2013-14

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 72

TUESDAY, 2 DECEMBER 2014

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

- Australian Human Rights Commission—KA, KB, KC and KD v Commonwealth of Australia (Department of the Prime Minister and Cabinet, Department of Social Services, Attorney-General’s Department)—Report No. 80.
- Statement by the Attorney-General (Senator Brandis).
- Health—Eating disorders—Letter to the President of the Senate from the Minister for Health (Mr Dutton), dated 26 November 2014, responding to the resolution of the Senate of 3 September 2014.
- Medical internships—Letter to the President of the Senate from the Minister for Health (Mr Dutton), dated 24 November 2014, responding to the resolution of the Senate of 2 October 2014.
- Human Trafficking and Slavery Interdepartmental Committee—Sixth report—Trafficking in persons: The Australian Government response, 1 July 2013 to 30 June 2014.

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

[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.]


National Health Act 1953—

Amendment Determination under section 84AH (2014) (No. 5)—PB 96 of 2014 [F2014L01611].

National Health Determination under paragraph 98C(1)(b) Amendment 2014 (No. 11)—PB 90 of 2014 [F2014L01599].

National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2014 (No. 9)—PB 93 of 2014 [F2014L01610].

National Health (Listed drugs on F1 or F2) Amendment Determination 2014 (No. 11)—PB 95 of 2014 [F2014L01609].


National Health (Prescriber bag supplies) Amendment Determination 2014 (No. 1)—PB 91 of 2014 [F2014L01607].

National Health (Price and Special Patient Contribution) Amendment Determination 2014 (No. 7)—PB 89 of 2014 [F2014L01597].


Public Service Act 1999—Public Service Classification Amendment (Work Level Standards and Other Measures) Rule 2014 [F2014L01601].
COMMITTEE—LEAVE TO MEET DURING SITTING
A committee was authorised to meet during the sitting of the Senate, as follows:

Legal and Constitutional Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3 pm, for the committee’s inquiry into the Manus Island Detention Centre.

OMNIBUS REPEAL DAY (SPRING 2014) BILL 2014
Order of the day read for the further consideration of the bill in committee of the whole.

In the committee
Consideration resumed of the bill—and of the amendment moved by Senator Dastyari:

Page 25 (after line 29), after Schedule 3, insert:

Schedule 3A—Finance
Public Governance, Performance and Accountability Act 2013
1 At the end of Division 2 of Part 4-1A
Add:

105BA Future submarine project tender process

(1) This section applies if the Commonwealth (including a Minister on behalf of the Commonwealth) proposes to enter into a contract (a submarine design and building contract) for the design and building of a submarine, or a substantial part of a submarine, as part of the future submarine project.

Note 1: The future submarine project is designated SEA 1000 in the Defence Capability Plan as in force on 1 December 2014.

Note 2: This section does not apply to contracts for research, concept or preliminary design, planning or other preparatory work that does not involve the building of a submarine or a substantial part of a submarine.

(2) The submarine design and building contract must not be entered into other than as the result of a limited tender process conducted in accordance with the Defence Procurement Policy Manual as in force on 1 December 2014, subject to this section.

Tender process

(3) At least 4 bidders must be invited to participate in the limited tender.

(4) The future submarine project is taken not to be an exempt procurement for the purposes of the Defence Procurement Policy Manual.

(5) A request for tender must invite the bidders to give the Commonwealth a project definition study and preliminary design that meets top level requirements specified by the Commonwealth, sufficient to allow mainly fixed pricing and 10 vessel years of post-commissioning integrated logistics support.
The Commonwealth must consider the Australian Industry Capability Program, the Defence and Industry Policy Statement and the impact on the strategically vital Australian submarine and shipbuilding industry when deciding whether to enter into a submarine building design and contract in relation to the future submarine project.

This section ceases to have effect at the end of 30 June 2020.
Question—That the bill, as amended, be agreed to—divided, at the request of Senator Waters, in respect of Schedule 3, items 28 to 37.

Question—That Schedule 3, items 28 to 37 stand as printed—put and negatived.

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

Schedule 3, item 41, page 25 (lines 6 to 24), omit subitems (1) to (5).

Bill, as amended, agreed to.

Bill to be reported with amendments.

The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported accordingly.

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

5 **Higher Education and Research Reform Amendment Bill 2014**

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

Debate resumed.

*Disorder in the public galleries:* A number of people in the public galleries interrupted the proceedings and the Acting Deputy President (Senator Bernardi) ordered their withdrawal.

Debate continued.

*At 2 pm:* Debate was interrupted while Senator Xenophon was speaking.

6 **Questions**

Questions without notice were answered.

7 **Motion to Take Note of Answers**

Senator McLucas moved—That the Senate take note of the answers given by the Minister for Defence (Senator Johnston) and the Minister for Indigenous Affairs (Senator Scullion) to questions without notice asked by Opposition senators today relating to the manufacture of the next fleet of Australian submarines and to Indigenous affairs policy.

Debate ensued.

Question put and passed.

8 **Petitions**

The following 2 petitions similar in wording, lodged with the Clerk by Senator Lundy, were received:

From 10 178 and 1 375 petitioners, requesting that the Senate declare its position in relation to disputes in the South China Sea.
NOTICES

The Deputy Chair of the Parliamentary Joint Committee on Law Enforcement (Senator Singh): To move on the next day of sitting—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. (general business notice of motion no. 567)

The Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Bilyk): To move on the next day of sitting—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. (general business notice of motion no. 568)

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

The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amalgamate certain administrative review tribunals, and for other purposes. Tribunals Amalgamation Bill 2014.

The Minister for Defence (Senator Johnston): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend legislation relating to defence, and for related purposes. Defence Legislation Amendment (Military Justice Enhancements—Inspector-General ADF) Bill 2014.

Senator O’Sullivan: To move on the next day of sitting—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. (general business notice of motion no. 569)

Senators Waters, Moore and Singh: To move on the next day of sitting—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, and

(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. (general business notice of motion no. 570)

Senator Reynolds: To move on the next day of sitting—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.
Senator Wright: To move on the next day of sitting—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.

(general business notice of motion no. 571)

Senator Faulkner: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Intelligence Services Act 2001 and other legislation in relation to the membership, powers and functions of the Parliamentary Joint Committee on Intelligence and Security, and for related purposes. Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2014. (general business notice of motion no. 572)

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

(general business notice of motion no. 573)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—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. (general business notice of motion no. 574)

Senator Waters: To move on the next day of sitting—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. (general business notice of motion no. 575)

Senator Ludlam: To move on the next day of sitting—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. (general business notice of motion no. 576)

Contingent notices of motion: Senator Lambie gave contingent notices of motion as follows—

No. 1—To move (contingent on the President presenting a report of the Auditor-General on any day or notifying the Senate that such a report had been presented under standing order 166)—That so much of the standing orders be suspended as would prevent the senator moving a motion to take note of the report and any senator speaking to it for not more than 10 minutes, with the total time for the debate not to exceed 60 minutes.

No. 2—To move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business)—That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

No. 3—To move (contingent on the Senate proceeding to the consideration of government documents)—That so much of the standing orders relating to the consideration of government documents be suspended as would prevent the senator moving a motion relating to the order in which the documents are called on by the President.

No. 4—To move (contingent on a minister moving a motion that a bill be considered an urgent bill)—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

No. 5—To move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill)—That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.
No. 6—To move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired) — That so much of the standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

No. 7—To move (contingent on the moving of a motion to debate a matter of urgency under standing order 75) — That so much of the standing orders be suspended as would prevent a senator moving an amendment to the motion.

No. 8—To move (contingent on the President proceeding to the placing of business on any day) — That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

No. 9—To move (contingent on a minister at question time on any day asking that further questions be placed on notice) — That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 28 questions, including supplementary questions, have been asked and answered.

No. 10—To move (contingent on any senator being refused leave to make a statement to the Senate) — That so much of the standing orders be suspended as would prevent that senator making that statement.

No. 11—To move (contingent on any senator being refused leave to table a document in the Senate) — That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

10 POSTPONEMENTS
Business was postponed as follows:

General business notice of motion no. 434 standing in the name of the Chair of the Procedure Committee (Senator Marshall) for today, proposing a variation to the order of the Senate relating to photography in the chamber, postponed till 3 December 2014.

General business notices of motion nos 508, 519, 531, 543 and 553 standing in the name of Senator O’Sullivan for today, postponed till 3 December 2014.

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

Community Affairs References Committee — Income inequality, extended to 3 December 2014.

Economics Legislation Committee — Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013, extended to 31 March 2015.

Economics References Committee—
Forestry managed investment schemes, extended to 25 June 2015.

Incentives to privatise state or territory assets for new infrastructure, extended to 20 March 2015.
12 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE**

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher), also on behalf of Senator Xenophon, amended business of the Senate notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 18 June 2015:

The Commonwealth’s treaty-making process, particularly in light of the growing number of bilateral and multilateral trade agreements Australian governments have entered into or are currently negotiating, including:

(a) the role of the Parliament and the Executive in negotiating, approving and reviewing treaties;
(b) the role of parliamentary committees in reviewing and reporting on proposed treaty action and implementation;
(c) the role of other consultative bodies including the Commonwealth-State-Territory Standing Committee on Treaties and the Treaties Council;
(d) development of the national interest analysis and related materials currently presented to Parliament;
(e) development of the national interest analysis and related materials not currently presented to parliament, such as the inclusion of environmental impact statements;
(f) the scope for independent assessment and analysis of treaties before ratification;
(g) the scope for government, stakeholder and independent review of treaties after implementation;
(h) the current processes for public and stakeholder consultation and opportunities for greater openness, transparency and accountability in negotiating treaties;
(i) a comparison of the consultation procedures and benchmarks included by our trading partners in their trade agreements;
(j) exploration of what an agreement which incorporates fair trade principles would look like, such as the role of environmental and labour standard chapters; and
(k) related matters.

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

Question put and passed.

13 **HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION**

The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That on Tuesday, 2 December 2014:

(a) the hours of meeting shall be 12.30 pm to 10.40 pm;
(b) the routine of business from not later than 7.20 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 10 pm.
Statements by leave: The Leader of the Opposition in the Senate (Senator Wong), Senator Fifield and the Leader of the Australian Greens (Senator Milne), by leave, made statements relating to the motion.
Question put and passed.

14 LEAVE OF ABSENCE
Senator Wang, by leave, moved—That leave of absence be granted to Senator Lazarus for 1 December 2014, for personal reasons.
Question put and passed.

15 TRADE AND INVESTMENT GROWTH—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS
Senator Bushby, at the request of the Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 556—That the Joint Select Committee on Trade and Investment Growth 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;
(c) Thursday, 19 March 2015; and
(d) Thursday, 26 March 2015.
Question put and passed.

16 NORTHERN AUSTRALIA—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTINGS
Senator Bushby, at the request of the Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 557—That the Joint Select Committee on Northern Australia be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:
(a) Tuesday, 10 February 2015;
(b) Tuesday, 3 March 2015;
(c) Tuesday, 17 March 2015; and
(d) Tuesday, 24 March 2015.
Question put and passed.

17 DEFENCE—AIR WARFARE DESTROYER PROGRAM—ORDER FOR PRODUCTION OF DOCUMENTS
Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 558—That there be laid on the table by the Minister for Defence, no later than 4 pm on Wednesday, 3 December 2014, the following:
(a) the report on the independent review into the performance of the Hobart Class Air Warfare Destroyer Program conducted by Professor Don Winter and Dr John White;
(b) a statement of reasons as to why any information is commercial-in-confidence and the possible harm it might cause, and where that information has been redacted from the report;
(c) any summary that has been made of the report;
(d) any document that provides the findings, or outlines the findings of the report; and
(e) any document that outlines the reasons for the findings.

Question put and passed.

18 FOREIGN AFFAIRS—EGYPT—MR PETER GRESTE

The Leader of the Australian Greens (Senator Milne), also on behalf of the Leader of the Opposition in the Senate (Senator Wong) and the Leader of the Government in the Senate (Senator Abetz), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 559—That the Senate—

(a) notes:
   (i) the fundamental principle of freedom of the press,
   (ii) the arrest and protracted detention of Australian journalist, Mr Peter Greste, and his two Al Jazeera colleagues, Mr Mohamed Fahmy and Mr Baher Mohamed,
   (iii) that Mr Greste and his colleagues have now been imprisoned in Cairo for 340 days, and
   (iv) that an appeal date has now been set for 1 January 2015;
(b) calls on the Egyptian Government to ensure a fair, just and timely resolution to the appeal process;
(c) expresses deep support for Mr Greste and his colleagues, and their role as journalists in reporting the news without fear or favour; and
(d) welcomes the reported comments from President al-Sisi that he is considering a pardon and release in relation to this case.

Question put and passed.

19 FAMILY AND COMMUNITY SERVICES—INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

Senator Siewert, also on behalf of Senator Moore and the Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 562—That the Senate—

(a) acknowledges that 3 December is International Day of People with Disability;
(b) notes:
   (i) that the aim of International Day of People with Disability is to increase awareness and celebrate the contributions made by people with disability to our community,
   (ii) that the theme for 2014 is ‘Sustainable Development: The Promise of Technology’, and
   (iii) the role of technology as a way to break down barriers for people with disability in participating in all aspects of political, social, economic and cultural life;
(c) acknowledges:
   (i) the importance of all governments maintaining efforts to improve the lives of people with disability through the National Disability Strategy, and
(ii) the role that the National Disability Insurance Scheme can play in harnessing the power of technology to promote inclusion and accessibility to help realise the full and equal participation of people with disability in society; and

(d) encourages all Australians to get involved in the celebrations in their local community by visiting www.idpwd.com.au.

Question put and passed.

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

Senator Lambie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 566—That the following bill be introduced:

A Bill for an Act to link pay for members of the Defence Force to pay for Parliamentarians or to CPI, and for related purposes.

Question put and passed.

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

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

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

21 IMMIGRATION—ASYLUM SEEKERS—DETENTION OF PREGNANT WOMEN

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 565—That the Senate calls on the Assistant Minister for Immigration and Border Protection to explain to the Senate the Government’s reasons for detaining two pregnant women, who have been found to be genuine refugees and have been living in the community in Nauru, against their will.

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.

22 TRADE—CHINA-AUSTRALIA FREE TRADE AGREEMENT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENT

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 560—That there be laid on the table by the Minister representing the Minister for Trade and Investment, no later than noon on 3 December 2014, the substantially-concluded text of the China–Australia Trade Agreement.
The Senate divided—

AYES, 14

Senators—

Hanson-Young  Milne  Stiewert (Teller)  Whish-Wilson
Lambie     Muir       Wang       Wright
Lazarus    Rhiannon     Wang       Waters       Xenophon
Ludlam     Rice

NOES, 41

Senators—

Back     Edwards     Marshall     Peris
Birmingham   Fawcett     McEwen (Teller)     Polley
Bullock    Fierravanti-Wells    McGrath     Reynolds
Bushby    Fifield     McKenzie     Riston
Cameron   Gallacher    McLucas     Seselja
Canavan   Ketter       Moore       Singh
Carr      Leyonhjelm   O’Neill       Sinodinos
Cash      Lines       O’Sullivan     Smith
Collins   Ludwig       Parry       Urquhart
Dastyari   Lundy       Payne       Williams
Day

Question negatived.

23  TRANSPORT—VICTORIA—EAST WEST LINK

Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 563—That the Senate—

(a) notes:

(i) that the Prime Minister labelled Victoria’s state election a referendum on the former government’s proposed East West Link toll road, and

(ii) the change of government in Victoria which has resulted from that election; and

(b) calls on the Government to redirect the $3 billion in Commonwealth funding allocated for the East West Link to public transport projects in Victoria that have been assessed by Infrastructure Australia and that have demonstrated benefits exceeding costs.

Question put and negatived.

Statements by leave: Senators Moore and Rice, by leave, made statements relating to the motion.

24  ENVIRONMENT—NEW SOUTH WALES—DEVELOPMENT AT MIDDLE HEAD

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 564—That the Senate—

(a) notes that:

(i) the current Member for Warringah stated in 1997, in reference to development on Middle Head in Sydney Harbour, that he had organised a number of protest meetings and campaigned strongly to ensure this piece of heritage was not lost to the people of Sydney and Australia,
(ii) Liberal branches in the Warringah electorate have expressed concerns about the proposed development, including the Mosman Liberal Branch that passed a motion calling on the Government to reject the development and instead work with the community towards a truly adaptive use of the present buildings,

(iii) a report on fire risk on Middle Head prepared by a former Australian Capital Territory chief fire control officer, Mr Roger Fenwick, noted that the current development proposal does not meet New South Wales fire protection standards for aged care facilities; and

(b) calls on the Minister for the Environment, Mr Hunt, to reverse his approval for the proposed development application, and to not accept any new or amended application for development on the 10 Terminal site at Middle Head.

Question put.
The Senate divided—

AYES, 12

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NOES, 39

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Question negatived.

25 PROPOSED MATTER OF PUBLIC IMPORTANCE—BUDGET 2014-15

The President informed the Senate that Senator Moore had withdrawn the proposed matter of public importance she had submitted to him today relating to the Budget 2014-15.

26 DOCUMENTS—CONSIDERATION

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


Australian Human Rights Commission—Report No. 80—KA, KB, KC and KD v Commonwealth of Australia (Department of the Prime Minister and Cabinet, Department of Social Services, Attorney-General’s Department). Motion to take note of document moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.
27 Committee Reports and Government Responses—Tabling and Consideration Pursuant to Standing Order 62(4)

Senator McEwen, at the request of the Chair of the Standing Committee of Privileges (Senator Collins), tabled the following report:

Privileges—Standing Committee—159th report—Persons referred to in the Senate—Mr Alan Manly and Ms Jennifer McCarthy, Group Colleges Australia, dated December 2014.

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

Senator McEwen moved—that the report be adopted.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

The Chair of the Parliamentary Joint Committee on Human Rights (Senator Smith) tabled the following report:


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

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

Question put and passed.

Senator Smith, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:


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

Question put and passed.

Senator Ruston, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following reports:


Parliamentary delegation to Indonesia and Thailand by members of the Public Works Committee—Report, dated December 2014.
Senator Ruston, at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), tabled the following documents:


Senator McEwen, at the request of the Chair of the Select Committee on Health (Senator O’Neill), tabled the following report:

Health—Select Committee—First interim report, dated December 2014.

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

Senator Seselja moved—That the Senate take note of the report.

Debate ensued.

Debate adjourned till the next day of sitting, Senator O’Neill in continuation.


Pursuant to order, Senator Ruston, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:


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

29 Higher Education and Research Reform Amendment Bill 2014

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

Debate resumed.

Closure: Senator Moore moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 32

Senators—

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The ayes and noes were equal and so the question was negatived.

Debate continued.

Question—That this bill be now read a second time—put.

The Senate divided—

AYES, 31

| Senators— | Ayes | | |
|-----------------|-------|-------|
| Back            | Edwards | McGrath | Ronaldson |
| Bernardi        | Fawcett | McKenzie | Ruston (Teller) |
| Birmingham      | Fierravanti-Wells | Muir | Ryan |
| Bushby          | Fifield | Nash | Seselja |
| Canavan         | Heffernan | O’Sullivan | Sinodinos |
| Cash            | Leyonhjelm | Parry | Smith |
| Colbeck         | Macdonald | Payne | Williams |
| Day             | Madigan | Reynolds | Xenophon |

NOES, 33

| Senators— | Noes | | |
|-----------------|-------|-------|
| Bullock         | Lines | Moore | Sterle |
| Cameron         | Ladlam | O’Neill | Urquhart (Teller) |
| Carr            | Ludwig | Peris | Wang |
| Dastyari        | Lundy | Polley | Waters |
| Gallacher       | Marshall | Rhiannon | Whish-Wilson |
| Hanson-Young    | McEwen | Rice | Wong |
| Ketter          | McLucas | Siewert | Wright |
| Lambie          | Milne | Singh | Xenophon |

Question negatived.

30 TAX AND SUPERANNUATION LAWS AMENDMENT (2014 MEASURES NO. 6) BILL 2014

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

Debate resumed.

Question 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.
The Leader of the Australian Greens (Senator Milne) moved the following amendment:

Schedule 4, page 26 (before line 4), before item 1, insert:

1A At the end of section 41-5

Add:

*Mining or quarrying operations on or after 10 November 2014*

(4) Subsection (1) does not apply to taxable fuel that you acquire or manufacture in, or import into, Australia on or after 10 November 2014, to the extent that you do so for use in "carrying on your enterprise of mining and quarrying operations (within the meaning of the Income Tax Assessment Act 1997)."

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 9

Senators—

Hanson-Young, Rhiannon, Siewert (Teller), Whish-Wilson

Ludlam, Rice, Waters, Wright

NOES, 40

Senators—

Back, Edwards, Marshall, Polley

Birmingham, Fawcett, McEwen (Teller), Reynolds

Bullock, Gallacher, McGrath, Ruston

Bushby, Ketter, McKenzie, Seselja

Cameron, Lazarus, McLucas, Singh

Canavan, Leyonhjelm, Moore, Sinodinos

Colbeck, Lines, Muir, Sterle

Cormann, Lundy, O’Neill, Urquhart

Dastyari, Macdonald, O’Sullivan, Wang

Day, Madigan, Peris, Williams

Question negatived.

Bill agreed to.

Bill to be reported without amendment.

The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported accordingly.

On the motion of Senator Cormann the report from the committee was adopted and the bill read a third time.

31 **SOCIAL SECURITY LEGISLATION AMENDMENT (STRENGTHENING THE JOB SEEKER COMPLIANCE FRAMEWORK) BILL 2014**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.
Question 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.

Question—That the bill stand as printed—divided, at the request of Senator Cameron, in respect of Schedule 2.

Schedule 2 debated.

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

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

Clause 2, page 2 (table item 4), omit the table item.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Cameron, in respect of Schedule 1, items 13 to 19.

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

Schedule 1, page 6 (line 2), omit the heading.

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

Schedule 1, item 8, page 4 (before line 10), before subsection 42SA(2A), insert:

(2AA) If:

(a) a participation payment is not payable to a person for a period (the non-payability period) under subsection (2) because of the person’s failure to attend an appointment with the person’s employment provider; and

(b) on a day (the relevant day), the Secretary requires the person to attend a rescheduled appointment with the person’s employment provider; and

(c) the rescheduled appointment is on a day that is more than 2 business days after the relevant day;

then, despite subsection (2), the non-payability period is taken to end under that subsection at the end of the relevant day.

Note 1: The requirement to attend the rescheduled appointment will be a reconnection requirement or further reconnection requirement.

Note 2: For business day, see section 2B of the Acts Interpretation Act 1901.

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

Schedule 1, page 4 (after line 17), after item 8, insert:

__8A At the end of section 42SA__

Add:

(4) The Secretary must notify the person of a determination under subsection (1). The Secretary may do so in any way that the Secretary considers appropriate.
Question—That the bill, as amended, be agreed to—divided, at the request of Senator Cameron, in respect of Schedule 1, items 10 and 11.

Question—That Schedule 1, items 10 and 11 stand as printed—put and negatived.

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

Schedule 1, item 12, page 5 (lines 9 and 10), omit subitem (3).

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

Schedule 1, item 24, page 9 (lines 5 to 7), omit “period for which the participation payment is not payable under subsection 42SA(2) because of the person’s failure referred to in paragraph 42SA(1)(b) or (ba)”, substitute “non-attendance failure penalty period”.

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

Schedule 1, item 24, page 9 (after line 11), after subsection 42T(3A), insert:

(3B) For the purposes of subsection (3A), the non-attendance failure penalty period is the period:

(a) beginning on the day the person is notified by the Secretary of the determination under subsection 42SA(1); and

(b) ending on the day the period under subsection 42SA(2) ends.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The Acting Deputy President (Senator Back) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Minister for Employment (Senator Abetz) the report from the committee was adopted.

Senator Abetz moved—That this bill be now read a third time.

Question put.

The Senate divided—

AYES, 43

Senators—

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NOES, 10

Senators—
Hanson-Young  Milne  Siewert (Teller)  Whish-Wilson
Lambie  Rhiannon  Waters  Wright
Ludlam  Rice

Question agreed to.
Bill read a third time.

32 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 10 pm: Debate was interrupted.

33 ADJOURNMENT
The Deputy President (Senator Marshall) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.29 pm till Wednesday, 3 December 2014 at 9.30 am.

34 ATTENDANCE
Present, all senators except Senator Di Natale (on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate