fleet of Australian submarines.
Debate ensued.
Question put and passed.

Senator Whish-Wilson moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Whish-Wilson today relating to the China-Australia Free Trade Agreement.
Question put and passed.

8 PETITION
The following petition, lodged with the Clerk by Senator Lines, was received:
From 830 petitioners, requesting that the Senate not vote on any bill to change governance arrangements for Norfolk Island prior to consultation with, and the consent of, the residents of Norfolk Island.

9 NOTICES
Senator O’Sullivan: To move on the next day of sitting—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.  

(General business notice of motion no. 508)

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

(a) notes that:

(i) the Federal Government has provided $1.5 billion in funding for the WestConnex motorway, plus an additional $2 billion in the form a concessional loan; and that this funding was awarded despite the lack of a detailed business case, including the assumptions behind the project’s cost-benefit analysis, being made available to Infrastructure Australia or the public,

(ii) the WestConnex motorway, if built, will negatively impact residents and commuters across Sydney by increasing traffic congestion and air pollution; and the main beneficiaries of the project will be private businesses who will profit from new tolls while the public wears the financial risk, and

(iii) the Federal Government has not spent a single dollar on public transport projects in Sydney; and

(b) calls on the Federal and NSW Governments to abandon their plans to construct the WestConnex motorway and commit to building public transport in Sydney to minimise congestion, improve environmental sustainability and boost productivity.  

(General business notice of motion no. 509)

Senator Carr: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later than 3.30 pm on Monday, 24 November 2014, the report of the investigation by Transfield Services of allegations regarding the treatment of asylum seekers in the Manus Island regional processing centre, as referred to in a statement released by the Minister’s office on 3 November 2014.  

(General business notice of motion no. 510)

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

(a) notes that:

(i) polling consistently shows that the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS) are the most trusted media outlets in Australia and two of the most trusted organisations of any nature,

(ii) the then Leader of the Opposition, Mr Abbott, stated categorically before the 2013 federal election that there would be ‘no cuts to the ABC or SBS’, and

(iii) on 1 September 2014, the Minister for Communications refused an order of the Senate to lay on the table a copy of Mr Peter Lewis’ efficiency review into the ABC and SBS; and

(b) condemns the Abbott Government’s:

(i) unjustified budget cuts to the ABC and SBS, and

(ii) deception of the Australian public in promising no cuts to the nation’s public broadcasters.  

(General business notice of motion no. 511)
The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the Senate—

(a) notes:

(i) the role of the Australian Electoral Commissioner (the Commissioner) is essential to the performance, transparency and accountability of the Australian Electoral Commission (AEC),

(ii) the need to maintain community confidence in the ability of the AEC to carry out its statutory responsibilities, including the upcoming redistributions in Western Australia, New South Wales and the Australian Capital Territory,

(iii) the Special Minister of State advised the public that the previous Commissioner, Mr Ed Killesteyn, PSM, tendered his resignation to the Governor-General on 21 February 2014,

(iv) the position of Commissioner has formally been vacant since the resignation of Mr Killesteyn took effect on 26 June 2014,

(v) the statement of the Special Minister of State to the Finance and Public Administration Legislation Committee at the 2013-14 additional estimates on 25 February 2014 that ‘The intention is to have someone in place by about 4 July if humanly possible’,

(vi) the position of non-judicial member of the AEC has been vacant since the resignation of the Australian Statistician, Mr Brian Pink, on 12 January 2014, and

(vii) the position of Australian Electoral Officer is also vacant in two states and one territory; and

(b) calls on the Special Minister of State to take immediate steps to ensure the appointment, as a matter of priority, of suitably qualified and experienced people to the roles of:

(i) Australian Electoral Commissioner,

(ii) non-judicial member of the Australian Electoral Commission, and

(iii) Australian Electoral Officer in Queensland, Western Australia and the Northern Territory. (general business notice of motion no. 512)

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

(a) the following matter be referred to the Education and Employment References Committee for inquiry and report by 10 August 2015:

The operation, regulation and funding of private vocational education and training (VET) providers in Australia, including:

(i) the access private VET providers have to Commonwealth and state public funding,

(ii) the cost of education at private VET providers,

(iii) the regulatory regime private VET providers operate within,

(iv) the operation of VET-FEE-HELP,

(v) the quality of education provided by private VET providers, volume of learning requirements and graduate outcomes,

(vi) marketing and promotional techniques employed by private VET providers and education brokers both domestic and international,

(vii) any incidents or allegations of non-compliance with regulation and funding arrangements at private VET providers,
(viii) political donations made by private VET providers,
(ix) international comparisons to the Australian funding and regulatory regime,
(x) the operation, regulation and funding of private VET providers specifically offering courses in aged care and early childhood education and their labour market outcomes, and
(xi) any related matters; and
(b) the committee will table interim reports to the Senate on 2 March 2015 and 15 June 2015.

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That the proposed amendments to the Tax Laws Amendment (Research and Development) Bill 2013 circulated by the Palmer United Party on sheet 7618 be referred to the Economics Legislation Committee for inquiry and report by 26 November 2014.

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

(a) notes:
   (i) the free trade memorandum of understanding signed between Australia and China, and
   (ii) that climate change, with its consequent global food insecurity, is driving governments to acquire land and water outside their own borders as sources of food supply; and
(b) calls on the Government to:
   (i) create a register of foreign ownership of agricultural land and water assets to continuously track overseas purchases,
   (ii) lower the threshold from $248 million to $5 million for consideration of the national interest by the Foreign Investment Review Board (FIRB) for purchases of agricultural land and water by a foreign private entity,
   (iii) legislate a stronger national interest test to be applied by the FIRB for purchases of agricultural land and water resources, and
   (iv) prohibit the purchase of agricultural land and water by wholly-owned subsidiaries of foreign governments. (general business notice of motion no. 513)

Senator Conroy: To move on the next day of sitting—That the Senate calls on the Abbott Government to immediately request that the Defence Force Remuneration Tribunal reconsider the Government’s pay offer, which cuts the real pay and conditions of Australian Defence Force (ADF) personnel, for the following reasons – the original offer:

(a) was unfair and wrong, particularly in light of the 2014-15 Budget allocating funding for an above-inflation pay rise for ADF personnel;
(b) is affecting morale and is likely to affect recruitment;
(c) has caused a backlash amongst ADF servicemen and women, their families, and the wider community; and
(d) should be changed to ensure a fair deal for our ADF personnel. (general business notice of motion no. 514)
Senator Siewert: To move on the next day of sitting—That the Senate—

(a) acknowledges:
   (i) that being understood is essential in accessing justice,
   (ii) the importance of interpreting services in the justice system, and
   (iii) the unacceptable rate of Aboriginal and Torres Strait Islander incarceration;

(b) notes:
   (i) the Kimberley Interpreting Service (KIS) has around 100 interpreters who speak over 30 Indigenous languages,
   (ii) that in many Western Australian communities English is not the first language, and
   (iii) since 2006 KIS has been funded through a state and federal government partnership which ended in June 2014, and the Western Australian Government has said it was not in a position to provide any more funding; and

(c) calls on the Commonwealth Government to work with the Western Australian Government to ensure ongoing funding for essential interpreting services.

(intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for the next day of sitting for the disallowance of the Financial Management and Accountability Amendment (2014 Measures No. 6) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 107 and made under the Financial Management and Accountability Act 1997.

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

10 LEAVE OF ABSENCE

Senator Ruston, by leave, moved—That leave of absence be granted to the following senators:

(a) Senator Birmingham from 17 to 19 November 2014, for personal reasons;
(b) Senator Cormann for 18 November 2014, on account of parliamentary business;
(c) Senators Edwards and Reynolds from 17 to 19 November 2014, on account of parliamentary business; and
(d) Senator Heffernan for 18 and 19 November 2014, for personal reasons.

Question put and passed.

11 POSTPONEMENT

Business was postponed as follows:

General business notice of motion no. 503 standing in the name of Senators Leyonhjelm, Madigan, Day, Xenophon and Back for today, proposing the establishment of a select committee on wind turbines, postponed till 24 November 2014.
12 COMMITTEE—EXTENSION OF TIME TO REPORT

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


13 MINING—BENEFITS OF RESOURCE PROJECTS

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 501—That the Senate acknowledges the fact that, according to the Bureau of Resources and Energy Economics, over the past 12 months over $50 billion worth of resource projects have been finalised across the nation, with increases in production, including over 200 million tonnes of iron ore, 40 million tonnes of coal and more than 1 000 petajoules of gas, creating jobs and boosting the economy of thousands of small businesses and by extension, nourishing the nation’s economy.

Question put and passed.

14 ADMINISTRATION—G20 AUSTRALIA 2014—CONTRIBUTION OF OFFICIALS AND VOLUNTEERS

Senator McEwen, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 504—That the Senate commends the outstanding contribution of officials and volunteers to the staging of the G20 Leaders’ Summit and other G20 events in Australia in 2014.

Question put and passed.

15 NATIONAL APOLOGY TO THE FORGOTTEN AUSTRALIANS AND FORMER CHILD MIGRANTS—5TH ANNIVERSARY

Senator Siewert, also on behalf of Senator Moore, amended general business notice of motion no. 507 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) acknowledges:

(i) the 5th anniversary of the National Apology to the Forgotten Australians and Former Child Migrants on 16 November 2014,
(ii) that over 500 000 Australians experienced care in an orphanage, or other form of out-of-home care during the past century and many of these experienced distress, neglect, abuse and assault, and
(iii) that the child migration scheme during the 20th Century is now universally recognised as having been fundamentally flawed with tragic consequences;

(b) notes:

(i) the 16 recommendations of the Community Affairs References Committee’s report, Lost innocents and forgotten Australians revisited: Report on the progress with the implementation of the recommendations of the lost innocents and forgotten Australians reports (the report), and
(ii) the current Royal Commission into Institutional Responses to Child Sexual Abuse but that there are a range of issues identified by the Senate inquiries that are beyond the issues covered by the Commission; and
(c) calls on leadership from governments and former providers to work towards the implementation of the remaining recommendations of the report, including the sensitive issues of redress, identity documentation and the need for responsive support for health and housing.

Question put and passed.

16 HEALTH—MENTAL HEALTH

Senator Wright, also on behalf of Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 505—That the Senate—

(a) notes that four out of five Victorians believe mental health must be a top priority in the upcoming state election and that almost 92 per cent say regional mental health services need to be extended;

(b) recognises that mental illness in 12- to 25-year-olds is costing Australia an estimated $10 billion each year and people do not have access to the services they need; and

(c) calls on the Federal Government to fund the mental health system commensurate to the significant burden of disease associated with mental illness and to work with states in addressing chronic underfunding of the mental health system.

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

Question put and passed.

17 SPORT—2022 FIFA WORLD CUP—AUSTRALIAN BID

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 502—That the Senate—

(a) notes that:

(i) a report commissioned by the Fédération Internationale de Football Association (FIFA) into the awarding of the 2018 and 2022 World Cups casts doubt on the integrity of Australia’s bid to host the 2022 World Cup,

(ii) the report concludes that Australia’s bid included funding soccer development projects around the world, creating the appearance benefits were conferred in exchange for a vote,

(iii) the report also concludes that Australia’s bid involved redirecting funds that the Australian Government had committed to existing development projects in Africa toward initiatives in countries with ties to FIFA Executive Committee members, and

(iv) more than $45 million of taxpayers’ money was spent on the Australian 2022 World Cup bid; and

(b) calls on the Government to establish an independent investigation into allegations of corruption into Australia’s bid for the 2022 FIFA World Cup.

Question put and negatived.

18 ENVIRONMENT—QUEENSLAND—GALILEE BASIN

Leave refused: Senator Waters sought leave to amend general business notice of motion no. 506, relating to the Galilee Basin.

An objection was raised and leave was not granted.
Statements by leave: Senators Waters and Macdonald, by leave, made statements relating to the motion.

Leave refused: Senator O’Sullivan sought leave to make a statement relating to the motion.

An objection was raised and leave was not granted.

19 URGENCY MOTION—ADMINISTRATION—AUSTRALIAN DEFENCE FORCE PAY DEAL

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

The Government’s unfair pay deal for Australian Defence Force personnel which cuts real pay and takes away vital Christmas and recreational leave.

The proposal was supported by four senators.

Senator Conroy, at the request of Senator Moore, moved the motion.

Debate ensued.

Question put and passed.

20 DOCUMENTS—CONSIDERATION

The document tabled earlier today was called on but no motion was moved.

Senator O’Neill, by leave, moved—That consideration of the following documents tabled on 17 November 2014 (see entry no. 2, 17 November 2014) be listed on the Notice Paper as separate orders of the day:

- Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2013-14.
- Australian Prudential Regulation Authority (APRA)—Report for 2013-14.
- Department of Education—Report for 2013-14, including the report of Tuition Protection Service.
- Department of Infrastructure and Regional Development—Report for 2013-14.
National Health and Medical Research Council (NHMRC)—Report for 2013-14.
National Health Funding Pool—Report for 2013-14, including financial statements for state and territory State Pool Accounts.
Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Reports for 2013-14, including financial statements of the Defence Service Homes Insurance Scheme.

Question put and passed.

21 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

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

Legal and Constitutional Affairs Legislation Committee—Exposure draft of the Medical Services (Dying with Dignity) Bill 2014—Report. Motion to take note of report moved by the chair of the committee (Senator Macdonald). Debate adjourned till the next day of sitting, Senator Macdonald in continuation.
Human Rights—Joint Statutory Committee—15th report of 44th Parliament—Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011—Bills introduced 20 to 30 October 2014 and legislative instruments received 20 September to 10 October 2014. Motion to take note of report moved by Senator Ludlam, debated and agreed to.

Order of the day no. 1 relating to committee reports and government responses was called on but no motion was moved.

22 HEALTH—AGED CARE SERVICES—DOCUMENT

Senator Macdonald, by leave, tabled the following document:

Health—Aged care services—Petitioning document from 1,380 signatories requesting that the Senate take action to provide financial assistance to Canossa Home for the retention of essential aged care nursing services in the community by ensuring their application to the Aged Care Approvals Round is approved.

23 COMMITTEE MEMBERSHIP

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

The Minister for Indigenous Affairs (Senator Scullion), by leave, moved—That Senators Back and McKenzie replace Senators Edwards and Heffernan on the Rural and Regional Affairs and Transport Legislation Committee on 20 November 2014.

Question put and passed.
24 SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (SENIORS SUPPLEMENT CESSION) 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 7.20 pm: Debate was interrupted while Senator Brown was speaking.

25 ADJOURNMENT

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

Debate ensued.

Document: Senator Xenophon, by leave, tabled the following document:

Health—Paediatric cancer research—Petitioning document from 10 677 signatories requesting that the Senate take action to make paediatric cancer research a national priority.

Debate continued.

The Senate adjourned at 9.06 pm till Wednesday, 19 November 2014 at 9.30 am.

26 ATTENDANCE


ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate