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

2 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING
Senator McEwen, by leave and at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Stephens), moved—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.
Question put and passed.

3 LANDHOLDERS’ RIGHT TO REFUSE (GAS AND COAL) BILL 2013
Order of the day read for the adjourned debate on the motion of Senator Waters—That this bill be now read a second time.
Debate resumed.
Question put.
The Senate divided—

AYES, 9

Senators—
Di Natale
Hanson-Young
Maddigan

Milne
Rhiannon
Waters (Teller)

Siewert (Teller)
Whish-Wilson
Wright

NOES, 44

Senators—
Back
Bernardi
Bilyk
Birmingham
Bishop
Brown
Cameron
Carr
Colbeck
Collins
Dastyari

Edwards
Eggleston
Farrell
Faulkner
Fawcett
Fritfield
Furner
Gallacher
Hogg
Kroger
Lines

Ludwig
Macdonald
Marshall
McEwen (Teller)
McKenzie
McLucas
Moore
O’Neill
O’Sullivan
Parry
Peris

Pulley
Ronaldson
Ruston
Seselja
Singh
Smith
Stephens
Sterle
Thorp
Tillem
Unquist

Question negatived.

4 PETITIONS
The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator O’Sullivan, 2 petitions similar in wording, from 11 335 and 10 322 petitioners, requesting that the Parliament support Government funding for Soliris through the Life Saving Drugs Program for patients living with atypical haemolytic-uremic syndrome.

Senator Wright, from 1 180 petitioners, requesting that the Senate decide against proposed seismic testing off Kangaroo Island.

Statements by leave: Senators Kroger and Wright, by leave, made statements relating to the matter.
NOTICES

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) on 21 August 2009, the Montara wellhead platform drill rig owned by PTTEP Australasia suffered a wellhead accident, resulting in the uncontrolled discharge of oil and gas until 3 November 2009, a total of 74 days,
(ii) the resultant oil spill flowed into Indonesian waters to a ‘significant degree’, a fact acknowledged by the Montara Commission of Inquiry in 2010,
(iii) the impact of the spill outside of Australian waters was not assessed and no comprehensive study has been carried out to date,
(iv) there is a great deal of concern in communities in the Indonesian province of East Nusa Tenggara, particularly among fishers and seaweed farmers, that the spill has adversely affected fisheries and seaweed farms – there are credible preliminary reports available validating communities’ concerns,
(v) communities affected have yet to receive any compensation for their loss of livelihood, and
(vi) East Nusa Tenggara is already ranked among the top five priority provinces of the Australian aid program in Indonesia; and
(b) calls on the Government to:
(i) review the need for an independent study into reported damage in East Nusa Tenggara, and
(ii) liaise with the victims represented by East Nusa Tenggara provincial governments and their agents, the Indonesian Government and PTTEP, with the objective of setting up an effective working group to progress the matter, and to include representatives of these parties and the Commonwealth. (general business notice of motion no. 165)

Senator Rhiannon: To move on the next day of sitting—That the Senate—
(a) notes:
(i) the public has a right to know who may benefit from the work of lobbyists,
(ii) the current regulation that covers lobbyists is deficient as it does not cover in-house lobbyists and lobbying of non-government and backbench members of Parliament (MPs),
(iii) in its submission to the inquiry into the operation of the Lobbying Code of Conduct, the Department of the Prime Minister and Cabinet estimated that around 5 000 lobbyists would be required to register if in-house lobbyists were covered by the scheme, compared to 934 entities and individuals currently on the register, and
(iv) the recent controversy about links between lobbying company Australian Public Affairs and the office of the Assistant Minister for Health (Senator Nash); and
(b) calls on the Government to:
(i) establish an Office of the Commissioner of Lobbying,
(ii) provide a legislative framework for the regulation of lobbying,
(iii) expand the scope of who is the subject of lobbying to include all MPs and senators, including cross-benchers and opposition MPs,

(iv) expand the scope of lobbying to include corporations and organisations employing in-house lobbyists, and

(v) ban the payment of success fees to lobbyists. (general business notice of motion no. 166)

Senator Rhiannon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Industrial Chemicals (Notification and Assessment) Act 1989, and for related purposes. *Industrial Chemicals (Notification and Assessment) Amendment (Ban on Cruel Cosmetics) Bill 2014.* (general business notice of motion no. 167)

Notices of motion withdrawn: Senator Kroger, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Edwards) and pursuant to notice of intention given on 5 March 2014, withdrew business of the Senate notices of motion nos 1 and 2 standing in the name of Senator Edwards for the next day of sitting for the disallowance of the following instruments:


Veterans’ Entitlements (Actuarial Certificate—Lifetime Income Stream Guidelines) Determination 2013, made under subsection 5JA(1B), paragraph 5JA(1)(b) and subsection 5JA(6) of the Veterans’ Entitlements Act 1986.

6 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 2 OF 2014

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

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 2 OF 2014**

1. The committee met in private session on Wednesday, 5 March 2014 at 7.15 pm.

2. The committee resolved to recommend—That—

   (a) the provisions of the Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 May 2014;

   (b) the provisions of the Fair Work Amendment Bill 2014 be referred immediately to the Education and Employment Legislation Committee for inquiry and report, but was unable to reach agreement on a reporting date;

   (c) the provisions of the Land Transport Infrastructure Amendment Bill 2014 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 24 March 2014;

   (d) contingent upon its introduction in the House of Representatives, the provisions of the Qantas Sale Amendment Bill 2014 be referred immediately to the Economics Legislation Committee for inquiry and report, but was unable to reach agreement on a reporting date;
(e) the provisions of the Social Security Legislation Amendment (Green Army Programme) Bill 2014 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 25 March 2014;

(f) the Tertiary Education Quality and Standards Agency Amendment Bill 2014 be referred immediately to the Education and Employment Legislation Committee for inquiry and report, but was unable to reach agreement on a reporting date; and

(g) the Trade and Foreign Investment (Protecting the Public Interest) Bill 2014 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 16 June 2014.

3. The committee resolved to recommend—that the following bills not be referred to committees:

   Adelaide Airport Curfew Amendment (Protecting Residents’ Amenity) Bill 2014
   Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014
   Customs Tariff Amendment (Tobacco) Bill 2014
   Excise Tariff Amendment (Tobacco) Bill 2014
   Farm Household Support Bill 2014
   Farm Household Support (Consequential Amendments) Bill 2014
   Governor-General Amendment (Salary) Bill 2014
   Live Animal Export (Slaughter) Prohibition Bill 2014
   Native Title Amendment (Reform) Bill 2014
   Quarantine Charges (Collection) Bill 2014
   Quarantine Charges (Imposition—Customs) Bill 2014
   Quarantine Charges (Imposition—Excise) Bill 2014
   Quarantine Charges (Imposition—General) Bill 2014
   Social Security Legislation Amendment (Increased Employment Participation) Bill 2014

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

   Civil Aviation Amendment (CASA Board) Bill 2014
   Export Market Development Grants Amendment Bill 2014
   Great Barrier Reef Legislation Amendment Bill 2014
   National Broadband Network Companies Amendment (Tasmania) Bill 2014.

Helen Kroger
Chair
6 March 2014.

Senator Kroger moved—that the report be adopted.
The Assistant Minister for Social Services (Senator Fifield) moved the following amendment:

At the end of the motion, add, “and, in respect of:

(a) the Fair Work Amendment Bill 2014, the provisions of the bill be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 13 May 2014;

(b) the Qantas Sale Amendment Bill 2014, the provisions of the bill be referred immediately to the Economics Legislation Committee for inquiry and report by 24 March 2014; and

(c) the Tertiary Education Quality and Standards Agency Amendment Bill 2014, the bill be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 20 March 2014.”.

Senator Moore moved the following amendments to Senator Fifield’s proposed amendment together by leave:

Paragraph (a), omit “13 May 2014”, substitute “5 June 2014”.

Paragraph (c), omit “20 March 2014”, substitute “16 June 2014”.

Debate ensued.

Question—That Senator Moore’s amendments to Senator Fifield’s proposed amendment be agreed to—put.

The Senate divided—

**AYES, 37**

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**NOES, 29**

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Question agreed to.

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

Main question, as amended, put and passed.
7 ORDER OF BUSINESS—REARRANGEMENT

The Assistant Minister for Social Services (Senator Fifield) moved—that—

(a) the following government business orders of the day be considered from 12.45 pm today:
   Governor-General Amendment (Salary) Bill 2014
   Primary Industries (Excise) Levies Amendment (Dairy Produce) Bill 2014
   Excise Tariff Amendment (Tobacco) Bill 2014
   Customs Tariff Amendment (Tobacco) Bill 2014
   Tax and Superannuation Laws Amendment (2014 Measures No. 1) Bill 2014;

(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Senator Moore moved the following amendment:

Omit paragraph (b), substitute:

(b) business of the Senate notice of motion no. 1, proposing the disallowance of the Civil Aviation Order 48.1 Instrument 2013, and business of the Senate order of the day no. 2 (proposed disallowance of the Clean Energy Auction Revocation Determination 2014) be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today; and

(c) if consideration of the items listed in paragraph (b) concludes before 2 pm, then government business be called on and considered till not later than 2 pm today.

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

Main question, as amended, put and passed.

Senator Fifield moved—that the order of general business for consideration today be as follows:

(a) general business notice of motion no. 164 standing in the name of Senator Carr, relating to the shipbuilding industry; and

(b) orders of the day relating to government documents.

Question put and passed.

8 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—that leave of absence be granted to the following senators for today:

(a) Senator Pratt, on account of electorate business; and

(b) Senator Wong, for personal reasons.

Question put and passed.

9 POSTPONEMENT

The following item of business was postponed:

10 ENVIRONMENT—COAL AND GAS MINING

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 156—That the Senate—

(a) notes:

(i) the serious concern shared by communities and experts across Australia about the significant risks coal and gas developments pose to our communities, public health, water resources and natural areas, and

(ii) that in the week beginning 2 March 2014, a delegation of 16 community representatives from the Lock the Gate network have travelled to Canberra from across the nation, seeking the support of their elected representatives to protect their communities, their water and their land; and

(b) calls on the Federal Government to urgently act on the concerns of the Lock the Gate network by:

(i) passing national laws to protect food-producing land from coal and gas mining and give landholders the power of veto over mining on their land,

(ii) protecting communities by establishing a national Environmental Protection Authority and a new Clean Air and Water Act, and

(iii) excluding from the Trans Pacific Partnership Agreement any clause or instrument that undermines the power of Australian governments to protect land, water and communities.

Statement by leave: The Minister for Veterans’ Affairs (Senator Ronaldson), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 9

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NOES, 50

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Question negatived.
11 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—PROPOSED REFERENCE**

Senator Whish-Wilson amended business of the Senate notice of motion no. 5 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 24 June 2014:

Australia’s activities and responsibilities in the Southern Ocean and Antarctic waters, including:

(a) Australia’s management and monitoring of the Southern Ocean in relation to illegal, unreported and unregulated fishing;

(b) cooperation with international partners on management and research under international treaties and agreements;

(c) appropriate resourcing in the Southern Ocean and Antarctic territory for research and governance; and

(d) any other related matters.

Question put and negatived.

12 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REFERENCE**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle), also on behalf of Senators Rhiannon and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—

(1) That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 27 March 2014:

What initiatives can be taken by Government to ensure Qantas remains a strong national carrier supporting aviation jobs in Australia, including:

(a) a debt guarantee;

(b) an equity stake; and

(c) other forms of support consistent with wider policy settings.

(2) That, in conducting the inquiry, the committee should consider:

(a) any national security, skills, marketing, tourism, emergency assistance or other benefits provided by a majority Australian-owned Qantas;

(b) the level and forms of government support received by other international airlines operating to and from Australia;

(c) the ownership structures of other international airlines operating to and from Australia;

(d) the potential impact on Australian jobs arising from the Government’s plan to repeal Part 3 of the *Qantas Sale Act 1992*; and

(e) any related matter.

*Statement by leave:* Senator Rhiannon, by leave, made a statement relating to the motion. Question put and passed.
13 CONSIDERATION OF LEGISLATION

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 the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Customs Tariff Amendment (Tobacco) Bill 2014
- Excise Tariff Amendment (Tobacco) Bill 2014
- Governor-General Amendment (Salary) Bill 2014
- Primary Industries (Excise) Levies Amendment (Dairy Produce) Bill 2014

Question put and passed.

14 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Xenophon, also on behalf of Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 15 May 2014:

The current investigative processes and powers of the Australian Federal Police in relation to non-criminal matters, with particular reference to:

(a) thresholds, including evidentiary thresholds, relating to the obtaining of production orders and search warrants, and in particular whether these reflect the rules applicable to civil litigation discovery rather than coercive search;

(b) procedures preparatory to seeking production orders and search warrants, including taking into account the conduct of the recipient of such orders;

(c) procedures for executing search warrants;

(d) safeguards relating to the curtailment of freedom of speech, particularly in relation to literary proceeds matters;

(e) safeguards for ensuring the protection of confidential information, including journalists’ sources, obtained under search warrants, and particularly where that information does not relate to the search warrant;

(f) the powers available to the Australian Federal Police to intercept telecommunications in circumstances where the matter being investigated does not involve criminal conduct;

(g) the priorities of the Serious and Organised Crime Division, and the circumstances under which they should appropriately be deployed in relation to non-criminal matters; and

(h) any 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.
15 **SOCIAL SECURITY AMENDMENT (CARING FOR PEOPLE ON NEWSTART) BILL 2014**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 159—That the following bill be introduced:

A Bill for an Act to amend the *Social Security Act 1991*, and for related purposes.

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

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

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

16 **COMPETITION AND CONSUMER AMENDMENT (MISUSE OF MARKET POWER) BILL 2014**

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 161—That the following bill be introduced:

A Bill for an Act to amend the *Competition and Consumer Act 2010*, and for related purposes.

Question put and passed.
Senator Xenophon presented the bill and moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
Senator Xenophon moved—That this bill be now read a second time.

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

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

17 **NOTICE OF MOTION WITHDRAWN**

Senator Xenophon withdrew business of the Senate notice of motion no. 3 standing in his name and the name of Senator Rhiannon for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee.
18 **FLAGS AMENDMENT BILL 2014**

Senator Xenophon, also on behalf of Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 162—That the following bill be introduced:

A Bill for an Act to amend the *Flags Act 1953*, and for related purposes.

Question put and passed.

Senator Xenophon presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

*At 12.45 pm—*

19 **GOVERNOR-GENERAL AMENDMENT (SALARY) BILL 2014**

Order read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sinodinos)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

20 **PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (DAIRY PRODUCE) BILL 2014**

Order read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sinodinos)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the bill was read a third time.
21 **EXCISE TARIFF AMENDMENT (TOBACCO) BILL 2014**

**CUSTOMS TARIFF AMENDMENT (TOBACCO) BILL 2014**

Order read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sinodinos)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

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

22 **TAX AND SUPERANNUATION LAWS AMENDMENT (2014 MEASURES NO. 1) BILL 2014**

Order read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sinodinos)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

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

23 **CIVIL AVIATION ORDER 48.1 INSTRUMENT 2013—PROPOSED DISALLOWANCE**

Senator Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Civil Aviation Order 48.1 Instrument 2013, made under subregulations 5(1), 5.55(1) and 215(3), and regulation 210A of the Civil Aviation Regulations 1988, subregulation 11.068(1) of the Civil Aviation Safety Regulations 1998, section 4 and subsection 33(3) of the Acts Interpretation Act 1901, and paragraph 28BA(1)(b) and subsection 98(4A) of the Civil Aviation Act 1988, be disallowed.

Debate ensued.

Question put.

The Senate divided—

**AYES, 10**

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Question negatived.

24 CLEAN ENERGY AUCTION REVOCATION DETERMINATION—PROPOSED DISALLOWANCE

Order of the day read for the adjourned debate on the motion of the Leader of the Australian Greens (Senator Milne)—That the Clean Energy Auction Revocation Determination 2014, made under subsection 113(1) of the Clean Energy Act 2011, be disallowed.

Debate resumed.

Question put.

The Senate divided—

AYES, 8

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Question negatived.

After 2 pm—

25 QUESTIONS

Questions without notice were answered.
26 **MOTION TO TAKE NOTE OF ANSWERS**
Senator Cameron moved—That the Senate take note of the answers given by ministers to all questions without notice asked today.
Debate ensued.
Question put and passed.

27 **ADMINISTRATION—HEALTH STAR RATING WEBSITE—ANSWER TO QUESTION—STATEMENT BY LEAVE**
The Assistant Minister for Health (Senator Nash), by leave, made a statement clarifying the answer she gave to a question without notice asked by the Leader of the Opposition in the Senate (Senator Wong) on 4 March 2014 relating to the removal of a health star rating website.

28 **QANTAS SALE AMENDMENT BILL 2014**
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 78, dated 6 March 2014—A Bill for an Act to amend the Qantas Sale Act 1992, and for other purposes.

The Assistant Treasurer (Senator Sinodinos) 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 Sinodinos moved—That this bill be now read a second time.

**Consideration of legislation:** Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

29 **WOMEN—INTERNATIONAL WOMEN’S DAY—MINISTERIAL STATEMENT—DOCUMENT**
The Assistant Treasurer (Senator Sinodinos) tabled the following document:
Women—International Women’s Day—Ministerial statement by the Minister Assisting the Prime Minister for Women (Senator Cash), dated 6 March 2014.

30 **FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—CARE OF AUSTRALIAN DEFENCE FORCE PERSONNEL WOUNDED AND INJURED ON OPERATIONS**
The Assistant Treasurer (Senator Sinodinos) tabled the following document:


31 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—GOVERNMENT RESPONSE—AUSTRALIA AND THE COUNTRIES OF THE INDIAN OCEAN RIM**
The Assistant Treasurer (Senator Sinodinos) tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Report—The importance of the Indian Ocean rim for Australia’s foreign, trade and defence policy—Government response.
32 **AUDITOR-GENERAL—AUDIT REPORT NO. 22 OF 2013-14—DOCUMENT**

The Deputy President (Senator Parry) tabled the following document:

**Auditor-General—Audit report no. 22 of 2013-14—Performance audit—Air Warfare Destroyer Program: Department of Defence; Defence Materiel Organisation.**

33 **ACCESS TO COMMITTEE DOCUMENTS—DOCUMENTS**

The Deputy President (Senator Parry) tabled the following documents pursuant to the resolution of the Senate of 6 September 1984:

Access to unpublished committee documents—Reports to the Senate—


34 **COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES**

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

**Budget estimates 2013-14 (Supplementary)—**

Finance and Public Administration Legislation Committee—Additional information received between 12 February and 4 March 2014—

Parliamentary departments.

Finance portfolio.

Indigenous issues across portfolios.

Prime Minister and Cabinet portfolio.

Legal and Constitutional Affairs Legislation Committee—Additional information received between 14 February and 6 March 2014—

Attorney-General’s portfolio.

Immigration and Border Protection portfolio.

35 **LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REPORT—PUBLIC INTEREST IMMUNITY CLAIM**

Pursuant to order, the Chair of the Legal and Constitutional Affairs References Committee (Senator Wright) tabled the following report and documents:

Legal and Constitutional Affairs References Committee—A claim of public interest immunity raised over documents—Report, dated March 2014, Hansard record of proceedings, additional information and submissions.

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

Senator Wright, by leave, moved—That the Senate adopt the recommendations contained in the report.

Question put and passed.

**Reference to committee:** Pursuant to recommendation 2, the following matter was referred to the Procedure Committee:

(a) the process for independent arbitration in the NSW Legislative Council, including that House’s standing order 52;

(b) the applicability of the NSW Legislative Council’s model of independent arbitration to the Senate;
(c) any adaptations or amendments needed to the NSW Legislative Council’s model in order to implement a similar model of independent arbitration in the Senate;

(d) any amendments to Senate practice and procedure required to implement a model of independent arbitration;

(e) suitable candidates for and/or qualifications required of an independent arbiter; and

(f) in respect of accessing and inspecting documents subject to a disputed claim for public interest immunity, the proposal in the 52nd Report of the Committee of Privileges whereby disputed documents are provided directly to an independent arbiter for evaluation; and

in respect of any such inquiry, the Procedure Committee have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session.

Senator Wright, by leave, moved—That the Senate take note of the report.

Debate ensued.

On the motion of Senator Macdonald the debate was adjourned till the next day of sitting.

36 DOCUMENTS

The following documents were tabled by the Clerk:

[Legisative 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.]

Broadcasting Services Act 1992—Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 1 of 2014) [F2014L00225].


Commissioner of Taxation—Public Rulings—
Class Rulings—

Erratum—CR 2014/16.


Miscellaneous Taxation Ruling—Addendum—MT 2010/1.


Taxation Determination TD 2014/1.


Financial Management and Accountability Act 1997—Determination 2014/04—Section 32 (Transfer of Functions from Immigration to Social Services) [F2014L00221].
Higher Education Support Act 2003—VET Provider Approvals—
No. 11 of 2014 [F2014L00217].
No. 13 of 2014 [F2014L00218].

Migration Act 1958—
Determination of Daily Maintenance Amounts for Persons in Detention—IMMI 14/008 [F2014L00226].
Migration Regulations 1994—Class of Persons—
IMMI 14/019 [F2014L00212].
IMMI 14/020 [F2014L00214].
IMMI 14/022 [F2014L00215].


37 Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Documents

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2013—Statements of compliance—Communications portfolio.
Department of Social Services.

38 Committee Membership

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

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham), by leave, moved—that senators be discharged from and appointed to committees as follows:

Community Affairs References Committee—
Discharged—Senator Urquhart
Appointed—Senator Thorp

Economics Legislation Committee—
Appointed—
Substitute members: Senators Sterle and Gallacher to replace Senators Bishop and Pratt for the committee’s inquiry into the Qantas Sale Amendment Bill 2014
Participating members: Senators Bishop and Pratt

Foreign Affairs, Defence and Trade Legislation Committee—
Discharged—Senator Faulkner
Appointed—Senator McEwen
Foreign Affairs, Defence and Trade References Committee—
   Appointed—
   Substitute member: Senator Conroy to replace Senator Stephens from 17 to 21 March 2014
   Participating member: Senator Stephens

National Broadband Network—Select Committee—
   Appointed—
   Substitute members:
   Senator O’Neill to replace Senator Thorp on 12 March 2014
   Senator Rhiannon to replace Senator Ludlam on 12 March 2014
   Participating members: Senators Ludlam and Thorp

Rural and Regional Affairs and Transport References Committee—
   Appointed—
   Substitute members:
   Senator Edwards to replace Senator Heffernan for the committee’s inquiry into Qantas on 14 March 2014
   Senator Rhiannon to replace Senator Whish-Wilson for the committee’s inquiry into Qantas
   Participating member: Senators Heffernan and Whish-Wilson

Senators’ Interests—Standing Committee—
   Discharged—Senator Thorp
   Appointed—Senator Brown.

Question put and passed.

General business was called on.

39 Industry—Australian Shipbuilding Industry

Senator Farrell, at the request of Senator Carr and pursuant to notice, moved general business notice of motion no. 164—That the Senate—
   (a) recognises:
      (i) the vital contribution of the Australian shipbuilding industry as an employer, a storehouse of advanced manufacturing capabilities and a strategic asset, and
      (ii) the urgent need for the Government to bring forward project work to ensure continuity of industry development, growth and employment;
   (b) is gravely concerned by:
      (i) the scheduled end of project work in three Australian shipyards in 2015,
      (ii) the severe consequences of the resulting project trough, including:
         (A) the retrenchment of more than 3,000 skilled workers,
         (B) the crippling of the shipbuilding supply chain, and
         (C) the forced closure of research projects and facilities supporting shipbuilding and advanced manufacturing,
      (iii) the heavy costs of rebuilding lost capabilities and retraining workers to meet future defence needs, and
      (iv) the threat to national security posed by the erosion of local capability; and
calls on the Government to immediately:

(i) identify suitable project work to be fast-tracked and make a public commitment to those projects with a revised timeframe for tendering and delivery,

(ii) recognise that this cannot wait for the Defence White Paper process to be concluded, and

(iii) incorporate the long-term opportunities for the Australian shipbuilding industry as a strategic priority in all future naval procurement plans.

Debate ensued.

At 6 pm: Debate was interrupted while Senator Edwards was speaking.

40 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION

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


Productivity Commission—Report No. 63—Safeguards inquiry into the import of processed tomato products. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


Australian Postal Corporation (Australia Post)—


Statement of corporate intent 2013-14 to 2016-17.

—Motion of Senator Boyce to take note of documents debated and agreed to.

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

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

Australian Charities and Not-for-profits Commission (ACNC)—Report for the period 3 December 2012 to 30 June 2013. Motion of Senator Boyce to take note of document agreed to.


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

Department of Infrastructure and Transport—Report for 2012-13. Motion of Senator Macdonald to take note of document agreed to.

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


Tourism Australia—Report for 2012-13. Motion of Senator Macdonald to take note of document agreed to.


Australian Prudential Regulation Authority (APRA)—Report for 2012-13. Motion of Senator Boyce to take note of document agreed to.


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


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


Migration Review Tribunal and Refugee Review Tribunal—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Thorp debate was adjourned till Thursday at general business.

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

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

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


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

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


Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers: 1378/13, 1489/13, 1491/13, 1502/13, 1506/13, 1513/13, 1516/13, 1518/13, 1539/13, 1563 and 1564/13, 1568/13, 1578 to 1582/13, 1584 and 1585/13, 1587/13, 1589 to 1592/13, 1601/13, 1618/13, 1624/13, 1626 to 1628/13, 1630 and 1631/13, 1638/13, 1640 and 1641/13, 1646 and 1647/13, 1649/13, 1659/13, 1670/13—Commonwealth Ombudsman’s reports. Motion of Senator Brown to take note of documents agreed to.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2013-14. Motion of Senator Brown to take note of document agreed to.


Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2013. Motion of Senator Brown to take note of document agreed to.

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

Australian Communications and Media Authority (ACMA)—Communications report for 2012-13. Motion of Senator Brown to take note of document agreed to.

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


Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2013. Motion to take note of document moved by Senator Bushby. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

Productivity Commission—Report No. 67—Safeguards inquiry into the import of processed fruit products. Motion of Senator Bushby to take note of document called on. On the motion of Senator Thorp debate was adjourned till Thursday at general business.

Productivity Commission—Report No. 68—Safeguards inquiry into the import of processed tomato products. Motion of Senator Bushby to take note of document called on. On the motion of Senator Thorp debate was adjourned till Thursday at general business.

Treaties—Bilateral—Exchange of Notes, done at Canberra on 21 November 2013, constituting an Agreement between the Government of the United States of America and the Government of Australia to amend the Agreement concerning Space Vehicle Tracking and Communication Facilities of 29 May 1980, as amended (Canberra, 21 November 2013)—Text, together with national interest analysis. Motion of Senator Bushby to take note of document agreed to.

Treaties—Bilateral—Agreement on Scientific and Technological Cooperation between the Government of Australia and the Government of the Socialist Republic of Viet Nam (Canberra, 26 June 2013)—Text, together with national interest analysis and annexure. Motion of Senator Bushby to take note of document agreed to.

Mid-year economic and fiscal outlook—2013-14—Statement by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann). Motion of Senator Ludwig to take note of document called on. On the motion of Senator Cameron debate was adjourned till Thursday at general business.

Australian Law Reform Commission—Report no. 122—Copyright and the digital economy—


   Summary report, November 2013.

   —Motion of the Attorney-General (Senator Brandis) to take note of documents agreed to.

Australian Meat and Live-stock Industry Act 1997—Live-stock mortalities during exports by sea—Report for the period 1 July to 31 December 2013. Motion of Senator Back to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Productivity Commission—Report No. 65—Mineral and energy resource exploration. Motion of Senator Gallacher to take note of document called on. On the motion of Senator Cameron debate was adjourned till Thursday at general business.

General business orders of the day nos 40 and 41 relating to government documents were called on but no motion was moved.

General business concluded.
41 **COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

The following order of the day relating to committee reports and government responses was considered:

- Scrutiny of Bills—Standing Committee—2nd report of 2014. Motion of the chair of the committee (Senator Polley) to take note of report agreed to.

Orders of the day nos 1 to 4 relating to committee reports and government responses were called on but no motion was moved.

42 **AUDITOR-GENERAL’S REPORTS—ORDERS OF THE DAY—CONSIDERATION**

The following order of the day relating to reports of the Auditor-General was considered:

- Auditor-General—Audit report no. 10 of 2013-14—Performance audit—Torres Strait Regional Authority – Service delivery: Torres Strait Regional Authority. Motion of Senator McLucas to take note of document agreed to.

Orders of the day nos 2 and 3 relating to reports of the Auditor-General were called on but no motion was moved.

43 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.20 pm till Monday, 17 March 2014 at 10 am.

44 **ATTENDANCE**

Present, all senators except Senators Ludlam*, Pratt* and Wong* (* on leave).

**ROSEMARY LAING**

Clerk of the Senate