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1 **MEETING OF SENATE**

The Senate met at 10 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):

[Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated.]

- Australia’s Food Processing Sector—Select Committee—Report—Inquiry into Australia’s food processing sector—Government response, dated November 2014. [Received 20 November 2014]
- Australian Human Rights Commission—Reports—
  - No. 77—Basikbasik v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 78—Ismail Mirza Jan v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 79—CB v Commonwealth of Australia (Department of Immigration and Border Protection).
  - Final report, dated August 2014.
  - Summary report, dated August 2014.
- Crimes Act 1914—Australian Commission for Law Enforcement Integrity—Reports for 2013-14—
  - Authorisations for the acquisition and use of assumed identities.
  - Witness identity protection certificates.
- Grape and Wine Research and Development Corporation (GWRDC)—Report for 2013-14 [Final report].

3 **COMMITTEE REPORTS PRESENTED SINCE LAST SITTING OF SENATE**

The following reports were presented and authorised for publication on 20 November 2014 pursuant to standing order 38(7)(a):

- Intelligence and Security—Parliamentary Joint Committee—Counter-Terrorism Legislation Amendment Bill (No. 1) 2014—Advisory report, dated November 2014.
4 **SENATOR LAMBIE—RESIGNATION FROM PALMER UNITED PARTY—STATEMENT BY LEAVE**

Senator Lambie, by leave, made a statement informing the Senate of her resignation from the Palmer United Party and her new status as an independent senator for Tasmania.

5 **DOCUMENTS**

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.]

- *Australian Research Council Act 2001*—Funding Rules for schemes under the Discovery Program for the years 2015 and 2016 [F2014L01525].
- *Civil Aviation Act 1988*—
  - Civil Aviation Regulations 1988—Directions – determining maximum weight (CGG Aviation)—CASA 267/14 [F2014L01522].
  - Civil Aviation Safety Regulations 1998—
    - Exemption from subregulation 139.190(1) of CASR 1998 — requirement to provide a VASIS—CASA EX150/14 [F2014L01552].
    - Exemption — refuelling in Ordinance Loading Areas (Pel-Air Aviation)—CASA EX149/14 [F2014L01547].
    - Repeal of Airworthiness Directives—CASA ADCX 019/14 [F2014L01539].
- *Commissioner of Taxation—Public Rulings*—
  - Class Ruling CR 2014/91.
  - Product Ruling PR 2014/18.
- *Environment Protection and Biodiversity Conservation Act 1999*—

Federal Financial Relations Act 2009—
Federal Financial Relations (General purpose financial assistance) Determination No. 63 (June 2014) [F2014L01545].
Federal Financial Relations (General purpose financial assistance) Determination No. 64 (July 2014) [F2014L01546].
Federal Financial Relations (General purpose financial assistance) Determination No. 65 (August 2014) [F2014L01549].
Federal Financial Relations (General purpose financial assistance) Determination No. 66 (September 2014) [F2014L01555].
Federal Financial Relations (General purpose financial assistance) Determination No. 67 (October 2014) [F2014L01556].
Federal Financial Relations (National Partnership payments) Determination No. 79 (June 2014) [F2014L01536].
Federal Financial Relations (National Partnership Payments) Determination No. 80 (June 2014) [F2014L01537].
Federal Financial Relations (National Partnership payments) Determination No. 81 (June 2014) [F2014L01542].
Federal Financial Relations (National Partnership payments) Determination No. 82 (July 2014) [F2014L01544].
Federal Financial Relations (National Partnership payments) Determination No. 84 (September 2014) [F2014L01548].

Fisheries Management Act 1991—
Heard Island and McDonald Islands Fishery Management Plan 2002—Heard Island and McDonald Islands Fishery Total Allowable Catch Determination 2014 [F2014L01540].


Migration Act 1958—Migration Regulations 1994—
   Class of Persons—
   IMMI 14/100 [F2014L01558].
   IMMI 14/104 [F2014L01524].
   Classes of Persons—IMMI 14/105 [F2014L01528].
   Evidence of Functional English Language Proficiency—IMMI 14/055 [F2014L01551].
   Language Tests, Score and Passports—IMMI 14/076 [F2014L01538].

National Health Act 1953—
   National Health (Remote Aboriginal Health Services Program) Special Arrangements Amendment Instrument 2014 (No. 2)—PB 99 of 2014 [F2014L01560].


Public Governance, Performance and Accountability Act 2013—
   PGPA Act (Indian Ocean Territories Special Account 2014—Establishment) Determination 02 [F2014L01532].
   PGPA Act (Jervis Bay Territory Special Account 2014—Establishment) Determination 03 [F2014L01533].
   PGPA Act (Property Special Account 2014—Establishment) Determination 04 [F2014L01567].

Radiocommunications Act 1992—Radiocommunications (Duration of Community Television Transmitter Licences) Determination (No. 1) of 2008 (Amendment No. 1 of 2014) [F2014L01523].


6 COMMITTEES—LEAVE TO MEET DURING SITTING

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

Foreign Affairs, Defence and Trade Legislation Committee—from 1.50 pm, for the purposes of the committee’s inquiry into the provisions of the Customs Amendment (Japan-Australia Economic Partnership Agreement Implementation) Bill 2014 and related bill.

Health—Select Committee—from 10 am.
The Clerk informed the Senate that, pursuant to the temporary order relating to authorisations for committees to meet during the sitting of the Senate, a notice had been received proposing that the Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 12.45 pm.

The Assistant Minister for Social Services (Senator Fifield) requested that the question be put to the Senate for determination.

Question—That the committee be authorised to meet during the sitting of the Senate—put and passed.

7 AGED CARE AND OTHER LEGISLATION AMENDMENT BILL 2014

Health and Other Services (Compensation) Care Charges (Amendment) Bill 2014

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

Debate resumed.

Senator Lines moved the following amendment in respect of the Aged Care and Other Legislation Amendment Bill 2014:

At the end of motion, add “but the Senate notes that the Government has failed to:

(a) provide alternative assistance in meeting the demands of the aged care workforce;

(b) ensure repurposed funds be utilised for workforce pay, conditions and development;

(c) consult with or inform the aged care sector of:

(i) budget cuts including the axing of the $653 million Aged Care Payroll Tax Supplement, and

(ii) the axing of the Dementia and Severe Behaviours Supplement until after the 2014-15 Budget; and

(d) oversee the management of aged care funding as evidenced by the over-subscription of the Dementia and Severe Behaviours Supplement and under-subscription of the Dementia and Cognition and Veterans’ Supplements”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate proceeded to divide—The call for the division was withdrawn by leave.

Question—That the amendment be agreed to—put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

Main question put and passed.

Bills read a second time.

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

On the motion of the Assistant Minister for Social Services (Senator Fifield) the bills were read a third time.
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for the Environment (Senator Birmingham)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

The Senate resolved itself into committee for the consideration of the bills.

In the committee

Bills taken together and as a whole by leave.

Explanatory memorandum: The Assistant Minister for Social Services (Senator Fifield) tabled a supplementary explanatory memorandum relating to the government amendments and requests for amendments to be moved to the Business Services Wage Assessment Tool Payment Scheme Bill 2014.

On the motion of Senator Fifield the following amendments and requests for amendments in respect of the Business Services Wage Assessment Tool Payment Scheme Bill 2014, taken together by leave, were agreed to:

Amendments:

Clause 3, page 2 (line 10), omit “1 May 2015”, substitute “1 July 2015”.

Page 3 (after line 6), after clause 3, insert:

3A Constitutional basis

Without limitation, this Act relies on:

(a) the Commonwealth’s legislative powers under paragraphs 51(xxiiiA) and (xxxix) of the Constitution; and

(b) any implied legislative powers of the Commonwealth.

Clause 4, page 4 (line 8), omit “subsection 6(2)”, substitute “subsections 6(2) and (2A)”.

Clause 6, page 6 (line 19), omit “28 May 2014”, substitute “31 January 2015”.

Clause 6, page 7 (after line 5), after subclause (2), insert:

(2A) Despite subsection (2), a person does not meet the condition in that subsection, and there is no eligible day for the person, if the day that (apart from this subsection) would have been the earliest eligible day for the person is later than 28 May 2014.

Clause 12, page 11 (line 7), omit “1 May 2015”, substitute “1 July 2015”.

Clause 13, page 13 (line 5), omit “1 May 2015”, substitute “1 July 2015”.

Clause 13, page 13 (line 15), omit “1 May 2015”, substitute “1 July 2015”.

Clause 14, page 13 (line 21), omit “1 May 2015”, substitute “1 July 2015”.
Clause 16, page 14 (line 11), omit “1 May 2015”, substitute “1 July 2015”.
Clause 37, page 30 (line 1), omit “or by”, substitute “, the person or”.

Requests:
That the House of Representatives be requested to make the following amendments:

Page 64 (after line 23), after clause 98, insert:

98A Certain administrative matters

(1) The Commonwealth may do any or all of the following:
   (a) inform people about the BSWAT payment scheme;
   (b) engage one or more persons to undertake activities (whether or not on behalf of the Commonwealth) in relation to informing people about the BSWAT payment scheme and make payments for services provided under such engagements;
   (c) publish contact details and background information on behalf of legal practitioners who have indicated their availability to provide services in relation to legal advice certificates referred to in section 36;
   (d) publish contact details and background information on behalf of financial counsellors who have indicated their availability to provide services in relation to financial counselling certificates referred to in section 37;
   (e) make payments, in accordance with the rules, in discharge of costs, expenses or other obligations incurred by a person in connection with obtaining a legal advice certificate that complies with section 36 or a financial counselling certificate that complies with section 37 or otherwise in connection with a person’s participation in the BSWAT payment scheme.

(2) A power conferred on the Commonwealth by subsection (1) may be exercised on behalf of the Commonwealth by the Secretary.

(3) This section does not, by implication, limit the executive power of the Commonwealth.

Clause 99, page 64 (line 25), before “The”, insert “(1)”.
Clause 99, page 65 (line 3), at the end of the clause, add: ; and (c) payments under subsection 98A(1).

(2) Paragraph (1)(c) does not extend to payments in relation to the employment of APS employees in the Department.

Senator Moore moved the following amendments and requests for amendments in respect of the Business Services Wage Assessment Tool Payment Scheme Bill 2014 together by leave:

Amendments:

Clause 3, page 2 (lines 23 to 24), omit “by force of this Act, the person will cease to have certain legal rights”, substitute “if the person receives compensation in relation to the use of the Business Services Wage Assessment Tool, some or all of that compensation may be recoverable by the Commonwealth”.

Senator {last_name} moved the following amendments and requests for amendments in respect of the Business Services Wage Assessment Tool Payment Scheme Bill 2014 together by leave:
Page 5 (after line 16), at the end of Part 1, add:

4A General principles guiding actions under this Act

(1) People with disability have the same right as other members of Australian society to respect for their worth and dignity and to live free from abuse, neglect and exploitation.

(2) People with disability have the same right as other members of Australian society to pursue any grievance.

(3) People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity.

(4) People with disability should be supported in all their dealings and communications with the Department so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs.

(5) People with disability should have their privacy and dignity respected.

(6) The role of families, carers and other significant persons in the lives of people with disability is to be acknowledged and respected.

(7) It is the intention of the Parliament that the Minister, the Secretary and any other person or body is to perform functions and exercise powers under this Act in accordance with these principles.

4B General principles guiding actions of people who may do acts or things on behalf of others

It is the intention of the Parliament that, if this Act requires or permits an act or thing to be done by or in relation to a person with disability by another person, the act or thing is to be done, so far as practicable, in accordance with both the general principles set out in section 4A and the following principles:

(a) people with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves;

(b) the judgements and decisions that people with disability would have made for themselves should be taken into account;

(c) the cultural and linguistic circumstances, and the gender, of people with disability should be taken into account;

(d) the supportive relationships, friendships and connections with others of people with disability should be recognised.

Clause 19, page 17 (line 9), omit “sections 9 and 10”, substitute “section 41A”.

Page 31 (after line 19), at the end of Part 3, add:

Division 8—Recovery of payments from alternative amounts

41A Recovering payments from alternative amounts

(1) This section applies if:

(a) a payment amount for a person has been paid under this Act; and

(b) there is an alternative amount for the person.
(2) An amount (the **recoverable amount**) is payable by the person to the Commonwealth. The recoverable amount is equal to the smaller of the following amounts:

(a) the alternative amount;
(b) the payment amount.

Note: For debt recovery, see Division 4 of Part 5.

(3) If the Commonwealth is liable to pay an amount of compensation referred to in paragraph (1)(a), the Commonwealth may set off the recoverable amount against the amount of compensation.

### 41B Secretary may send preliminary notice

(1) If:

(a) a payment amount for a person (the **payment recipient**) has been paid under this Act; and
(b) the payment recipient makes a claim against another person (the **potential compensation payer**) for compensation; and
(c) the compensation would, if paid or payable, result in there being an alternative amount for the payment recipient;

the Secretary may give written notice to the potential compensation payer that the Secretary may wish to recover an amount from the potential compensation payer.

(2) A notice under subsection (1) must contain:

(a) a statement of the potential compensation payer’s obligation under section 41C; and
(b) a statement of the effect of section 41D.

### 41C Offence—potential compensation payer

A person (the **potential compensation payer**) commits an offence if:

(a) the potential compensation payer is given a notice under section 41B in relation to a person (the **payment recipient**); and
(b) before or after receiving the notice, the potential compensation payer agrees, or becomes liable, to pay compensation to the payment recipient; and
(c) the compensation resulted, or would result, in there being an alternative amount for the payment recipient; and
(d) the potential compensation payer does not give written notice to the Secretary of the agreement or the liability within 7 days after forming the agreement or becoming liable, or receiving the notice, whichever is later.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

### 41D Secretary may send recovery notice

(1) If:

(a) a payment amount for a person (the **payment recipient**) has been paid under this Act; and
(b) another person (the **compensation payer**) is liable to pay compensation to the person; and
(c) the compensation would, if paid, result in there being an alternative amount for the payment recipient;
the Secretary may give written notice to the compensation payer that the Secretary proposes to recover from the compensation payer the amount specified in the notice.

(2) If a compensation payer is given a notice under this section, the amount specified in the notice is payable by the compensation payer to the Commonwealth.

Note: For debt recovery, see Division 4 of Part 5.

(3) The amount to be specified in the notice is the lesser of the following:
   (a) the payment amount;
   (b) the amount of the compensation.

(4) A notice under this section must contain a statement of the effect of section 41G so far as it relates to such a notice.

(5) This section applies to an amount payable by way of compensation in spite of any law of the Commonwealth, a State or Territory (however expressed) under which the compensation is inalienable.

41E Preliminary notice or recovery notice suspends liability to pay compensation

If a person (the compensation payer) has been given a notice under section 41B or 41D in relation to the compensation payer’s liability, or possible liability, to pay compensation, the compensation payer is not liable to pay that compensation while the notice has effect.

41F Compensation payer’s payment to Commonwealth discharges liability to participant

Payment to the Commonwealth of an amount that a person (the compensation payer) is liable to pay under section 41D in relation to another person (the payment recipient) operates, to the extent of the payment, as a discharge of:
   (a) the compensation payer’s liability to pay compensation to the person; and
   (b) the payment recipient’s liability to pay the Commonwealth.

41G Offence—making compensation payments after receiving preliminary notice or recovery notice

(1) A person (the potential compensation payer) commits an offence if:
   (a) the potential compensation payer has been given a notice under section 41B or 41D in relation to the payment of compensation to a person; and
   (b) the potential compensation payer makes the compensation payment to the person.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

(2) Subsection (1) does not apply if:
   (a) in the case of a notice under section 41B—the Secretary has given the potential compensation payer written notice that the notice is revoked; or
   (b) in the case of a notice under section 41D—the potential compensation payer has paid to the Commonwealth the amount specified in the notice; or
(c) the Secretary has given the potential compensation payer written permission to pay the amount.

41H Liability to pay the Commonwealth if there is a contravention of section 41G

(1) A person who contravenes section 41G is, in addition to being liable under that section, liable to pay to the Commonwealth:
   (a) if the contravention relates to a notice under section 41B—an amount determined by the Secretary; or
   (b) if the contravention relates to a notice under section 41D—the amount specified in the notice.

(2) The amount determined by the Secretary under paragraph (1)(a) must not be more than the amount that would have been specified in a notice under section 41D if one had been given.

(3) This section applies in relation to a payment by way of compensation in spite of any law of the Commonwealth, a State or Territory (however expressed) under which the compensation is inalienable.

(4) The amount determined by the Secretary under paragraph (1)(a) or specified in the notice under section 41D is payable by the person to the Commonwealth.

Requests:
That the House of Representatives be requested to make the following amendments:

Clause 67, page 47 (line 12), omit “where an amount is wrongly paid to a person”.

Clause 67, page 47 (line 15), omit “the person”, substitute “a person”.

Clause 84, page 56 (after line 28), after subclause (3), insert:

(3A) An amount payable by a person to the Commonwealth under subsection 41A(2), 41B(2), 41D(2) or 41H(4) is a debt due to the Commonwealth by the person.
Heading to clause 10, page 9 (line 24), omit the heading, substitute:

10 Possible ground for compensation

Clause 10, page 9 (lines 25 to 34), omit subclause (1).

Clause 10, page 10 (lines 1 to 3), omit “the matters are the following, to the extent to which they relate to the use of a BSWAT assessment to work out a minimum wage payable to a person”, substitute “Each of the following matters is a possible ground for compensation for a person, to the extent to which it relates to the use of a BSWAT assessment to work out a minimum wage payable to the person”.

Clause 38, page 30 (line 16), omit “person; and”, substitute “person.”.

Clause 38, page 30 (lines 17 and 18), omit subparagraph (c)(iii).

Clause 98, page 64 (lines 19 and 20), omit “matter referred to in subsection 10(2)”, substitute “possible ground for compensation”.

Debate ensued.

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

The committee divided—

AYES, 34

Senators—

Bilyk (Teller) Faulkner, McLucas, Siewert
Brown Gallacher, Milne, Singh
Bullock Hanson-Young, Moore, Sterle
Cameron Ketter, O’Neill, Waters
Carr Lambie, Pers, Whish-Wilson
Collins Lines, Polley, Wong
Conroy Ludlam, Rhiannon, Wight
Dastyari Lundy, Rice, Xenophon
Di Natale McEwen

NOES, 35

Senators—

Back Edwards, McGrath, Ruston (Teller)
Bernardi Fawcett, McKenzie, Ryan
Birmingham Fieravanti-Wells, Muir, Scullion
Brandis Fifield, Nash, Seselja
Bushby Heffernan, O’Sullivan, Sinodinos
Canavan Johnston, Parry, Smith
Colbeck Lazarus, Payne, Wang
Cormann Leyonhjelm, Reynolds, Williams
Day Macdonald, Ronaldson

Question negatived.

Senator Moore moved the following requests for amendments in respect of the Business Services Wage Assessment Tool Payment Scheme Bill 2014 together by leave:

That the House of Representatives be requested to make the following amendments:

Clause 9, page 8 (line 23) to page 9 (line 23), omit the clause.

Clause 39, page 30 (line 22) to page 31 (line 3), omit the clause.

Question—That the requests be agreed to—put and negatived.
At 2 pm: The President resumed the chair and the Acting Deputy President (Senator Lines) reported progress.

9 QUESTIONS
Questions without notice were answered.

10 MOTION TO TAKE NOTE OF ANSWERS
Senator Urquhart moved—that the Senate take note of the answers given by the Minister for Employment (Senator Abetz) to questions without notice asked by Senator Urquhart, the Leader of the Opposition in the Senate (Senator Wong) and Senators Ludlam and Xenophon today relating to funding for the Australian Broadcasting Corporation.
Debate ensued.
Question put and passed.

11 DEATH OF FORMER SENATOR THE RIGHT HONOURABLE REGINALD GREIVE WITHERS
The President informed the Senate of the death, on 15 November 2014, of the Right Honourable Reginald Greive Withers, a senator for the state of Western Australia from 1966 and 1968 to 1987.

The Leader of the Government in the Senate (Senator Abetz), by leave, moved—that the Senate records its deep regret at the death, on 15 November 2014, of the Right Honourable Reginald Greive Withers, former senator for Western Australia, places on record its appreciation of his long and highly distinguished service to the nation and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—
Question passed.

12 NOTICES
Senators Carr, Muir, Xenophon, Madigan and Rice: To move on the next day of sitting—that the following matter be referred to the Economics References Committee for inquiry and report by the first sitting day in November 2015:
The future of Australia’s automotive industry, with particular reference to:
(a) maintaining the capacity for Australia to engage in advanced manufacturing, by ensuring skills and industrial capabilities that have been sustained by the automotive industry are not lost;
(b) reducing Australia’s dependency on commodity exports by diversifying the country’s economic base, noting the importance of advanced manufacturing, including the automotive industry, in this diversification;
(c) the role of all sectors of the automotive industry, including, but not limited to, motor vehicle production, component making, after-market manufacturing, engineering, servicing, retail motor trades, other forms of sales support, and the training of apprentices, in supporting an advanced broad-based economy;
(d) the special difficulties faced by component makers in the transition to global supply chains and to other forms of manufacturing, especially as a result of the closure announcements made by the motor vehicle producers;
(e) new technologies influencing the automotive industry, both in Australia and internationally, especially new and developing forms of propulsion, such as hydrogen, electric engines and hybrid engines;

(f) new business models for the industry, including employee share models and attracting international venture capital and private investment;

(g) the possible effects of early closure of motor vehicle producers, including risks and consequences for the industry, skills, capabilities and the broader economy, including social consequences, and what policy actions could mitigate or exacerbate these risks and consequences;

(h) the need to synthesise and consolidate the findings, recommendations and knowledge of other reviews and inquiries pertinent to the automotive industry, in order to identify key policy inconsistencies, regulatory burdens and factors for growth and investment;

(i) the importance of long-term, stable employment for workers in the automotive industry, and the need for greater access to transitional training and career opportunities; and

(j) any other related matters.
Senator Waters: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 27 November 2014, any documents, including any attachments, containing any request to the Queensland Government for further information, including any request pursuant to section 95A of the Environment Protection and Biodiversity Conservation Act 1999, in relation to the proposal for onshore disposal of dredge spoil at Abbot Point pursuant to EPBC referrals 2014/7355 and 2014/7356. (general business notice of motion no. 523)

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

(a) notes:

(i) that the Reclink National Program has delivered over 100 000 participation opportunities to thousands of people experiencing disadvantage across Australia in partnership with over 450 community organisations,

(ii) there is no other organisation in Australia with the expertise, capacity and capability of effectively and efficiently providing over 100 000 participation opportunities every year to the most disenfranchised, disadvantaged and forgotten Australians, and

(iii) widespread community concern at the diminishing resources to support people experiencing disadvantage, many of whom have relied upon Reclink’s program for social participation and social inclusion through engagement with sport and recreation programs; and

(b) calls on the Federal Government to reinstate funding to the Reclink National Program. (general business notice of motion no. 524)


Senators Leyonhjelm and Day: To move on 27 November 2014—That the Senate acknowledges that it has a responsibility to propose and discuss options to cut government spending. (general business notice of motion no. 525)

Senator Moore, the Minister Assisting the Prime Minister for Women (Senator Cash) and Senator Waters: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Tuesday, 25 November 2014, marks the International Day for the Elimination of Violence Against Women,

(ii) the day has been designated by the United Nations (UN) to raise public awareness of the problem of violence against women,

(iii) violence against women continues to be a global pandemic, and that UN figures show that up to 70 per cent of women experience violence in their lifetime, and

(iv) 25 November 2014 is also White Ribbon Day;

(b) recognises that:

(i) violence against women is a violation of women’s human rights,

(ii) anyone committed to preventing violence against women can become a White Ribbon Australia advocate,
(iii) White Ribbon Australia is Australia’s only national male-led campaign to stop violence against women, and
(iv) there is a range of government and community initiatives to protect women and children who are the victims of violence;
(c) congratulates the men and women who provide support to women who face violence in their homes and communities, including to the White Ribbon Campaign; and
(d) acknowledges:
   (i) the cross-party support for the National Plan to Reduce Violence Against Women and their Children 2010-2022, and
   (ii) the role of successive governments in working to ensure a significant and sustained reduction in violence against women and children and the need for this support to continue. *(general business notice of motion no. 526)*

Senator Hanson-Young: To move on the next day of sitting—That the Senate—
(a) condemns the Government’s decision to no longer resettle United Nations High Commissioner for Refugees (UNHCR) approved refugees from Indonesia after 1 July 2014;
(b) recognises that there are more than 10 000 asylum seekers and refugees already registered with the UNHCR in Indonesia awaiting resettlement;
(c) calls on the Minister for Immigration and Border Protection (Mr Morrison) to heed the requests of Indonesia and urgently meet with his counterparts regarding the Australian Government’s decision; and
(d) calls on the Government to reverse the decision and instead work collaboratively with our neighbours, accelerate refugee processing and increase Australia’s intake from the region. *(general business notice of motion no. 527)*

Senators Singh and McEwen: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the promise of the Prime Minister (Mr Abbott) at the 2013 election not to cut funding to the Australian Broadcasting Corporation (ABC) or the Special Broadcasting Service (SBS),
   (ii) that the Abbott Government has announced cuts of $254 million to the ABC resulting in the loss of 400 jobs, the closure of state-based 7.30 programs and the closure of Local Radio programs,
   (iii) regional Australia has borne the worst of the cuts, with the closure of five regional radio offices and the Adelaide television production studio, and remaining non-news television production in other states to be wound-down,
   (iv) thousands of Australians have rallied across the country from Hobart to Darwin, Ballarat to Newcastle and Bega to Perth to defend the rural and regional services of the ABC from cuts, and
   (v) the obligations for the ABC to provide a service to rural and regional Australia under its charter and the duty of the Government to ensure that it is properly resourced to do so; and
(b) opposes the cuts to the ABC and SBS and calls on the Government to protect their services to regional Australia. *(general business notice of motion no. 528)*
No. 67—24 November 2014

Notice of motion withdrawn: The Assistant Minister for Social Services (Senator Fifield) withdrew business of the Senate notice of motion no. 2 standing in his name for today, proposing a reference to the Economics Legislation Committee.

13 PRIVATE SENATORS’ BILLS—CONSIDERATION
The Assistant Minister for Social Services (Senator Fifield) moved—that the following general business orders of the day be considered on Thursday, 27 November 2014 under the temporary order relating to the consideration of private senators’ bills:

No. 29 Environment Protection and Biodiversity Conservation Amendment Bill 2014.
No. 7 Fair Trade (Australian Standards) Bill 2013.

Question put and passed.

14 LEAVE OF ABSENCE

Question put and passed.

Senator Bushby, by leave, moved—that leave of absence be granted to Senator Mason from 24 to 27 November 2014, on account of parliamentary business.

Question put and passed.

15 POSTPONEMENTS
Business was postponed as follows:

General business notice of motion no. 499 standing in the name of Senator Rice for today, relating to high speed rail, postponed till 26 November 2014.

General business notices of motion nos 508 and 519 standing in the name of Senator O’Sullivan for today, relating to the Queensland coal industry and to the China-Australia Free Trade Agreement, postponed till 25 November 2014.

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

Community Affairs References Committee—Income inequality, extended to 2 December 2014.

Environment and Communications References Committee—
Invasive species, extended to 4 March 2015.
National Landcare Program, extended to 11 February 2015.


Legal and Constitutional Affairs References Committee—
Australian Federal Police – Oil for Food Taskforce, extended to 19 March 2015.
Illicit firearms, extended to 26 March 2015.
17 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—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 table interim reports to the Senate on 2 March 2015 and 15 June 2015.

Question put and passed.

18 **INDIGENOUS AUSTRALIANS—ACCESS TO JUSTICE—INTERPRETING SERVICES**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 515—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.

Question put and passed.

19 **INDIGENOUS AUSTRALIANS—INCARCERATION RATES—JUSTICE TARGETS**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 516—That the Senate—

(a) acknowledges that the gap between life expectancy, health outcomes and incarceration rates of Aboriginal to non-Aboriginal people remains unacceptable;

(b) notes:

(i) the release of the *Overcoming Indigenous disadvantage* report on 19 November 2014 which finds:

(A) the adult imprisonment rate increased 57 per cent between 2000 and 2013,

(B) juvenile detention rates increased sharply between 2000-01 and 2007-08, and have fluctuated since at around 24 times the rate for non-Indigenous youth, and

(C) Aboriginal and Torres Strait Islander Australians make up only 2.3 per cent of the adult population, but as of 30 June 2013 made up over a quarter (27.4 per cent) of the adult prison population, and

(ii) that peak Aboriginal organisations have been calling for justice targets to address the unacceptably high incarceration rates of Aboriginal people; and

(c) calls on the Government to take leadership on this issue and introduce a national justice target.

Question put and passed.

20 **DEFENCE—AUSTRALIAN DEFENCE FORCE PAY OFFER**

Senator McEwen, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 514—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.

Question put and passed.
21 **ADMINISTRATION—AUSTRALIAN ELECTORAL COMMISSION**

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. 512—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.

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

Question put and passed.

22 **IMMIGRATION—ASYLUM SEEKERS—TRANSFIELD SERVICES INVESTIGATION REPORT—ORDER FOR PRODUCTION OF DOCUMENT**

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 510—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 Thursday, 27 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.

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

AYES, 38

Senators—

Bilyk    Hanson-Young    McLucas    Siewert
Brown    Ketter    Milne    Singh
Bullock    Lambie    Moore    Sterle
Cameron    Lazarus    Muir    Urquhart (Teller)
Carr    Leyonhjelm    O’Neill    Wang
Collins    Lemes    Pers    Waters
Dastyari    Ludlam    Polley    Whish-Wilson
Di Natale    Ludwig    Rhiannon    Wright
Faulkner    Madigan    Rice    Xenophon
Gallacher    McEwen

NOES, 30

Senators—

Back    Edwards    McKenzie    Ruston
Bernardi    Fawcett    Nash    Ryan
Birmingham    Fierravanti-Wells    O’Sullivan    Scullion
Bushby (Teller)    Fifield    Parry    Seselja
Canavan    Heffernan    Payne    Sinodinos
Cash    Johnston    Reynolds    Smith
Colbeck    Macdonald    Ronaldson    Williams
Day    McGrath

Question agreed to.

23 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION AND SPECIAL BROADCASTING SERVICE—FUNDING

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 511—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.

Question put.
The Senate divided—

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Question agreed to.

24 LAW AND JUSTICE—DATA RETENTION—INVESTIGATION OF COSTS—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. 517—That the Senate—

(a) notes that:

(i) the Attorney-General’s Department is reported to have contracted PricewaterhouseCoopers to conduct a financial study into the cost of the Government’s data retention policy, and

(ii) the Government has not stated what the cost to the Australian public and to the telecommunications industry of its data retention policy will be; and

(b) orders that there be laid on the table by the Attorney-General (Senator Brandis), no later than noon on Tuesday, 25 November 2014:

(i) the terms of reference for the PricewaterhouseCoopers study, and

(ii) any report provided by PricewaterhouseCoopers in the calendar year 2014 to the Government concerning the cost of data retention.

Statements by leave: Senator Ludlam and the Assistant Minister for Social Services (Senator Fifield), by leave, made statements relating to the motion.

Question put.
The Senate divided—

**AYES, 38**

Bilyk
Brown
Bullock
Cameron
Dastyari
Day
Di Natale
Faulkner
Gallacher
Hanson-Young
Ketter
Lambie
Lazarus
Leyonhjelm
Lines
Ludlam
Ludwig
Madigan
McEwen
McLagan

Milne
Moore
Muir
O’Neill
Peris
Polley
Rhiannon
Rice
Siewert

Singh
Sterle
Urquhart (Teller)
Wang
Waters
Whish-Wilson
Wong
Wright
Xenophon

**NOES, 28**

Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck

Fawcett
Fierravanti-Wells
Fifth
Heffernan
Johnston
Macdonald

McKenzie
Nash
O’Sullivan
Parry
Payne
Reynolds

Ruston
Ryan
Scullion
Seselja
Sindon
Smith

Ronaldson
Williams

Question agreed to.

**25 WIND TURBINES—SELECT COMMITTEE—APPOINTMENT**

Senator Leyonhjelm, also on behalf of Senators Madigan, Day, Xenophon and Back, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 503—

(1) That a select committee, to be known as the Select Committee on Wind Turbines be established to inquire into and report on the application of regulatory governance and economic impact of wind turbines by 24 June 2015, with particular reference to:

(a) the effect on household power prices, particularly households which receive no benefit from rooftop solar panels, and the merits of consumer subsidies for operators;

(b) how effective the Clean Energy Regulator is in performing its legislative responsibilities and whether there is a need to broaden those responsibilities;

(c) the role and capacity of the National Health and Medical Research Council in providing guidance to state and territory authorities;

(d) the implementation of planning processes in relation to wind farms, including the level of information available to prospective wind farm hosts;

(e) the adequacy of monitoring and compliance governance of wind farms;

(f) the application and integrity of national wind farm guidelines;

(g) the effect that wind towers have on fauna and aerial operations around turbines, including firefighting and crop management;

(h) the energy and emission input and output equations from whole-of-life operation of wind turbines; and

(i) any related matter.
(2) That the committee consist of 7 senators, 2 to be nominated by the Leader of the Government in the Senate, 1 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens in the Senate, and 3 to be nominated by other parties and independent senators.

(3) That:
   (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
   (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That 4 members of the committee constitute a quorum of the committee.

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

(6) That the committee elect as chair and deputy chair a member nominated by the minority parties and independent senators.

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

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

(9) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, has a casting vote.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Statements by leave: Senator Leyonhjelm, the Assistant Minister for Social Services (Senator Fifield), the Leader of the Australian Greens (Senator Milne) and Senator Moore, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 33

Senators—

Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck
Day
Edwards
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Johnston
Lambie
Leyonhjelm
Macdonald

Madigan
McGrath
McKenzie
Nash
O’Sullivan
Parry
Payne
Reynolds

Ronaldson
Ruston
Ryan
Seselja
Sinodinos
Smith
Williams
Xenophon

NOES, 32

Senators—

Bilyk
Brown
Bullock
Cameron
Collins
Dastyari
Di Natale
Faulkner
Gallacher
Hanson-Young
Ketter
Lazarus
Lines
Ludlam
McLachlan
McLucas
Milne
Moore
O’Neill
Penins
Polley
Rhiannon
McEwen

Singh
Siewert
Urquhart (Teller)
Wang
Waters
Whish-Wilson
Wong
Rice
Wright

Question agreed to.

26 TRANSPORT—NEW SOUTH WALES—WESTCONNEX MOTORWAY

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 509—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.

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

Question put.
The Senate divided—

**AYES, 10**

- Di Natale
- Hanson-Young
- Ludlam
- Milne
- Rhiannon
- Siewert (Teller)
- Waters
- Whish-Wilson
- Wright

**NOES, 52**

- Back
- Bernardi
- Bilyk
- Birmingham
- Brown
- Bullock
- Bashby
- Cameron
- Canavan
- Carr
- Cash
- Colbeck
- Dastyari
- Day
- Edwards
- Faulkner
- Fawcett
- Fierravanti-Wells
- Fifield
- Gallacher
- Heffernan
- Ketter
- Lambie
- Lazarus
- Leyonhjelm
- Lines
- Ludwig
- Macdonald
- Madigan
- McEwen
- McGrath
- McKenzie
- McLucas
- Moore
- Nash
- O’Neill
- O’Sullivan
- Parry
- Payne
- Peris
- Polley
- Reynolds
- Ronaldson
- Ruston
- Seselja
- Singh
- Sinodinos
- Sterle
- Urquhart (Teller)
- Wang
- Williams
- Xenophon

Question negatived.

27 **PRIMARY INDUSTRIES—FOREIGN OWNERSHIP OF AGRICULTURAL LAND AND WATER ASSETS**

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. 513—

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.

*Statements by leave:* Senator Canavan and the Leader of the Australian Greens (Senator Milne), by leave, made statements relating to the motion.

Question put.
The Senate divided—

**AYES, 13**

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**NOES, 46**

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Question negatived.

**28 ENVIRONMENT—QUEENSLAND—GALILEE BASIN**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 518—That the Senate—

(a) notes that:

(i) the Queensland Premier, Mr Campbell Newman, has announced that he will use public money from the sale, or long-term lease, of public assets to build a coal railway for mining magnates,

(ii) Premier Newman has already announced that public money will be used to pay for dredging in the Great Barrier Reef World Heritage Area and dumping on the nationally-significant Caley Valley wetlands near Abbot Point, and

(iii) Queensland’s existing industries, our safety, our environment, including the Great Barrier Reef, and our very way of life are at risk from climate change which is driven by burning fossil fuels; and

(b) calls on the Federal Government to rule out allowing federal public funds to be used to pay for coal mines, railways or coal ports associated with the Galilee Basin.

*Statements by leave:* The Assistant Minister for Social Services (Senator Fifield) and Senator Moore, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 12**

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NOES, 41

Senators—

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Birmingham
Brown
Bullock
Bushby
Cameron
Canavan
Cash
Colbeck
Dastyari

Day
Edwards
Faulkner
Fawcett
Fifield
Gallacher
Ketter
Ludwig
Macdonald
McEwen

McGrath
McKenzie
McLucas
Moore
Muir
Nash
O’Neill
O’Sullivan
Parry
Payne

Peris
Reynolds
Ronaldson
Ruston
Seselja
Singh
Sinodinos
Smith
Sterle
Williams

Question negatived.

29 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION AND SPECIAL BROADCASTING SERVICE—BUDGET CUTS

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

Mr Abbott’s broken promise that there would be ‘no cuts to the ABC or SBS’.

The proposal was supported by four senators and the matter was discussed.

30 DOCUMENTS—CONSIDERATION

The following documents tabled earlier today were considered:


Final report.
Summary report.

—Motion to take note of documents moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.

31 DEFENCE—SUBMARINES TENDER PROCESS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Assistant Minister for Social Services (Senator Fifield) tabled the following document:

Defence—Submarines tender process—Letter from the Minister for Defence (Senator Johnston) to the Clerk of the Senate (Dr Laing), dated 19 November 2014, responding to the order of the Senate of 17 November 2014.

32 ADMINISTRATION—BIOSECURITY OPERATIONS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Assistant Minister for Social Services (Senator Fifield) tabled the following document:

Administration—Biosecurity operations—Letter to the President of the Senate from the Minister for Employment (Senator Abetz), dated 24 November 2014, responding to the order of the Senate of 17 November 2014.
33 **ADMINISTRATION—EXECUTIVE INTERNATIONAL TRAVEL—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Assistant Minister for Social Services (Senator Fifield) tabled the following document:

Administration—Executive international travel—Letter to the President of the Senate from the Minister for Employment (Senator Abetz), dated 24 November 2014, responding to the order of the Senate of 17 November 2014 and raising a public interest immunity claim.

34 **COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Bernardi) 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 Lines replace Senator Collins on the Legal and Constitutional Affairs Legislation Committee for the committee’s inquiries into the Migration Amendment (Protecting Babies Born in Australia) Bill 2014 and the Guardian for Unaccompanied Children Bill 2014, and Senator Collins be appointed as a participating member.

Question put and passed.

35 **GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAW**

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:


36 **ECONOMICS LEGISLATION COMMITTEE—REPORT—AUTOMOTIVE TRANSFORMATION SCHEME AMENDMENT BILL 2014**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following report and documents:


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

37 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MIGRATION AMENDMENT (CHARACTER AND GENERAL VISACANCELLATION) BILL 2014**

Pursuant to order, Senator Fawcett, 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 Fawcett.
38 **FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—PARLIAMENTARY ENTitlements LEGISLATION AMENDMENT BILL 2014**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi), tabled the following report and documents:


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

39 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—NATIONAL WATER Commission (ABOLITION) BILL 2014**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Ruston), tabled the following report and documents:


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

40 **EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—REPORT—SOCIAL Security LEGISLATION AMENDMENT (STRENGTHENING THE JOB SEEKER COMPLIANCE FRAMEWORK) BILL 2014**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), tabled the following report and documents:


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

41 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MIGRATION AND MARITIME POWERS LEGISLATION AMENDMENT (RESOLVING THE ASYLUM LEGACY CASELOAD) BILL 2014**

Senator Fawcett, 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 Fawcett.

On the motion of the Leader of the Palmer United Party in the Senate (Senator Lazarus) the following amendments in respect of the Business Services Wage Assessment Tool Payment Scheme Bill 2014, taken together by leave, were debated and agreed to:

Clause 8, page 8 (line 4), after “wage”, insert “, indexed in accordance with the method in section 8A”.

Clause 8, page 8 (lines 15 to 22), omit subclause (5), substitute:

(5) In this Act:

actual wage means the total wages, worked out in accordance with the rules, that a person was paid in respect of all eligible days for the person.

productivity-scored wage means the total wages, worked out in accordance with the rules, that the person could reasonably have been expected to have been paid in respect of all eligible days for the person if the productivity component of a BSWAT assessment had comprised the whole of the BSWAT assessment.

Page 8 (after line 22), after clause 8, insert:

8A Indexation

(1) This is how to index the excess of a productivity-scored wage over an actual wage for the purposes of paragraph (3)(a):

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<th>Method statement</th>
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<td>Step 1. Work out how much of the excess is attributable to wages in respect of eligible days for the person concerned in each financial year. Each such amount is the annual portion for the financial year.</td>
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<td>Step 2. Multiply the oldest annual portion by the indexation factor specified in subsection (2) for the financial year to which that portion is attributable. If the result is not an amount of whole dollars, round the result up to the nearest whole dollar.</td>
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Step 3. Take the result of step 2. Add to it any annual portion for the next financial year (unless it is the 2014-2015 financial year, in which case go to step 4). Multiply:
   (a) the total; or
   (b) if there is no annual portion for the next financial year—the result of step 2;

by the indexation factor specified in subsection (2) for that next financial year. If the result is not an amount of whole dollars, round the result up to the nearest whole dollar.

Reapply this step for each subsequent financial year up to and including the 2013-2014 financial year, substituting the result of the previous application of this step for the result of step 2.

Step 4. Take the result of step 3. Add to it any annual portion for the 2014-2015 financial year.

Step 5. If the result is not an amount of whole dollars, round the result up to the nearest whole dollar.

(2) The indexation factors are the following:
   (a) 1.025 for the 2003-2004 financial year;
   (b) 1.025 for the 2004-2005 financial year;
   (c) 1.04 for the 2005-2006 financial year;
   (d) 1.021 for the 2006-2007 financial year;
   (e) 1.044 for the 2007-2008 financial year;
   (f) 1.014 for the 2008-2009 financial year;
   (g) 1.031 for the 2009-2010 financial year;
   (h) 1.035 for the 2010-2011 financial year;
   (i) 1.02 for the 2011-2012 financial year;
   (j) 1.024 for the 2012-2013 financial year;
   (k) 1.03 for the 2013-2014 financial year.

(3) This section does not apply if:
   (a) the productivity-scored wage does not exceed the actual wage; or
   (b) all eligible days for the person concerned were in the 2014-2015 financial year.

The Business Services Wage Assessment Tool Payment Scheme Bill 2014, as amended, and the Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014 further debated.

Question—That the Business Services Wage Assessment Tool Payment Scheme Bill 2014, as amended, subject to requests, and the Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014 be agreed to—put.
The committee divided—

**AYES, 30**

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Question negatived.
Resolution to be reported.

The President resumed the chair and the Temporary Chair of Committees (Senator Seseja) reported that the committee had considered the bills and agreed to amendments and requests for amendments to the Business Services Wage Assessment Tool Payment Scheme Bill 2014, but had negatived the question that the Business Services Wage Assessment Tool Payment Scheme Bill 2014, as amended, subject to requests, and the Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014 be agreed to.

On the motion of the Assistant Minister for Social Services (Senator Fifield) the report from the committee was adopted.

43 **AUSTRALIAN NATIONAL PREVENTATIVE HEALTH AGENCY (ABOLITION) BILL 2014**

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

Debate resumed.

At 9.50 pm: Debate was interrupted while the Assistant Minister for Health (Senator Nash) was speaking.

44 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.26 pm till Tuesday, 25 November 2014 at 12.30 pm.
45 ATTENDANCE

Present, all senators except Senators Marshall* and Mason* (*on leave).

ROSEMARY LAING
Clerk of the Senate