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No. 55—24 September 2014

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 GOVERNMENT DOCUMENTS
The following documents were tabled:
- Government response to Ombudsman’s reports, dated 8 September 2014.

3 NATIONAL SECURITY LEGISLATION AMENDMENT BILL (NO. 1) 2014
Order of the day read for the adjourned debate on the motion of the Attorney-General (Senator Brandis)—That this bill be now read a second time.
Debate resumed.
Senator Xenophon moved the following amendment:
At the end of the motion, add “but the Senate calls on the Government to investigate the establishment of an entity, independent from the executive arm of government, to oversee Australia’s intelligence services, and similar in operation and scope to the Foreign Intelligence Surveillance Court in the United States, and the Parliamentary Control Panel, the G10 Commission, and the Confidential Committee in Germany”.

Debate ensued.
Question—That the amendment be agreed to—put.
The Senate divided—

AYES, 14

Senators—
Day
Ludlam
Rice
Whish-Wilson
Di Natale
Madigan
Siewert (Teller)
Wright
Hanson-Young
Milne
Waters
Xenophon
Leyonhjelm
Rhiannon
NOES, 41

Senators—

Back
Bernardi
Bilyk (Teller)
Brandis
Bullock
Bushby
Cameron
Canavan
Colbeck
Collins
Cormann

Dastyari
Edwards
Faulkner
Fawcett
 Fifield
 Gallacher
 Ketter
 Lambie
 Lazarus
 Lines
 Ludwig

Lundy
Macdonald
Marshall
McGrath
McKenzie
McLucas
Moore
Muir
Nash
O’Sullivan
Polley

Reynolds
Ruston
Seselja
Sinodinos
Smith
Urquhart
Wang
Williams

Question negatived.
Main 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.

Explanatory memoranda: Senator Brandis tabled a replacement explanatory memorandum relating to the bill and a supplementary explanatory memorandum and a further supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

Bill debated.
 Senator Macdonald moved the following amendments circulated by Senator Ludlam together by leave:

Schedule 2, item 12, page 28 (after line 17), after subsection 25(6), insert:

(6A) Subsection (5) authorises the use of a device to obtain access to data only if the total number of:
(a) devices used to obtain access to data; and
(b) devices from which data has been obtained;
(other than devices owned by the Commonwealth and brought on to premises specified in the warrant for the purpose of executing the warrant) in accordance with the warrant is no more than 20.

Schedule 2, item 25, page 30 (after line 23), after subsection 25A(5), insert:

(5AA) Subsection (4) authorises the use of a device to obtain access to data only if the total number of:
(a) devices used to obtain access to data; and
(b) devices from which data has been obtained;
(other than devices owned by the Commonwealth and brought on to premises specified in the warrant for the purpose of executing the warrant) in accordance with the warrant is no more than 20.
Debate ensued.  
*Leave refused:* Senator Macdonald sought leave to withdraw the amendments.  
An objection was raised and leave was not granted.  
Debate continued.  

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*At 12.45 pm:* The Deputy President (Senator Marshall) resumed the chair and the Temporary Chair of Committees (Senator Lines) reported progress.

4 **MATTERS OF PUBLIC INTEREST**

Matters of public interest were discussed.

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*At 2 pm—*

5 **SHADOW MINISTRY—STATEMENT BY LEAVE**

The Leader of the Opposition in the Senate (Senator Wong), by leave, informed the Senate of a change to the Opposition shadow ministry.

6 **QUESTIONS**

Questions without notice were answered.

---

*Distinguished visitors:* The President welcomed members of a parliamentary delegation from Turkey led by the Speaker of the Grand National Assembly of Turkey, His Excellency Mr Cemil Çiçek, and, with the concurrence of honourable senators, invited the Speaker to take a seat on the floor of the chamber.

---

Further questions without notice were answered.

7 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Cameron moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Cameron today relating to the Fair Entitlements Guarantee.  
Debate ensued.  
Question put and passed.  

Senator Wright moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Wright today relating to anti-terrorism laws.  
Question put and passed.

8 **PETITION**

The following petition, lodged with the Clerk by Senator Madigan, was received:  

> From 2 395 petitioners, requesting that the Senate support restrictions on foreign ownership of Australian agricultural land.
9 NOTICES

The Chair of the Economics Legislation Committee (Senator Edwards): To move on the next day of sitting—That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 2 October 2014, from 9.30 am to noon, to take evidence for the committee’s inquiry into the Competition and Consumer Amendment (Misuse of Market Power) Bill 2014. (general business notice of motion no. 443)

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher): To move on the next day of sitting—That the Foreign Affairs, Defence and Trade References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 30 September 2014. (general business notice of motion no. 444)

The Chair of the Economics References Committee (Senator Dastyari): To move on the next day of sitting—That the Economics References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 30 September 2014, from 4 pm to 10 pm, to take evidence for the committee’s inquiry into Australia’s naval ship building industry. (general business notice of motion no. 445)

The Chair of the Select Committee on Health (Senator O’Neill): To move on the next day of sitting—That the Select Committee on Health be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) Tuesday, 30 September 2014, from 4.30 pm to 6 pm;

(b) Wednesday, 1 October 2014, from 12.45 pm to 2 pm, and from 4.30 pm to 7 pm; and

(c) Thursday, 2 October 2014, from 9 am to 12.30 pm, and from 3 pm to 5.30 pm. (general business notice of motion no. 446)

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams): To move 15 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.

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

(a) notes:

(i) the dangerous spread of the Ebola virus in parts of West Africa, that has infected more than 5,500 people, and caused the deaths of more than 2,600, and

(ii) the major threat that this outbreak poses to international peace and security;

(b) applauds the efforts of countries, including the United States, the United Kingdom, China and Cuba, all of which have provided medical teams and aid to help combat the disease;

(c) raises concern that the Australian Government has ignored calls from Médecins Sans Frontières for countries, including Australia, to evaluate their emergency medical and logistics capacity and make a contribution beyond financial support; and

(d) urges the Australian Government to contribute to the fight against Ebola on the ground through the provision and support of scientific, medical and humanitarian personnel. (general business notice of motion no. 447)
The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Senate calls on the Government to establish a National Independent Commission Against Corruption, delivered through an integrity commissioner, to ensure Australia is equipped with a national framework for the comprehensive prevention of corruption and misconduct, and to restore faith of the Australian people in the integrity of our democracy. (general business notice of motion no. 448)

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to abolish the National Water Commission, and for related purposes. National Water Commission (Abolition) Bill 2014.

Senators Day, Bernardi and Leyonhjelm: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Racial Discrimination Act 1975, and for related purposes. Racial Discrimination Amendment Bill 2014. (general business notice of motion no. 449)

The Leader of the Palmer United Party in the Senate (Senator Lazarus): To move on the next day of sitting—That the Senate—

(a) notes the allegations by a former Queensland Treasury official aired in The Courier-Mail concerning the possible manipulation of data by the Queensland State Government-owned company Energex to drive up the price of electricity paid by Queenslanders;

(b) calls on Energex and the Queensland Government to provide an explanation of how it has calculated the Weighted Average Cost of Capital, and how this measure has changed over time;

(c) expresses its concern about the impact of the profit margins of electricity companies on electricity prices; and

(d) calls for a Federal Government inquiry into the allegations. (general business notice of motion no. 450)

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

(a) acknowledges:

(i) the 10th anniversary of Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation (the Corporation), known as the Purple House,

(ii) that over the past decade the Corporation has provided strong, holistic community-controlled health services to people with end-stage renal failure,

(iii) the Corporation has been providing high quality continuous dialysis services in Alice Springs and Kintore and has established 16 dialysis machines in eight locations, helping people remain on country and in their communities while they receive vital medical care, and

(iv) the advantages to individuals, families and communities of people being back on country while receiving medical care; and

(b) urges the federal, state and territory governments to support community-controlled health service delivery models for renal patients. (general business notice of motion no. 451)
The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the Senate—

(a) congratulates United Nations (UN) Secretary-General Ban Ki-Moon on inviting world leaders from government, business and civil society to the Climate Summit on 23 September 2014 to ensure a global response to our shared responsibility in limiting global warming to less than two degrees;

(b) acknowledges that the UN Climate Summit was another step in the right direction of transitioning away from fossil fuels towards a shared, low-carbon future;

(c) recognises the 700 000 people around the world who took part in the People’s Climate March rallies on the weekend of 20 September and 21 September 2014 to inspire parties to set ambitious greenhouse emission reduction targets for beyond 2020; and

(d) requests that the Government immediately outline its plan on how it will ensure Australia contributes its fair share to the global effort, based on the recommendations of the Climate Change Authority, well in advance of the Paris Conference of the Parties. (general business notice of motion no. 452)

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

(a) notes that:

(i) the Queensland Government has announced that it will use Queensland taxpayer funds to pay resource companies and port developers to dump dredge spoil in an area which would affect the nationally significant Caley Valley wetlands near Abbot Point,

(ii) this proposal would shift the costs of building the world’s largest coal port in the middle of the Great Barrier Reef World Heritage Area from multinational mining companies and port developers to Queensland taxpayers, and

(iii) the Queensland Government has indicated that it will ask the Federal Government to contribute to the cost of paying resource companies and port developers; and

(b) calls on the Federal Government to rule out allowing federal taxpayer funds to be used to pay resource companies or port developers to meet their obligations under environmental approvals, including at Abbot Point. (general business notice of motion no. 453)

Senator Rice: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development, no later than 4 pm on 2 October 2014, the following documents held or prepared by Infrastructure Australia:

(a) any business case presented by the Victorian Government for the East West Link project;

(b) any other documents in relation to the East West Link project provided to Infrastructure Australia by the Victorian Government; and

(c) any assessment of the proposed East West Link undertaken by Infrastructure Australia, including the priority of this project as compared to other projects. (general business notice of motion no. 454)
The Attorney-General (Senator Brandis): To move on the next day of sitting—That—
(a) if by 2 pm on Thursday, 25 September 2014, the National Security Legislation Amendment Bill (No. 1) 2014 has not been finally considered 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 10 pm; and
(b) divisions may take place after 4.30 pm.

Notices of motion withdrawn: Senator Leyonhjelm, pursuant to notice of intention given on 23 September 2014, withdrew business of the Senate notices of motion nos 1 to 3 standing in his name for today for the disallowance of the following instruments:

Items 1 to 6 (hard onions) and 7 and 8 (mangoes) of the Schedule of the Primary Industries (Customs) Charges Amendment (2014 Measures No. 1) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 54 and made under the Primary Industries (Customs) Charges Act 1999.

Items 1 and 2 (mushrooms), 3 to 7 (hard onions) and 8 and 9 (mangoes) of the Schedule of the Primary Industries (Excise) Levies Amendment (2014 Measures No. 1) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 55 and made under the Primary Industries (Excise) Levies Act 1999.

Primary Industries Levies and Charges Collection Amendment (Mushrooms) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 56 and made under the Primary Industries Levies and Charges Collection Act 1991.

10 POSTPONEMENT
The following item of business was postponed:

Business of the Senate notice of motion no. 6 standing in the name of Senator Dastyari for today, proposing the disallowance of items 1 to 30 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, postponed till 25 September 2014.

11 COUNTER-TERRORISM LEGISLATION AMENDMENT (FOREIGN FIGHTERS) BILL 2014

The Attorney-General (Senator Brandis), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the following bill be introduced:

A Bill for an Act to amend the law relating to counter-terrorism and other matters, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Brandis tabled an explanatory memorandum relating to the bill.
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, 27 October 2014.

Statements by leave: Senators Brandis, Collins and Wright, by leave, made statements relating to the matter.

12 FAIR WORK AMENDMENT (PROTECTED INDUSTRIAL ACTION) REGULATION—DISALLOWANCE MOTION—CONSIDERATION

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—

(a) so much of the standing orders be suspended as would prevent the succeeding provisions of this resolution having effect;
(b) on Wednesday, 24 September 2014, the business of the Senate notice of motion proposing the disallowance of the Fair Work Amendment (Protected Industrial Action) Regulation 2014, standing in the name of Senator Rice for that day, be called on no later than 6.15 pm; and
(c) if consideration of the motion listed in paragraph (b) is not concluded at 6.30 pm, the questions on the unresolved motion shall then be put.

Question put and passed.

13 SENATE—REVISED PROCEDURES—STATEMENT BY LEAVE

The Chair of the Procedure Committee (Senator Marshall), by leave, made a statement relating to the proposed revised procedures outlined in general business notices of motion nos 433 to 435 (see entries nos 14 to 16).

14 SENATE—REVISED PROCEDURES—TEMPORARY ORDERS

The Chair of the Procedure Committee (Senator Marshall), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 433—That the proposed amendments of standing orders contained in Appendix 1 of the Procedure Committee’s Third report of 2014 in relation to the following matters:

(a) consolidation of opportunities for tabling and considering documents;
(b) consolidation of opportunities for tabling and considering committee reports;
(c) streamlined procedures for routine extensions of time for committees to report;
(d) streamlined procedures for authorising committees to meet during the sitting of the Senate;
(e) proposals under standing order 75 on Thursdays;
(f) changes to the adjournment debate; and
(g) Senators’ statements on Wednesdays at 12.45 pm; operate as temporary orders until 30 June 2015, with effect from 30 September 2014. Statement by leave: Senator Conroy, by leave, made a statement relating to the motion. Question put and passed.
Accordingly, standing orders were amended to operate as temporary orders until 30 June 2015, with effect from 30 September 2014, as follows:

(1) Consolidation of opportunities for tabling and considering documents – standing order 61

Omit paragraph (1), substitute:

(1) (a) On Monday, Tuesday and Wednesday, documents presented by the President or by a minister shall be considered pursuant to this standing order at the time provided.

(b) Immediately after prayers on any day when consideration of documents occurs, the President or a minister may present documents by handing them to the Clerk without any announcement to the Senate, and the presentation of such documents shall be reported to the Senate by the President when the consideration of documents is called on under this standing order.

(c) Documents presented on Monday and not called on on Monday may be considered on Tuesday after the documents presented on that day, and documents presented on Monday and Tuesday and not called on on either day may be considered on Wednesday after documents presented on that day.

(2) Consolidation of opportunities for tabling and considering committee reports – standing order 62 and 38

Standing order 62, omit paragraph (4), substitute:

(4) (a) If a committee report or government response to a report is presented at the time provided on Tuesday, Wednesday or Thursday, a motion may be moved relating to the report or response.

(b) A senator speaking to such a motion shall not speak for more than 10 minutes, and debate on all such motions shall not exceed 60 minutes.

(c) If a debate is not concluded at the expiration of that time the debate shall be made an order of the day for Thursday at the time for consideration of committee reports and government responses.

Standing order 38, omit paragraph (7), substitute:

(7) If the Senate is not sitting when a committee has prepared a report for presentation, the committee may provide the report to the President or, if the President is unable to act, to the Deputy President, or, if the Deputy President is unavailable, to any one of the Temporary Chairs of Committees, and, on the provision of the report:

(a) the report shall be deemed to have been presented to the Senate;

(b) the publication of the report is authorised by this standing order;

(c) the President, the Deputy President, or the Temporary Chair of Committees, as the case may be, may give directions for the printing and circulation of the report; and

(d) the presentation of the report shall be recorded in the Journals of the Senate for the next sitting; and

(e) the report may be considered under standing order 62(4) at the next available opportunity after any reports presented that day.
(3) Consequential amendments in relation to documents and committee reports

(a) **Standing order 57(1), in relation to documents**

On Monday, Tuesday and Wednesday, after Any proposal to debate a matter of public importance or urgency, insert:

Consideration of documents under standing order 61 for up to 30 minutes

On Tuesday and Wednesday, omit:

At 6.50 pm, consideration of government documents for up to 30 minutes under standing order 61.

(b) **Standing order 57(1), in relation to committee reports**

On Tuesday, after Consideration of documents under standing order 61 for up to 30 minutes, insert:

Consideration of committee reports under standing order 62(4) for up to 60 minutes

On Thursday, after Discovery of formal business, omit:

Consideration of committee reports under standing order 62(4)

On Thursday, after Motions to take note of answers, insert:

Consideration of committee reports under standing order 62(4) for up to 60 minutes

(c) **Standing order 169, in relation to motions after tabling**

Omit paragraph (2), substitute:

(2) Where a motion is moved by leave in relation to a document or committee report presented to the Senate, including a document or committee report presented to the President when the Senate is not sitting, a senator speaking to such a motion shall not speak for more than the time provided for a document or committee report under standing order 61 or 62, as the case requires, and debate on the motion shall not exceed a multiple of three times the applicable speaking time limit; where 2 or more such motions are moved in succession, debate on all motions shall not exceed a multiple of six times the applicable speaking time limit.

(4) **Streamlined procedure for routine extension of time for a committee to report – standing order 67**

Omit the standing order, substitute:

A senator, including a committee chair, who wishes to postpone a notice or order of the day of which the senator (or the committee) is in charge shall, before the time for postponement of business, deliver to the Clerk written notification of the postponement. At that time the Clerk shall read a list of such items, and they shall then be taken to be postponed accordingly, but, at the request of any senator, the question for the postponement of an item shall be put to the Senate for determination without amendment or debate.

This standing order does not apply to an order of the day for the presentation of a report of a select committee.
(5) **Streamlined procedure for authorising committees to meet during the sitting of the Senate – standing order 33**

At the end of standing order 33, add:

(5) For the purpose of paragraph (3), a committee that seeks to meet contrary to this standing order may deliver a notice in writing to the Clerk, signed by the chair of the committee, setting out the particulars of the meeting proposed to be held. Immediately after prayers on any day, the Clerk shall read a list of such proposals and they shall be taken to be approved accordingly but, at the request of any senator, the question for authorisation of a particular meeting contrary to this standing order shall be put to the Senate for determination without amendment or debate.

(6) **MPI on Thursday – standing order 57**

Standing order 57(1), Thursday, omit “Any proposal to debate a matter of public importance or urgency”.

(7) **Adjournment – standing order 54**

Omit paragraphs (5) and (6), substitute:

(5) On Monday and Wednesday debate on the question for the adjournment shall not exceed 40 minutes, and a senator shall not speak to that question for more than 10 minutes. On Tuesday at the expiration of 2 hours and 10 minutes, on Thursday at the conclusion of debate, and on other days at the expiration of 40 minutes, at the conclusion of debate, or at the time specified for adjournment, whichever is the earlier, or if there is no debate, the President shall adjourn the Senate without putting the question.

(5A) On the question for the adjournment of the Senate on Tuesday, a senator shall speak to that question for not more than 5 minutes, but if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes.

(6) On the question for the adjournment of the Senate on Thursday, a senator shall speak to that question for not more than 5 minutes, except in accordance with the following paragraphs:

(a) if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes; and

(b) if no other senator wishes to speak under paragraph (a), a senator who has not already spoken may speak for up to 20 minutes.

(8) **Consequential amendments in relation to the adjournment**

(a) **Standing order 55**

Omit paragraph (1), substitute:

(1) The days and times of meeting of the Senate in each sitting week shall be:

- Monday 12.30 pm* – 6.30 pm, 7.30 pm – 10.30 pm
- Tuesday 12.30 pm – 9.30 pm
- Wednesday 9.30 am – 8 pm
- Thursday 9.30 am – adjournment.

(*note that under another temporary order, this time has been changed to 10 am*)

(b) **Standing order 57(1)**

On Tuesday, insert “At 9.30 pm,” before “adjournment”.


On Thursday, omit “At 8.40 pm, adjournment”, substitute “Adjournment”.

(9) Senators’ statements – standing order 57
Omit paragraph (2), substitute:
(2) On Wednesday, at 12.45 pm till 2 pm senators may make statements without any question before the chair, provided that a senator shall not speak for more than 10 minutes, and if a division is called for, the division shall be taken at a later hour of the day, not being earlier than 2 pm.

15 Senate Chamber—Photography—Proposed Cessation of Order
The Chair of the Procedure Committee (Senator Marshall), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 434—That the order of the Senate of 21 March 2002 relating to photography in the Senate chamber cease to have effect on and from 30 September 2014.

Statements by leave: Senators Leyonhjelm and Macdonald, by leave, made statements relating to the motion.


Question put and passed.

16 Senate Chamber—Seating—Variation of Order
The Chair of the Procedure Committee (Senator Marshall), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 435—That paragraph (1) of the order of the Senate of 18 May 1993 relating to the provision of seating on the floor of the Senate for members of the House of Representatives be amended by omitting, “in front of the broadcasting booth”.

Question put and passed.

17 Environment—Whaling—Japan
Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 439—That the Senate—

(a) notes:
(i) the recent International Whaling Commission (IWC) meeting passed a resolution instructing members to have their future scientific whaling programs assessed by the Commission, and
(ii) the Japanese Government has indicated it will ignore this resolution and recommence a lethal ‘scientific’ whaling program in the Southern Ocean in 2015; and

(b) calls on the Japanese Government to:
(i) respect the IWC motion and not recommence a lethal ‘scientific’ whaling program in the Southern Ocean in 2015, and
(ii) join the Southern Ocean Research Partnership, a ten nation Southern Ocean non-lethal whale research program.

Question put and passed.
18 **EDUCATION—SCHOOLS FUNDING**  
Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 440—That the Senate—  
(a) notes recent analysis by Mr Chris Bonnor and Mr Bernie Shepherd, which demonstrated that inequality between the most advantaged and disadvantaged schools has grown since the Gonski Review was completed in 2011;  
(b) recognises the Commonwealth Government’s decision to proceed with only the first 4 years of the Gonski school funding arrangements falls far short of the investment needed to reverse systemic disadvantage and deepening inequality; and  
(c) calls on the Government to prioritise the reduction of inequality in Australian schools.  
Question put and passed.

19 **TRANSPORT—VICTORIA—EAST WEST LINK**  
Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 441—That the Senate—  
(a) notes:  
(i) the recent release of the G20 finance ministers report on leading practices to promote and prioritise quality investment, particularly in infrastructure,  
(ii) the emphasis this report places on rigorous, transparent and consistent infrastructure project preparation,  
(iii) that this reflects priorities set out in the 2013 National Infrastructure Plan, which promotes public investment in public transport, and  
(iv) that this raises concern that the $3 billion in federal funding committed toward the proposed East West Link project does not uphold the principles set out in these reports; and  
(b) calls on the Government to redirect the $3 billion of Commonwealth funds allocated for the proposed East West Link to public transport in Victoria.  
Question put.  
The Senate divided—  
**AYES,** 10

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NOES, 40

Senators—

Bernardi
Bilyk
Bullock
Bushby
Cameron
Canavan
Carr
Cash
Conroy
Dastyari

Day
Edwards
Fawcett
Fifield
Gallacher
Ketter
Lambie
Lazarus
Leyonhjelm
Ludwig

Lundy
Macdonald
Marshall
Mason
McEwen (Teller)
McGrath
McKenzie
McLucas
Moore
Muir

Nash
O’Neill
O’Sullivan
Parry
Reynolds
Ruston
Simdos
Smith
Wang
Williams

Question negatived.

Statements by leave: Senators Moore and Rice, by leave, made statements relating to the motion.

20 FOREIGN AFFAIRS—MIDDLE EAST—HUMANITARIAN ASSISTANCE

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 442—that the Senate calls on the Government to heed the request of the United Nations and provide increased humanitarian assistance in the Middle East by offering and preserving asylum space for Syrians and Iraqis and supporting the neighbouring countries hosting them.

Statement by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion.

Question put and passed.

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRY—AUSTRALIAN SHIPBUILDING INDUSTRY

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

The need for the Abbott Government to keep its election promise to build Australia’s future submarines in Adelaide; support Australia’s strategically-vital submarine and ship building industry; ensure that Australia’s future submarines are designed to meet Australia’s unique needs for range, endurance and capability; and undertake an open and transparent tender process or a funded design study for Australia’s future submarines.

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

22 HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—12TH REPORT OF 44TH PARLIAMENT

Senator Ruston, at the request of 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 Ruston.
No. 55—24 September 2014

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

23 **PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—444TH AND 445TH REPORTS AND EXECUTIVE MINUTES AND RESPONSES TO THE COMMITTEE RECOMMENDATIONS IN REPORTS NOS 417, 423, 436, 437 AND 439**

Senator Ruston, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following reports and documents:

   **Public Accounts and Audit—Joint Statutory Committee—**
   Executive minutes and responses to the committee recommendations in reports—
   No. 423—Review of Auditor-General’s reports nos 39 of 2009-10 to 15 of 2010-11.
   No. 437—Review of Auditor-General’s reports nos 2 to 10 (2012-13).

24 **TREATIES—JOINT STANDING COMMITTEE—143RD REPORT**

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

   **Treaties—Joint Standing Committee—143rd report—Treaties tabled on 17 June and 15 July 2014, dated September 2014.**

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

25 **SCRUTINY OF BILLS—STANDING COMMITTEE—12TH REPORT AND ALERT DIGEST NO. 12 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. 12 of 2014, dated 24 September 2014.

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

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

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

   **Regulations and Ordinances—Standing Committee—Delegated legislation monitor no. 12 of 2014, dated 24 September 2014.**
Pursuant to order, the Chair of the Environment and Communications Legislation Committee (Senator Ruston) tabled the following report and documents:

Environment and Communications Legislation Committee—Performance, importance and role of Australia Post in Australian communities and its operations in relation to licensed post offices—Final report, dated September 2014, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

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

Senator Ruston, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:

Legal and Constitutional Affairs Legislation Committee—Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014 and Related Bill

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

The Parliamentary Secretary to the Minister for Education (Senator Ryan) tabled the following document:

Trade—Investment—Ministerial statement by the Minister for Trade and Investment (Mr Robb), dated 23 September 2014.

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

Foreign Affairs—Marrakesh Treaty—Letter to the President of the Senate from the Attorney-General (Senator Brandis), dated 22 September 2014, responding to the resolution of the Senate of 23 June 2014.

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

Science and technology—Commonwealth Scientific and Industrial Research Organisation—Letter to the President of the Senate from the Minister for Industry (Mr Macfarlane), dated 18 September 2014, responding to the resolution of the Senate of 1 September 2014.
32 EDUCATION—SCHOOLS FUNDING—DOCUMENT
The Acting Deputy President (Senator Dastyari) tabled the following documents:

Education—SchooIs funding—Letter to the President of the Senate from the Minister for Education (Mr Pyne), dated 17 September 2014, responding to the resolution of the Senate of 14 July 2014, and attachment.

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

Debate ensued.

At 6.15 pm: Pursuant to the order of the Senate agreed to earlier today (see entry no. 12), debate was interrupted while Senator Carr was speaking.

33 FAIR WORK AMENDMENT (PROTECTED INDUSTRIAL ACTION) REGULATION—PROPOSED DISALLOWANCE
Senator Rice, pursuant to notice, moved business of the Senate notice of motion no. 4—That the Fair Work Amendment (Protected Industrial Action) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 95 made under the Fair Work Act 2009, be disallowed.

Debate ensued.

At 6.30 pm: Pursuant to the order of the Senate agreed to earlier today (see entry no. 12), the question was put.

The Senate divided—

AYES, 32

Senators—

Bilyk Brown Bullock Cameron Carr Collins Dastyari Di Natale
Faulkner Gallacher Hanson-Young Ketter Lanes Ludlam Madigan
Rice Siewert Sterle Urquhart Waters Whish-Wilson Wright

NOES, 33

Senators—

Abetz Bernardi Birmingham Broughby Canavan Cash Colbeck Day Edwards
Fawcett (Teller) Fierravanti-Wells Fifeild Heffernan Lambie Lazarus Leyonhjelm Macdonald Mason
McGrath McKenzie Muir Nash O’Sullivan Parry Payne Ronaldson Ruston

Ryan Scullion Seselja Sinodinos Smith Wang

Question negatived.

34 SCIENCE AND TECHNOLOGY—COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION—DOCUMENT—CONSIDERATION
Senator Carr, by leave, moved—That the Senate take note of the document tabled earlier today (see entry no. 31).

Debate adjourned till the next day of sitting, Senator Carr in continuation.
35 **AUSTRALIAN NATIONAL AUDIT OFFICE—REPORT FOR 2013-14—DOCUMENT**

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


36 **COMMITTEE MEMBERSHIP**

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

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

**Community Affairs Legislation and References Committees**—

Appointed—Participating member: Senator Lambie

**Health—Select Committee**—

Appointed—

Substitute members:
- Senator Wright to replace Senator Di Natale on 9 October 2014
- Senator Siewert to replace Senator Di Natale on 10 October 2014
- Senator Waters to replace Senator Di Natale on 31 October 2014

Participating member: Senator Di Natale.

Question put and passed.

37 **DOCUMENTS**

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.]


**Broadcasting Services Act 1992**—

**Civil Aviation Act 1988**—
- Civil Aviation Legislation Amendment (Part 175) Regulation 2014—Select Legislative Instrument 2014 No. 135 [F2014L01261].
- Civil Aviation Safety Regulations 1998—
  - Repeal of Airworthiness Directives—CASA ADCX 017/14 [F2014L01262].

**Competition and Consumer Act 2010**—
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 2014—Statements of compliance—Communications portfolio.
  - Industry portfolio.

Government Documents—Consideration

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

Adjournment

The Acting Deputy President (Senator Bernardi) proposed the question—that the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.25 pm till Thursday, 25 September 2014 at 9.30 am.

Attendance

Present, all senators except Senators Johnston*, Peris* and Singh* (*on leave).

Rosemary Laing
Clerk of the Senate

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