2013

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 9

TUESDAY, 10 DECEMBER 2013

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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:

- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2013.
- Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2013-14.
- *Sydney Airport Demand Management Act 1997*—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 July to 30 September 2013.

3 **INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL (NO. 2) 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.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Indigenous Affairs (Senator Scullion) the bill was read a third time.
4 CLEAN ENERGY FINANCE CORPORATION (ABOLITION) 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—and on the amendment moved by Senator Pratt:

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

Debate resumed.

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

Senator Cameron moved the following amendment:

At the end of the motion, add “but the Senate notes the ability of the Clean Energy Finance Corporation to effectively drive investment in renewable energy projects and provide a return on its investment to the Commonwealth”.

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

Main question, as amended, put.

The Senate divided—

AYES, 29

Abetz
Bernardi
Birmingham
Boyce
Brandis
Bushby
Cash
Colbeck
Cormann
Edwards
Eggleston
Fawcett
Fieravanti-Wells
Fifield
Heffernan
Johnston

Kroger (Teller)
Mason
McKenzie
Nash
Parry
Payne
Ronaldson
Ruston

Scullion
Seselja
Sinodinos
Smith
Williams

NOES, 38

Bilyk (Teller)
Brown
Cameron
Carr
Collins
Conroy
Dastyari
Di Natale
Faulkner
Furner
Gallacher
Hanson-Young
Hogg
Lines
Ludlam
Lundy
Madigan
Marshall
McEwen
McLucas

Milne
Moore
Peris
Polley
Pratt
Rhiannon
Stiewert
Singh
Stephens
Sterle

Thorp
Tillem
Urquhart
Waters
Whish-Wilson
Wright
Xenophon

Question negatived.

After 2 pm—

5 QUESTIONS

Questions without notice were answered.
6 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Conroy moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Veterans’ Affairs (Senator Ronaldson) to questions without notice asked today.

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 Senator Whish-Wilson today relating to free trade agreements.

Question put and passed.

7 **PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Carr, from 752 petitioners, requesting that the Senate urge the Federal Government to fund road upgrades to the Hume Freeway interchange at Epping North, Victoria.

Senator Madigan, from 1 018 petitioners, requesting that the Senate consider matters pertaining to the issue of renewable energy certificates.

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*Document*: Senator Di Natale, by leave, tabled the following document:

Environment—Climate change—Petitioning document from 300 signatories relating to climate change policies.

8 **NOTICES**

**Notices of motion**:

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That, in place of the orders relating to the broadcasting of Senate and committee proceedings, the Senate adopts the following:

1 ** Provision of broadcast**

   (1) The Senate authorises the broadcast and rebroadcast of proceedings and excerpts of proceedings of the Senate and of its committees in accordance with this order.

   (2) The Senate authorises the provision of sound and vision coverage of proceedings of the Senate and its committees, including records of past proceedings, through the House Monitoring Service and through the Parliament of Australia website.

   (3) Access to the House Monitoring Service sound and vision coverage of the proceedings of the Senate and its committees is provided to persons and organisations as determined by the President, on terms and conditions determined by the President which must not be inconsistent with this order.

   (4) The President shall report to the Senate on persons and organisations in receipt of the service and on any terms and conditions determined under paragraph 1(3).
(5) Use of sound and vision coverage of proceedings of the Senate and its committees, including records of past proceedings, published on the Parliament of Australia website is subject to conditions of use determined by the President.

2 Broadcast of Senate proceedings – House Monitoring Service
Access to proceedings provided through the House Monitoring Service is subject to compliance with the following conditions:

(1) Only the following broadcast material shall be used:
   (a) switched sound and vision feed of the Senate and its committees provided by the Parliament that is produced for broadcast, rebroadcast and archiving; and
   (b) official broadcast material supplied by authorised parliamentary staff.

(2) Broadcast material shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
   (a) political party advertising or election campaigns; or
   (b) commercial sponsorship or commercial advertising.

(3) Reports of proceedings shall be such as to provide a balanced presentation of differing views.

(4) Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.

(5) The instructions of the President or his or her delegates, which are not inconsistent with these conditions or the rules applying to the broadcasting of committee proceedings, shall be observed.

3 Broadcast of committee proceedings
The following conditions apply to the broadcasting of committee proceedings:

(1) Recording and broadcasting of proceedings of a committee may occur only in accordance with the authorisation of the committee by a deliberate decision of the committee.

(2) A committee may authorise the broadcasting of only its public proceedings.

(3) Recording and broadcasting of a committee is not permitted during suspensions of proceedings, or following an adjournment of proceedings.

(4) A committee may determine conditions, not inconsistent with this order, for the recording and broadcasting of its proceedings, may order that any part of its proceedings not be recorded or broadcast, and may give instructions for the observance of conditions so determined and orders so made. A committee shall report to the Senate any wilful breach of such conditions, orders or instructions.

(5) Recording and broadcasting of proceedings of a committee shall not interfere with the conduct of those proceedings, shall not encroach into the committee’s work area, or capture documents (either in hard copy or electronic form) in the possession of committee members, witnesses or committee staff.

(6) Broadcasts of proceedings of a committee, including excerpts of committee proceedings, shall be for the purpose only of making fair and accurate reports of those proceedings, and shall not be used for:
   (a) political party advertising or election campaigns; or
(b) commercial sponsorship or commercial advertising.

(7) Where a committee intends to permit the broadcasting of its proceedings, a witness who is to appear in those proceedings shall be given reasonable opportunity, before appearing in the proceedings, to object to the broadcasting of the proceedings and to state the ground of the objection. The committee shall consider any such objection, having regard to the proper protection of the witness and the public interest in the proceedings, and if the committee decides to permit broadcasting of the proceedings notwithstanding the witness’ objection, the witness shall be so informed before appearing in the proceedings.

4 Broadcast of proceedings of committees when considering estimates

The public proceedings of legislative and general purpose standing committees when considering estimates may be broadcast through the House Monitoring System and through the Parliament of Australia website in accordance with this order, and in accordance with any further conditions, not inconsistent with this order, determined by a committee in relation to the proceedings of that committee.

5 Radio broadcast of parliamentary proceedings by the Australian Broadcasting Corporation – general principles

The Senate adopts the following general principles agreed to by the Joint Committee on the Broadcasting of Parliamentary Proceedings on 19 March 2013:

(a) Allocation of the broadcast between the Senate and the House of Representatives

The proceedings of Parliament shall be broadcast live whenever a House is sitting. The allocation of broadcasts between the Senate and the House of Representatives will be in accordance with the standing determinations made by the Joint Committee on the Broadcasting of Parliamentary Proceedings. It is anticipated that over time, the coverage of each House will be approximately equal.

(b) Rebroadcast of questions and answers

At the conclusion of the live broadcast of either House, questions without notice and answers thereto from the House not allocated the broadcast shall be rebroadcast.

(c) Unusual or exceptional circumstances

Nothing in these general principles shall prevent the Joint Committee on the Broadcasting of Parliamentary Proceedings from departing from the principles in unusual or exceptional circumstances.

6 Television broadcast of question time by the Australian Broadcasting Corporation

(1) The Senate authorises the television broadcast and rebroadcast by the Australian Broadcasting Corporation of question time in the Senate.

(2) The distribution of television broadcasts between the two Houses shall be in accordance with the distribution of the radio broadcast, provided that the Senate is broadcast on not less than 3 days in any 2-week sitting period.

7 This order is of continuing effect.
Senator Urquhart: To move on the next day of sitting—That the Senate expresses its sincere condolences to the families, friends and work colleagues of Mr Craig Gleeson and Mr Alistair Lucas, who were tragically killed at work at the Mount Lyell copper mine on Tasmania’s west coast on Monday, 9 December 2013. (general business notice of motion no. 67)

Senators Moore and Rhiannon: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) the ongoing humanitarian crisis in Syria is staggering, and that according to Oxfam and CARE – two non-government organisations (NGOs) operating in the region – estimates suggest that:
(A) more than 100 000 lives have been lost and more than 2.2 million people have fled the country since 2011,
(B) an estimated 9.3 million people are in need of humanitarian assistance inside Syria, and
(C) around 6.5 million people have been forced to flee their homes and remain trapped inside the country,
(ii) most refugees are hosted by Lebanon and Jordan, with estimates of over one million refugees in Lebanon alone,
(iii) more than 80 per cent of refugees are living outside of camps, in informal shelters, and
(iv) as winter rapidly approaches in the region and temperatures plummet, many refugees have inadequate shelter; and
(b) calls on the Federal Government to:
(i) provide critically-needed assistance at the upcoming donor conference to be held in Kuwait in January 2014, which addresses both the immediate- and long-term needs of people affected by the crisis,
(ii) contribute its fair share of funding to the United Nations (UN) new appeals for Syria, as well as calling on other international donors to follow this example,
(iii) continue to actively use all diplomatic channels, including Australia’s membership on the UN Security Council, to drive work towards a political solution to the crisis, and to facilitate an effective humanitarian response from the international community, through pushing for increased access for humanitarian agencies, including NGOs like CARE and Oxfam, to enable them to reach people most in need of assistance across the region, and
(iv) actively support the Geneva Two peace talks scheduled for 22 January 2014, and by pushing for an urgent ceasefire and actively promoting the critical role of the Syrian people and civil society, especially women, in this dialogue and any ongoing peace negotiations. (general business notice of motion no. 68)

Senator Rhiannon: To move on the next day of sitting—
(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by 13 May 2014:
Technical and further education (TAFE) in Australia, including:
(a) the role played by TAFEs in:
   (i) educational linkages with secondary and higher education,
   (ii) the development of skills in the Australian economy,
(iii) the development of opportunities for Australians to improve themselves and increase their life, education and employment prospects, and
(iv) the delivery of services and programs to support regions, communities and disadvantaged individuals to access education, training and skills and, through them, a pathway to further education and employment;
(b) the effects of a competitive training market on TAFE;
(c) what public funding is adequate to ensure TAFEs remain in a strong and sustainable position to carry out their aims; and
(d) what factors affect the affordability and accessibility of TAFE to students and business.

(2) That, in conducting its inquiry, the committee must:
(a) consider any public information provided to the 2013 House of Representatives inquiry by the Standing Committee on Education and Employment on the role of the technical and further education system and its operation; and
(b) hold public hearings in all capital cities, with a minimum of Melbourne, Sydney and Brisbane, as well as a major regional centre in either New South Wales or Victoria.

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

(a) notes:
(i) the Australian Broadcasting Corporation (ABC) is accountable to its charter, its board and the people of Australia,
(ii) editors and journalists, not politicians, should make editorial decisions in a democracy that values a free press,
(iii) 80 per cent of Australians surveyed believe the ABC is balanced and even-handed when reporting news and current affairs, and
(iv) the ABC and the Special Broadcasting Service are vital public news, information, education and entertainment services for the benefit of citizens and audiences rather than advertisers and shareholders;
(b) rejects:
(i) complaints about the ABC unfairly competing with commercial media as vindictive and misconceived, and
(ii) government interference in the editorial decisions made by the ABC; and
(c) calls on all parties to commit to maintaining the ABC as a well-funded public broadcaster with an independent board free from political interference. (general business notice of motion no. 69)

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

(a) notes that:
(i) more than 100 000 Australians experience homelessness each night,
(ii) the National Partnership Agreement on Homelessness (NPAH) expired in June 2013, and
(iii) the Government’s lack of commitment to housing and homelessness is causing uncertainty, in regard to the future of homelessness services; and
(b) calls on the Australian Government to:

(i) immediately recommence negotiations with the states and territories on the NPAH and report progress to the Senate on Thursday, 12 December 2013, and

(ii) compile a list of homelessness programs that will be cut in each state and territory, and the number of jobs lost, if the National Partnership is not renewed, and provide this list to the Senate by Thursday, 12 December 2013. (general business notice of motion no. 70)

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

(a) notes:

(i) the results of the 2012 Programme for International Student Assessment of students’ mathematical, scientific and reading literacy, published on 3 December 2013, which showed students attending provincial and remote schools were performing as much as 2 years of schooling behind students in metropolitan schools, and

(ii) the Gonski Review of Funding for Schooling also found the performance of students in rural schools is significantly below that of students in city schools, and recommended additional funding for these schools;

(b) recognises:

(i) Australian students in rural areas deserve the same educational opportunities as students in metropolitan areas,

(ii) additional Commonwealth Government funding to improve student outcomes is not guaranteed to reach the most needy rural schools under unconditional funding arrangements with state governments, and

(iii) rural students will likely continue to be disadvantaged as a result; and

(c) calls on the Commonwealth Government to negotiate agreements with all state governments which ensure rural schools receive appropriate funding, in accordance with the recommendations of the Gonski review, including loadings for remoteness or a school’s limited size. (general business notice of motion no. 71)

Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 26 March 2014:

Ticket scalping in Australia, with particular reference to:

(a) the prevalence of ticket scalping and its impact on ticket prices and sales;

(b) the effectiveness of current state-based consumer protection legislation, and how these measures can be improved, including through a federal approach;

(c) issues of illegality, including the prevalence of counterfeit tickets; and

(d) any related matters.

Senator Di Natale: To move on the next day of sitting—That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 13 June 2014:

(a) the decision of the Australian Government to fund the East West Link in Melbourne in the absence of:

(i) any full business case, and

(ii) any recommendation to that effect from Infrastructure Australia;
(b) the economic, social and environmental justifications for the proposed East West Link;
(c) whether alternative projects, including public transport projects, would be more appropriate;
(d) the impacts of the proposed East West Link on:
   (i) residents of Melbourne,
   (ii) traffic congestion, including in areas adjacent to the link,
   (iii) public transport,
   (iv) open spaces and parkland,
   (v) the environment,
   (vi) climate change and Australia’s greenhouse gas pollution, and
   (vii) any social and cultural features of Melbourne; and
(e) any other related matter.

Senator Polley: To move on the next day of sitting—

No. 1—That the Residential Care Subsidy Amendment (Workforce Supplement) Principle 2013, made under the Aged Care Act 1997, be disallowed.

No. 2—That the Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013, made under the Aged Care Act 1997, be disallowed.

Senator Hanson-Young: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later than noon on Thursday, 12 December 2013, all incident reports, briefings, internal communications and other reports (excluding already publicly available documents), between the Minister or the Minister’s office and the Department of Immigration and Border Protection or the Detection, Interception and Transfer Task Group and related agencies in relation to an undetected boat arrival suspected to have arrived on Monday, 3 December 2013, carrying 27 asylum seekers. (general business notice of motion no. 72)

Senator Hanson-Young: To move on the next day of sitting—That the Senate records its deepest condolences for the families and loved ones of the three refugees, including a toddler, who tragically lost their lives at sea on a boat bound for Australia. (general business notice of motion no. 73)

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the Senate—

(a) notes that the United States Trade Representative has undertaken to publish the full text of all free trade agreements negotiated on behalf of the United States of America (US) ‘well before’ signing to invite further comments from the US Congress and the US people;
(b) resolves that the Australian Senate and the people of Australia are entitled to scrutinise proposed agreements before signing; and
(c) orders that there be laid on the table by the Minister representing the Minister for Trade, the full text of the proposed Korea-Australia Free Trade Agreement, the Trans-Pacific Partnership Agreement and other bilateral and plurilateral trade agreements at least 14 days before signing. (general business notice of motion no. 74)
Senator Whish-Wilson: To move on the next day of sitting—That the Senate calls on the Government to:

(a) send a Customs vessel to the Southern Ocean now that the whaling season has commenced, as it is important that Australia has a Southern Ocean presence given the ongoing risk of confrontation between whalers and protestors; and

(b) ensure that the resources devoted to patrolling illegal foreign fishing are not diverted to other activities, including that the Australian Customs Vessel Ocean Protector and/or its replacement is provided with sufficient funding to devote an adequate level of patrol days in the Southern waters every financial year. (general business notice of motion no. 73)

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

(a) acknowledges that the Great White Shark is listed under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) as a threatened (vulnerable) and migratory species; and

(b) calls on the Government to:

   (i) maintain protection for the Great White Shark under the EPBC Act,
   (ii) oppose any proposals to cull Great White Sharks by the Western Australian Government, and
   (iii) support further research including radio tagging to better understand the shark population, including any changes in their behaviour as a result of ocean warming, which will allow governments to better inform and protect ocean users. (general business notice of motion no. 76)

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

(a) notes that:

   (i) only Australia’s most precious places, species and ecosystems are protected by our national environment laws, namely the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act),
   (ii) each year only a limited number of developments across Australia – projects that will significantly impact on these nationally protected places, species and ecosystems – need to seek approval under our national environment laws,
   (iii) assessment bilateral agreements can streamline environmental assessment processes without compromising environmental protections, and
   (iv) a recent inquiry by the Environment and Communications Legislation Committee looking at whether the Federal Government should be prevented from handing its EPBC Act approval powers to state governments found:

      (A) there was no compelling evidence to show how an approval agreement would improve business efficiency, and
      (B) that it is not appropriate for the states and territories to exercise decision-making powers for approvals in relation to matters of national environmental significance; and

(b) calls on the Federal, state and territory governments of Australia to:

   (i) ensure that final approval decisions for projects significantly impacting species, ecosystems and wilderness places protected under our national environment laws remain with the national environment minister, and
(ii) abandon any plans to progress approvals bilateral agreements under the EPBC Act. (general business notice of motion no. 77)

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

(a) notes the concerns of the International Organization for Migration, Human Rights Watch and Amnesty International, regarding the treatment of migrant workers in Saudi Arabia, arising from reports of people being transported to remote areas without adequate shelter and water, exploitation of, and violence against, the workers and their families; and

(b) calls on the Saudi Arabian Government to work with international agencies and human rights groups to improve the working and living conditions for foreign workers. (general business notice of motion no. 78)

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

(1) That, a select committee, to be known as the Select Committee into the Abbott Government’s Commission of Audit, be established to inquire into the Commission of Audit established by the Commonwealth Government and, in particular, any report of that Commission to the Government, with interim reports as the committee sees fit and a final report on or before 13 May 2014, with particular reference to:

(a) the nature and extent of any cuts or changes to government expenditure recommended by the Commission;

(b) the effect of any proposed cuts or changes on the provision of services, programs or benefits by the Government;

(c) the effect of any proposed cuts or changes on the ability of the public service to provide advice to government;

(d) the effect of any proposed changes to the current split of roles and responsibilities between the Commonwealth Government and state and territory governments on the current levels of government expenditure, taxation and service delivery;

(e) the potential impact of any proposed revenue measures on the Budget and on taxpayers, including access to services like health and education;

(f) the potential impact of any proposed cuts or changes to government expenditure or service provision on employment and the economy;

(g) the consistency of the Commission’s recommendations with the Government’s commitments on spending on health, medical research, education, and defence spending;

(h) the potential impact of any proposed cuts or changes on the structural budget balance over the forward estimates and the next 10 years;

(i) the potential impact that any proposed changes to Commonwealth budgeting arrangements might have in undermining public confidence in the provision of Commonwealth government accounts;

(j) the potential effects of any proposed cuts or changes on the Government’s medium- to long-term fiscal position, such as reducing future productivity, reducing the tax base and government revenues, or increasing future demand for government programs or support;
whether the Commission’s terms of reference are appropriate, and, in particular, whether consideration ought be given to alternative means of:

(i) improving the efficiency and effectiveness of government expenditure,

(ii) improving the state of the Commonwealth’s finances and addressing medium-term risks to the integrity of the budget position,

(iii) improving the fairness and efficiency of revenue raising, including that businesses cover the full cost of their activities, and that individuals with greater capacity contribute more to government revenue,

(iv) funding infrastructure and enhancing Australia’s human, economic and natural capital, or

(v) improving the public service; and

(l) any other matters the committee considers relevant.

(2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by the Leader of the Australian Greens.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(4) That 3 members of the committee constitute a quorum of the committee.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair a member nominated by the Leader of the Australian Greens and as deputy chair, a member nominated by the Leader of the Opposition.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.
(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. *(general business notice of motion no. 79)*

*Notice of motion withdrawn:* Senator Moore, at the request of Senator Lundy, withdrew general business notice of motion no. 55 standing in the name of Senator Lundy for today, relating to authorisation for the Select Committee on the National Broadband Network to meet during the sitting of the Senate.

9 **NORTHERN AUSTRALIA—JOINT SELECT COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, by leave and on behalf of the Joint Select Committee on Northern Australia, moved—That the Joint Select Committee on Northern Australia be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 11 December 2013, from 4.30 pm to 6.30 pm.

Question put and passed.

10 **FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE**

Senator McEwen, at the request of the Chair of the Finance and Public Administration References Committee (Senator Lundy) and pursuant to notice of motion not objected to as a formal motion, moved—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 14 May 2014:

The operation of the Senate order for departmental and agency contracts, including:

(a) developments in the online reporting on contracts (including Austender) which may be relevant to enabling departments and agencies to meet the requirements of the order;

(b) the role of, and reporting by, the Auditor-General under the order; and

(c) any other related matters.

Question put and passed.

11 **LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE**

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 21 February 2014:

A claim of public interest immunity raised over documents tabled by the Assistant Minister for Immigration and Border Protection (Senator Cash), on 4 December 2013, in response to an order for production of documents and other documents tabled by the same Minister in relation to other orders for production of documents concerning immigration policy, with particular reference to:

(a) the specific matters of public interest immunity being claimed by the Minister for Immigration and Border Protection; and

(b) the authority of the Senate to determine the application of claims of public interest immunity.

Question put and passed.
12 IMMIGRATION—DETENTION FACILITIES—CHILDREN
Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 32—That the Senate calls on the Government to give parents of newborn babies detained in immigration detention unrestricted access to their children.

Statements by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash) and Senator Hanson-Young, by leave, made statements relating to the motion.

Question put and passed.

13 HEALTH—CENTRAL AUSTRALIA—RENAL HEALTH
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 58—That the Senate—

(a) acknowledges:
   (i) the need for flexible dialysis services in the Central Desert that allow patients to receive treatment in their home community rather than being forced to travel thousands of kilometres,
   (ii) the work of Western Desert Dialysis (Alice Springs, Northern Territory), an innovative renal service provider and recipient of the Excellence in Accessible Communities Award at the 2013 National Disability Awards, and
   (iii) the ongoing dispute with the Northern Territory, and the South Australian and Western Australian governments about who is responsible for funding the operational costs of delivering renal services ‘on country’ for remote Aboriginal communities; and

(b) calls on the Government to:
   (i) ensure that the $10 million earmarked for renal services is spent on improving central desert infrastructure,
   (ii) work with communities to develop alternative models of service delivery, such as those proposed by communities like Kiwirrkurra and Warburton, who are prepared to contribute funding from their own community to run services, and
   (iii) renew its efforts to negotiate with states and territories and resolve the impasse over patient funding as a matter of urgency.

Statements by leave: The Assistant Minister for Health (Senator Nash) and Senator Siewert, by leave, made statements relating to the motion.

Question put and passed.

14 ADMINISTRATION—WET TROPICS MANAGEMENT AUTHORITY—BOARD
Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 59—That the Senate—

(a) notes:
   (i) that Queensland’s Wet Tropics rainforest, which includes the iconic Daintree Rainforest, was first added to the World Heritage List 25 years ago,
(ii) that the Wet Tropics have been recently named by the International Union for Conservation of Nature as one of the top three most irreplaceable biodiversity areas on Earth (of more than 100,000 protected areas worldwide), and

(iii) funding of the Wet Tropics management has been declining in real terms over the past decade, important positions on the board of the Wet Tropics Management Authority (WTMA) remain empty, and the WTMA has not yet received its base funding from the Commonwealth Government for the 2013-14 financial year; and

(b) calls on the Government to urgently progress the appointment of WTMA board members, and to deliver to WTMA the base funding needed to safeguard these outstanding biodiversity values.

Question put and passed.

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

The Chair of the Select Committee on the National Broadband Network (Senator Conroy), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 62—That the Select Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 11 December 2013, from 9.30 am.

Question put and passed.

16 FOREIGN AFFAIRS—HUMAN RIGHTS—USE OF TORTURE

Senator Wright, also on behalf of Senator Rhiannon and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 63—That the Senate—

(a) notes that:

(i) 10 December is Human Rights Day, proclaimed by the United Nations General Assembly in 1950,

(ii) on 15 November 2013 the Prime Minister (Mr Abbott) said, regarding reports of torture by Sri Lankan security forces, that ‘we accept that sometimes in difficult circumstances difficult things happen’, and

(iii) groups including Human Rights Watch, the Human Rights Law Centre, Amnesty International Australia, Australian Lawyers for Human Rights, and the Castan Centre for Human Rights Law, asked the Prime Minister to retract his comments in November;

(b) rejects the Prime Minister’s suggestion that there are circumstances where torture is justifiable; and

(c) calls on the Prime Minister to retract his comment excusing torture, and to affirm the Australian Government’s opposition to the use of torture in any circumstances.

Question put and passed.

17 BILLS—RESTORATION TO NOTICE PAPER

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 65—

(1) That so much of the standing orders be suspended as would prevent this resolution having effect.
(2) That the following bills be restored to the Notice Paper and that consideration of each bill resume at the stage reached in the 43rd Parliament:
- Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012
- Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011
- Public Service Amendment (Payments in Special Circumstances) Bill 2011
- Foreign Acquisitions Amendment (Agricultural Land) Bill 2010.

Question put and passed.

18 ENVIRONMENT—TASMANIAN WILDERNESS WORLD HERITAGE AREA

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. 66—That the Senate—

(a) condemns the Abbott Government for actively considering modifying the boundaries of the Tasmanian Wilderness World Heritage Area to exclude high conservation value forests; and

(b) calls on the Abbott Government to rule out submitting a proposal to modify the boundaries to the area to the World Heritage Committee by February 2014 for the June meeting of the committee.

Question put and passed.

19 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE

The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That—

(a) the following matter be referred to the Environment and Communications References Committee for inquiry and report by 24 March 2014:

An inquiry into the Abbott Government’s Direct Action Plan and the Abbott Government’s failure to systematically address climate change, including:

(i) whether the Direct Action Plan has the capacity to deliver greenhouse gas emissions reductions consistent with Australia’s fair share of the estimated global emissions budget that would constrain global warming to Australia’s agreed goal of less than 2 degrees,

(ii) whether the Direct Action Plan has the capacity to reduce greenhouse gas emissions adequately and cost effectively,

(iii) the effect of technical issues that arise for measuring abatement under the Direct Action Plan, including additionality and establishing emissions baselines for emitting entities and long-term monitoring and reporting arrangements,

(iv) the impact of the absence of policy certainty derived from the Direct Action Plan to encourage long-term business investment in the clean, low carbon economy,

(v) the impact of the abolition of the Clean Energy Finance Corporation on the availability of capital for clean technology and industry investment,

(vi) the repeal of the Clean Energy Package and the Direct Action Plan’s impact on, and interaction with, the Carbon Farming Initiative,

(vii) the fiscal and economic impact of the Direct Action Plan,

(viii) the impact of repealing the Clean Energy Package on Australia’s ability to systematically address climate change,
(ix) the impact of repealing the Clean Energy Package on Australia’s carbon pollution cap,

(x) the impact of repealing the Clean Energy Package on international efforts to reduce carbon pollution,

(xi) the impact of abandoning linkage with the European Union on international cooperation to reduce emissions,

(xii) the ability of the Government and the Australian people to receive expert independent advice on an appropriate carbon pollution cap for Australia following the abolition of the Climate Change Authority,

(xiii) the impact of cuts to funding for the Australian Renewable Energy Agency, and

(xiv) any other related matters; and

(b) in undertaking this inquiry the committee must have regard to the Climate Change Authority’s draft report, *Reducing Australia’s Greenhouse Gas Emissions – Targets and Progress Review*, dated October 2013.

Question put and passed.

20 **ELECTRONIC SURVEILLANCE—SELECT COMMITTEE—PROPOSED APPOINTMENT**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 60—

(1) That a select committee, to be known as the Select Committee on Electronic Surveillance, be established to inquire into and report on the adequacy of the institutional, technical and legal framework governing the Australian intelligence community and related entities on 10 June 2014, with particular reference to:

   (a) the right to privacy and data security;
   
   (b) institutional accountability to the Parliament;
   
   (c) international legal obligations and agreements; and
   
   (d) any related matter.

(2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by minority groups and independent senators.

(3) That:

   (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;
   
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
   
   (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.
(5) That the committee elect as chair a member nominated by the Leader of the Opposition and, as deputy chair, a member nominated by the Leader of the Government.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(7) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Statement by leave: Senator Ludlam, by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 11

Senators—

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

NOES, 46

Senators—

Bernardi  Eggleston  Marshall  Ruston
Bilyk  Farrell  McEwen  Seselja
Birmingham  Faulkner  McKenzie  Singh
Boyce  Fawcett  McLucas  Smith
Brown  Fifield  Moore  Stephens
Cameron  Furner  Nash  Sterle
Carr  Gallacher  O’Neill  Thorp
Colbeck  Kroger  Parry  Tillem
Collins  Lines  Pers  Urquhart (Teller)
Conroy  Ludwig  Polley  Williams
Dastyari  Landy  Pratt  
Edwards  Macdonald  Ronaldson

Question negatived.
21 EDUCATION—UNIVERSITY FUNDING

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 61—That the Senate—

(a) notes:

(i) that the Coalition Government’s plan to rip $900 million out of Australian universities and increase student debt by $1.2 billion will not be legislated,

(ii) the enormous contribution by organisations such as the National Union of Students and the National Tertiary Education Union in campaigning against these proposed cuts,

(iii) that the former Labor Government commissioned two major reports into university funding, the Bradley *Review of Australian Higher Education* (2008) and the Lomax-Smith *Higher Education Base Funding Review* (2011),

(iv) that both the Bradley and Lomax-Smith reviews found that Australian universities are chronically underfunded,

(v) that the Bradley review found that Australia was the only Organisation for Economic Co-operation and Development country where the public contribution to higher education remained at the same level in 2005 as it had been in 1995,

(vi) that the Bradley review proposed a 10 per cent increase in base funding of universities to maintain standards at their current level, and

(vii) that the findings of these reviews are still relevant due to a lack of implementation by the former Government of their recommendations;

and

(b) calls on the Government to commit to an immediate 10 per cent increase to base funding of universities.

*Statement by leave*: Senator Moore, by leave, made a statement relating to the motion.

Question put.

The Senate divided—

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22 **URGENCY MOTION—INDUSTRY—AUTOMOTIVE INDUSTRY**

The Deputy President (Senator Parry) informed the Senate that Senator Moore had withdrawn the proposed matter of public importance she had submitted to the President today relating to the automotive industry.

The Deputy President informed the Senate that, subsequently, the President had received a letter from Senator Moore advising that today she intended to move—that, in the opinion of the Senate, the following is a matter of urgency:

> The need for the Government to make a unified commitment to Australia’s automotive industry and make an urgent offer of co-investment to GM Holden to secure new investment, jobs and technology for Australia.

The proposal was supported by four senators.

Senator Carr, at the request of Senator Moore, moved the motion.

Debate ensued.

Question put and passed.

23 **IMMIGRATION—ASYLUM SEEKERS—TOWING OF AN INDONESIAN VESSEL—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled the following document:

> Immigration—Asylum seekers—Towing of an Indonesian vessel—Letter from the Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 5 December 2013 and raising public interest immunity claims, dated 10 December 2013.

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

Question put and passed.

24 **SENATE COMMITTEE REPORTS—REGISTER 2004-13—DOCUMENT**

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

> Senate committee reports—Consolidated register of Senate committee reports—Volume 2 (Updated)—2004-13.

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

25 **HUMAN RIGHTS—JOINT STATUTORY COMMITTEE—1ST REPORT OF 44TH PARLIAMENT AND REPORT FOR 2012-13**

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

> Human Rights—Joint Statutory Committee—
> 1st report of 44th Parliament—Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011—Bills introduced 12 November to 5 December 2013 and legislative instruments received 8 June to 22 November 2013, dated December 2013.

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

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

Question put and passed.
26 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.]

Australian Bureau of Statistics Act 1975—
Births Collection—Proposal No. 40 of 2013.
Deaths Collection—Proposal No. 41 of 2013.
Internet Activity Survey—Proposal No. 43 of 2013.
Marriages Collection—Proposal No. 42 of 2013.
Quarterly Business Indicators Survey—Proposal No. 46 of 2013.

Commissioner of Taxation—Public Rulings—
Class Rulings—
Addendum—CR 2013/74.
Goods and Services Tax Rulings—
Addenda—GSTR 2000/12 and GSTR 2003/12.
Erratum—GSTR 2005/3.

Product Rulings—
Erratum—PR 2013/17.
PR 2013/21 and PR 2013/22.

Taxation Ruling TR 2013/7.


Migration Act 1958—

Notice under section 502—9 December 2013.

27 HEALTH INSURANCE—ANTI-COMPETITIVE PRACTICES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The following document was tabled pursuant to the order of the Senate of 25 March 1999, as amended:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2012 to 30 June 2013.
28 Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2013—Statement of compliance—Foreign Affairs and Trade portfolio.

29 Committee Membership

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

The Minister for Indigenous Affairs (Senator Scullion), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Electoral Matters—Joint Standing Committee**—
- Appointed [for the purposes of the committee’s inquiry into the 2013 election]—Participating member: Senator Xenophon

**Environment and Communications Legislation Committee**—
- Appointed—Substitute member: Senator Ludlam to replace Senator Waters for the committee’s inquiry into the provisions of the Telecommunications Legislation Amendment (Submarine Cable Protection) Bill 2013
- Participating member: Senator Waters

**Foreign Affairs, Defence and Trade—Joint Standing Committee**—
- Appointed—Senator Xenophon

**Legal and Constitutional Affairs Legislation Committee**—
- Appointed—Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the provisions of the Migration Amendment (Regaining Control Over Australia’s Protection Obligations) Bill 2013
- Participating member: Senator Wright

**Northern Australia—Joint Select Committee**—
- Appointed—Senator Siewert.

Question put and passed.

30 Commonwealth Inscribed Stock Amendment Bill 2013

A message from the House of Representatives was reported as follows:

Message no. 46, dated 9 December 2013—Commonwealth Inscribed Stock Amendment Bill 2013, agreeing to the further amendments made by the Senate and indicating that the House had made the amendment requested by the Senate.

31 Committee Membership

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Joint Select Committee on Northern Australia, as follows:

Message no. 47, dated 10 December 2013—Mr Christensen, Mr Entsch, Mr Gray, Mrs Griggs, Ms MacTiernan, Ms Price and Mr Snowdon.
32 AUSTRALIAN RESEARCH COUNCIL AMENDMENT BILL 2013
TAX LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2013

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


Message no. 49, dated 9 December 2013—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Indigenous Affairs (Senator Scullion) 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 Scullion 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 Scullion moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

33 CLIMATE CHANGE AUTHORITY (ABOLITION) 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.

Senator Pratt moved the following amendment:

At the end of the motion, add “but the Senate expresses concern over the impact of the abolition of the Climate Change Authority on the provision of independent advice to Government and the public on carbon pollution reduction targets and actions”.

Debate ensued.

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

Climate Change Authority (Abolition) Bill 2013—Illustration, ‘the extinction symbol’.

Debate continued.

At 6.50 pm: Debate was interrupted while Senator Macdonald was speaking.
GOVERNMENT DOCUMENTS—CONSIDERATION

The following government documents tabled earlier today (see entry no. 2) were considered:


Sugar Research and Development Services Act 2013—Statutory funding agreement 2013 to 2017 between the Commonwealth of Australia and Sugar Research Australia Limited. Motion to take note of document moved by Senator Macdonald and agreed to.


ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 9.41 pm till Wednesday, 11 December 2013 at 9.30 am.

ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate