THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 6

WEDNESDAY, 4 DECEMBER 2013

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Committee Membership

Australian Civilian Corps Amendment Bill 2013

Higher Education Support Amendment (Savings and Other Measures) Bill 2013

Import Processing Charges Amendment Bill 2013

Education and Employment References Committee—Proposed Reference

Government Documents—Consideration

Adjournment

Attendance
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 GOVERNMENT DOCUMENTS
The following documents were tabled:

*Migration Act 1958—Section 486O—Assessment of detention arrangements—*

Volume 1—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 and 1670/13

Volume 2—Personal identifiers: 851/12, 1054/12, 1113/12, 1142 and 1143/13, 1145/13, 1147/13, 1158/13, 1200/13, 1221/13, 1263/13, 1368/13, 1380/13, 1393/13, 1397/13, 1400 and 1401/13, 1405/13, 1424/13, 1427/13, 1438 to 1441/13, 1443/13, 1452/13, 1454 and 1455/13, 1483 and 1484/13, 1488/13, 1493 and 1494/13, 1496 and 1497/13, 1501/13, 1512/13, 1514 and 1515/13, 1517/13, 1521 to 1538/13, 1541 to 1548/13, 1550 to 1553/13, 1557 to 1559/13, 1561/13, 1565 and 1566/13, 1569 to 1577/13, 1586/13, 1593 to 1600/13, 1602 to 1605/13, 1608 to 1612/13, 1614 to 1617/13, 1623/13, 1644/13, 1650 to 1653/13 and 1660/13—

Commonwealth Ombudsman’s reports.
Government responses to Ombudsman’s reports, dated 4 December 2013.

3 LEGISLATION COMMITTEES—ESTIMATES HEARINGS
The Assistant Minister for Social Services (Senator Fifield), pursuant to notice, moved government business notice of motion no. 1—

(1) That estimates hearings by legislation committees for 2014 be scheduled as follows:

**2013-14 additional estimates:**
Monday, 24 February and Tuesday, 25 February (*Group A*)
Wednesday, 26 February and Thursday, 27 February (*Group B*)

**2014-15 Budget estimates:**
Monday, 26 May to Thursday, 29 May, and, if required, Friday, 30 May (*Group A*)
Monday, 2 June to Thursday, 5 June, and, if required, Friday, 6 June (*Group B*)
Monday, 20 October and Tuesday, 21 October (*supplementary hearings—Group A*)
Wednesday, 22 October and Thursday, 23 October (*supplementary hearings—Group B*).

(2) That pursuant to the order of the Senate of 26 August 2008, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 28 February, Friday, 30 May and Friday, 24 October.

(3) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.
(4) That committees meet in the following groups:

**Group A:**
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Education and Employment
- Foreign Affairs, Defence and Trade.

(5) That the committees report to the Senate on the following dates:

(a) Tuesday, 18 March 2014 in respect of the 2013-14 additional estimates; and

(b) Tuesday, 24 June 2014 in respect of the 2014-15 Budget estimates.

Question put and passed.

4 **NORTHERN AUSTRALIA—JOINT SELECT COMMITTEE—APPOINTMENT**

Order of the day read for the consideration of message no. 27 from the House of Representatives (see entry no. 31, 2 December 2013).

The Assistant Minister for Social Services (Senator Fifield) moved—That the Senate concur with the resolution of the House of Representatives contained in message no. 27 relating to the appointment of the Joint Select Committee on Northern Australia.

Senator Macdonald moved the following amendment:

At the end of the motion, add “subject to the following modifications:

Sub-subparagraph (2)(b)(ii), after “regulatory”, insert “, taxation”;

After subparagraph (2)(c), insert:

(c) present to the Parliament its recommendation for a white paper which would detail government action needed to be taken to implement the committee’s recommendations, setting out how the recommendations were to be implemented, by which government entity they were to be implemented, a timetable for implementation and how and when any government funding would be sourced;

Paragraph (3), omit “June”; substitute “May”; and

Paragraph (4), omit “September”, substitute “July”.”

*Leave refused*: Senator Macdonald sought leave to table a document.

An objection was raised and leave was not granted.

Debate ensued.

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

Main question, as amended, put and passed.
The Leader of the Australian Greens (Senator Milne) moved—That so much of the standing orders be suspended as would prevent her from moving a motion in the following terms:

That the Senate calls on the Attorney-General (Senator Brandis) to provide to the Parliament, before question time today, an explanation of his reasons for authorising ASIO raids on Timor-Leste legal counsel and a key witness for pending Permanent Court of Arbitration hearings in the Hague.

Debate ensued.

Question put and negatived.

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time—and on the amendment moved by Senator Pratt:

At the end of the motion, add “but the Senate expresses concern over the impact that the abolition of the Clean Energy Finance Corporation will have on investment in renewable energy projects”.

Debate resumed.

At 12.45 pm: Debate was interrupted while Senator Macdonald was speaking.

Matters of public interest were discussed.

Documents: Senator Heffernan, by leave, tabled the following documents:

Primary industries—Grain handling—
Letter from Group Legal Counsel at GrainCorp Limited (Mr Sefton) to the Chief Executive Officer of Balonne Shire Council (Mr O’May), dated 16 October 2013.
Letter to the Chief Executive Officer of Balonne Shire Council (Mr O’May), dated 23 October 2013 and attachment.
Newspaper clippings and other documents.

Further matters of public interest were discussed.

At 2 pm—

The Attorney-General (Senator Brandis), by leave, made a statement relating to the approval of search warrants executed by the Australian Security Intelligence Organisation on 3 December 2013.
9 QUESTIONS
Questions without notice were answered.

10 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Carr moved—That the Senate take note of the answer given by the Minister for Human Services (Senator Payne) to a question without notice asked by Senator Carr today relating to schools funding.
Debate ensued.
Question put and passed.

Senator Hanson-Young moved—That the Senate take note of the answer given by the Assistant Minister for Immigration and Border Protection (Senator Cash) to a question without notice asked by Senator Hanson-Young today relating to protection visas.
Question put and passed.

11 IMMIGRATION—DETECTION AND COMMUNITY STATISTICS SUMMARY—DOCUMENT
The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:

12 IMMIGRATION—ASYLUM SEEKERS—MINISTERIAL BRIEFINGS AND CORRESPONDENCE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS
The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following documents:
Imigration—Asylum seekers—Ministerial briefings and correspondence—Letters from—
Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing), dated 4 December 2013.
Minister for Immigration and Border Protection (Mr Morrison) to the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald) responding to the order of the Senate of 3 December 2013 and raising public interest immunity claims, dated 4 December 2013.

Leave refused: Senator Hanson-Young sought leave to move a motion to take note of the documents.
An objection was raised and leave was not granted.
Suspension of standing orders: Senator Hanson-Young, at the request of the Leader of the Australian Greens (Senator Milne) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Milne moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to documents tabled by a minister in response to an order of the Senate.
Debate ensued.
Question put and passed.
Senator Hanson-Young, at the request of Senator Milne, moved—that a motion relating to documents tabled by a minister in response to an order of the Senate be moved immediately and have precedence over all other business today until determined.

Question put.

The Senate divided—

AYES, 35

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NOES, 26

| Senators—            |               |               |               |               |
| Bernardi             | Colbeck       | Kroger (Teller)| Ryan         |
| Birmingham           | Edwards       | Macdonald     | Scullion      |
| Boswell              | Eggleston     | Mason         | Seseja        |
| Boyce                | Fawcett       | Nash          | Sinodinos     |
| Brands               | Fierravanti-Wells | Parry  | Smith         |
| Bushby               | Fifield       | Payne         |               |
| Cash                 | Heffernan     | Ruston        |               |

Question agreed to.

Senator Hanson-Young moved—that the Senate take note of the documents.

Debate ensued.

Question put and passed.

Before 5 pm—

13 FIRST SPEECH

Pursuant to order (see entry no. 4, 3 December 2013), Senator O’Neill made her first speech.

14 NOTICES

Notices of motion:

Senator Madigan: To move on 9 December 2013—that the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 25 March 2014:

The form of a referendum on an amendment to the Constitution confirming that all powers pertaining to making laws for marriage rest with the Commonwealth and that those powers may only be used to confirm marriage to be the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, with particular reference to:

(a) what question should be put to the electors;
(b) any effect of the alteration on the Parliament’s powers under section 51(xxi) of the Constitution;
(c) the level of state and territory support;
(d) the potential ramifications for states and territories if such an amendment was made; and
(e) any other matters that the committee considers may be relevant to a decision on whether to conduct a referendum, and the timing of any referendum.

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

(a) condemns:
   (i) the failure of the Government to provide answers on immigration policy and implementation, especially on serious incidents, to the Senate and the Australian people,
   (ii) the Government’s complete lack of transparency, and its reversion to secrecy in its conduct of the business of government, especially as it relates to immigration policy, and
   (iii) the Government for misleading the electorate on its immigration policies such as the Indonesian fishing boat buyback policy, bounties, wardens and turning boats back (where it is safe to do so); and

(b) calls on the Government to:
   (i) abandon unwarranted secrecy, and
   (ii) acknowledge the success of the Papua New Guinea Regional Resettlement arrangement in reducing boat arrivals and putting people smugglers out of business. (general business notice of motion no. 44)

Senators Rhiannon and Waters: To move on the next day of sitting—That the Senate—

(a) recognises that:
   (i) the Royal National Park in New South Wales is Australia’s first national park, one of the world’s oldest public parks, and the first to be proclaimed as a ‘national park’, and
   (ii) the Royal National Park is home to outstanding universal environmental, cultural and social values;

(b) congratulates the community group First National Park which, since 2010, has campaigned for the Royal National Park, Garawarra State Conservation Area and Heathcote National Park to be World Heritage listed, for winning New South Wales State Government and Federal Government support for their World Heritage nomination; and

(c) calls on the Abbott Government to:
   (i) continue supporting the proposal to list the Royal National Park, Garawarra State Conservation Area and Heathcote National Park as a World Heritage site, and
   (ii) affirm the importance of Australia’s national parks, and especially those already on the World Heritage List, by:
       (A) guaranteeing federal safeguards to protect these parks from threats to their outstanding universal values from mining, grazing, logging, shooting and development, and
(B) recognising Australia has the highest level of extinctions in the world with a continuing species decline that is the worst of the Organisation for Economic Co-operation and Development countries and among the world’s highest. (general business notice of motion no. 45)

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

(a) notes the public comment period has started for Bight Petroleum’s referral (reference number 2013/6770) under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act), which sets out its intention to do seismic testing in Commonwealth waters, to the west of Kangaroo Island in South Australia;

(b) recognises the economic, ecological and social importance of the Kangaroo Island marine environment, first and foremost for the Kangaroo Island community, but also for South Australia as a whole; and

(c) calls on the Minister for the Environment to use his powers under the Act to decide against the proposed action. (general business notice of motion no. 46)

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

(a) acknowledges the success of the Wage Connect program in helping long-term unemployed back into the workforce;

(b) expresses concern that this program has been suspended for the second time in 18 months due to a high level of demand for this service; and

(c) calls on the Government to re-commence the scheme and increase the number of places available through it, particularly for older workers who face significant discrimination in the labour market. (general business notice of motion no. 47)

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

(a) supports the Tasmanian Government’s Climate Smart strategy which aims to achieve 100 per cent renewable production and a 35 per cent cut in emissions on 1990 levels by 2020; and

(b) condemns the Abbott Government’s attempts to repeal the carbon price, which will remove up to $70 million per year from Hydro Tasmania and dividend payments to the Tasmanian budget. (general business notice of motion no. 48)

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

(a) notes that:

(i) Australia voted against United Nations (UN) resolution L18, which re-affirms ‘that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development’;

(ii) previously Australia had voted for this resolution for 15 out of the past 20 years, including under the former Liberal National Party Government,

(iii) Australia abstained in the vote on UN resolution L17, regarding the applicability of the Geneva conventions to the West Bank,

(iv) Australia has voted for similar resolutions at the UN in 16 of the past 20 years, and abstained in only four other years, and
(v) a Roy Morgan poll of November 2011 showed that 64 per cent of Australians polled opposed the building of settlements on Occupied Palestinian Territories;

(b) calls on the Prime Minister, Mr Abbott, to ensure Australia in future supports UN resolutions that identify illegal Israeli settlements as a major roadblock to peace in the Middle East; and

(c) reaffirms its commitment to a two-state solution to the Israel-Palestine conflict. (general business notice of motion no. 49)

Senators Ruston and Fawcett: To move on the next day of sitting—That the Senate—

(a) celebrates the success of Rural Clinical Schools (RCS) around Australia, commenced in 1999 by the then Minister for Health and Aged Care, Dr Wooldridge, and continued by a subsequent former Minister for Health and Ageing, Mr Abbott;

(b) notes that:

(i) RCS were designed to overcome the maldistribution of all doctors, including general practitioners, across Australia, which left country regions short of general practitioners and other specialty doctors,

(ii) students undertaking training in rural locations have academic results that are equal to, or better than, their metropolitan counterparts,

(iii) published data from public universities show high rates of RCS graduates working in, or intending to work in, rural areas, and

(iv) the information gathered through an independent project tracking all Australian and New Zealand medical students, the Medical Schools Outcomes Database, demonstrates that long-term placements in a rural setting through RCS have a significant impact on the vocational choice and intention to practise in a rural or remote setting as well as future career specialty focus; and

(c) calls on the Government to:

(i) continue its support for these excellent initiatives, and

(ii) expand opportunities to create intern and postgraduate training places in rural locations to enhance the future of specialty medical service delivery with a focus on general practitioners in rural and regional Australia. (general business notice of motion no. 50)

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

(a) notes that:

(i) the Attorney-General and the Prime Minister have made repeated reference to a regime of parliamentary oversight comprising the Parliamentary Joint Standing Committee on Intelligence and Security when commenting on recent scandals pertaining to the surveillance activities of Australia’s security and intelligence agencies, and

(ii) the Joint Standing Committee on Intelligence and Security has not been re-established by the Government; and

(b) calls on the Government to immediately establish the Parliamentary Joint Standing Committee on Intelligence and Security. (general business notice of motion no. 51)
Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Reserve Bank Act 1959, and for related purposes. Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013. (general business notice of motion no. 52)

Senator Carr: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later than Tuesday, 10 December 2013, all incident reports, logs, briefings, ministerial notes, internal communications and other reports (excluding any publicly available documents), in relation to the reported incident that took place on Friday, 15 November 2013, involving the towing of an Indonesian vessel near Christmas Island by an Australian Customs, Navy or other government asset or vessel. (general business notice of motion no. 53)

Notices of motion withdrawn:

Senator Moore, at the request of Senator Carr, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Carr for today, proposing a reference to the Economics References Committee.

Senator Hanson-Young withdrew general business notice of motion no. 33 standing in her name for today, proposing an instruction to the Legal and Constitutional Affairs Legislation Committee in relation to an estimates hearing.

15 TRADE—TRANS-PACIFIC PARTNERSHIP PLURILATERAL FREE TRADE AGREEMENT—ORDER FOR PRODUCTION OF DOCUMENT

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 42—That there be laid on the table by the Minister representing the Minister for Trade and Investment, the final text of the Trans-Pacific Partnership plurilateral free trade agreement well before it is signed.

Statement by leave: Senator Whish-Wilson, by leave, made a statement relating to the motion.

Question put and passed.

16 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REFERENCE

Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That—

(a) the inquiry into the Fair Trade (Workers’ Rights) Bill 2013 of the Foreign Affairs, Defence and Trade Legislation Committee of the 43rd Parliament be re-referred for inquiry with the same terms of reference, granting the current committee access to all inquiry submissions and documents of the preceding committee; and

(b) the committee report to the Senate by 4 March 2014.

Question put and passed.
17 **ELECTORAL MATTERS—JOINT STANDING COMMITTEE—VARIATION OF APPOINTMENT**

Senator Xenophon amended general business notice of motion no. 41 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the resolution of appointment of the Joint Standing Committee on Electoral Matters be amended to provide for participating membership, as follows:

After paragraph (3), insert:

(3A) for the purposes of the inquiry into the 2013 election only, participating members may be appointed to the committee on the nomination in the House of Representatives, of the Government or Opposition Whips or any minority group or independent Member, and, in the Senate, of the Leader of the Government or Opposition, or any minority group or independent Senator, and such participating member:

(a) shall be taken to be a member of the committee for the purposes of forming a quorum if a majority of members of the committee are not present; and

(b) may participate in hearings of evidence and deliberations of the committee and have all rights of a committee member except that a participating member may not vote on any question before the committee.

Question put and passed.

18 **HISTORICAL EVENTS—HOLODOMOR—80TH ANNIVERSARY**

Senator Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 43—that the Senate—

(a) notes that 2013 is the 80th anniversary of Holodomor, an enforced famine in Ukraine caused by the deliberate actions of Stalin’s Communist Government of the Union of Soviet Socialist Republics [USSR];

(b) recalls that it is estimated up to 7 million Ukrainians starved to death as a result of Stalin’s policies between 1932 and 1933 alone;

(c) condemns:

(i) these acts aimed at destroying the national, cultural, religious and democratic aspirations of the Ukrainian people, and

(ii) all similar acts during the 20th century as the ultimate manifestations of racial, ethnic or religious hatred and violence;

(d) honours the memory of those who lost their lives during Holodomor;

(e) resolves to annually mark Holodomor on or about the international ‘Holodomor Remembrance Day’, being 24 November;

(f) joins the Ukrainian Australian community and the international community in commemorating this tragic milestone; and

(g) recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated.

Question put and passed.
19 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE**

Senator Cameron, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by the last sitting day in March 2014:

The Government’s approach to re-establishing the Australian Building and Construction Commission through the Building and Construction Industry (Improving Productivity) Bill 2013 and related bills, with particular reference to:

(a) the potential impact of the re-establishment of the Australian Building and Construction Commission on the building and construction industry;

(b) the need or otherwise for a specialist industrial regulator in the building and construction industry;

(c) the potential impact of the bills on productivity in the building and construction industry;

(d) whether the bills are consistent with Australia’s obligations under international law;

(e) the potential impact of the bills on employees, employers, employer bodies, trade and labour councils, unions and union members;

(f) the extreme and heavy-handed proposed powers of the Australian Building and Construction Commission, including coercive powers, conduct of compulsory interviews, and imprisonment for those who do not co-operate;

(g) the provisions of the bills relating to requirements to provide information to the Australian Building and Construction Commission during interviews including provisions that interviewees have no right to silence;

(h) the provisions of the bills that introduce the law of conspiracy into the industrial regulation of the building and construction industry;

(i) whether the provisions of the bills relating to occupational health and safety in the building and construction industry are adequate to protect the health and safety of employees and contractors in the industry; and

(j) any other related matter.

(2) That for the avoidance of doubt, standing order 115(3) applies to the consideration of the Building and Construction Industry (Improving Productivity) Bill 2013 and any related bills.

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

Question put and passed.

20 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LAW AND JUSTICE—DATA COLLECTION**

The Deputy President (Senator Parry) informed the Senate that, at 8.30 am today, Senator Bernardi and Senator Siewert had each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.
As a result, the Deputy President informed the Senate that Senator Siewert had proposed that the following matter of public importance be submitted to the Senate for discussion:

The urgent need to establish whether law-abiding Australian citizens have been subject to indiscriminate data collection.

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

**21 SCRUTINY OF BILLS—STANDING COMMITTEE—8TH REPORT AND ALERT DIGEST NO. 8 OF 2013**

Senator McEwen, at the request of the Chairman of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

- Scrutiny of Bills—Standing Committee—8th report of 2013, dated 4 December 2013.
- Alert Digest No. 8 of 2013, dated 4 December 2013.

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

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

Question put and passed.

**22 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT**

Senator McKenzie, at the request of the Chairman of the Standing Committee on Regulations and Ordinances (Senator Edwards), tabled the following document:

- Regulations and Ordinances—Standing Committee—Delegated legislation monitor no. 8 of 2013, dated 4 December 2013.

**23 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—REPORT—OWNERSHIP ARRANGEMENTS OF GRAIN HANDLING**

Senator McEwen, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle), tabled the following report and documents:

- Rural and Regional Affairs and Transport References Committee—Ownership arrangements of grain handling—Final report, dated December 2013, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Question put and passed.

**24 COURT OF DISPUTED RETURNS—ELECTION PETITION—DOCUMENTS**

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

- Court of Disputed Returns—Election petition—Wang v Johnston & Ors, received from the Chief Executive and Principal Registrar of the High Court of Australia, dated 2 December 2013 and accompanying letter, dated 3 December 2013.
The following documents were tabled by the Clerk:

[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 Citizenship Act 2007*—Exercise of Ministerial Discretion under subsection 22A(1A).

*Australian Participants in British Nuclear Tests (Treatment) Act 2006*—

*Australian Prudential Regulation Authority Act 1998*—Australian Prudential Regulation Authority (confidentiality) determination No. 21 of 2013 [F2013L02032].

*Civil Aviation Act 1988*—
- Civil Aviation Regulations 1988—
  - Direction — number of cabin attendants (Sunstate Airlines)—CASA 254/13 [F2013L02019].
  - Direction under subregulation 235(2) relating to landing weight and landing distance required—CASA 260/13 [F2013L02020].
- Civil Aviation Safety Regulations 1998—
  - Exemption — instrument rating flight tests in a synthetic flight training device—CASA EX127/13 [F2013L02034].
  - Revocation of Airworthiness Directives—CASA ADCX 025/13 [F2013L02035].

*Financial Management and Accountability Act 1997*—
- Determination 2013/15 – Section 32 (Transfer of Functions from DRALGAS to Health and PM&C) [F2013L02021].
- Determination 2013/16 – Section 32 (Transfer of Functions from PM&C to Social Services) [F2013L02022].
- Determination 2013/17 – Section 32 (Transfer of Functions from Health to Social Services) [F2013L02024].
- Determination 2013/18 – Section 32 (Transfer of Functions from Industry to Education) [F2013L02025].
- Determination 2013/19 – Section 32 (Transfer of Functions from DEEWR to PM&C) [F2013L02026].

*Food Standards Australia New Zealand Act 1991*—
- Australian New Zealand Food Standards Code – Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 7, 2013 [F2013L02028].
Food Standards (Application A1075 – Quillaia Extract (Quillaja Extract) as a Food Additive (Emulsifier)) Variation [F2013L02037].

Health Insurance Act 1973—
Health Insurance (Accredited Pathology Laboratories – Approval) Amendment Principles 2013 (No. 1) [F2013L02017].
Health Insurance (Pharmacogenetic Testing) Determination 2013 (No. 1) [F2013L02018].

Military Rehabilitation and Compensation Act 2004—
MRCA Pharmaceutical Benefits Scheme—No. MRCC 44 [F2013L02012].
MRCA Treatment Principles—No. MRCC 53 [F2013L02016].

National Health Act 1953—
Amendment determination under paragraph 98C(1)(b)—PB 80 of 2013 [F2013L02015].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2013 (No. 11)—PB 79 of 2013 [F2013L02023].
National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2013 (No. 8)—PB 78 of 2013 [F2013L02011].
National Health (Listed drugs on F1 or F2) Amendment Determination 2013 (No. 7)—PB 76 of 2013 [F2013L02008].
National Health (Pharmaceutical Benefits – Therapeutic Groups) Amendment Determination 2013 (No. 4)—PB 77 of 2013 [F2013L02010].

Therapeutic Goods Act 1989—Therapeutic Goods (Listing) Notice 2013 (No. 7) [F2013L02033].

Veterans’ Entitlements Act 1986—
Treatment Principles—No. R52/2013 [F2013L02029].

26 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 January to 30 June 2013—Statements of compliance—
Commonwealth Ombudsman.
Department of Human Services.
27 COMMITTEE MEMBERSHIP

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

The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That senators be discharged from and appointed to committees as follows:

Appropriations and Staffing—Standing Committee—
  Appointed—Senator Madigan

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—
  Appointed—Senators Furner and Singh

Community Affairs References Committee—
  Appointed—
    Substitute member: Senator Thorp to replace Senator Brown for the committee’s inquiry into the care and management of younger and older Australians living with dementia and behavioural and psychiatric symptoms of dementia (BPSD)
    Participating member: Senator Brown

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—
  Appointed—Senator Peris

Corporations and Financial Services—Joint Statutory Committee—
  Appointed—Senators Dastyari and Singh

Education and Employment References Committee—
  Appointed—
    Substitute member: Senator Wright to replace Senator Rhiannon for the committee’s inquiry into the effectiveness of the National Assessment Program – Literacy and Numeracy
    Participating member: Senator Rhiannon

Electoral Matters—Joint Standing Committee—
  Appointed—Senators Faulkner and Tillem

Foreign Affairs, Defence and Trade—Joint Standing Committee—
  Appointed—Senators Furner, Ludwig, McEwen, Singh and Stephens

Migration—Joint Standing Committee—
  Appointed—Senator Dastyari

National Capital and External Territories—Joint Standing Committee—
  Appointed—Senators Lundy and Peris

National Disability Insurance Scheme—Joint Standing Committee—
  Appointed—Senators Stephens and Urquhart

Parliamentary Library—Joint Standing Committee—
  Appointed—Senators Thorp and Tillem

Treaties—Joint Standing Committee—
  Appointed—Senators Lines, Ludwig and Thorp.

Question put and passed.
28 **AUSTRALIAN CIVILIAN CORPS AMENDMENT BILL 2013**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 31, dated 3 December 2013—A Bill for an Act to amend the Australian Civilian Corps Act 2011, and for related purposes.

The Assistant Minister for Social Services (Senator Fifield) moved—that this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the next day of sitting which is more than 14 days after the bill was first introduced.

29 **HIGHER EDUCATION SUPPORT AMENDMENT (SAVINGS AND OTHER MEASURES) BILL 2013**

**IMPORT PROCESSING CHARGES AMENDMENT BILL 2013**

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


The Assistant Minister for Social Services (Senator Fifield) moved—that these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Fifield moved—that these bills be now read a second time.

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the next day of sitting which is more than 14 days after the bills were first introduced.

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

Question put and passed.

30 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—PROPOSED REFERENCE**

Order of the day read for the adjourned debate on the motion of Senator Moore—

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by the last sitting day in March 2014:

The provisions of the Fair Work (Registered Organisations) Amendment Bill 2013, with particular reference to:

(a) the potential impact of the amendments to interfere with the ongoing operation of registered organisations in Australia; and
(b) the potential of the amendments to impede the ability of employees of registered organisations to carry out their duties.

(2) That for the avoidance of doubt, standing order 115(3) applies to the consideration of the Fair Work (Registered Organisations) Amendment Bill 2013 and any related bills.

Debate resumed.
At 6.50 pm: Debate was interrupted while Senator Ludwig was speaking.

31 GOVERNMENT DOCUMENTS—CONSIDERATION
The following government documents tabled earlier today (see entry no. 2) were considered:


32 ADJOURNMENT
The Deputy President (Senator Parry) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.30 pm till Thursday, 5 December 2013 at 9.30 am.

33 ATTENDANCE
Present, all senators except Senators Back* and Bishop* (* on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate