2013-14

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 25

WEDNESDAY, 26 MARCH 2014

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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 **GOVERNMENT DOCUMENT**

The following document was tabled:


3 **PRIVATE HEALTH INSURANCE LEGISLATION AMENDMENT BILL 2013**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

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*In the committee*

Bill taken as a whole by leave.

Senator Xenophon moved the following amendment:

Schedule 1, page 6 (after line 7), after Part 2, insert:

**Part 2A—Annual report by Productivity Commission**

_Private Health Insurance Act 2007_

12A **Section 169-5 (heading)**

Repeal the heading, substitute:

169-5 **Information to be given annually to the Council and the Productivity Commission**

12B **After subsection 169-5(1)**

Insert:

(1A) A private health insurer must, within 3 months after the end of each financial year, or within such further time as the Productivity Commission allows, give to the Productivity Commission such information (including financial accounts and statements) in respect of that year as the Productivity Commission requires to be given for use in preparing the report referred to in section 333-1A.

12C **Subsection 169-5(2)**

Omit “such accounts or statements”, substitute “accounts or statements referred to in subsection (1) or (1A)”.


12D Before section 333-1

Insert:

333-1A Annual report by Productivity Commission

(1) The Productivity Commission must, as soon as practicable after 30 September in each year, give the Minister a report, for presentation to the Parliament, relating to changes in the composition of the persons insured under insurance policies issued by each private health insurer during the financial year ending on 30 June in that year.

Note: See also section 34C of the Acts Interpretation Act 1901, which contains extra rules about periodic reports.

(2) The report must include:

(a) information about the number of persons who have ceased to be insured, and the number of persons who have downgraded their level of insurance, under insurance policies that cover hospital treatment during that financial year; and

(b) information about the number of persons who have ceased to be insured, and the number of persons who have downgraded their level of insurance, under insurance policies that cover general treatment during that financial year; and

(c) information about the age and income tax bracket of those persons who have ceased to be insured, or who have downgraded their level of insurance, under insurance policies that cover hospital treatment or general treatment during that financial year; and

(d) any recommendations from the Productivity Commission for addressing:

(i) reductions in the number of persons insured under insurance policies that cover hospital treatment or general treatment; and

(ii) people electing to downgrade their level of insurance under insurance policies that cover hospital treatment or general treatment.

(3) However, the report must not include any information that would enable an individual to be identified.

(4) The Minister must publish on the Department’s website the report, and a written response to the report, within 60 days after the first day on which the report is laid before a House of the Parliament in accordance with section 34C of the Acts Interpretation Act 1901.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.
The Acting Deputy President (Senator Marshall) resumed the chair and the Temporary Chair of Committees reported accordingly.
On the motion of the Assistant Minister for Health (Senator Nash) the report from the committee was adopted and the bill read a third time.

4 **APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 2013-2014**
**APPROPRIATION BILL (NO. 3) 2013-2014**
**APPROPRIATION BILL (NO. 4) 2013-2014**
Order of the day read for the adjourned debate on the motion of the Assistant Treasurer—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 the bills were not considered in committee.
On the motion of the Parliamentary Secretary to the Minister for Social Services (Senator Fierravanti-Wells) the bills were read a third time.

5 **ADVANCES UNDER THE ANNUAL APPROPRIATION ACTS—REPORT FOR 2012-13**
Order of the day read for the consideration of the issues from the advances in committee of the whole.

In the committee
The Parliamentary Secretary to the Minister for Social Services (Senator Fierravanti-Wells) moved—That the committee approves the advances provided under the annual Appropriation Acts as a final charge for the year ended 30 June 2013.
Question put and passed.
Resolution to be reported.

The Acting Deputy President (Senator Marshall) resumed the chair and the Temporary Chair of Committees reported accordingly.
On the motion of Senator Fierravanti-Wells the report from the committee was adopted.

6 **CONSIDERATION OF LEGISLATION**
*Leave refused: The Assistant Minister for Social Services (Senator Fifield) sought leave to move a motion relating to the consideration of the Qantas Sale Amendment Bill 2014.  
An objection was raised and leave was not granted.  
The Assistant Minister for Social Services (Senator Fifield), by leave, moved—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Export Market Development Grants Amendment Bill 2014, allowing it to be considered during this period of sittings.*
Document: Senator Fifield tabled the following document:

Question put and passed.

7 ORDER OF BUSINESS—REARRANGEMENT
The Assistant Minister for Social Services (Senator Fifield) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Export Market Development Grants Amendment Bill 2014.
Question put and passed.

8 EXPORT MARKET DEVELOPMENT GRANTS AMENDMENT BILL 2014
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Foreign Affairs (Senator Mason)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
The Senate resolved itself into committee for the consideration of the bill.

In the committee
Bill, taken as a whole by leave, debated.
Question—That the bill stand as printed—divided, at the request of Senator Xenophon, in respect of Schedule 1, items 6 and 8 to 10.
Schedule 1, items 6 and 8 to 10 debated and agreed to.
Bill agreed to.
Bill to be reported without amendment.

The Acting Deputy President (Senator Sterle) resumed the chair and the Temporary Chair of Committees reported accordingly.
On the motion of the Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) the report from the committee was adopted and the bill read a third time.

9 GOVERNOR-GENERAL’S OPENING SPEECH—ADDRESS-IN-REPLY
Order of the day read for the adjourned debate on the motion of Senator Ruston proposing an address-in-reply to the Governor-General’s opening speech (see entry no. 8, 13 November 2013).
Debate resumed.

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

10 Matters of Public Interest

Matters of public interest were discussed.

At 2 pm—

11 Questions

Questions without notice were answered.

12 Questions on Notice—Answers and Explanation

The Leader of the Opposition in the Senate (Senator Wong), pursuant to standing order 74, asked the Assistant Minister for Health (Senator Nash) for an explanation of answers not being provided to questions on notice nos 223 to 227 and 234 (notice given 20 February 2014) relating to the conduct of ministerial staff.
Senator Nash provided an explanation.
Senator Wong moved—That the Senate take note of the explanation.
Debate ensued.
Question put and passed.

13 Motions to Take Note of Answers

Senator Singh moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Senators Singh and Peris today relating to proposed changes to the *Racial Discrimination Act 1975*.
Debate ensued.
Question put and passed.

Senator Whish-Wilson moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by the Leader of the Australian Greens (Senator Milne) today relating to the Mandatory Renewable Energy Target.
Question put and passed.

14 Notices

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That the hours of meeting for Tuesday, 13 May 2014 be from 12.30 pm to 6.30 pm and 8 pm to adjournment, and for Thursday, 15 May 2014 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:

(a) the routine of business from 8 pm on Tuesday, 13 May 2014 shall be:
   (i) Budget statement and documents 2014-15, and
   (ii) adjournment; and

(b) the routine of business from 8 pm on Thursday, 15 May 2014 shall be:
   (i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
(ii) adjournment.

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—that the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on public transport be extended to 4 December 2014. (*general business notice of motion no. 206*)

The Chair of the Select Committee on School Funding (Senator Collins): To move on the next day of sitting—that the time for the presentation of the report of the Select Committee on School Funding be extended to 26 June 2014. (*general business notice of motion no. 207*)

The Chair of the Select Committee into the Abbott Government’s Commission of Audit (Senator Di Natale): To move on the next day of sitting—that the resolution of appointment of the Select Committee into the Abbott Government’s Commission of Audit be amended, as follows:

After subparagraph (3)(b), insert:

(c) a participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if three members of the committee are not present. (*general business notice of motion no. 208*)

The Minister for Defence (Senator Johnston): To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend legislation relating to defence, and for related purposes. *Defence Legislation Amendment (Woomera Prohibited Area) Bill 2014.*

Senator Smith: To move on the next day of sitting—that the Senate—

(a) notes:

(i) the visit to Australia by their Royal Highnesses the Duke and Duchess of Cambridge from Wednesday, 16 April to Friday, 25 April 2014,

(ii) that the Duke and Duchess of Cambridge will visit Sydney, the Blue Mountains, Brisbane, Uluru, Adelaide and Canberra, and

(iii) that 2014 marks the 60th anniversary of the first visit to Australia by Her Majesty Queen Elizabeth II and that this visit included Canberra, Sydney and 10 towns in New South Wales, Hobart and six towns in Tasmania, Melbourne and 17 towns in Victoria, Adelaide and five towns in South Australia, Brisbane and six towns in Queensland, and Perth and six towns in Western Australia; and

(b) extends a warm welcome to Australia to their Royal Highnesses the Duke and Duchess of Cambridge on their first royal visit to Australia. (*general business notice of motion no. 209*)

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

(a) notes:

(i) that the Barton Highway, connecting Canberra to Yass, is a single carriageway throughout New South Wales except for a 6 km section near the Yass Bypass, and up to 10,000 motorists and truck drivers travel the Barton Highway each day,

(ii) in 2007 the Barton Highway was noted as the worst highway on the AusLink network in New South Wales, and in 2011 a New South Wales Government report found that the highway had a high accident rate, and
(iii) in the lead-up to the 2007 election the Howard Government pledged $264 million for the duplication of the Barton Highway and the incoming Rudd Government agreed to also allocate this level of funding; and

(b) calls on the Federal Government to:

(i) work with the New South Wales Government to reduce fatalities and casualties on the Barton Highway by extending the dual carriageway and by undertaking other required improvements to reduce car and truck crashes, and

(ii) fund the upgrade of the Barton Highway under the National Projects Program in the coming May 2014 budget. (general business notice of motion no. 210)

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

(a) notes that:

(i) the World Health Organization (WHO) South-East Asia region has maintained its polio-free status for the past 3 years,

(ii) on 27 March 2014 the south-east Asia region will receive polio-free certification, and

(iii) with this certification, the proportion of the world’s people living polio-free will increase from 52 per cent to nearly 80 per cent;

(b) acknowledges that:

(i) the partnership between the Indian Government, Rotary International, UNICEF [United Nations Children’s Fund], the WHO, the Gates Foundation and donor countries, including Australia, contributed to the result, and

(ii) the WHO has estimated that, with continued support from the global community, the world can be free of polio by 2018; and

(c) calls on the Australian Government to continue to contribute to the global polio eradication efforts through to 2018. (general business notice of motion no. 211)


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

(a) respect research as fundamental to our country’s health and prosperity;

(b) maintain public funding for all areas of research in the May 2014 budget;

(c) lift Australia’s total spending on research and development to 3 per cent of gross domestic product, a target also set by the United States;

(d) stop the ‘brain drain’ and back our researchers, scientists and educators by providing secure career pathways, more certain funding arrangements and the national infrastructure that equips people to make discoveries;

(e) respect academic independence as well as the process of peer-review and expert recommendations; and

(f) secure our future by ensuring that children get a better understanding of science and research at school. (general business notice of motion no. 212)
Senators Madigan and Xenophon: To move on the next day of sitting—That the Senate calls on the Government to alter Commonwealth procurement policy in order to require all government departments to only use Australian made products where possible, and, in particular, paper products. (general business notice of motion no. 213)

Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 28 August 2014:

With reference to the committee’s earlier report into the review of allegations of sexual and other abuse in Defence, the accessibility and adequacy of current mechanisms and processes to provide support to victims of sexual and other abuse in Defence, taking into account:

(a) the Defence Abuse Response Taskforce (DART) process to date;
(b) Defence’s response to the DLA Piper Review and the work of DART;
(c) successive governments’ responses to the DLA Piper Review and the work of DART;
(d) the desirability of releasing a true reflection of volume two of the DLA Piper report in a redacted form or by way of a summary; and
(e) any related matters.

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

(a) notes the failure of the Minister for Employment (Senator Abetz) to comply with the order of the Senate of 25 March 2014 for the production of documents relating to draft labour market growth rate projections;
(b) orders the Minister to comply with the order by 2 pm on Thursday, 27 March 2014 or make a claim of public interest immunity which is in accordance with those accepted by the Senate; and
(c) in the event that the Minister fails to meet the requirements of paragraph (b), a senator may immediately move, without notice, a motion in relation to the Minister’s failure to either comply or provide an acceptable claim of public interest immunity. (general business notice of motion no. 214)

Senator Di Natale: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Private Health Insurance Act 2007, and for related purposes. Private Health Insurance Amendment (GP Services) Bill 2014. (general business notice of motion no. 215)

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—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:

Defence Force Retirement Benefits Legislation Amendment (Fair Indexation) Bill 2014
Marriage Amendment (Celebrant Administration and Fees) Bill 2014
Marriage (Celebrant Registration Charge) Bill 2014.

Documents: Senator Fifield tabled the following documents:

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Edwards), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for 11 sitting days after today for the disallowance of the Declaration of ‘corresponding State laws’ under subsection 7(1) of the Research Involving Human Embryos Act 2002.

Senator Edwards, by leave, made a statement relating to the notice of intention.

15 POSTPONEMENT

The following item of business was postponed:

General business notice of motion no. 191 standing in the name of Senator Urquhart for today, relating to the International Year of Solidarity with the Palestinian People, postponed till 14 May 2014.

16 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE

Senator Di Natale, also on behalf of Senator Brown, 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 Community Affairs References Committee for inquiry and report by 16 July 2014:

The out-of-pocket costs in Australian healthcare, with particular reference to:

(a) the current and future trends in out-of-pocket expenditure by Australian health consumers;
(b) the impact of co-payments on:
   (i) consumers’ ability to access health care, and
   (ii) health outcomes and costs;
(c) the effects of co-payments on other parts of the health system;
(d) the implications for the ongoing sustainability of the health system;
(e) key areas of expenditure, including pharmaceuticals, primary care visits, medical devices or supplies, and dental care;
(f) the role of private health insurance;
(g) the appropriateness and effectiveness of safety nets and other offsets;
(h) market drivers for costs in the Australian healthcare system; and
   (i) any other related matter.

Question put and passed.

17 FOREIGN AFFAIRS—SRI LANKA—HUMAN RIGHTS

Senator Singh, also on behalf of 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. 192—

That the Senate—

(a) notes:
   (i) Australia’s co-sponsorship of the:
      (A) 2012 United Nations (UN) General Assembly Human Rights Council (HRC) resolution calling on the Sri Lankan Government to implement the recommendations of the Lessons Learnt and Reconciliation Commission of Sri Lanka and to take credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans, and
(B) 2013 UN General Assembly HRC resolution expressing concern at continuing reports of violations of human rights in Sri Lanka, and reiterating the call on the Government of Sri Lanka to implement the commission’s recommendations and to fulfil its commitment to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law,

(ii) reports of continuing violations of human rights in Sri Lanka; intimidation of and reprisals against human rights defenders, members of civil society and journalists; threats to judicial independence and the rule of law; and a rapid rise in violence and discrimination on the basis of religion or belief in Sri Lanka, and

(iii) the High Commissioner for Human Rights’ conclusion that national mechanisms have consistently failed to establish the truth and achieve justice in Sri Lanka, and her recommendation that the HRC establish an international inquiry mechanism to further investigate the alleged violations of human rights law and international humanitarian law and monitor any domestic accountability processes; and

(b) calls on the Australian Government to:

(i) maintain Australia’s strong record of support for human rights at the 25th session of the HRC, and

(ii) join with the United Kingdom and the United States and other co-sponsoring nations and commit the Australian Government to the strongest possible support to the draft HRC resolution A/HRC/25/L.1.

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

Question put and passed.

18 CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING

Senator McKenzie, at the request of the Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Fawcett) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 199—That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 14 May 2014, from 5.30 pm.

Question put and passed.

19 NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Urquhart, at the request of the Chair of the Select Committee on the National Broadband Network (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 200—That the Select Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 27 March 2014.

Question put and passed.
20 EDUCATION—TEACHER QUALITY
Senator McKenzie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 201—That the Senate—
(a) agrees that every Australian student deserves a world-class education, specifically:
(i) that all Australian students deserve quality teachers and quality teaching to ensure the highest standard of education, and
(ii) that excellence in teaching practice has a significant impact on student outcomes;
(b) notes that Australia’s most recent PISA [Programme for International Student Assessment] results indicate a downward trend in Australia’s student performance relative to other nations across the fields of mathematics since 2003, reading since 2000 and scientific literacy since 2006;
(c) recognises that the most successful education systems across the globe have a consistent approach to education policy that has a practical focus on learning, and develops a strong culture of teacher education, research, collaboration, mentoring, feedback and continued professional development;
(d) accepts that high quality education is critical to ensuring the Australian economy is equipped with the skills and knowledge to adapt to the challenges of this century; and
(e) supports measures that improve professional development, pedagogical approaches, and mentoring for teachers in order to promote quality teaching in Australia.

Question put and passed.

Statements by leave: Senators Wright and Back, by leave, made statements relating to the motion.

21 FOREIGN AFFAIRS—LAOS—MR SOMBATH SOMPHONE
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. 203—That the Senate—
(a) notes:
(i) on 15 December 2012, prominent community development and youth education leader Mr Sombath Somphone disappeared in Vientiane, Laos, and
(ii) his whereabouts remain unknown, and statements by the Laotian Government on this case have failed to address concerns of the international community, including those raised by the European Parliament, Amnesty International and successive Secretaries of State in the United States;
(b) expresses deep concern regarding the disappearance, safety and wellbeing of Mr Somphone; and
(c) calls on the Laotian Government to undertake an immediate and credible investigation of Mr Somphone’s disappearance, and willingly cooperate with the international community, including the United Nations Working Group on Enforced or Involuntary Disappearances.

Question put and passed.
22 **LAW AND JUSTICE—DETENTION OF PEOPLE WITH COGNITIVE IMPAIRMENT**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 205—That the Senate—

(a) acknowledges:

(i) there are people with a cognitive impairment all around the country being held in indefinite detention without trial or conviction,

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

(iii) that, as of June 2013, there were 37 people being held without conviction in Western Australia, and

(iv) an overwhelming number of people being held indefinitely who have a cognitive impairment are Aboriginal and Torres Strait Islanders;

(b) notes the failure of state and federal governments to provide suitable accommodation and support services for people with cognitive impairment that come in contact with the justice system; and

(c) calls on the Federal Government to take leadership and negotiate with state and territory governments to provide appropriate accommodation and support services for people with a cognitive impairment who have contact with the justice system.

Question put and passed.

23 **IMMIGRATION—ASYLUM SEEKER VESSEL RISKI—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 204—That all video recordings, audio recordings and photographs taken during the interception and turn-back of an asylum seeker vessel named the Riski, that occurred between 1 January and 6 January 2014, be provided no later than 4 pm on Wednesday 2 April, 2014, by the Minister representing the Minister for Immigration and Border Protection to the President under standing order 166(2) for presentation to the Senate.

*Statement by leave*: The Attorney-General (Senator Brandis), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

**AYES, 8**

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<th>Senators</th>
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<td>Siewert (Teller)</td>
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<td>Rhiannon</td>
<td>Waters</td>
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Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 202—That the Senate—

(a) notes that:
   (i) a controversial development application on Commonwealth heritage land at Sydney Harbour’s Middle Head is currently being assessed by the Sydney Harbour Federation Trust,
   (ii) Middle Head is the land of the Ku-Ring-Gai people and provides habitat for a wide range of native species,
   (iii) the development application is unanimously opposed by the National Trust NSW and Mosman Council,
   (iv) the Sydney Harbour Federation Trust has two more development sites in the Headland Park which are being marketed by NSW Trade and Investment in China,
   (v) under federal heritage laws the proposed development in the Headland Park requires the approval of the Minister for the Environment, Mr Hunt, under the Environment Protection and Biodiversity Conservation Act 1999, and
   (vi) the proposed development is in a bushfire prone area; and

(b) calls on:
   (i) the Minister for the Environment and the Sydney Harbour Federation Trust to not approve the proposed development application and to not accept any new or amended application for development on the Ten Terminal site,
   (ii) the Government to properly fund the Sydney Harbour Federation Trust so that it can fulfil its duties under the Act to preserve, conserve and interpret the heritage values of all Sydney Harbour Trust lands, and
   (iii) the Sydney Harbour Federation Trust to fully consult with the public and the local community on:
      (A) the most suitable way to welcome people to Headland Park, and how to re-use a suitable site for a visitors centre to interpret the natural and cultural values of the site, and
      (B) alternative uses for Ten Terminal which interpret the heritage values of Middle Head.
Statement by leave: The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 8

Senators—

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

NOES, 38

Senators—

Back  Collins  Lines  Polley
Bernardi  Dastyari  Ludwig  Ruston
Bilyk  Edwards  Lundy  Singh
Birmingham  Eggleston  Marshall  Smith
Boyce  Farrell  McKenzie  Thorp
Brandis  Faulkner  Moore  Tillem
Brown  Fifield  O’Neill  Urquhart (Teller)
Bushby  Fumer  O’Sullivan  Wong
Cameron  Gallacher  Parry
Colbeck  Kroger  Peris

Question negatived.

25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LAW AND JUSTICE—HATE SPEECH

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

The right of every Australian to be protected from hate speech including speech that offends, insults or humiliates on the basis of race.

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

26 SENATORS’ INTERESTS—STANDING COMMITTEE—ANNUAL REPORT

The Chair of the Standing Committee of Senators’ Interests (Senator Bilyk) tabled the following report:


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

27 SCRUTINY OF BILLS—STANDING COMMITTEE—4TH REPORT AND ALERT DIGEST NO. 4 OF 2014 AND WORK OF THE COMMITTEE SEPTEMBER 2010 TO JUNE 2013

Senator Bilyk, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following reports and document:

Scrutiny of Bills—Standing Committee—

Alert Digest No. 4 of 2014, dated 26 March 2014.
Work of the committee during the 43rd Parliament, September 2010 to June 2013, dated March 2014.

Reports ordered to be printed on the motion of Senator Bilyk.
28 **REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT**

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


29 **PUBLICATIONS—STANDING COMMITTEE—4TH REPORT**

Senator Bushby, at the request of the Chair of the Standing Committee on Publications (Senator McKenzie), tabled the following report:

**PUBLICATIONS COMMITTEE**

**4TH REPORT**

The Publications Committee, having considered documents presented to the Parliament since 5 March 2014, recommends that the following be printed:

- Sugar Research and Development Corporation (SRDC)—Report for the period 1 July to 30 September 2013 [Final report].

Senator McKenzie

Chair

26 March 2014.

Senator Bushby moved—that the report be adopted.

Question put and passed.

30 **NATIONAL BROADBAND NETWORK—SELECT COMMITTEE—INTERIM REPORT**

The Chair of the Select Committee on the National Broadband Network (Senator Lundy) tabled the following report:


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

Senator Lundy moved—that the Senate take note of the report.

Debate ensued.

Question put and passed.
31 TREATIES—JOINT STANDING COMMITTEE—138TH REPORT

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


Senator Fawcett moved—That the Senate take note of the report.
Question put and passed.

32 ECONOMICS REFERENCES COMMITTEE—REPORT—TICKET SCALPING

Pursuant to order, the Chair of the Economics References Committee (Senator Bishop) tabled the following report and documents:

Economics References Committee—Ticket scalping in Australia—Report, dated March 2014, Hansard record of proceedings, additional information and submissions.
Report ordered to be printed on the motion of Senator Bishop.
Senator Bishop moved—That the Senate take note of the report.
Question put and passed.

33 NOTICE

The Leader of the Opposition in the Senate (Senator Wong) gave a notice of motion as follows: To move on the next day of sitting—

(1) That the proposed Korea-Australia Free Trade Agreement be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report, with particular reference to the impact of the agreement on Australia’s economy and trade, investment, social, cultural and environmental policies.

(2) That, in conducting the inquiry, the committee shall:
   (a) review the agreement to ensure it is in Australia’s national interest; and
   (b) have regard to the report of the Joint Standing Committee on Treaties on the proposed agreement.

(3) That the committee report within one month of the tabling of the report of the Joint Standing Committee on Treaties on the proposed agreement.

34 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Bernardi) informed the Senate that the President had received a letter requesting changes in the membership of a committee.

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham), by leave, moved—That Senator O’Neill replace Senator Thorp on the Select Committee on the National Broadband Network on 5 May 2014, and Senator Thorp be appointed as a participating member.
Question put and passed.
35 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) AMENDMENT (CLASSIFICATION TOOLS AND OTHER MEASURES) BILL 2014**

**DEFENCE FORCE RETIREMENT BENEFITS LEGISLATION AMENDMENT (FAIR INDEXATION) BILL 2014**

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

- Message no. 93, dated 25 March 2014—A Bill for an Act to amend the law in relation to defence force retirement benefits, and for related purposes.

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) 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 Birmingham 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 first day in the next period of sittings.

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

Question put and passed.

36 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REPORT—DIRECT ACTION PLAN**

Pursuant to order, the Chair of the Environment and Communications References Committee (Senator Thorp) tabled the following report and documents:

- Environment and Communications References Committee—Direct Action: Paying polluters to halt global warming?—Report, dated March 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

Debate adjourned till the next day of sitting, the Leader of the Australian Greens (Senator Milne) in continuation.
37 **COMMUNITY AFFAIRS REFERENCES COMMITTEE—REPORT—CARE AND MANAGEMENT OF DEMENTIA**

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Care and management of younger and older Australians living with dementia and behavioural and psychiatric symptoms of dementia (BPSD)—Report, dated March 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

38 **FAMILY AND COMMUNITY SERVICES—COMPULSORY INCOME MANAGEMENT—DOCUMENT**

Senator Hanson-Young, by leave, tabled the following document:

Family and community services—Compulsory income management—Open letter from community organisations to the Australian Government.

*Statement by leave*: Senator Hanson-Young, by leave, made a statement relating to the matter.

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*After 6.50 pm—*

39 **GOVERNMENT DOCUMENTS—CONSIDERATION**

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

40 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.31 pm till Thursday, 27 March 2014 at 9.30 am.
41 **ATTENDANCE**

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

**ROSEMARY LAING**

Clerk of the Senate