2013-14

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 57

TUESDAY, 30 SEPTEMBER 2014

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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.

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

- Environment—National Water Commission—Letter to the President of the Senate from the Parliamentary Secretary to the Minister for the Environment (Senator Birmingham), dated 25 September 2014, responding to the resolution of the Senate of 17 July 2014.
- Final budget outcome 2013-14—Report by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann).
- **Interactive Gambling Act 2001**—Report for 2013 on the operation of the prohibition of interactive gambling services advertisements.

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

[Literary 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 Prudential Regulation Authority Act 1998**—Australian Prudential Regulation Authority (confidentiality) determination—No. 14 of 2014 [F2014L01274].
- **Australian Research Council Act 2001**—Approval of Australian Laureate Fellowships Proposals for funding commencing in 2014—Determination No. 130.
- **Civil Aviation Act 1988**—Civil Aviation Safety Regulations 1998—Crankshaft Gear—AD/LYC/89 Amdt 4 [F2014L01273].
- Post indexes and approved clubs—amendment—Defence Determination 2014/47.
- Service residence contribution and removal costs—Defence Determination 2014/46.

Migration Act 1958—
Determination of Daily Maintenance Amounts for Persons in Detention—IMMI 14/088 [F2014L01281].

Migration Regulations 1994—
Classes of Persons and Addresses—IMMI 14/084 [F2014L01284].
Health Service Provider—IMMI 14/085 [F2014L01278].
Specification of Addresses—
IMMI 14/068 [F2014L01279].
IMMI 14/069 [F2014L01280].


National Health Act 1953—
National Health Determination under paragraph 98C(1)(b) Amendment 2014 (No. 9)—PB 74 of 2014 [F2014L01286].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2014 (No. 9)—PB 78 of 2014 [F2014L01291].
National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2014 (No. 6)—PB 79 of 2014 [F2014L01287].
National Health (Price and Special Patient Contribution) Amendment Determination 2014 (No. 6)—PB 73 of 2014 [F2014L01289].

Public Governance, Performance and Accountability Act 2013—
Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2012-2013 [F2014L01290].
Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2013-2014 [F2014L01288].


Therapeutic Goods Act 1989—
Therapeutic Goods (Listing) Notice 2014 (No. 4) [F2014L01275].
Therapeutic Goods (Listing) Notice 2014 (No. 5) [F2014L01277].

The following document was tabled by the Clerk pursuant to order:
Indexed lists of departmental and agency files for the period 1 January to 30 June 2014—Statement of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Health portfolio.
3 **DEFENCE—DEPLOYMENT OF AUSTRALIAN TROOPS IN IRAQ—PROPOSED SUSPENSION OF STANDING ORDERS**

*Leave refused:* The Leader of the Australian Greens (Senator Milne) sought leave to move a motion relating to the deployment of Australian troops in Iraq.

An objection was raised and leave was not granted.

Senator Milne, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent her moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to the deployment of Australian troops in Iraq.

Debate ensued.

Question put.

The Senate divided—

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Question negatived.

4 **SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (2014 BUDGET MEASURES NO. 1) BILL 2014**

**SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (2014 BUDGET MEASURES NO. 2) BILL 2014**

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That these bills be now read a second time.

Debate resumed.

*At 2 pm:* Debate was interrupted.

5 **QUESTIONS**

Questions without notice were answered.

6 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Gallacher moved—That the Senate take note of the answers given by the Minister for Defence (Senator Johnston) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senator Conroy today relating to the manufacture of the next fleet of Australian submarines.
Debate ensued.
Question put and passed.
Senator Whish-Wilson moved—That the Senate take note of the answer given by the
Minister for Finance (Senator Cormann) to a question without notice asked by the
Leader of the Australian Greens (Senator Milne) today relating to taxation policy.
Question put and passed.

7 FOREIGN AFFAIRS—G20 AUSTRALIA 2014—PRESIDENT OF RUSSIA—ANSWER TO
QUESTION—STATEMENT BY LEAVE
The Minister for Employment (Senator Abetz), by leave, made a statement clarifying
the answer he gave to a question without notice asked by the Leader of the Opposition
in the Senate (Senator Wong) today relating to the attendance of the President of
Russia at the Leaders Summit of G20 Australia 2014 in Brisbane.

8 CERTAIN ASPECTS OF QUEENSLAND GOVERNMENT ADMINISTRATION RELATED TO
COMMONWEALTH GOVERNMENT AFFAIRS—SELECT COMMITTEE—APPOINTMENT
Leave refused: The Leader of the Palmer United Party in the Senate (Senator Lazarus)
sought leave to move a motion to establish a select committee on certain aspects of
Queensland Government administration related to Commonwealth Government
affairs.
An objection was raised and leave was not granted.
Suspension of standing orders: Senator Lazarus, pursuant to contingent notice,
moved—That so much of the standing orders be suspended as would prevent him
moving a motion to provide for the consideration of a matter, namely a motion to give
precedence to a motion to establish a select committee on certain aspects of
Queensland Government administration related to Commonwealth Government
affairs.
Debate ensued.
Question put.
The Senate divided—

AYES, 33

Senators—

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<th>Lazarus</th>
<th>Muir</th>
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NOES, 28

Senators—
Abetz  Cash  Leyonhjelm  Payne
Back  Colbeck  Macdonald  Reynolds
Bernardi  Day  Mason  Ruston (Teller)
Birmingham  Fawcett  McGrath  Ryan
Brandis  Fierravanti-Wells  McKenzie  Sinodinos
Bushby  Fifield  O’Sullivan  Smith
Canavan  Heffernan  Parry  Williams

Question agreed to.

Senator Lazarus moved—That a motion to establish a select committee on certain aspects of Queensland Government administration related to Commonwealth Government affairs may be moved immediately and have precedence over all other business today till determined.

Question put and passed.

Senator Lazarus moved—

(1) That a select committee, to be known as the Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs, be established to inquire into and report on:

(a) the amount of Commonwealth funds allocated or paid to the State of Queensland since 26 March 2012, with particular reference to:
   (i) the purposes for which the funds were appropriated by the Parliament,
   (ii) performance measures in relation to Commonwealth funds paid to the State of Queensland,
   (iii) identified breaches of funding agreements or conditions,
   (iv) the proportion of the Queensland State budget derived from Commonwealth funds, and
   (v) whether any Commonwealth funds have been used by the State of Queensland for state government advertising or party political purposes,

(b) the administration of the Queensland courts and judicial system insofar as it relates to cross vesting arrangements, with particular reference to judicial independence and separation of powers;

(c) approval process for the development of projects for the export of resources or services insofar as they are administered by the Commonwealth or under a bilateral agreement with the Commonwealth;

(d) the extent to which Queensland State Government policies and practices are consistent with Australia’s obligations under international environmental law instruments;

(e) whether it is appropriate for the Federal Minister for the Environment to delegate his approval powers to the Queensland State Government under the Environment Protection and Biodiversity Conservation Act 1999 by way of approval bilateral agreements or strategic assessments;

(f) the extent to which Queensland State Government policies and practices are consistent with Australia’s obligations under international human rights instruments, with particular reference to:
   (i) the administration of prisons, and
   (ii) detention without trial; and
(g) any other matter the committee considers relevant.

(2) The committee will inquire into and report on the adequacy of Commonwealth oversight of the approval of coal seam gas projects in Queensland.

(3) That the committee presents its final report on or before 27 March 2015.

(4) That the committee consist of 5 senators, 1 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens, and 1 to be nominated by the Leader of the Palmer United Party.

(5) That:
   
   (a) on the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;
   
   (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.

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

(7) That the committee:
   
   (a) appoint as chair the Leader of the Palmer United Party in the Senate; and
   
   (b) elect as deputy chair a member elected by the committee.

(8) 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.

(9) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That the quorum of the committee be 3 members.

(11) That the committee and any subcommittee have power to send for and examine any person and any document, to move from place to place (including, but not limited to, major metropolitan and regional centres in Queensland and the committee shall conduct public hearings in Nambour, Ipswich, Mackay, Rockhampton, Kingaroy, Mt Isa, Bundaberg, Toowoomba, Townsville and Cairns) to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(12) That the committee shall report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(13) That the committee has power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(14) 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.

(15) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.
The Minister for Employment (Senator Abetz) moved the following amendment:
Paragraph (1)(a), omit “26 March 2012”, substitute “21 March 2009”.

Closure: Senator Wang moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 32

Bilyk (Teller)         Lamie          Moore          Singh
Bullock               Lazarus        Muir          Sterle
Collins               Lines          O’Neill       Urquhart
Di Natale             Ludlam         Peris          Wang
Faulkner              Ludwig         Polley        Waters
Gallacher             Marshall       Rhiannon      Whish-Wilson
Hanson-Young          McLucas        Rice          Wong
Ketter                Milne          Siewert       Weight

NOES, 28

Abetz                 Cormann        Macdonald      Payne
Back                  Day            Madigan        Reynolds
Bernardi              Fawcett        Mason          Ronaldson
Birmingham            Ferravanti-Wells  McGrath      Ruston (Teller)
Bushby                Fifield        McKenzie       Ryan
Canavan               Heffernan      O’Sullivan     Seselja
Cash                  Leyonhjelm    Parry          Simodinos

Question agreed to.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 28

Abetz                 Colbeck        Macdonald      Payne
Back                  Day            Madigan        Reynolds
Bernardi              Fawcett        Mason          Ronaldson
Birmingham            Ferravanti-Wells  McGrath      Ruston (Teller)
Bushby                Fifield        McKenzie       Ryan
Canavan               Heffernan      O’Sullivan     Seselja
Cash                  Leyonhjelm    Parry          Simodinos

NOES, 31

Bilyk (Teller)         Lazarus        Muir          Sterle
Bullock               Lines          O’Neill       Urquhart
Collins               Ludlam         Peris          Wang
Di Natale             Ludwig         Polley        Waters
Gallacher             Marshall       Rhiannon      Whish-Wilson
Hanson-Young          McLucas        Rice          Wong
Ketter                Milne          Siewert       Wright
Lambie                Moore          Singh

Question negatived.

Closure: Senator Lambie moved—That the question be now put.
Question—That the question be now put—put.
The Senate divided—

   AYES, 30

   Senators—
   Bilyk (Teller)  Lazarus  Muir  Urquhart
   Bullock  Lines  O’Neill  Wang
   Collins  Ludlam  Peris  Waters
   Di Natale  Ludwig  Rhiannon  Whish-Wilson
   Gallacher  Marshall  Rice  Wong
   Hanson-Young  McLucas  Siewert  Wright
   Ketter  Milne  Singh
   Lambie  Moore  Sterle

   NOES, 27

   Senators—
   Back  Day  Madigan  Reynolds
   Bernardi  Fawcett  Mason  Ronaldson
   Birmingham  Fieravanti-Wells  McGrath  Ruston (Teller)
   Bushby  Fifield  McKenzie  Ryan
   Canavan  Heffernan  O’Sullivan  Seselja
   Cash  Leyonhjelm  Parry  Sinodinos
   Colbeck  Macdonald  Payne

Question agreed to.
Main question put.
The Senate divided—

   AYES, 30

   Senators—
   Bilyk (Teller)  Lazarus  Muir  Urquhart
   Bullock  Lines  O’Neill  Wang
   Collins  Ludlam  Peris  Waters
   Di Natale  Ludwig  Rhiannon  Whish-Wilson
   Gallacher  Marshall  Rice  Wong
   Hanson-Young  McLucas  Siewert  Wright
   Ketter  Milne  Singh
   Lambie  Moore  Sterle

   NOES, 27

   Senators—
   Back  Day  Madigan  Reynolds
   Bernardi  Fawcett  Mason  Ronaldson
   Birmingham  Fieravanti-Wells  McGrath  Ruston (Teller)
   Bushby  Fifield  McKenzie  Ryan
   Canavan  Heffernan  O’Sullivan  Seselja
   Cash  Leyonhjelm  Parry  Sinodinos
   Colbeck  Macdonald  Payne

Question agreed to.
9 Petition
The following petition, lodged with the Clerk by Senator Bilyk, was received:

From 1 219 petitioners, requesting that the Senate take action to ensure that licensed post office operators receive appropriate remuneration for services provided on behalf of Australia Post.

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

(a) so much of the standing orders be suspended as would prevent the succeeding provisions of this resolution having effect;
(b) on Wednesday, 1 October 2014, the business of the Senate notice of motion proposing the disallowance of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, standing in the name of Senator Dastyari, for that day be called on no later than 6.15 pm; and
(c) if consideration of the motion listed in paragraph (2) is not concluded at 6.30 pm, the questions on the unresolved motion shall then be put.

Senators Wright and McLucas: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) at any one point in time, between 1 and 4 per cent of the general population experiences Borderline Personality Disorder (BPD),
(ii) the disorder can be characterised by overwhelming emotions, relationship problems, impulsive and risk-taking behaviour and a fragile sense of self,
(iii) a history of trauma, abuse or deprivation is common among those with the disorder,
(iv) despite its prevalence, enormous public health costs and devastating toll on individuals and families, recovery from BPD is possible,
(v) BPD is a leading cause of suicide, with an estimated 10 per cent of individuals with this diagnosis taking their own lives, and
(vi) an increased understanding of BPD is required among health professionals and the general public by promoting education, research, funding, early detection, and effective treatments; and

(b) acknowledges that the Australian BPD Foundation, through ongoing advocacy from Ms Janne McMahon OAM, Dr Martha Kent and Associate Professor Andrew Chanen, has declared the first week of October each year as Borderline Personality Disorder Awareness Week with the aim of promoting understanding of the disorder in the community and working towards better treatment options and quality of life for those affected by the disorder. (general business notice of motion no. 460)

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

(a) notes that:

(i) 80 per cent of people with a disability live in developing countries,
(ii) over 20 per cent of the world’s poorest people in developing countries have a disability,
(iii) children with a disability are much less likely to attend school than children without a disability, and
(iv) it is estimated that armed conflict will be the eighth most common cause of disability worldwide by 2020; and

(b) urges the Department of Foreign Affairs and Trade and all those involved in progressing development policy and programs to ensure budget and accountability measures are in place with reference to implementing a multi-partisan commitment to disability-inclusive development. (general business notice of motion no. 461)

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

(a) notes that:

(i) Australia’s community broadcasters are a vital part of Australia’s increasingly concentrated media landscape, providing space for diverse voices not found in commercial media,

(ii) some 25 000 Australians volunteer at their community radio or television station each year, gaining critical commercial skills and experience that they would not be able to access elsewhere, and

(iii) the future of the sector has been called into question by the Minister for Communications’ recent announcement that spectrum licensing to community stations will be cancelled at the end of 2015; and

(b) calls on the Australian Government to:

(i) immediately commence a public consultation process regarding the future of Australia’s community broadcasting sector, and

(ii) reconsider the decision to cancel spectrum allocation to the community broadcasting sector. (general business notice of motion no. 462)

Senator Hanson-Young: To move on the next day of sitting—That there be laid on the table by the Assistant Minister for Immigration and Border Protection, no later than 3 pm on Thursday, 2 October 2014, the following documents:

(a) all incident reports logged at the Nauru detention centre relating to the misconduct of centre staff for the past 12 months; and

(b) all complaints of sexual assault, exploitation and child abuse made to case workers at the Nauru detention centre in the past 12 months. (general business notice of motion no. 463)

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

(a) notes that:

(i) freedom of the press is an important element of any functioning democracy, and

(ii) access to West Papua by foreign journalists has been tightly restricted by the Indonesian Government;

(b) expresses its concern at the arrest of French journalists, Mr Thomas Dandois and Ms Valentine Bourrat, on 6 August 2014, while they were filming a documentary for the Franco-German television channel Arte;

(c) welcomes public statements from Indonesia’s President, Mr Joko Widodo, that West Papua should be open to foreign journalists; and

(d) calls on the Australian Government to request that the Indonesian President release Mr Dandois and Ms Bourrat as a sign of his commitment to a more open West Papua. (general business notice of motion no. 464)
The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014
Customs Tariff Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014.

Document: Senator Fifield tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of the bills in the 2014 spring sittings.

Intention to withdraw: Senator Ruston, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams) and pursuant to standing order 78, gave notice of Senator Williams’ intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 1 standing in his name for the next day of sitting for the disallowance of the Farm Household Support Secretary’s Rule 2014, made under the Farm Household Support Act 2014.

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

Notices of motion withdrawn: Senator Ruston, at the request of Senator Bernardi withdrew general business notices of motion nos 351 and 352 standing in the name of Senator Bernardi for today, relating to the Select Committee on the National Broadband Network and proposing the establishment of a joint select committee on the National Broadband Network.

11 LEAVE OF ABSENCE

Senator Bilyk, by leave, moved—That leave of absence be granted to the following senators, for personal reasons:

(a) Senator Brown from 30 September to 2 October 2014; and
(b) Senators Cameron and Lundy for today.

Question put and passed.

12 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Dastyari for today, proposing the disallowance of items 1 to 27 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, postponed till 1 October 2014.

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Australian Greens (Senator Milne) for today, proposing a reference to the Environment and Communications References Committee, postponed till 2 October 2014.

General business notice of motion no. 459 standing in the name of Senator Waters for today, relating to Abbot Point, postponed till 2 October 2014.
13 COMMITTEE—EXTENSION OF TIME TO REPORT

The following committee was granted an extension of time to report:

Community Affairs References Committee—Grandparents raising grandchildren, extended to 29 October 2014.

14 TRANSPORT—QUEENSLAND—TOOWOOMBA BYPASS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Ludwig, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 455—that there be laid on the table by the Ministers representing the Minister for Industry, the Minister for Infrastructure and Regional Development and the Treasurer, no later than Wednesday, 1 October 2014, any documents held in relation to:

(a) funding sought by the Queensland Government, and/or any assessment of the priority of the Toowoomba Bypass project; and

(b) a review of the project by the Federal Government, and/or any correspondence between the Federal Government and Queensland State Government relating to a review of the infrastructure project.

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

Question put.

The Senate divided—

AYES, 34

Senators—

Bilyk (Teller) Lambie Milne Singh
Bullock Lazarus Moore Sterle
Collins Leyonhjelm Mur O'Neill Wang
Day Lines O'Neil Waters
Di Natale Ludlam Peris
Faulkner Ludwig Polley Whish-Wilson
Gallacher Madigan Rhiannon Wright
Hanson-Young McKean Rice
Ketter McLucas Siewert

NOES, 25

Senators—

Back Fierravanti-Wells Nash Ryan
Bernardi Fifield O'Sullivan Seselja
Birmingham Heffner Parry Sinodinos
Bushby Macdonald Payne Williams
Canavan Mason Reynolds
Cash McGrath Ronaldson
Fawcett McKenzie Ruston (Teller)

Question agreed to.
15 WOMEN—GENDER EQUALITY

Senator Waters amended general business notice of motion no. 456 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) this week the Minister for Education, Mr Christopher Pyne, has won the most sexist politician for 2014 in the 22nd annual Ernie Awards, with his claim that his university loan interest hikes will not proportionately impact women because ‘they will not be able to earn the high incomes that dentists and lawyers will earn’,

(ii) the Prime Minister, Mr Tony Abbott, has previously won the same award in 2002, 2010 and 2011,

(iii) in 2014, the political category received the highest number of nominees, and most were sitting federal parliamentarians, including:

- Tony Abbott MP (thrice)
- Christopher Pyne MP
- Clive Palmer MP (thrice)
- Kevin Andrews MP
- Senator Joe Bullock
- Peter Dutton MP
- Tony Burke MP
- Barnaby Joyce MP
- Andrew Laming MP
- Senator Cory Bernardi
- George Christensen MP
- Senator Mathias Cormann
- Senator Eric Abetz, and

(iv) sexism undermines efforts to achieve gender equality and as Ms Emma Watson said in her address to the United Nations recently, ‘Men—I would like to take this opportunity to extend your formal invitation. Gender equality is your issue too’; and

(b) calls on all federal members of Parliament who are nominated for the Ernie Awards to accept that we are not in the 1950s and to proactively work toward achieving gender equality.

Question put.

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

Question put.

The Senate divided—

AYES, 26

Senators—

- Bilyk (Teller)
- Bullock
- Collins
- Di Natale
- Faulkner
- Gallacher
- Hanson-Young
- Ketter
- Lines
- Ludlam
- Ludwig
- McEwen
- McLucas
- Milne
- Moore
- Peris
- Polley
- Rhiannon
- Rice
- Siewert
- Sterle
- Urquhart
- Waters
- Whish-Wilson
- Wright

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NOES, 27

Senators—
Back Fawcett McGrath Ronaldson
Bernardi Fieravanti-Wells McKenzie Ruston (Teller)
Birmingham Fifield Nash Ryan
Bushby Leyonhjelm O’Sullivan Seselja
Canavan Macdonald Parry Smidinos
Cash Madigan Payne Williams
Day Mason Reynolds

Question negatived.

16 Environment—Great Barrier Reef—Comments by Member for Dawson

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 457—That the Senate—

(a) notes that:

(i) Mr George Christensen MP, on 24 September 2014, publicly referred to people who care about the Great Barrier Reef as ‘gutless green germs for the terrorists they are’;

(ii) labelling people who care about the reef as terrorists is reprehensible, insensitive and utterly unacceptable, particularly at this stage of global events, and

(iii) to speak of ordinary Australians who care about the reef using terms like ‘terrorists’ ‘butchered’, ‘kill off’ and ‘extremist’, risks elevating community disagreement to dangerous levels; and

(b) condemns Mr Christensen’s comments and calls on him to withdraw them.

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

Question put and passed.

17 Environment—Marine Life—Environmental Assessments

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 458—That the Senate—

(a) notes that:

(i) Advent Energy intends to conduct 3D seismic testing to explore for gas within one of the most productive fishing grounds in New South Wales, only 3 kilometres off the coast of Newcastle in Commonwealth waters,

(ii) seismic testing has impacted on our fisheries in the past, with local fishers describing affected areas as ‘like a desert’,

(iii) the Federal Government has recently removed the requirement for offshore petroleum or greenhouse gas activities in Commonwealth waters to be assessed under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act),

(iv) an application by the Commonwealth Fisheries Association for seismic testing to be listed as a key threatening process under the EPBC Act in March 2013 was rejected in September 2013, and

(v) if this exploration or gas drilling proceeds, the supply of locally-caught, fresh fish and prawns to Sydney and Newcastle will be directly affected; and
calls on the Government to:

(i) reinstate the requirement for all offshore petroleum or greenhouse gas activities in Commonwealth waters to be assessed under the EPBC Act,

(ii) ensure comprehensive baseline studies and ongoing monitoring of marine life are a mandatory condition of any offshore petroleum activities,

(iii) reject Advent Energy’s application to conduct seismic testing within important fishing grounds off the New South Wales coast, and

(iv) reconsider whether seismic testing should be classified as a key threatening process under the EPBC Act.

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

Question put and negatived.

18 **Legal and Constitutional Affairs Legislation Committee—Leave to Meet During Sitting**

The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), by leave, moved—That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 1 October 2014.

Question put and passed.

19 **Discussion of Matter of Public Importance—Taxation—Multinational Companies**

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

The Abbott Government’s failure to address multinational tax integrity while attacking the living standards of pensioners, students and young jobseekers.

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

20 **Documents—Consideration**

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

21 **Committee Reports and Government Responses—Tabling and Consideration Pursuant to Standing Order 62(4)**

The Deputy President (Senator Marshall) tabled the following report:


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

22 **Committee Membership**

The Deputy President (Senator Marshall) informed the Senate that the President had received letters requesting changes in the membership of committees.
The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, moved—that senators be discharged from and appointed to committees as follows:

**Environment and Communications Legislation Committee**—
- Appointed—
  - Substitute member: Senator Rhiannon to replace Senator Waters for the committee’s inquiry into the National Water Commission (Abolition) Bill 2014
  - Participating member: Senator Waters

**Finance and Public Administration References Committee**—
- Appointed—
  - Substitute member: Senator Waters to replace Senator Rice for the committee’s inquiry into violence against women
  - Participating member: Senator Rice

**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 and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014
  - Participating member: Senator Wright.

Question put and passed.

23 **Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014**

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

Message no. 230, dated 25 September 2014—A Bill for an Act to amend legislation relating to the criminal law, and for related purposes.

The Assistant Minister for Immigration and Border Protection (Senator Cash) 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 Cash 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 first day in the next period of sittings, 27 October 2014.

24 **Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014**

**Customs Tariff Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014**

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

Message no. 231, dated 25 September 2014—A Bill for an Act to amend the Customs Act 1901, and for related purposes.

The Assistant Minister for Immigration and Border Protection (Senator Cash) 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 Cash 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, 27 October 2014.

25 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 joint committees, as follows:

Message no. 233, dated 25 September 2014—
Australia Fund Establishment—Joint Select Committee, Mr Laming, Mr Porter and Dr Gillespie
Trade and Investment Growth—Joint Select Committee, Mr O’Dowd, Mr Taylor and Mr Pasin.
Human Rights—Joint Statutory Committee, Ms FM Scott in place of Mr Laming.

26 Governor-General’s Messages—Assent to Laws

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

24 September 2014—Messages Nos—
49—
Military Rehabilitation and Compensation Amendment Act 2014 (Act No. 104, 2014)
International Tax Agreements Amendment Act 2014 (Act No. 105, 2014)
Migration Legislation Amendment Act (No. 1) 2014 (Act No. 106, 2014)

27 Legal and Constitutional Affairs Legislation Committee—Report—Customs Amendment Bill 2014

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


Report ordered to be printed on the motion of Senator Ruston.
28 SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (2014 BUDGET MEASURES NO. 1) BILL 2014
SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT (2014 BUDGET MEASURES NO. 2) BILL 2014
Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That these bills be now read a second time.
Debate resumed.
At 7.20 pm: Debate was interrupted.

29 ADJOURNMENT
The Acting Deputy President (Senator Williams) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 9.20 pm till Wednesday, 1 October 2014 at 9.30 am.

30 ATTENDANCE
Present, all senators except Senators Brown*, Cameron* and Lundy* (*on leave).

ROSEMARY LAING
Clerk of the Senate