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1 MEETING OF SENATE
The Senate met at 12.30 pm. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2 DOCUMENTS
The following documents were tabled pursuant to standing order 61(1)(b):

- Environment—Queensland—Great Barrier Reef Marine Park—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 19 November 2014, responding to the resolution of the Senate of 27 August 2014, and attachment.
- Snowy Hydro Limited—Financial report for the period 30 June 2013 to 28 June 2014.

The following documents were tabled by the Clerk pursuant to statute:

[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.]

- Programs and Awards Statute 2013—Higher Doctorates Rules (No. 2) 2014 [F2014L01568].
- Commonwealth Electoral Act 1918—Certificate of the Electoral Commissioner as to the number of the people of the Commonwealth and of the several States and Territories and the number of members of the House of Representatives to be chosen in the several States and Territories, dated 13 November 2014.
- Environment Protection and Biodiversity Conservation Act 1999—Amendment—List of Specimens taken to be Suitable for Live Import (10 November 2014) [F2014L01565].

National Health Act 1953—National Health (Concession or entitlement card fee) Amendment Determination 2014 (No. 1)—PB 98 of 2014 [F2014L01570].

Private Health Insurance Act 2007—Private Health Insurance (Prostheses) Amendment Rules 2014 (No. 3) [F2014L01573].

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

Committees were authorised to meet during the sittings of the Senate, as follows:

Economics References Committee—public meeting on Wednesday, 26 November 2014, from 9.30 am, to take evidence for the committee’s inquiry into digital currency.

Legal and Constitutional Affairs Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 12.35 pm, for the purposes of the committee’s inquiry into the provisions of the Freedom of Information Amendment (New Arrangements) Bill 2014.

National Broadband Network—Select Committee—public meeting on Tuesday, 2 December 2014, from 4 pm.

4 AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY (ABOLITION) BILL 2014

Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 33

Senators—
Back
Bernardi
Birmingham
Brandis
Bushby
Canavan
Colbeck
Day
Edwards

Fawcett
Ferravanti-Wells
Fifield
Heffernan
Johnston
Leyonhjelm
Macdonald
Madigan

McGrath
McKenzie
Muir
Nash
O’Sullivan
Parry
Payne
Reynolds

Ronaldson
Ruston (Teller)
Ryan
Scullion
Seselja
Sinodinos
Smith
Williams

NOES, 34

Senators—
Brown
Bullock
Cameron
Carr
Collins
Conroy
Dastyari
Di Natale
Fallon

Gallacher
Hanson-Young
Ketter
Lambie
Lazarus
Lines
Ludlam
Ludwig
Lundy

McLucas
Milne
Moore
O’Neill
Polley
Rhiannon
Rice
Siewert
Singh
Sterle
Unghart (Teller)
Wang
Waters
Whish-Wilson
Wright
Xenophon

Question negatived.
5 COUNTER-TERRORISM LEGISLATION AMENDMENT BILL (NO. 1) 2014
Order of the day read for the adjourned debate on the motion of the Attorney-General (Senator Brandis)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.

At 2 pm—

6 QUESTIONS
Questions without notice were answered.

7 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Lundy moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Assistant Minister for Health (Senator Nash) to questions without notice asked by Senators Lundy and Peris today relating to funding for the Australian Broadcasting Corporation.
Debate ensued.
Question put and passed.

Senator Waters moved—That the Senate take note of the answer given by the Assistant Minister for Immigration and Border Protection (Senator Cash) to a question without notice asked by Senator Waters today relating to the gender pay gap.
Question put and passed.

8 FOREIGN AFFAIRS—SOLOMON ISLANDS—GENERAL ELECTION—STATEMENT BY LEAVE
Senator Reynolds, by leave, made a statement clarifying comments she had made during the adjournment debate on 24 November 2014 concerning the recent general election in the Solomon Islands.

9 NOTICES
Senator Fawcett: To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold private meetings otherwise than in accordance with standing order 33(1), followed by public meetings, during the sittings of the Senate, as follows:
(a) Monday, 9 February 2015;
(b) Monday, 2 March 2015;
(c) Monday, 16 March 2015; and
(d) Monday, 23 March 2015. (general business notice of motion no. 529)

Senator Williams: To move on the next day of sitting—That the Senate—
(a) congratulates the Moree Boomerangs Rugby League Football Club for:
   (i) returning to rugby league in the New South Wales Group 19 competition after a 12-year break,
   (ii) changing the culture of the club to manage alcohol use,
   (iii) embracing the community and providing a safer environment at home matches,
(iv) winning the Group 19 major premiership in 2013 and 2014, and
(v) being named the Good Sports Awards National Good Sports Club of the Year; and

(b) notes:
(i) the award was presented by the Assistant Minister for Health, Senator Nash, and
(ii) in the 2014-15 Budget the Abbott Government committed $19 million to extend the successful Australian Drug Foundation’s Good Sports program for a further 4 years. (general business notice of motion no. 530)

Senator O’Sullivan: To move on the next day of sitting—That the Senate recognises the developing business and trade relationship between Australia and India, and its central role in raising the living standards of the Indian people. (general business notice of motion no. 531)

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

(a) notes:
(i) that uncommon or rare cancers, including neuroendocrine cancers, together account for 40 per cent of all cancers,
(ii) that little progress has been made in improving survival rates for uncommon cancers, such as neuroendocrine cancers, in contrast to many common cancers,
(iii) that, despite these poor survival rates, uncommon cancers have the least money spent on treatments, research and support,
(iv) the work of the Unicorn Foundation, which is the only medical charity in Australia dedicated to neuroendocrine cancers, and
(v) the important service provided by the Unicorn Foundation neuroendocrine nurse specialist in supporting people and improving the quality of life of hundreds of patients with neuroendocrine cancers; and

(b) calls on the Government to support the Unicorn Foundation neuroendocrine nurse specialist service to ensure that neuroendocrine patients receive appropriate treatment and have improved quality of life. (general business notice of motion no. 532)

Senator Leyonhjelm: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Marriage Act 1961 to reduce government intervention in marriage, and for related purposes. Freedom to Marry Bill 2014. (general business notice of motion no. 533)

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

(a) notes that:
(i) the Centenary of ANZAC approaches, and
(ii) two commemoration sites on ANZAC Parade in our nation’s capital remain incomplete; and

(b) recognises:
(i) the community groups which are seeking to raise funds to build the memorials that have been approved for these sites, and commends their work,
(ii) the National Boer War Memorial Association which aims to enshrine the beginnings of Australian military history, when 23,000 men and women from Australian colonial and Commonwealth contingents fought in the war in South Africa, and

(iii) the Australian Peacekeeping Memorial Project which seeks to complete a national memorial to recognise the more than 90,000 Australians who have been deployed on peacekeeping missions. (general business notice of motion no. 534)

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

(a) notes that:

(i) on 19 November 2014 the world observed the second official World Toilet Day, the annual observance of which is intended to raise awareness about the need for all human beings to have access to adequate sanitation and to promote the use and benefits of toilets,

(ii) despite progress toward the Millennium Development Goals (MDGs), 2.5 billion people do not have a basic toilet and 1 billion people continue to defecate in the open, and almost 2,000 children die every day from preventable diarrheal diseases,

(iii) sanitation is the most off-track target of the MDGs and is unlikely to be met by the deadline of 2015,

(iv) inadequate sanitation makes poor countries even poorer, which, in turn, makes the global economy weaker – poor sanitation and water supply result in economic losses estimated at $260 billion annually in developing countries,

(v) it is unacceptable that girls and women have to risk sexual assault just to visit the bathroom, and it is also unacceptable that many girls are pushed out of school and forced to defecate in the open for lack of access to toilets,

(vi) funding for water and sanitation programs is one of the best ways to save lives and to help build stronger economies around the world – for every $1 invested in safe drinking water and sanitation, an estimated $4 is saved in work time, productivity and healthcare costs in poor countries, and

(vii) mere access to toilets will not itself result in safe drinking water and sanitation, as people must be sold on the benefits of using toilets, and the waste contained by them must not be released untreated into the environment;

(b) recognises:

(i) the United Nations Deputy Secretary-General, Mr Jan Eliasson, for launching a new campaign earlier in 2014 to break the silence on open defecation, and to spur dialogue and action on the most lacking target of the MDGs, and

(ii) the renewed commitment from the non-government organisation sector, including WaterAid and the Global Poverty Project, to see an end to open defecation; and
(c) calls on the Australian Government to support diplomatic efforts to:
   (i) ensure that the proposed Sustainable Development Goals contain a separate goal on water and sanitation that encompasses a commitment to ensuring universal and sustainable access to clean water, sanitation and hygiene in every home, every school and every medical facility,
   (ii) end open defecation, and
   (iii) reduce the amount of untreated faecal waste that gets released into the environment. (general business notice of motion no. 535)

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) acknowledges that an unacceptably high number of people with disability are subjected to neglect, violence and abuse in residential, institutional and home care settings;
(b) notes the disturbing evidence shown in the Four Corners report on 24 November 2014 in regard to abuse of people with disability in residential, institutional and home care; and
(b) calls on the Government to take urgent action and set up a national inquiry into the violence, neglect and abuse against people with disability in residential, institutional and home care settings. (general business notice of motion no. 536)

Senator Xenophon: To move on 27 November 2014—That the following bill be introduced: A Bill for an Act to amend the Charter of the Australian Broadcasting Corporation in the Australian Broadcasting Corporation Act 1983, and for related purposes. Australian Broadcasting Corporation Amendment (Local Content) Bill 2014. (general business notice of motion no. 537)

10 CERTAIN ASPECTS OF QUEENSLAND GOVERNMENT ADMINISTRATION RELATED TO COMMONWEALTH GOVERNMENT AFFAIRS—SELECT COMMITTEE—PROPOSED LEAVE TO MEET DURING SITTING

Leave refused: The Chair of the Select Committee into Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs (Senator Lazarus) sought leave to move a motion to authorise the Select Committee into Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs to meet during the sitting of the Senate today.

An objection was raised and leave was not granted.

11 POSTPONEMENTS

Business was postponed as follows:

General business notices of motion nos 508 and 519 standing in the name of Senator O’Sullivan for today, relating to the Queensland coal industry and to the China-Australia Free Trade Agreement, postponed till 26 November 2014.

12 TRANSPORT—QUEENSLAND—MORETON BAY RAIL LINK—ORDER FOR PRODUCTION OF DOCUMENTS

Senator McEwen, at the request of Senator Ludwig and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 520—That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development (Senator Johnston) and the Minister representing the Treasurer (Senator Cormann), no later than 3.30 pm on Wednesday, 26 November 2014, any documents held in relation to:
(a) the Moreton Bay rail link project (the project);
(b) funding sought by the Queensland Government for the project; and
(c) the assessment and/or priority of the project.

Question put and passed.

13 TRANSPORT—QUEENSLAND—IPSWICH MOTORWAY—ORDER FOR PRODUCTION OF DOCUMENTS

Senator McEwen, at the request of Senator Ludwig and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 521—That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development (Senator Johnston) and the Minister representing the Treasurer (Senator Cormann), no later than 3.30 pm on Wednesday, 26 November 2014, any documents held in relation to:
(a) the Ipswich Motorway, Darra to Rocklea, project (the project);
(b) funding sought by the Queensland Government for the project; and
(c) the assessment and/or priority of the project.

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

Question put and passed.

14 HEALTH—NATIONAL MENTAL HEALTH COMMISSION—MENTAL HEALTH REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS

Senator McEwen, at the request of Senator McLucas and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 522—That there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Tuesday, 1 December 2014, copies of the following National Mental Health Commission documents in relation to its Mental Health review, as referred to during the estimates hearing of the Community Affairs Legislation Committee on Wednesday, 22 October 2014:
(a) the preliminary report completed during February 2014; and
(b) the interim report completed in June 2014.

Question put and passed.

15 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator McEwen, at the request of Senators Carr, Muir, Xenophon, Madigan and Rice and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Economics References Committee for inquiry and report by the first sitting day in November 2015:

The future of Australia’s automotive industry, with particular reference to:
(a) maintaining the capacity for Australia to engage in advanced manufacturing, by ensuring skills and industrial capabilities that have been sustained by the automotive industry are not lost;
(b) reducing Australia’s dependency on commodity exports by diversifying the country’s economic base, noting the importance of advanced manufacturing, including the automotive industry, in this diversification;
(c) the role of all sectors of the automotive industry, including, but not limited to, motor vehicle production, component making, after-market manufacturing, engineering, servicing, retail motor trades, other forms of sales support, and the training of apprentices, in supporting an advanced broad-based economy;

(d) the special difficulties faced by component makers in the transition to global supply chains and to other forms of manufacturing, especially as a result of the closure announcements made by the motor vehicle producers;

(e) new technologies influencing the automotive industry, both in Australia and internationally, especially new and developing forms of propulsion, such as hydrogen, electric engines and hybrid engines;

(f) new business models for the industry, including employee share models and attracting international venture capital and private investment;

(g) the possible effects of early closure of motor vehicle producers, including risks and consequences for the industry, skills, capabilities and the broader economy, including social consequences, and what policy actions could mitigate or exacerbate these risks and consequences;

(h) the need to synthesise and consolidate the findings, recommendations and knowledge of other reviews and inquiries pertinent to the automotive industry, in order to identify key policy inconsistencies, regulatory burdens and factors for growth and investment;

(i) the importance of long-term, stable employment for workers in the automotive industry, and the need for greater access to transitional training and career opportunities; and

(j) any other related matters.

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

Question put and passed.

16 WOMEN—INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Senator Moore, also on behalf of the Minister Assisting the Prime Minister for Women (Senator Cash) and Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 526—That the Senate—

(a) notes that:

(i) Tuesday, 25 November 2014, marks the International Day for the Elimination of Violence Against Women,

(ii) the day has been designated by the United Nations (UN) to raise public awareness of the problem of violence against women,

(iii) violence against women continues to be a global pandemic, and that UN figures show that up to 70 per cent of women experience violence in their lifetime, and

(iv) 25 November 2014 is also White Ribbon Day;

(b) recognises that:

(i) violence against women is a violation of women’s human rights,

(ii) anyone committed to preventing violence against women can become a White Ribbon Australia advocate,

(iii) White Ribbon Australia is Australia’s only national male-led campaign to stop violence against women, and
(iv) there is a range of government and community initiatives to protect women and children who are the victims of violence;

(c) congratulates the men and women who provide support to women who face violence in their homes and communities, including to the White Ribbon Campaign; and

(d) acknowledges:

(i) the cross-party support for the National Plan to Reduce Violence Against Women and their Children 2010-2022, and

(ii) the role of successive governments in working to ensure a significant and sustained reduction in violence against women and children and the need for this support to continue.

Question put and passed.

17  ENVIRONMENT—QUEENSLAND—ABBOT POINT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 523—That there be laid on the table by the Minister representing the Minister for the Environment, no later than noon on 27 November 2014, any documents, including any attachments, containing any request to the Queensland Government for further information, including any request pursuant to section 95A of the Environment Protection and Biodiversity Conservation Act 1999, in relation to the proposal for onshore disposal of dredge spoil at Abbot Point pursuant to EPBC referrals 2014/7355 and 2014/7356.

Question put and passed.

18  FAMILY AND COMMUNITY SERVICES—RECLINK NATIONAL PROGRAM—FUNDING

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 524—That the Senate—

(a) notes:

(i) that the Reclink National Program has delivered over 100,000 participation opportunities to thousands of people experiencing disadvantage across Australia in partnership with over 450 community organisations,

(ii) there is no other organisation in Australia with the expertise, capacity and capability of effectively and efficiently providing over 100,000 participation opportunities every year to the most disenfranchised, disadvantaged and forgotten Australians, and

(iii) widespread community concern at the diminishing resources to support people experiencing disadvantage, many of whom have relied upon Reclink’s program for social participation and social inclusion through engagement with sport and recreation programs; and

(b) calls on the Federal Government to reinstate funding to the Reclink National Program.

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

Question put and passed.
19 **IMMIGRATION—REFUGEES—RESETTLEMENT FROM INDONESIA**

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 527—That the Senate—

(a) condemns the Government’s decision to no longer resettle United Nations High Commissioner for Refugees (UNHCR) approved refugees from Indonesia after 1 July 2014;

(b) recognises that there are more than 10,000 asylum seekers and refugees already registered with the UNHCR in Indonesia awaiting resettlement;

(c) calls on the Minister for Immigration and Border Protection (Mr Morrison) to heed the requests of Indonesia and urgently meet with his counterparts regarding the Australian Government’s decision; and

(d) calls on the Government to reverse the decision and instead work collaboratively with our neighbours, accelerate refugee processing and increase Australia’s intake from the region.

*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, 30

Senators—

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Noes, 30

Senators—

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The ayes and noes were equal and so the question was negatived.

20 **COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION AND SPECIAL BROADCASTING SERVICE—FUNDING**

Senator Singh, also on behalf of Senator McEwen, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 528—That the Senate—

(a) notes:

(i) the promise of the Prime Minister (Mr Abbott) at the 2013 election not to cut funding to the Australian Broadcasting Corporation (ABC) or the Special Broadcasting Service (SBS),
(ii) that the Abbott Government has announced cuts of $254 million to the ABC resulting in the loss of 400 jobs, the closure of state-based 7.30 programs and the closure of Local Radio programs,

(iii) regional Australia has borne the worst of the cuts, with the closure of five regional radio offices and the Adelaide television production studio, and remaining non-news television production in other states to be wound-down,

(iv) thousands of Australians have rallied across the country from Hobart to Darwin, Ballarat to Newcastle and Bega to Perth to defend the rural and regional services of the ABC from cuts, and

(v) the obligations for the ABC to provide a service to rural and regional Australia under its charter and the duty of the Government to ensure that it is properly resourced to do so; and

(b) opposes the cuts to the ABC and SBS and calls on the Government to protect their services to regional Australia.

Question put and passed.

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—VICTORIA—ENVIRONMENTAL POLICIES

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

The lack of strong environmental policies to address climate change or safeguard natural resources in Victoria.

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

Declaration of interest: Senator Di Natale declared an interest in relation to the matter under discussion.

Discussion concluded.

22 DOCUMENTS—CONSIDERATION

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

23 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

Senator Ruston, at the request of the Chair of the Parliamentary Joint Committee on Human Rights (Senator Smith), tabled the following report:


Report ordered to be printed on the motion of Senator Ruston.
The Minister for Human Services (Senator Payne) tabled the following document:


Senator Lines moved—That the Senate take note of the document.
Debate ensued.
Question put and passed.

The Minister for Human Services (Senator Payne) tabled the following document:


The following order of the day relating to committee reports and government responses was considered:


Orders of the day nos 1, 2 and 4 relating to committee reports and government responses were called on but no motion was moved.

24 TRADE—FIRST PROTOCOL TO AMEND THE AGREEMENT ESTABLISHING THE ASEAN-AUSTRALIA-NEW ZEALAND FREE TRADE AREA—MINISTERIAL STATEMENT—DOCUMENTS

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

Trade—First Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (Nay Pyi Taw, 26 August 2014)—

Ministerial statement by the Minister for Trade and Investment (Mr Robb), dated 24 November 2014.

Treaty—Multilateral—Text, together with national interest analysis and regulation impact statement.

25 LAW AND JUSTICE—DATA RETENTION—INVESTIGATION OF COSTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Law and justice—Data retention—Investigation of costs—Letter to the President of the Senate from the Attorney-General (Senator Brandis), dated 25 November 2014, responding to the order of the Senate of 24 November 2014 and raising public interest immunity claims.
26 **COMMITTEE MEMBERSHIP**

The Acting Deputy President (Senator Whish-Wilson) 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—

(a) Senator Wong be discharged from the Parliamentary Joint Committee on Intelligence and Security and Senator Williams be appointed as a member of the committee, pursuant to the *Intelligence Services Act 2001*; and

(b) Senator Leyonhjelm be appointed as a member of the Parliamentary Joint Committee on Law Enforcement.

Question put and passed.

27 **AUSTRALIAN CITIZENSHIP AND OTHER LEGISLATION AMENDMENT BILL 2014**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 266, dated 24 November 2014—A Bill for an Act to amend the *Australian Citizenship Act 2007* and other legislation, and for related purposes.

The Minister for Indigenous Affairs (Senator Scullion) 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 Scullion moved—That this bill 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 day fixed for the Legal and Constitutional Affairs Legislation Committee to report on the bill, 1 December 2014.

28 **INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 2014**

A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 267, dated 24 November 2014—A Bill for an Act to amend legislation relating to intellectual property, and for related purposes.

The Minister for Indigenous Affairs (Senator Scullion) 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 Scullion moved—That this bill be now read a second time.

On the motion of Senator Scullion the debate was adjourned till the next day of sitting.

29 **CARBON FARMING INITIATIVE AMENDMENT BILL 2014**

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

30 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—
FREEDOM OF INFORMATION AMENDMENT (NEW ARRANGEMENTS) BILL 2014
Pursuant to order, Senator O’Sullivan, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:
Report ordered to be printed on the motion of Senator O’Sullivan.

31 ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX AND SUPERANNUATION
LAWS AMENDMENT (2014 MEASURES NO. 6) BILL 2014
Pursuant to order, Senator O’Sullivan, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following report and documents:
Report ordered to be printed on the motion of Senator O’Sullivan.

32 COUNTER-TERRORISM LEGISLATION AMENDMENT BILL (NO. 1) 2014
Order read for the consideration of the bill in committee of the whole.

In the committee
Bill, taken as a whole by leave, debated.
Leave refused: The Attorney-General (Senator Brandis) sought leave to move all government amendments together.
An objection was raised and leave was not granted.
On the motion of Senator Brandis the following amendments, taken together by leave, were debated and agreed to:
Schedule 1, item 8, page 5 (after line 8), after paragraph 104.2(3)(a), insert:
(aa) the following:
(i) a statement of the facts relating to why the order should be made;
(ii) if the member is aware of any facts relating to why the order should not be made—a statement of those facts; and
Schedule 1, page 5 (after line 22), after item 8, insert:
8A Subsection 104.2(6) of the Criminal Code
Omit “paragraphs (2)(a) and (b)”, substitute “subsection (2)”. Schedule 1, item 9, page 5 (line 34) to page 6 (line 4), omit paragraph 104.3(c).
Schedule 1, item 9, page 6 (line 6), omit “the proposed”, substitute “each of the proposed”;
Schedule 1, item 9, page 6 (lines 9 and 10), omit “the proposed”, substitute “any of those”. 
Schedule 1, item 12, page 7 (lines 9 and 10), omit “the order”, substitute “each of the obligations, prohibitions and restrictions to be imposed on the person by the order”.
Schedule 1, item 15, page 8 (line 3), omit “12”, substitute “8”.
Schedule 1, item 16, page 8 (line 6), omit “104.3(1)(b) to (e)”, substitute “104.3(b) to (e)”.
Schedule 1, item 17, page 8 (line 9), omit “12”, substitute “8”.
Schedule 1, item 18, page 8 (line 12), omit “104.3(1)(a) to (e)”, substitute “104.3(a) to (e)”.
Schedule 1, item 19, page 8 (line 16), omit “12”, substitute “8”.
Schedule 1, item 20, page 8 (line 18), omit “12”, substitute “8”.
Schedule 1, item 22, page 8 (line 22), omit “104.3(1)(c) and (d)”, substitute “104.2(3)(aa) and 104.3(d)”.
Schedule 1, item 28, page 9 (lines 28 and 29), omit “the varied control order”, substitute “each of the additional obligations, prohibitions and restrictions to be imposed on the person by the order”.
Schedule 2, page 12 (before line 4), before item 1, insert:

**1A After section 3**

Insert:

**3A References to Ministers**

Despite section 19A of the *Acts Interpretation Act 1901*, in this Act:

(a) a reference to the responsible Minister in relation to a relevant agency is a reference only to the most senior responsible Minister in relation to that agency; and

(b) a reference to the Prime Minister or the Attorney-General is a reference only to the Minister with that title; and

(c) a reference to the Defence Minister is a reference only to the most senior Defence Minister; and

(d) a reference to the Foreign Affairs Minister is a reference only to the most senior Foreign Affairs Minister; and

(e) a reference to the Minister responsible for administering the *Australian Security Intelligence Organisation Act 1979* is a reference only to the most senior such Minister.

**Note:** A reference to a Minister mentioned in this section may include a reference to a person acting as that Minister (see section 19 of the *Acts Interpretation Act 1901*).

Schedule 2, item 18, page 18 (after line 19), after subsection 9B(4), insert:

**Notifying the responsible Minister**

(4A) An agency head who gives an authorisation under this section for an activity or series of activities must notify the relevant responsible Minister of the authorisation within 8 hours after giving the authorisation.

Schedule 2, item 18, page 18 (lines 21 and 22), omit “An agency head who gives an authorisation under this section for an activity or series of activities must”, substitute “The agency head must also”.

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Schedule 2, item 18, page 19 (line 5), omit “being”, substitute “the responsible Minister is”.

Schedule 2, item 18, page 19 (after line 13), after subsection 9B(8), insert:

Oversight by Inspector-General of Intelligence and Security

(8A) Within 30 days after the Inspector-General of Intelligence and Security is given the documents, the Inspector-General must:

(a) consider whether the agency head complied with the requirements of this section in giving the authorisation; and

(b) provide the responsible Minister with a report on the Inspector-General’s views of the extent of the agency head’s compliance with the requirements of this section in giving the authorisation; and

(c) provide to the Committee a copy of the conclusions in the report.

Schedule 2, item 18, page 19 (line 14), omit the heading to subsection 9B(9), substitute:

Status of instruments

Schedule 2, item 18, page 19 (line 15), after “authorisation”, insert “, report”.

Schedule 2, item 18, page 20 (line 11), omit “Advising”, substitute “Notifying”.

Schedule 2, item 18, page 20 (line 12), omit “advise”, substitute “notify”.

Schedule 2, item 18, page 20 (line 15), omit “advice”, substitute “notification”.

Schedule 2, item 18, page 20 (lines 17 to 23), omit subsection 9C(5), substitute:

(5) The notification must be given:

(a) for a notification given to the ASIO Minister—before the end of 8 hours after the authorisation is given under section 9A or 9B; and

(b) for a notification given to the Inspector-General of Intelligence and Security—as soon as practicable, but no later than 3 days after the authorisation is given under section 9A or 9B.

Oversight by Inspector-General of Intelligence and Security

(6) Within 30 days after the Inspector-General of Intelligence and Security is given the notification, the Inspector-General must:

(a) consider whether the agency head complied with the requirements of this section in giving the authorisation under section 9A or 9B; and

(b) provide the responsible Minister with a report on the Inspector-General’s views of the extent of the agency head’s compliance with the requirements of this section in giving the authorisation under that section; and

(c) provide to the Committee a copy of the conclusions in the report.
Schedule 2, page 22 (after line 29), at the end of the Schedule, add:

32 Paragraph 29(1)(bb)

Repeal the paragraph, substitute:

(bb) to review, by 7 March 2018, the operation, effectiveness and implications of the following:

(i) Division 3 of Part III of the Australian Security Intelligence Organisation Act 1979 and any other provision of that Act as far as it relates to that Division;
(ii) Division 3A of Part IAA of the Crimes Act 1914 and any other provision of that Act as far as it relates to that Division;
(iii) Divisions 104 and 105 of the Criminal Code and any other provision of the Criminal Code Act 1995 as far as it relates to those Divisions;
(iv) sections 119.2 and 119.3 of the Criminal Code and any other provision of the Criminal Code Act 1995 as far as it relates to those sections; and

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Brandis, in respect of Schedule 1, items 13, 23, 24, 26, 27 and 29.

At 7.20 pm: The Acting Deputy President (Senator O’Neill) resumed the chair and the Temporary Chair of Committees reported progress.

33 ADJOURNMENT

The Acting Deputy President (Senator O’Neill) proposed the question—That the Senate do now adjourn.

Debate ensued.

Declaration of interest: Senator McGrath declared an interest in relation to the matter under discussion.

Debate continued.

The Senate adjourned at 9.02 pm till Wednesday, 26 November 2014 at 9.30 am.

34 ATTENDANCE

Present, all senators except Senators Cormann, Marshall* and Mason* (*on leave).