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1 **MEETING OF SENATE**

The Senate met at 12.30 pm. 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:

- Regional Forest Agreement between the Commonwealth and Western Australia—Report of the review of the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia for the period 1999 to 2009—First independent review, dated December 2013.
- Wreck Bay Aboriginal Community Council—Report for 2012-13, including financial statements for Wreck Bay Enterprises Limited.

3 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, by leave and at the request of the Chair of the Community Affairs Legislation Committee (Senator Boyce), moved—that the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.50 pm.

Question put and passed.

4 **ORDER OF BUSINESS—REARRANGEMENT**

The Assistant Minister for Social Services (Senator Fifield) moved—that government business notices of motion nos 1 and 2 standing in his name for today, relating to Senator O’Sullivan’s first speech and to the consideration of legislation, be postponed till a later hour of the day.

Question put and passed.

5 **MINERALS RESOURCE RENT TAX REPEAL AND OTHER MEASURES BILL 2013**

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

Debate resumed.

*At 2 pm*: Debate was interrupted while Senator O’Neill was speaking.

6 **QUESTIONS**

Questions without notice were answered.
7 MOTIONS TO TAKE NOTE OF ANSWERS
The Leader of the Opposition in the Senate (Senator Wong) moved—That the Senate take note of the answers given by the Assistant Treasurer (Senator Sinodinos) to questions without notice asked by Opposition senators today relating to Australian Water Holdings Pty Ltd.
Debate ensued.
Question put and passed.
Senator Ludlam moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Ludlam today relating to employment in Western Australia.
Question put and passed.

8 NOTICES
Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the launch of the Carers Australia report *Defusing a Ticking Time Bomb* on improving the quality and delivery of home care in Australia,
   (ii) that carers provide over $40 billion in care each year, a cost that would otherwise be passed onto health, community and government services,
   (iii) that Australia’s care system is coming under increasing pressure, and
   (iv) the health and wellbeing of a large proportion of the Australian community is dependent on the extent to which quality care can be administered in the home;
(b) acknowledges the critical role carers play in providing care in our community; and
(c) urges the Federal Government to review the report and develop a strategy to ensure better support for our carers. (general business notice of motion no. 178)
The Leader of the Australian Greens (Senator Milne) and Senator Singh: To move on the next day of sitting—That the Senate—
(a) notes the ongoing violent conflict in South Sudan;
(b) supports Australia’s commitment of additional resources to the United Nations (UN) Mission in South Sudan and to UN efforts to bring peace and stability to South Sudan;
(c) supports an appropriate contribution by the Australian Government to promoting constructive dialogue between the various groups in the conflict; and
(d) calls on:
   (i) all parties to the conflict in South Sudan to:
      (A) immediately end armed conflict,
      (B) respect the mandate and neutrality of the UN mission, and
      (C) take measures to ensure the safety of all UN personnel, and
   (ii) the Australian Government to:
      (A) provide immediate humanitarian assistance to those at most serious risk, seeking the advice of the Australian South Sudanese communities about how best to target assistance, and
(B) support and resource projects in Australia that address divisions in the Australian South Sudanese communities and promote harmony and unity. (general business notice of motion no. 179)

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

(a) notes:

(i) that a number of serious safety breaches have occurred on Sydney commercial construction sites over the past 18 months, including the Barangaroo fire, the tower crane fire at the UTS building and the collapse of scaffolding at Mascot,

(ii) that the increasing numbers of contractors and sub-contractors employed on large construction projects has been linked to insufficient control over safety practices,

(iii) that WorkCover NSW has significantly scaled back its enforcement actions to protect working people’s safety in both the construction sector and more generally across New South Wales, and

(iv) the historic role construction unions played in winning support for occupational health and safety legislation and their ongoing role in promoting workplace safety;

(b) supports the call of Unions NSW and the Construction, Forestry, Mining and Energy Union for an urgent safety audit of major construction sites across Sydney; and

(c) urges the New South Wales Minister for Finance and Services, Mr Andrew Constance, to initiate this audit and allocate extra resources as required for the quick completion of this task. (general business notice of motion no. 180)

Senator Ludwig: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999, and for related purposes. Environment Protection and Biodiversity Conservation Amendment Bill 2014. (general business notice of motion no. 181)

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That on Thursday, 20 March 2014—

(a) if by 8 pm the following bills have not been finally considered:

Clean Energy Legislation (Carbon Tax Repeal) Bill 2013
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2013
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal) Bill 2013
True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2013
True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2013
Customs Tariff Amendment (Carbon Tax Repeal) Bill 2013
Excise Tariff Amendment (Carbon Tax Repeal) Bill 2013
Clean Energy (Income Tax Rates and Other Amendments) Bill 2013
Minerals Resource Rent Tax Repeal and Other Measures Bill 2013,
the Senate shall not adjourn, the routine of business from not later than 8 pm shall be government business only, and the Senate shall continue to sit until it has finally considered these bills, or a motion for the adjournment is moved by a minister, whichever is the earlier; and

(b) divisions may take place after 4.30 pm.

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

(a) notes:

(i) recent revelations of threats to water from the unconventional gas industry, including water contamination with uranium at 20 times the safe level, at coal seam gas company Santos’ Pilliga operations,

(ii) recent reports of contamination of groundwater by asbestos contained in drilling fluids at Origin’s coal seam gas operations in Queensland, and

(iii) the important role of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development in advising on project impacts and conducting bioregional groundwater assessments; and

(b) calls on the Federal Government to:

(i) not issue any further approvals for unconventional gas mining under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act),

(ii) suspend all existing unconventional gas approvals,

(iii) maintain the funding for the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development,

(iv) expand the federal protection for water under the EPBC Act to include shale gas and tight gas mining, and

(v) retain federal powers to protect water from coal seam gas, rather than seeking to delegate these to state governments. *(general business notice of motion no. 182)*

9 **POSTPONEMENT**

The following item of business was postponed:

**General business notice of motion no. 107 standing in the name of Senator Rhiannon for 19 March 2014, proposing the introduction of the Live Animal Export (Slaughter) Prohibition Bill 2014, postponed till 27 March 2014.**

10 **ECONOMICS REFERENCES COMMITTEE—REFERENCE**

Senator Carr, also on behalf of the Leader of the Australian Greens (Senator Milne) and Senators Madigan and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Economics References Committee for inquiry and report by the first sitting day in July 2015:

The challenges to Australian industries and jobs posed by increasing global competition in innovation, science, engineering, research and education, with particular reference to:

(a) the need to attract new investment in innovation to secure high skill, high wage jobs and industries in Australia, as well as the role of public policy in nurturing a culture of innovation and a healthy innovation ecosystem;
(b) the Australian Government’s approach to innovation, especially with respect to the funding of education and research, the allocation of investment in industries, and the maintenance of capabilities across the economy;
(c) the importance of translating research output into social and economic benefits for Australians, and mechanisms by which it can be promoted;
(d) the relationship between advanced manufacturing and a dynamic innovation culture;
(e) current policies, funding and procedures of Australia’s publicly-funded research agencies, universities, and other actors in the innovation system;
(f) potential governance and funding models for Australia’s research infrastructure and agencies, and policy options to diversify science and research financing;
(g) the effectiveness of mechanisms within Australian universities and industry for developing research pathways, particularly in regard to early and mid-career researchers;
(h) policy actions to attract, train and retain a healthy research and innovation workforce;
(i) policy actions to ensure strategic international engagement in science, research and innovation; and
(j) policy options to create a seamless innovation pipeline, including support for emerging industries, with a view to identifying key areas of future competitive advantage.

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

11 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECH
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 consideration of the business before the Senate on Wednesday, 19 March 2014, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator O’Sullivan to make his first speech without any question before the chair.
Question put and passed.

12 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. 2—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:
   Appropriation Bill (No. 3) 2013-2014
   Appropriation Bill (No. 4) 2013-2014
   Appropriation (Parliamentary Departments) Bill (No. 2) 2013-2014.
Question put and passed.
The Assistant Minister for Immigration and Border Protection (Senator Cash), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—That, for the purposes of paragraph 48(1)(a) of the Legislative Instruments Act 2003, the Senate rescinds its resolution of 2 December 2013 disallowing the Migration Amendment (Temporary Protection Visas) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 234 and made under the Migration Act 1958.

Statements by leave: Senators Cash and Carr, by leave, made statements relating to the motion.

Question put.

The Senate divided—

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Question negativated.

14 END CRUEL COSMETICS BILL 2014

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 167—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.

Question put and passed.

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

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

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

15 FOREIGN AFFAIRS—PACIFIC REGION—DEVELOPMENT ASSISTANCE

Senator McEwen, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 169—That the Senate—

(a) notes:
(i) the importance of the Australian aid program to sustainable economic and social development and poverty alleviation for Pacific nations,
(ii) the contribution of the Australian aid program to Australia’s national interests through support for regional stability, security and prosperity,
(iii) the verbal commitment by the Minister for Foreign Affairs to not cut Australian development assistance to Pacific nations, and
(iv) the announcement by the Minister on 18 January 2014 that $650 million will be cut from Australia’s development assistance in 2013-14, including $61.4 million to the following Pacific country and regional programs:
   Papua New Guinea – $5.3 million,
   Solomon Islands – $14.2 million,
   Vanuatu – $6.2 million,
   Samoa – $3.6 million,
   Fiji – $2.8 million,
   Tonga – $2.7 million,
   Kiribati – $3 million,
   Other small Pacific islands – $3.6 million, and
   Pacific regional – $20 million;

(b) calls on the Minister to meet her commitment to not cut Australian development assistance to Pacific nations; and

(c) calls on the Government to reverse its $4.5 billion in cuts to Australia’s aid program and work to reinstate funding to levels published in the 2013-14 Budget.

Senator Rhiannon moved the following amendments together by leave:

After subparagraph (a)(iv), insert:
(v) the United Nations has urged developed countries to commit to a 0.7 per cent gross national income (GNI) target by 2015 to meet the Millennium Development Goals;

Paragraph (c), omit all words after “Australia’s aid program and”, substitute “to work towards 0.7 per cent of GNI allocated to overseas aid by increasing funding to 0.5 per cent of GNI by 2017-18”.

Question—That the amendments be agreed to—put and negatived.
Statements by leave: Senator Rhiannon and the Assistant Minister for Social Services (Senator Fifield), by leave, made statements relating to the motion.
Main question put and passed.

16 Environment and Communications Legislation Committee—Extension of Time to Report
Senator Kroger, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 170—That the time for the presentation of the report of the Environment and Communications Legislation Committee on Australia Post be extended to 14 April 2014.
Question put and passed.

17 Foreign Affairs—Sri Lanka—Ms Balendra Jeyakumari
The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 171—That the Senate—
(a) expresses concern:
   (i) at the arrest and subsequent detention of Ms Balendra Jeyakumari, an advocate for families of the disappeared, and the arrest of her 13 year old daughter Vidushika, by the Sri Lankan police on Thursday, 13 March 2014, and
   (ii) that these arrests followed both Balendra and Vidushika Jeyakumari being featured in media photographs and videos when British Prime Minister Mr David Cameron visited northern Sri Lanka during the Commonwealth Heads of Government Meeting in 2013;
(b) notes, with concern, reports that Australia is working to actively undermine the United States (US) resolution, entitled ‘Promoting reconciliation, accountability, and human rights in Sri Lanka’, to be voted on at the upcoming meeting of the United Nations Human Rights Council (UNHRC); and
(c) calls on the Australian Government to:
   (i) intervene and call for the release of Ms Balendra Jeyakumari and for her to be reunited with her daughter, and
   (ii) desist from watering down the resolution proposed by the US at the upcoming meeting of the UNHRC.
Question put and negatived.
Statement by leave: The Assistant Minister for Social Services (Senator Fifield), by leave, made a statement relating to the motion.
18 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of Senator McEwen and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 172—That the Environment and Communications References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 18 March 2014, from 5 pm to 6 pm, to take evidence for the committee’s inquiry into the Direct Action Plan.

Question put and passed.

19 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of Senator McEwen and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 173—That the time for the presentation of the report of the Environment and Communications References Committee on the Direct Action Plan be extended to 26 March 2014.

Question put and passed.

20 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Dastyari) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 174—That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on overseas aid be extended to 27 March 2014.

Question put and passed.

21 **LAW AND JUSTICE—DETENTION OF MS ROSE ANNE FULTON**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 175—That the Senate—

(a) acknowledges:

(i) Ms Rose Anne Fulton has been held in custody in Kalgoorlie for 18 months without a trial or conviction, and

(ii) that it is unacceptable for people to be held in custody indefinitely without conviction;

(b) notes:

(i) the failure of the Northern Territory Government to provide suitable accommodation and treatment options in order for the Western Australian Government to safely and securely transfer Ms Fulton back to her home in Alice Springs, and

(ii) that Ms Fulton is directly under the guardianship of the Northern Territory Minister for Health, Ms Lambley, as she remains an adult guardian client of the Northern Territory Minister and Mr Ian McKinlay; and

(c) calls on the Federal Government to take leadership and negotiate a transfer of Ms Fulton to Alice Springs to enable her to be close to her family.
Statements by leave: The Minister for Indigenous Affairs (Senator Scullion) and Senator Siewert, by leave, made statements relating to the motion. Question put and passed.

22 Environment—Great Barrier Reef Marine Park Authority—Dredging at Abbot Point—Order for Production of Documents

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 176—That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 27 March 2014, any draft or final documents after 1 June 2013 relating to the internal concerns of the Great Barrier Reef Marine Park Authority (GBRMPA) with the following applications by North Queensland Bulk Ports Corporation, including departmental and ministerial briefings and any documents which were given to the Minister:

(a) application for an approval under the Environment Protection and Biodiversity Conservation Act 1999 for proposed capital dredging at Abbot Point (EPBC 2011/6213);
(b) application for a permit under the Great Barrier Reef Marine Park Regulations 1983 to dump Abbot Point dredge spoil in the Great Barrier Reef Marine Park (ref 34897, dated 6 January 2012); and
(c) application dated 4 March 2013 for a permit under the Environment Protection (Sea Dumping) Act 1981 to dump Abbot Point dredge spoil at sea.

Question put and passed.

23 Environment—Maules Creek Coal Project—Order for Production of Documents

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 177—That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 20 March 2014, the following documents:

(a) the independent review of offsets for the Maules Creek coal project submitted to the Minister in accordance with Condition 10 of the approval of the project (Ref: EPBC 2010/5566);
(b) any correspondence between the department and the following parties between 1 December 2013 and 17 March 2014:
   (i) Whitehaven Coal,
   (ii) Hansen Bailey,
   (iii) Cumberland Ecology, and
   (iv) Alison Martin;
(c) any ministerial briefing notes concerning any matters related to the Maules Creek coal project prepared between 1 December 2013 and 17 March 2014; and
(d) any internal departmental emails and memos regarding the independent review of the offset arrangements of the Maules Creek project between 1 December 2013 and 17 March 2014.

Question put and passed.
24 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION—EDUCATIONAL INEQUALITY**

The Acting Deputy President (Senator Marshall) informed the Senate that Senator Siewert had proposed that the following matter of public importance be submitted to the Senate for discussion:

The failure of the Abbott Government to address educational inequality and deliver needs-based funding across Australia.

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

25 **NATIONAL SCHOOLS CONSTITUTIONAL CONVENTION 2014—DOCUMENT**

The Acting Deputy President (Senator Sterle) tabled the following document:


Senator McKenzie, by leave, moved—that the Senate take note of the document.

Question put and passed.

26 **TRADE—KOREA-AUSTRALIA FREE TRADE AGREEMENT—MODELLING AND ASSOCIATED REPORTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Minister for Indigenous Affairs (Senator Scullion) tabled the following documents:

Trade—Korea-Australia Free Trade Agreement—Modelling and associated reports—Letter to the President of the Senate from the Minister for Finance (Senator Cormann) responding to the order of the Senate of 17 March 2014, dated 18 March 2014 and attachments.

Senator Whish-Wilson, by leave, moved—that the Senate take note of the documents.

Question put and passed.

27 **TREATIES—JOINT STANDING COMMITTEE—137TH REPORT**

Senator Fawcett, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


Senator Fawcett, by leave, moved—that the Senate take note of the report.

Question put and passed.

28 **HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—4TH REPORT OF 44TH PARLIAMENT**

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


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

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

Question put and passed.
29 DOCUMENTS
The following documents were tabled by the Clerk:


30 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—
  Attorney-General’s portfolio.
  Infrastructure and Regional Development portfolio.

31 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Whish-Wilson) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Minister for Indigenous Affairs (Senator Scullion), by leave, moved—that Senator O’Sullivan be discharged from and Senator McKenzie be appointed to the Select Committee on School Funding, and that Senator O’Sullivan be appointed as a participating member.

Question put and passed.

32 LEGISLATION COMMITTEES—REPORTS—ADDITIONAL ESTIMATES 2013-14
Pursuant to order, Senator McKenzie, at the request of the chairs of the respective committees, tabled the following reports, dated March 2014, and documents:

Additional estimates 2013-14—
  Community Affairs Legislation Committee—Report, Hansard record of proceedings and additional information.
  Economics Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.
  Education and Employment Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
  Environment and Communications Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
  Finance and Public Administration Legislation Committee—Report, Hansard record of proceedings and additional information.
  Foreign Affairs, Defence and Trade Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
  Legal and Constitutional Affairs Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.
  Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.

Reports ordered to be printed on the motion of Senator McKenzie.
Pursuant to order, Senator McKenzie, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:


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

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time. Debate resumed.

At 6.50 pm: Debate was interrupted while Senator Brown was speaking.

The government documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

The Acting Deputy President (Senator Furner) proposed the question—That the Senate do now adjourn. Debate ensued.

Document: Senator Siewert, by leave, tabled the following document:

Environment—Western Australia—Shark cull—Copy of photograph of tiger shark released from drum line.

Debate continued.

The Senate adjourned at 8.53 pm till Wednesday, 19 March 2014 at 9.30 am.