1795

2013-14
THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 66

WEDNESDAY, 19 NOVEMBER 2014

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

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

*Crimes Act 1914—Authorisations for the acquisition and use of assumed identities—Australian Customs and Border Protection Service—Report for 2013-14.*

3 COMMITTEES—LEAVE TO MEET DURING SITTING
Committees were authorised to meet during the sitting of the Senate today as follows:

Legal and Constitutional Affairs Legislation Committee—public meeting, from 12.45 pm, to take evidence for the committee’s inquiry into the provisions of the Australian Citizenship and Other Legislation Amendment Bill 2014.

Public Works—Joint Statutory Committee—private briefing, from 2.45 pm.

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 5 pm.

Senator Macdonald requested that the question be put to the Senate for determination.

*Statements by leave*: Senators Macdonald and Conroy, the Leader of the Australian Greens (Senator Milne) and Senator O’Sullivan, by leave, made statements relating to the matter.

*Leave refused*: The Assistant Minister for Social Services (Senator Fifield) sought leave to make a statement relating to the matter.

An objection was raised and leave was not granted.

Question put.

The Senate divided—

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4 **HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION**

*Suspension of standing orders:* Senator Moore, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent Senator Wong moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the hours of meeting and routine of business for today.

Debate ensued.

*Question put.*

The Senate divided—

**AYES, 33**

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**NOES, 27**

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Question agreed to.

Senator Moore, at the request of Senator Wong, moved—That a motion to vary the hours of meeting and routine of business today may be moved immediately and have precedence over all other business till determined. Debate ensued. 

Closure: Senator Ludwig moved—That the question be now put. Question—That the question be now put—put. The Senate divided—

AYES, 34

Senators—

- Bilyk (Teller)
- Brown
- Bullock
- Cameron
- Carr
- Collins
- Conroy
- Dastyari
- Di Natale
- Ketter
- Lambie
- Lazarus
- Ludlam
- Ludwig
- Lundy
- Madigan
- McEwen
- Milne
- Moore
- Muir
- O'Neill
- Peris
- Rhiannon
- Rice
- Siewert
- Singh
- Sterle
- Urquhart
- Wang
- Waters
- Whish-Wilson
- Won
- Wright
- Xenophon

NOES, 28

Senators—

- Back
- Bernardi
- Bushby (Teller)
- Canavan
- Cash
- Colbeck
- Cormann
- Colbeck
- Day
- Fawcett
- Fierravanti-Wells
- Fifield
- Johnston
- Leyonhjelm
- Leyonhjelm
- Macdonald
- Mason
- McGrath
- McKenzie
- O'Sullivan
- Parry
- Payne
- Rentalson
- Riston
- Ryan
- Ryan
- Scullion
- Sesselja
- Sinodinos
- Smith
- Williams
- Williams

Question agreed to. Question—That the motion to give precedence to a motion to vary the hours of meeting and routine of business for today be agreed to—put. The Senate divided—

AYES, 34

Senators—

- Bilyk (Teller)
- Brown
- Bullock
- Cameron
- Carr
- Collins
- Conroy
- Dastyari
- Di Natale
- Ketter
- Lambie
- Lazarus
- Ludlam
- Ludwig
- Lundy
- Madigan
- McEwen
- Milne
- Moore
- Muir
- O'Neill
- Peris
- Rhiannon
- Rice
- Siewert
- Singh
- Sterle
- Urquhart
- Wang
- Waters
- Whish-Wilson
- Won
- Wright
- Xenophon

NOES, 28

Senators—

- Back
- Bernardi
- Bushby (Teller)
- Canavan
- Cash
- Colbeck
- Cormann
- Colbeck
- Day
- Fawcett
- Fierravanti-Wells
- Fifield
- Johnston
- Leyonhjelm
- Leyonhjelm
- Macdonald
- Mason
- McGrath
- McKenzie
- O'Sullivan
- Parry
- Payne
- Rentalson
- Riston
- Ryan
- Ryan
- Scullion
- Sesselja
- Sinodinos
- Smith
- Williams
- Williams

Question agreed to.
Senator Moore moved—That on Wednesday, 19 November 2014:

(a) the hours of meeting shall be 9.30 am to adjournment;

(b) business of the Senate notice of motion no. 1 for 4 sitting days after today, proposing the disallowance of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, shall be called on immediately and have precedence over all other business until determined;

(c) the routine of business shall be as follows:

(i) the item listed in paragraph (b), followed by government business only,

(ii) at 2 pm, questions,

(iii) motions to take note of answers,

(iv) the item listed in paragraph (b),

(v) notices of motion,

(vi) formal motions – discovery of formal business,

(vii) consideration of documents under standing order 61 for up to 30 minutes, and

(viii) government business only; and

(d) the adjournment of the Senate shall be proposed at 7.20 pm unless consideration of the item listed in paragraph (b) has not concluded, in which case the adjournment shall be proposed following the determination of that item.

Senator Macdonald moved the following amendment:

Omit subparagraphs (c)(ii) and (iii).

Debate ensued.

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

Leave refused: The Assistant Minister for Social Services (Senator Fifield) sought leave to make a statement relating to the matter.

An objection was raised and leave was not granted.

Question—That the question be now put—put.

The Senate divided—

AYES, 33

Senators—

Bilyk
Brown
Brumby
Carr
Collins
Conroy
Dastyari
Di Natale

Ketter
Lambie
Ludlam
Lundy
Madigan
McEwen
Milne

Moore
Muir
O’Neill
Peris
Polley
Rhiannon
Rice

Singh
Sterle
Urquhart (Teller)
Waters
Whish-Wilson
Wong
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NOES, 30

Senators—
Back
Bernardi
Bushby
Canavan
Cash
Colbeck
Cormann
Day
Fawcett (Teller)
Fierravanti-Wells
Fifield
Lazarus
Leyonhjelm
Macdonald
Mason
McGrath
McKenzie
Nash
O’Sullivan
Parry
Payne
Ronaldson
Ruston
Williams
Ryan
Scullion
Seselja
Sinodinos
Smith
Wang
Williams

Question agreed to.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 30

Senators—
Back
Bernardi
Bushby
Canavan
Cash
Colbeck
Cormann
Day
Fawcett (Teller)
Fierravanti-Wells
Fifield
Lazarus
Leyonhjelm
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McKenzie
Nash
O’Sullivan
Parry
Payne
Ronaldson
Ruston
Williams
Ryan
Scullion
Seselja
Sinodinos
Smith
Wang

Question negatived.

The Minister for Finance (Senator Cormann) moved the following amendment:

Paragraph (b), omit all words after “shall be called on”, substitute “on 27 November 2014 and have precedence over all other business that day until determined”.

Closure: The Leader of the Opposition in the Senate (Senator Wong) moved—That the question be now put.

Question—That the question be now put—put.
The Senate divided—

**AYES, 32**

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Question agreed to.

Question—That the amendment be agreed to—put.

The Senate divided—

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Question negatived.

The Minister for Employment (Senator Abetz) moved the following amendment:

Paragraph (d), omit all words after “7.20 pm”.

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

5 **SENATORS’ STATEMENTS**

A senator made a statement.
Document: Senator McKenzie, by leave, tabled the following document:

Industrial relations—Unions—Copy of statement by the Secretary of the Construction Forestry Mining and Energy Union (Mr Setka), ‘Abbott and Napthine’s number one soldier gives reason for ongoing attacks on our union’, dated 30 October 2014.

Senators made further statements.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

Suspension of standing orders: Senator Moore, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent Senator Wong moving a motion to provide for the consideration of a matter, namely a motion relating to expedited consideration of a motion to vary the hours of meeting and routine of business for today to provide for the consideration of a disallowance motion.

Debate ensued.

The Senate divided—

AYES, 33

Senators—

Bilyk Moore Singh
Brown Ketter Muir Stirling
Bullock Lambie O’Neill Urquhart
Cameron Ludlam Peris Waters
Carr Ludwig Polley Whish-Wilson
Collins Lundy Rhiannon Wong
Conroy Madigan Rice Wright
Dastyari McEwen (Teller) Siewert Xenophon
Di Natale

NOES, 31

Senators—

Abetz Day Mason Ruston
Back Fawcett McGrath Ryan
Bernardi Fierravanti-Wells McKenzie Scullion
Bushby (Teller) Fitfield Nash Seselja
Canavan Johnston O’Sullivan Sinodinos
Cash Lazarus Parry Smith
Colbeck Leyonhjelm Payne Wang
Cormann Macdonald Ronaldson

Question agreed to.

Senator Moore, at the request of Senator Wong, moved—that a motion relating to the hours of meeting and routine of business today may be moved immediately and determined without amendment or debate.
The Minister for Employment (Senator Abetz) moved the following amendment:

Omit “and determined without amendment or debate”.

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

Question—That the question be now put—put.

The Senate divided—

**AYES, 33**

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**Question agreed to.**

**Question—That the amendment be agreed to—put.**

The Senate divided—

**AYES, 31**

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**Question negatived.**
Closure: Senator Wong moved—that the question be now put.  
Question—that the question be now put—put.  
The Senate divided—

AYES, 33

Bilyk (Teller)    Faulkner    Moore    Singh
Brown             Ketter      Muir      Sterle
Bullock           Lambie     O’Neill    Urquhart
Cameron           Ludlam     Peris      Waters
Carr              Ludwig     Polley     Whish-Wilson
Collins           Lundy      Rhiannon  Wong
Conroy            Madigan    Rice       Wright
Dastyari          McEwen     Siewert    Xenophon
Di Natale

NOES, 31

Back               Fawcett    McGrath    Ryan
Bernardi          Fierravanti-Wells  McKenzie  Scullion
Bushby (Teller)   Fifield    Nash      Seselja
Canavan           Johnston   O’Sullivan Sinodinos
Cash              Lazarus   Parry      Smith
Colbeck           Leyonhjelm Payne     Wang
Cormann           Macdonald  Ronaldson Williams
Day               Mason      Siewert    Xenophon

Question agreed to.  
Question—that the motion to provide for expedited consideration of a motion to vary  
the hours of meeting and routine of business for today be agreed to—put.  
The Senate divided—

AYES, 33

Bilyk (Teller)    Faulkner    Moore    Singh
Brown             Ketter      Muir      Sterle
Bullock           Lambie     O’Neill    Urquhart
Cameron           Ludlam     Peris      Waters
Carr              Ludwig     Polley     Whish-Wilson
Collins           Lundy      Rhiannon  Wong
Conroy            Madigan    Rice       Wright
Dastyari          McEwen     Siewert    Xenophon
Di Natale

NOES, 31

Back               Fawcett    McGrath    Ryan
Bernardi          Fierravanti-Wells  McKenzie  Scullion
Bushby (Teller)   Fifield    Nash      Seselja
Canavan           Johnston   O’Sullivan Sinodinos
Cash              Lazarus   Parry      Smith
Colbeck           Leyonhjelm Payne     Wang
Cormann           Macdonald  Ronaldson Williams
Day               Mason      Siewert    Xenophon

Question agreed to.
Senator Moore moved—that on Wednesday, 19 November 2014:

(a) the hours of meeting shall be 9.30 am to adjournment;

(b) business of the Senate notice of motion no. 1 for 4 sitting days after today, proposing the disallowance of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, shall be called on immediately and have precedence over all other business until determined;

(c) the routine of business shall be as follows:
   (i) the item listed in paragraph (b), and
   (ii) notices of motion; and

(d) the question for the adjournment of the Senate shall be proposed after it has considered the items listed in paragraph (c).

Question put.
The Senate divided—

AYES, 33

Senators—
   Bilyk (Teller)       Faulkner                     Moore                     Singh
   Brown               Ketter                      Muir                      Sterle
   Bullock            Lambie                      O’Neill                   Urquhart
   Cameron             Ludlam                      Peris                     Waters
   Carr               Ludwig                      Polley                    Whish-Wilson
   Collins            Lundy                        Rhiannon                  Wong
   Conroy             Madigan                     Rice                      Wright
   Dastyari           McEwen                       Stewart                   Xenophon
   Di Natale

NOES, 31

Senators—
   Back               Fawcett                      McGrath                   Ryan
   Bernardi           Fierravanti-Wells          McKenzie                 Scullion
   Bushby (Teller)    Fifield                     Nash                      Seselja
   Canavan           Johnston                     O’Sullivan                Simmonds
   Cash               Lazarus                     Parry                     Smith
   Colbeck            Leyonhjelm                  Payne                     Wang
   Cormann           Macdonald                   Ronaldson                 Williams
   Day               Mason                        Ruston

Question agreed to.

7 Corporations Amendment (Streamlining Future of Financial Advice) Regulation—Disallowance

Senator Dastyari, also on behalf of Senators Lambie, Madigan, Muir, Whish-Wilson and Xenophon, pursuant to notice, moved business of the Senate notice of motion no. 1 for 4 sitting days after today—that the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 102 and made under the Corporations Act 2001, be disallowed.

Debate ensued.

Question put.
The Senate divided—

AYES, 32

Senators—

Bilyk  Di Natale  Moore  Singh
Brown  Ketter  Muir  Sterle
Bullock  Lambie  O’Neill  Urquhart (Teller)
Cameron  Ludlam  Peris  Waters
Carr  Ludwig  Polley  Whish-Wilson
Collins  Lundy  Rhiannon  Wong
Conroy  Madigan  Rice  Wight
Dastyari  McEwen  Siewert  Xenophon

NOES, 30

Senators—

Abetz  Day  McGrath  Ruston
Back  Fawcett  McKenzie  Scullion
Bernardi  Fierravanti-Wells  Nash  Seselja
Brandis  Fifield  O’Sullivan  Sinodinos
Bushby (Teller)  Lazarus  Parry  Smith
Canavan  Leyonhjelm  Payne  Wang
Cash  Macdonald  Ronaldson  Williams
Cormann  Mason

Question agreed to.

8 NOTICES

Senator Siewert: To move on the next day of sitting—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. *(general business notice of motion no. 516)*

Senator Ludlam: To move on the next day of sitting—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. (general business notice of motion no. 517)

Senator Waters: To move on the next day of sitting—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. (general business notice of motion no. 518)

Senator O’Sullivan: To move on the next day of sitting—That the Senate notes the statements by the new Australian Live Exporters Chair, Mr Simon Crean, that the newly-announced free trade agreement with China will make our nation more competitive against the likes of other live dairy cattle export nations, such as New Zealand, and will help stimulate further growth in the dairy trade. (general business notice of motion no. 519)

Notice of motion withdrawn: Senator Bushby, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams) and pursuant to notice of intention given on 18 November 2014, withdrew business of the Senate notice of motion no. 1 standing in the name of Senator Williams for today for the disallowance of the Financial Management and Accountability Amendment (2014 Measures No. 6) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 107 and made under the Financial Management and Accountability Act 1997.

9 LEAVE OF ABSENCE

Senator Urquhart, by leave, moved—That leave of absence be granted to Senator Lines for today, for personal reasons.

Question put and passed.

Senator Siewert, by leave, moved—That leave of absence be granted to Senator Hanson-Young from 17 to 19 November 2014, on account of portfolio responsibilities.

Question put and passed.
10 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT
Senator Bushby, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:


11 SCRUTINY OF BILLS—STANDING COMMITTEE—15TH REPORT AND ALERT DIGEST NO. 15 OF 2014
Senator Urquhart, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

Scrutiny of Bills—Standing Committee—
Alert Digest No. 15 of 2014, dated 19 November 2014.
Report ordered to be printed on the motion of Senator Urquhart.

12 COMMITTEE MEMBERSHIP
The President informed the Senate that he had received a letter requesting changes in the membership of a committee.
The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That senators replace Senator Reynolds on the Legal and Constitutional Affairs Legislation Committee on 20 November 2014, as follows:
(a) Senator Fawcett, from 9 am to 5 pm; and
(b) Senator McGrath, from 5 pm to 11 pm.
Question put and passed.

13 ADJOURNMENT
The President proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 8.17 pm till Monday, 24 November 2014 at 10 am.

14 ATTENDANCE

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate