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MEETING OF SENATE
The Senate met at 10 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

COMMUNITY AFFAIRS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTINGS
The Chair of the Community Affairs Legislation Committee (Senator Boyce), by leave, moved—That the Community Affairs Legislation Committee be authorised to hold public meetings during the sittings of the Senate today and on Tuesday, 10 December 2013, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Social Services and Other Legislation Amendment Bill 2013 [excluding Schedules 2, 6 and 9].
Question put and passed.

COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2013
Order of the day read for the further consideration of message no. 2 from the House of Representatives in committee of the whole (see entry no. 16, 5 December 2013).

In the committee
Consideration resumed of the message—and of the motion moved by the Assistant Minister for Social Services (Senator Fifield)—That the committee does not insist on its amendment to which the House of Representatives has disagreed—and of the amendment moved by the Leader of the Australian Greens (Senator Milne):

At the end of the motion, add “but agrees to the following request for an amendment and amendments in place of that amendment:

No. 1—Title, page 1 (lines 1 and 2), omit “amend the Commonwealth Inscribed Stock Act 1911, and for related purposes”, substitute “remove the limit on stock and securities on issue, and for other purposes”.

No. 2—Schedule 1, items 1 and 2, page 3 (lines 5 to 11), omit the items, substitute:

1 Section 5
Repeal the section.

2 Subsection 51JA(2)
Omit “, disregarding stock and securities of the kind mentioned in subsection 5(2),”.

3 After subsection 51JA(2)
Insert:

(2A) In working out the total face value of stock and securities for the purposes of subsection (2), disregard:

(a) stock and securities issued in relation to money borrowed under the Loan (Temporary Revenue Deficits) Act 1955; and

(b) stock and securities loaned by the Treasurer under a securities lending arrangement under section 5BA of the Loans Securities Act 1919, or held by or on behalf of the Treasurer for the purpose of such an arrangement; and
(c) stock and securities invested under subsection 39(2) of the Financial Management and Accountability Act 1997; and
(d) stock and securities on issue as at the start of 13 July 2008, other than Treasury Fixed Coupon Bonds.

Note: The time referred to in paragraph (d) is when item 4 of Schedule 1 to the Commonwealth Securities and Investment Legislation Amendment Act 2008 commenced.

4 At the end of section 51JA
Add:
(5) For the purposes of this section:
(a) the face value of a Treasury Indexed Bond is taken to be its face value at the time it was issued; and
(b) the loan of stock or a security is taken to include an arrangement under which it is sold and repurchased.

No. 3—Page 3 (after line 11), at the end of the bill, add:

Schedule 2—Amendment of the Charter of Budget Honesty Act 1998

1 At the end of clause 2 of Schedule 1
Add:
Additional statements about Commonwealth stock and securities
(7) In certain cases where the face value of Commonwealth stock and securities on issue has increased by $50 billion or more since a previous report or statement under the Charter of Budget Honesty, the Treasurer is to table a statement setting out reasons for the increase (see Part 9).

2 Subclause 3(1) of Schedule 1
Insert:
Commonwealth stock and securities means stock and securities on issue under the Commonwealth Inscribed Stock Act 1911 (the CIS Act) or the Loans Securities Act 1919 (disregarding stock and securities of the kind mentioned in subsection 51JA(2A) of the CIS Act).

debt statement, for a report under Part 5 or 7, means a statement that includes:
(a) the following information about Commonwealth stock and securities on issue, at the time of the report and for the financial year to which the report relates and the following 3 financial years:
(i) the value of the stock and securities (including their market and face value, and their value as a proportion of gross domestic product);
(ii) the total expected interest expenses relating to the stock and securities; and
(b) a breakdown, by maturity and timing of interest payments, of Commonwealth stock and securities on issue at the time of the report.
3 At the end of subclause 12(1) of Schedule 1
   Add:
   ; (f) a debt statement.

4 At the end of subclause 16(1) of Schedule 1
   Add:
   ; and (c) contain a debt statement.

5 At the end of subclause 24(1) of Schedule 1
   Add:
   ; (e) a debt statement.

6 At the end of paragraph 26(a) of Schedule 1
   Add:
   (v) the information required by paragraph 24(1)(e); and

7 At the end of Schedule 1
   Add:

Part 9—Additional statements about Commonwealth stock and securities

33 Additional statements about Commonwealth stock and securities
   (1) This clause applies when the actual face value of Commonwealth stock and securities on issue has increased by $50 billion or more since whichever of the following last occurred:
      (a) a budget economic and fiscal outlook report, a mid-year economic and fiscal outlook report or a pre-election economic and fiscal outlook report was publicly released;
      (b) a statement under this clause was tabled.
   (2) The Treasurer is to table in each House of the Parliament, within 3 sittings days of that House after the increase referred to in subclause (1), a statement setting out the reasons for the increase, including the extent to which any of the following contributed to the increase:
      (a) lower than expected revenue;
      (b) higher than expected spending;
      (c) capital purchases;
      (d) grants to State and Territory governments for infrastructure.

8 Application—statements under clause 33 of the Charter of Budget Honesty
   Clause 33 of Schedule 1 to the Charter of Budget Honesty Act 1998 applies in relation to a report referred to in paragraph (1)(a) of that clause that is publicly released on or after the commencement of this item.”. 
The committee divided—

AYES, 40

Senators—

Bernardi  Edwards  Madigan  Scullion
Birmingham  Eggleston  Mason  Seselja
Boswell  Fawcett  McKenzie  Siewert
Boyce  Fierravanti-Wells  Milne  Sinodinos
Brandis  Fifield  Nash  Smith
Bushby  Hanson-Young  Parry  Waters
Cash  Johnston  Rhiannon  Whish-Wilson
Colbeck  Kroger (Teller)  Ronaldson  Williams
Cormann  Ludlam  Ruston  Wright
Di Natale  Macdonald  Ryan  Xenophon

NOES, 25

Senators—

Bilyk  Gallacher  O’Neill  Thorp
Brown  Lines  Pers  Tillem
Cameron  Ludwig  Polley  Urquhart
Collins  Lundy  Pratt  Wong
Dastyari  McEwen (Teller)  Singh
Farrell  McLucas  Stephens
Furner  Moore  Sterle

Question agreed to.

Question—That the amendment in respect of no. 3 be agreed to—put and passed.

Main question, as amended, put.

The committee divided—

AYES, 40

Senators—

Bernardi  Edwards  Madigan  Scullion
Birmingham  Eggleston  Mason  Seselja
Boswell  Fawcett  McKenzie  Siewert
Boyce  Fierravanti-Wells  Milne  Sinodinos
Brandis  Fifield  Nash  Smith
Bushby  Hanson-Young  Parry  Waters
Cash  Johnston  Rhiannon  Whish-Wilson
Colbeck  Kroger (Teller)  Ronaldson  Williams
Cormann  Ludlam  Ruston  Wright
Di Natale  Macdonald  Ryan  Xenophon

NOES, 25

Senators—

Bilyk  Gallacher  O’Neill  Thorp
Brown  Lines  Pers  Tillem
Cameron  Ludwig  Polley  Urquhart
Collins  Lundy  Pratt  Wong
Dastyari  McEwen (Teller)  Singh
Farrell  McLucas  Stephens
Furner  Moore  Sterle

Question agreed to.

Resolution to be reported.
The Deputy President (Senator Parry) resumed the chair and the Chair of Committees reported that the committee had considered message no. 2 from the House of Representatives relating to the Commonwealth Inscribed Stock Amendment Bill 2013 and had resolved not to insist on the amendment made by the Senate to which the House had disagreed, and had made a request for an amendment and amendments in place of that amendment.

The Assistant Treasurer (Senator Sinodinos) moved—That the report from the committee be adopted.

Debate ensued.

Question put.

The Senate divided—

AYES, 40

Bernardi
Birmingham
Boswell
Boyce
Brandis
Bushby
Cash
Colbeck
Cormann
Di Natale
Edwards
Eggleston
Fawcett
Ferravanti-Wells
Field
Hanson-Young
Johnston
Kroger (Teller)
Ladlam
Macdonald
Madigan
Mason
McKenzie
Milne
Nash
Parry
Rhiannon
Ronaldson
Ruston
Ryan
Scullion
Seselja
Siewert
Sinodinos
Smith
Waters
Whish-Wilson
Williams
Wright
Xenophon

NOES, 26

Bilyk
Brown
Cameron
Dastyari
Farrell
Faulkner
Furner
Gallacher
Hogg
Lines
Ludwig
Lundy
McEwen (Teller)
McLucas
Moore
O’Neill
Polley
Pratt
Singh

Question agreed to.

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.

At 2 pm: Debate was interrupted while Senator Brown was speaking.

5 QUESTIONS

Questions without notice were answered.
6 MOTIONS TO TAKE NOTE OF ANSWERS
The Leader of the Opposition in the Senate (Senator Wong) moved—that the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Veterans’ Affairs (Senator Ronaldson) to questions without notice asked by Senators Wong, Carr and Singh today relating to the automotive industry and to the transfer of Department of Human Services positions from Hobart, Tasmania. Debate ensued.
Question put and passed.
Senator Ludlam moved—that the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Ludlam today relating to an incident at the Ranger uranium mine in the Northern Territory.
Question put and passed.

7 DEATH OF HIS EXCELLENCY NELSON ROLIHHLALA MANDELA, AC
The Leader of the Government in the Senate (Senator Abetz), by leave, moved—that the Senate records its deep regret at the death on 5 December 2013 of His Excellency Nelson Rolihlahla Mandela, AC, former President of the Republic of South Africa, places on record its acknowledgement of his role in the development of the modern South African nation and tenders its profound sympathy to his family and the South African people in their bereavement.
The motion was supported and all senators present stood in silence—
Question passed.

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

Senator Ludlam, from 3 067 petitioners, requesting that the Senate commit to ensuring the Government develop a transition plan for wireless audio.

Senator Madigan, from 27 petitioners, requesting that the Senate ban the promotion of gambling services during sports broadcasts.

9 NOTICES
The Assistant Minister for Social Services (Senator Fifield): To move on 11 December 2013—that on Thursday, 12 December 2013—

(a) if by 8 pm the following bills have not been finally considered:
Clean Energy Finance Corporation (Abolition) Bill 2013
Climate Change Authority (Abolition) Bill 2013
Clean Energy Legislation (Carbon Tax Repeal) Bill 2013
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2013
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal) Bill 2013
True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2013
True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2013
Customs Tariff Amendment (Carbon Tax Repeal) Bill 2013
No. 8—9 December 2013

Excise Tariff Amendment (Carbon Tax Repeal) Bill 2013
Clean Energy (Income Tax Rates and Other Amendments) Bill 2013
Minerals Resource Rent Tax Repeal and Other Measures Bill 2013
Social Services and Other Legislation Amendment Bill 2013
Higher Education Support Amendment (Savings and Other Measures) Bill 2013,
the Senate shall not adjourn, the routine of business from not later than 8 pm shall be government business only, and the Senate shall continue to sit until it has finally considered these bills, or a motion for the adjournment is moved by a minister, whichever is the earlier; and
(b) divisions may take place after 4.30 pm.

Senator Siewert: To move on the next day of sitting—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. (general business notice of motion no. 58)

Senator Waters: To move on the next day of sitting—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
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. (general business notice of motion no. 59)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—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.
The Chair of the Finance and Public Administration References Committee (Senator Lundy): To move on the next day of sitting—That, noting paragraph (7) of the Senate order for departmental and agency contracts, 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.

Senator Ludlam: To move on the next day of sitting—That a select committee, to be known as the Select Committee on Electronic Surveillance, be established to inquire into and report on, by 10 June 2014, the following matter:

The adequacy of the institutional, technical and legal framework governing the Australian intelligence community and related entities, with particular regard to:
(a) the right to privacy and data security;
(b) institutional accountability to the Parliament;
(c) international legal obligations and agreements; and
(d) other relevant related matters. (general business notice of motion no. 60)

Senator Rhiannon: To move on the next day of sitting—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. (general business notice of motion no. 61)
The Chair of the Select Committee on the National Broadband Network (Senator Conroy): To move on the next day of sitting—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. (general business notice of motion no. 62)

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

Senators Wright and Rhiannon: To move on the next day of sitting—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. (general business notice of motion no. 63)

Senator Xenophon: To move on 11 December 2013—That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for related purposes. Criminal Code Amendment (Harming Australians) Bill 2013. (general business notice of motion no. 64)

Senator Xenophon: To move on 6 March 2014—That the Civil Aviation Order 48.1 Instrument 2013, made under subregulations 5(1), 5.55(1) and 215(3), and regulation 210A of the Civil Aviation Regulations 1988, subregulation 11.068(1) of the Civil Aviation Safety Regulations 1998, section 4 and subsection 33(3) of the Acts Interpretation Act 1901, and paragraph 28BA(1)(b) and subsection 98(4A) of the Civil Aviation Act 1988, be disallowed.
Senator Xenophon: To move on the next day of sitting—

(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. (general business notice of motion no. 65)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—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. (general business notice of motion no. 66)

10 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING

Senator Kroger, by leave and at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), moved—That the Education and Employment Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7.30 pm, to take evidence for the committee’s inquiry into the provisions of Schedules 6 and 9 of the Social Services and Other Legislation Amendment Bill 2013.

Question put and passed.

11 POSTPONEMENT

The following item of business was postponed:

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, postponed till 10 December 2013.

12 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCES

The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 27 March 2014:

(a) the prevalence of different types of speech, language and communication disorders and swallowing difficulties in Australia;

(b) the incidence of these disorders by demographic group (paediatric, Aboriginal and Torres Strait Islander people, people with disabilities and people from culturally and linguistically diverse communities);
(c) the availability and adequacy of speech pathology services provided by the Commonwealth, state and local governments across health, aged care, education, disability and correctional services;
(d) the provision and adequacy of private speech pathology services in Australia;
(e) evidence of the social and economic cost of failing to treat communication and swallowing disorders; and
(f) the projected demand for speech pathology services in Australia.

Question put and passed.

Senator Smith, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 September 2014:

Grandparents who take on the primary responsibility for raising their grandchildren when parents are unable or unwilling to do so, through a formal or informal care arrangement, including:

(a) the practical challenges facing grandparents raising their grandchildren, and their support needs;
(b) the role and contribution of grandparents raising their grandchildren, and how this should be recognised;
(c) other challenges that grandparents raising their grandchildren face in undertaking their role, including in circumstances complicated by family conflict, mental illness, substance abuse, homelessness, child abuse or neglect, or family violence;
(d) the barriers that grandparents raising their grandchildren face in acquiring legal recognition of their family arrangements, including Legal Aid entitlements for grandparents seeking to formalise their custodial arrangements through the Family Law Courts;
(e) the practical measures that can be implemented by the Commonwealth, state and territory governments and the community sector to better support grandparents raising their grandchildren, including key priorities for action;
(f) the specific needs of particular groups within the caring population, including Aboriginal and Torres Strait Islander grandparent carers, grandparents caring for grandchildren with disability, grandparents from culturally and linguistically diverse backgrounds, grandparents with mental health needs and grandparents with an informal care arrangement for their grandchildren; and
(g) other related matters.

Question put and passed.

13 EMPLOYMENT—WAGE CONNECT PROGRAM

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 47—That the Senate—

(a) acknowledges the success of the Wage Connect program in helping long-term unemployed back into the workforce;
(b) expresses concern that this program has been suspended due to a high level of demand for this service; and
(c) calls on the Government to re-commence the scheme and increase the number of places available through it, particularly for older workers who face significant discrimination in the labour market.
Statements by leave: The Assistant Minister for Social Services (Senator Fifield) and Senator Stiewert, by leave, made statements relating to the motion.

Question put and passed.

14 IMMIGRATION—DETENTION FACILITIES—CONDITION

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 54—That the Senate calls on the Minister assisting the Minister for Immigration and Border Protection (Senator Cash) to:

(a) provide a statement to the Senate on the United Nations High Commission for Refugees report into the conditions in the Nauru and Manus Island detention centres by Wednesday, 11 December 2013; and

(b) explain to the Senate how the Government intends to respond and action the recommendations made by the reports respectively.

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

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 48

Senators—

Bernardi
Birmingham
Boswell
Bushby
Carr
Cash
Colbeck
Dastyari
Edwards
Farrell
Faulkner
Fawcett
Fierravanti-Wells
Fifield
Furner
Gallacher
Heffernan
Johnston
Kroger
Lines
Ladwig
Landy
Macdonald
Marshall
Mason
McEwen (Teller)
McKenzie
McLucas
Moore
Nash
O’Neill
Parry
Peris
Polley
Pratt
Ronaldson
Ruston
Ryan
Seselja
Singh
Sinodinos
Smith
Stephens
Sterle
Thorp
Tillem
Unquhart
Williams

Question negatived.

15 NOTICE OF MOTION WITHDRAWN

Senator Whish-Wilson withdrew general business notice of motion no. 22 standing in his name for today, proposing an order for the production of documents by the Minister representing the Minister for Trade and Investment.
16 ENVIRONMENT—SOUTH AUSTRALIA—KANGAROO ISLAND

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 46—That the Senate—

(a) notes the public comment period has started for Bight Petroleum’s referral (reference number 2013/6770) under the Environment Protection and Biodiversity Conservation Act 1999 (the Act), which sets out its intention to do seismic testing in Commonwealth waters, to the west of Kangaroo Island in South Australia;

(b) recognises the economic, ecological and social importance of the Kangaroo Island marine environment, first and foremost for the Kangaroo Island community, but also for South Australia as a whole; and

(c) calls on the Minister for the Environment to use his powers under the Act to decide against the proposed action.

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 44

Senators—

Bernardi Fawcett Mason Ruston
Birmingham Fierravanti-Wells McEwen Ryan
Boswell Fisfeld McKenzie Seselja
Bushby Furner McLucas Singh
Carr Gallagher Moore Smith
Cash Kroger Nash Stephens
Colbeck Lines O’Neill Sterle
Dastyari Ludwig Parry Thorp
Edwards Landy Pers Tillem
Farrell Magigan Polley Unquhart (Teller)
Faulkner Marshall Pratt Williams

Question negatived.

17 FOREIGN AFFAIRS—MIDDLE EASTERN POLICY

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. 49—That the Senate—

(a) notes that:

(i) Australia voted against United Nations (UN) resolution L18, which reaffirms “that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development”,

(ii) previously Australia had voted for this resolution for 15 out of the past 20 years, including under the former Liberal National Party Government,
(iii) Australia abstained in the vote on UN resolution L.17, regarding the applicability of the Geneva conventions to the West Bank,

(iv) Australia has voted for similar resolutions at the UN in 16 of the past 20 years, and abstained in only four other years, and

(v) a Roy Morgan poll of November 2011 showed that 64 per cent of Australians polled opposed the building of settlements on Occupied Palestinian Territories;

(b) calls on the Prime Minister, Mr Abbott, to ensure Australia in future supports UN resolutions that identify illegal Israeli settlements as a major roadblock to peace in the Middle East; and

(c) reaffirms its commitment to a two-state solution to the Israel-Palestine conflict.

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

Question put and negatived.

18 INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—TIMING OF APPOINTMENT

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 51—That the Senate—

(a) notes that:

(i) the Attorney-General and the Prime Minister have made repeated reference to a regime of parliamentary oversight comprising the Parliamentary Joint Standing Committee on Intelligence and Security when commenting on recent scandals pertaining to the surveillance activities of Australia’s security and intelligence agencies, and

(ii) the Joint Standing Committee on Intelligence and Security has not been re-established by the Government; and

(b) calls on the Government to immediately establish the Parliamentary Joint Standing Committee on Intelligence and Security.

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

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 44

Senators—

Bernardi  Farrell  Marshall  Ruston
Bilyk  Faulkner  Mason  Ryan
Birmingham  Fawcett  McEwen  Seselja
Boswell  Fierravanti-Wells  McKenzie  Singh
Bushby  Frield  Moore  Smith
Cameron  Furner  Nash  Stephens
Carr  Gallacher  O'Neil  Sterle
Cash  Kroger  Parry  Thorp
Colbeck  Lines  Pers  Tillen
Dastyari  Ludwig  Polley  Urquhart (Teller)
Edwards  Lundy  Pratt  Williams

Question negatived.
19 Legal and Constitutional Affairs References Committee—Proposed Reference

Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 25 March 2014:

The form of a referendum on an amendment to the Constitution confirming that all powers pertaining to making laws for marriage rest with the Commonwealth and that those powers may only be used to confirm marriage to be the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, with particular reference to:

(a) what question should be put to the electors;
(b) any effect of the alteration on the Parliament’s powers under section 51(xxi) of the Constitution;
(c) the level of state and territory support;
(d) the potential ramifications for states and territories if such an amendment was made; and
(e) any other matters that the committee considers may be relevant to a decision on whether to conduct a referendum, and the timing of any referendum.

Question put and negatived. Senator Madigan recorded his vote for the ayes.

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

20 Landholders’ Right to Refuse (Gas and Coal) Bill 2013

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 56—That the following bill be introduced:

A Bill for an Act to provide Australian landholders the right to refuse the undertaking of gas and coal mining activities on their land without prior written authorisation, and for related purposes.

Question put and passed.

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

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

Debate adjourned till the next day of sitting, Senator Waters in continuation.
21 **MIGRATION AMENDMENT (VISA MAXIMUM NUMBERS DETERMINATIONS) BILL 2013**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 57—That the following bill be introduced:

A Bill for an Act to amend the *Migration Act 1958*, and for related purposes.

Question put and passed.

Senator Hanson-Young 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 Hanson-Young moved—That this bill be now read a second time.

Explanatory memorandum: Senator Hanson-Young, by leave, tabled an explanatory memorandum relating to the bill.

Debate adjourned till the next day of sitting, Senator Hanson-Young in continuation.

22 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE**

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Stephens), 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 Foreign Affairs, Defence and Trade References Committee for inquiry and report by 20 March 2014:

Australia’s overseas aid and development assistance program in light of the Government’s $4.5 billion cut to international development assistance, with particular reference to:

(a) Australia’s ability to deliver aid against stated policy objectives and international commitments;

(b) Australia’s ability to maintain its international development priorities, including sectoral, regional, bilateral and multilateral international relationships;

(c) the integration of AusAID into the Department of Foreign Affairs and Trade and the freeze in international development assistance funding;

(d) any unintended consequences of these changes; and

(e) any other related matters.

The Parliamentary Secretary to the Minister for Foreign Affairs (Senator Mason), by leave, moved the following amendment:

Before paragraph (a), insert:

(aa) Australia’s deteriorating budget situation caused by the former Labor Government’s economic mismanagement;

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

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

Main question put and passed.
23 **ENVIRONMENT—CLIMATE CHANGE POLICY**

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. 48—That the Senate—

(a) supports the Tasmanian Government’s Climate Smart strategy which aims to achieve 100 per cent renewable production and a 35 per cent cut in emissions on 1990 levels by 2020; and

(b) condemns the Abbott Government’s attempts to repeal the carbon price, which will remove up to $70 million per year from Hydro Tasmania and dividend payments to the Tasmanian budget.

Question put.

The Senate divided—

**AYES, 33**

Senators—

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**NOES, 28**

Senators—

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Question agreed to.

24 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE**

Pursuant to order of the Senate of 5 December 2013 (see entry no. 33, 5 December 2013), the following motion of Senator Moore was called on for the question to be put—

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by the last sitting day in March 2014:

The provisions of the Fair Work (Registered Organisations) Amendment Bill 2013, with particular reference to:

(a) the potential impact of the amendments to interfere with the ongoing operation of registered organisations in Australia; and

(b) the potential of the amendments to impede the ability of employees of registered organisations to carry out their duties.

(2) That for the avoidance of doubt, standing order 115(3) applies to the consideration of the Fair Work (Registered Organisations) Amendment Bill 2013 and any related bills.
Question put.
The Senate divided—

AYES, 33

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Question agreed to.

25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRY—AUTOMOTIVE INDUSTRY

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

The Coalition’s failure to support investment and jobs in the automotive sector.

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

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.]


Customs Act 1901—

Customs By-law No. 1339704 [F2013L02056].

Revocation of Customs By-law – Instrument of Revocation No. 3 (2013) [F2013L02057].

Defence Act 1903—

Defence Honours and Awards Appeals Tribunal Amendment Procedural Rule 2013 (No. 1) [F2013L02047].
Section 58B—
Dependants with special needs, maternity leave and travel – amendment—Defense Determination 2013/59.
Interdependent partner, recreation leave and travel costs – amendment—Defense Determination 2013/56.

Section 58H—

Environment Protection and Biodiversity Conservation Act 1999—
Amendment – List of Specimens Taken to be Suitable for Live Import (17 November 2013)—EPBC/s. 303EC/SSLI/Amend/065 [F2013L02051].
Amendment – List of Specimens Taken to be Suitable for Live Import (17 November 2013)—EPBC/s. 303EC/SSLI/Amend/066 [F2013L02052].


Higher Education Support Act 2003—VET Provider Approval No. 73 of 2013 [F2013L02045].


Migration Act 1958—
Migration Regulations 1994—Post Office Box and Courier Addresses—IMMI 13/144 [F2013L02046].


Royal Commissions Act 1902—Royal Commissions Amendment Regulation 2013 (No. 1)—Select Legislative Instrument 2013 No. 54 [F2013L00647]—Revised explanatory statement.


27 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—Fair Work Ombudsman.

28 COMMITTEE MEMBERSHIP

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

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

Community Affairs Legislation and References Committees—
Appointed—Participating member: Senator O’Neill

Economics Legislation and References Committees—
Appointed—Participating member: Senator O’Neill

Education and Employment Legislation and References Committees—
Appointed—Participating member: Senator O’Neill

Electoral Matters—Joint Standing Committee—

Environment and Communications Legislation and References Committees—
Appointed—Participating member: Senator O’Neill

Finance and Public Administration Legislation Committee—
Appointed—
Substitute member: Senator Siewert to replace Senator Rhiannon for the committee’s inquiry into the provisions of Schedule 2 of the Social Services and Other Legislation Amendment Bill 2013
Participating members: Senator O’Neill and Rhiannon

Finance and Public Administration References Committee—
Appointed—Participating member: Senator O’Neill

Foreign Affairs, Defence and Trade Legislation and References Committees—
Appointed—Participating member: Senator O’Neill

Legal and Constitutional Affairs Legislation and References Committees—
Appointed—Participating member: Senator O’Neill

National Broadband Network—Select Committee—
Appointed—
Substitute member: Senator O’Neill to replace Senator Lundy from 13 to 19 December 2013
Participating member: Senator Lundy
National Capital and External Territories—Joint Standing Committee—
   Discharged—Senator Peris
   Appointed—Senator Brown

Northern Australia—Joint Select Committee—
   Appointed—
   Senators McLucas and O’Neill
   Participating members: Senator Bilyk, Bishop, Brown, Cameron, Carr,  
   Collins, Conroy, Dastyari, Farrell, Faulkner, Furner, Gallacher, Lines,  
   Ludwig, Lundy, Madigan, Marshall, McEwen, Moore, Peris, Polley, Pratt,  
   Singh, Stephens, Sterle, Thorp, Tillem, Urquhart and Wong

Rural and Regional Affairs and Transport Legislation and References  
Committees—
   Appointed—Participating member: Senator O’Neill.

Question put and passed.

29 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 (see entry no. 4).
   Debate resumed.
   At 9.50 pm: Debate was interrupted while Senator Collins was speaking.

30 ADJOURNMENT
   The Acting Deputy President (Senator Ludlam) proposed the question—That the Senate  
   do now adjourn.
   Debate ensued.
   The Senate adjourned at 10.22 pm till Tuesday, 10 December 2013 at 12.30 pm.

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

ROSEMARY LAING
   Clerk of the Senate

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