THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 32

WEDNESDAY, 18 JUNE 2014

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1 **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable John Hogg) took the chair, read prayers and made an acknowledgement of country.

2 **GOVERNMENT DOCUMENTS**

The following documents were tabled:

- Sixth interim report to the Attorney-General and Minister for Defence, dated June 2014.
- Government response to Ombudsman’s reports, dated 5 June 2014.
- National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the *Research Involving Human Embryos Act 2002* for the period 1 September 2013 to 28 February 2014.

3 **CLEAN ENERGY FINANCE CORPORATION (ABOLITION) BILL 2013 [NO. 2]**

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

Debate resumed.

Question put.

The Senate divided—

**AYES, 28**

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Question negatived.

4 SOCIAL SECURITY LEGISLATION AMENDMENT (GREEN ARMY PROGRAMME) BILL 2014

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for the Environment (Senator Birmingham)—That this bill be now read a second time.

Debate resumed.

Senator Siewert moved the following amendment:

At the end of the motion, add “but the Senate:

(a) notes the recent reduction to Landcare funding;
(b) regrets that the Green Army Programme funding allocation will in part replace the funding that was previously available to Natural Resource Management groups to undertake high quality conservation work and that the net effect of this program will be to transfer funding from skilled Natural Resource Management workers with a long-term focus, to unskilled, work-for-the-dole-style volunteers and short-term projects; and
(c) condemns the Government for introducing a program that will reduce the funding available for conservation in Australia”.

Debate ensued.

At 12.45 pm: Debate was interrupted while Senator Xenophon was speaking.

5 MATTERS OF PUBLIC INTEREST

Matters of public interest were discussed.

Suspension of sitting: On the motion of the Minister for Employment (Senator Abetz) the sitting of the Senate was suspended at 1.58 pm till 2 pm.

At 2 pm—

6 QUESTIONS

Questions without notice were answered.

7 VISITORS IN THE CHAMBER—STATEMENT BY PRESIDENT

The President made a statement relating to senators approaching visitors in the chamber.
8 **Estimates Hearings—Questions on Notice—Answers and Explanation**

Senator Singh, pursuant to standing order 74, asked the Attorney-General (Senator Brandis) for an explanation of answers not being provided to questions placed on notice during the consideration by the Legal and Constitutional Affairs Legislation Committee of the 2013-14 additional estimates.

Senator Brandis provided an explanation.

Senator Singh moved—That the Senate take note of the explanation.

Question put and passed.

9 **Motions to Take Note of Answers**

Senator Moore moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Moore and Cameron today relating to paid parental leave.

Debate ensued.

Question put and passed.

Senator Whish-Wilson moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Whish-Wilson today relating to the regulation of financial services.

Question put and passed.

10 **Family and Community Services—Paid Parental Leave—Personal Explanation**

Senator Macdonald, by leave, made a personal explanation relating to comments he had made during debate on 17 June 2014 concerning paid parental leave and references to these comments made by senators subsequently.

11 **Notices**

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 3 December 2014:

Grain export networks, including the on- and off-farm storage, transport, handling and export of Australian grain, with particular reference to:

(a) the principles and practices underpinning an efficient grain supply chain from farm-gate to port;
(b) grain marketing and export arrangements and their impact on farm-gate returns;
(c) competition constraints on grain transport, storage and handling services;
(d) the extent to which transport, storage and handling arrangements are transparent and accountable; and
(e) any other related matter.
Senator Wright: 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 2 October 2014:
The ability of Australian law enforcement authorities to eliminate gun-related violence in the community, with reference to:
(a) the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia;
(b) the operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia;
(c) the adequacy of current laws and resourcing to enable law enforcement authorities to respond to technological advances in gun technology, including firearms made from parts which have been imported separately or covertly to avoid detection, and firearms made with the use of 3D printers;
(d) the extent to which the number and types of guns stolen each year in Australia increase the risk posed to the safety of police and the community, including the proportion of gun-related crime involving legal firearms which are illegally held;
(e) the effect banning semi-automatic handguns would have on the number of illegally held firearms in Australia;
(f) stricter storage requirements and the use of electronic alarm systems for guns stored in homes; and
(g) any related matters.
Senator Whish-Wilson: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the World Blind Union estimates that currently only 5 per cent of all published books in developed countries and less than 1 per cent in developing countries are ever produced in accessible formats for persons who are blind, visually impaired, or otherwise print disabled,
   (ii) the Marrakesh Treaty, which facilitates access to published works for these persons, closes for signature on 26 June 2014,
   (iii) the instrumental work Australia did during the Marrakesh Treaty negotiations, and
   (iv) the Australian Government is yet to sign the treaty despite Australia’s major trading partners, including China, the United States, the European Union and Indonesia having already signed; and
(b) calls on the Government to sign and ratify the Marrakesh Treaty. (general business notice of motion no. 283)
Senator Xenophon: To move on the next day of sitting—That the Senate—
(a) notes that cheap cigarettes are currently being sold in Australia, reportedly as low as $13 for a packet of 25 cigarettes, following the introduction of plain packaging for tobacco products; and
(b) calls on the Australian Government to:
   (i) introduce a minimum floor price on cheap and/or cross-subsidised tobacco products to remove the cost differential,
(ii) recognise the value of preventative measures such as Quitline and the National Tobacco Campaign, and increase funding accordingly to maximise the effectiveness of these measures and campaigns, and

(iii) consider the financial burden being placed on retailers, particularly small business, as a result of plain packaging in respect of shop fit-out and higher insurance premiums, and whether this burden is consistent with the aims of plain packaging. (general business notice of motion no. 284)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) recognises that:

(i) over 500 000 Iraqis have been displaced in the past week due to the ongoing deadly conflict in their country, and

(ii) this is a humanitarian crisis that will have flow-on effects in our region;

(b) notes that the United Nations High Commissioner for Refugees has called on countries around the world, including Australia, to assist with this humanitarian crisis; and

(c) calls on the Government to issue a moratorium on the return of any asylum seekers back to Iraq and offer a reprieve to those detained in immigration detention on Manus Island, Nauru and Christmas Island to allow them to apply for protection in Australia. (general business notice of motion no. 285)

12 POSTPONEMENTS

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Hanson-Young for today, proposing the disallowance of the Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013, postponed till 8 July 2014.

Business of the Senate notice of motion no. 2 standing in the name of Senator Rhiannon for today, proposing a reference to the Education and Employment References Committee, postponed till 19 June 2014.

Business of the Senate notice of motion no. 5 standing in the name of Senator Xenophon for today, proposing a reference to the Rural and Regional Affairs and Transport Legislation Committee, postponed till 19 June 2014.

General business notice of motion no. 271 standing in the name of Senator Di Natale for today, proposing the establishment of a select committee into the Abbott Government’s budget cuts, postponed till 19 June 2014.

13 PRIVILEGES—STANDING COMMITTEE—REFERENCE

The Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi), also on behalf of Senator Faulkner, pursuant to notice of motion not objected to as a formal motion, moved matter of privilege notice of motion no. 1—That the following matter be referred to the Committee of Privileges for inquiry and report:

In relation to the use of closed circuit television footage by officers of the Department of Parliamentary Services (DPS) for internal investigations involving DPS staff:

(a) whether there was any improper interference, or attempted improper interference, with the free performance by Senator Faulkner or any other senator of their duties as a senator;
(b) whether disciplinary action was taken against any person in connection with the provision of information to Senator Faulkner or any other senator; and
(c) if so, whether any contempts were committed in respect of those matters.

Question put and passed.

14 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE
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. 3—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 26 November 2014:

(a) the extent of income inequality in Australia and the rate at which income inequality is increasing in our community;
(b) the impact of income inequality on access to health, housing, education and work in Australia, and on the quality of the outcomes achieved;
(c) the specific impacts of inequality on disadvantaged groups within the community, including Aboriginal and Torres Strait Islander peoples, older job seekers, people living with a disability or mental illness, refugees, single parents, those on a low income, people at risk of poverty in retirement as well as the relationship between gender and inequality;
(d) the likely impact of government policies on current and future rates of inequality particularly the changes proposed in the 2014-15 Budget;
(e) the principles that should underpin the provision of social security payments in Australia; and
(f) the practical measures that could be implemented by governments to address inequality, particularly appropriate and adequate income support payments.

Question put and passed.

15 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE
Senator Waters, 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 Environment and Communications References Committee for inquiry and report by the third sitting day in 2015:

The Abbott Government’s attacks on Australia’s environment, and their effects on our natural heritage and future prosperity, including:

(a) attacks on carbon pricing, the Clean Energy Finance Corporation, the Australian Renewable Energy Agency and the renewable energy target, the Climate Change Authority and the Climate Commission;
(b) attacks on federal environmental protection through handing approval powers over to state governments, which have poor track records and recent environment staff cuts;
(c) attacks on funding for community environment organisations and the Environmental Defenders Offices, abolition of the Biodiversity Fund, and cuts to programs including Landcare and Caring for our Country;
(d) undermining Australia’s compliance with the World Heritage Convention, the Convention on Biological Diversity, and the Ramsar Convention, in particular by attacking the Great Barrier Reef and the Tasmanian Wilderness World Heritage Areas; and

(e) any other related matters.

Question put and passed.

16 LAW AND JUSTICE—RACIAL VILIFICATION

Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 270—That the Senate—

(a) notes the:

(i) serious concern among Victorians and representatives of Victoria’s multicultural community over the Government’s proposed changes to the Racial Discrimination Act 1975, and

(ii) work of the Action 18C campaign, which has resulted in 47 local councils passing motions opposing the change, representing over 5 million Australians;

(b) supports the right of every Victorian to live without fear of discrimination or hostility based on race, culture or religion; and

(c) calls on the Attorney-General to abandon the proposed changes, particularly to section 18C, that would repeal protections against racial vilification and embolden the enemies of Australia’s vibrant multicultural community.

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

Question put and passed.

17 MIGRATION AMENDMENT (PROTECTING BABIES BORN IN AUSTRALIA) BILL 2014

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 272—That the following bill be introduced:

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

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.
18 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Furner) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 273—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 June 2014, from 5 pm, to take evidence for the committee’s inquiry into the jurisdiction of the Australian Commission for Law Enforcement Integrity.

Question put and passed.

19 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSION OF TIME TO REPORT**

Senator Kroger, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 274—That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the future of the beekeeping and pollination service industries in Australia be extended to 25 June 2014.

Question put and passed.

20 **LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of the Chair of the Legal and Constitutional Affairs References Committee (Senator Wright) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 275—That the Legal and Constitutional Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 19 June 2014, from 3.45 pm.

Question put and passed.

21 **ENVIRONMENT—GREENHOUSE POLLUTION**

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. 277—That the Senate—

(a) recognises the commitment of the world’s two largest emitters, the People’s Republic of China and the United States of America, to limit and drive down their greenhouse pollution over the coming years;

(b) supports their cooperative approach to use international fora such as the G20 and the United Nations to ensure a global agreement is secured in the Paris Conference of the Parties in 2015;

(c) acknowledges these governments’ preferred approach to drive down pollution is through market-based, cap and trade systems; and

(d) insists the Government stop making misleading statements that its ‘direct action’ plan is capable of significantly driving down Australia’s emissions or is in any way comparable to the Obama Administration’s Clean Power Plan.

Question put and passed.
22 **INDUSTRY—MANDATORY FUEL EFFICIENCY STANDARDS**

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. 278—

That the Senate—

(a) acknowledges that Australian motorists can achieve significant hip-pocket savings at the petrol pump if mandatory fuel efficiency standards are gradually introduced for new vehicles;

(b) notes that new Australian cars consume more petrol than new vehicles sold in China, India, Europe and Japan;

(c) recognises that light passenger and commercial vehicles account for 10 per cent of Australia’s total carbon pollution, but this can be easily reduced; and

(d) supports the introduction of mandatory fuel efficiency standards.

Question put and passed.

23 **EDUCATION—TECHNICAL AND FURTHER EDUCATION FUNDING**

Senator Rhiannon amended general business notice of motion no. 279 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

That the Senate—

(a) notes:

(i) that National TAFE day will be held on 18 June 2014,

(ii) the proposed cuts to technical and further education (TAFE) budgets across Australia will have disastrous impacts on staff and students and Australia’s economic future and social well-being,

(iii) the changes to TAFE are adversely impacting regional, rural and disadvantaged communities and people with varying abilities,

(iv) the Senate inquiry into TAFE unearthed widespread concerns across industries and interests about the quality of education and training provided through the private vocational and education market; and

(b) calls on the federal and state governments to:

(i) reverse the harsh budget cuts to TAFE and to abandon changes proposed to vocational education and training that undermine TAFE as a public provider,

(ii) review the current competitive tendering model of government funding as it impacts on TAFE,

(iii) support and expand the capacity of the public TAFE system to allow it to continue its historic role providing high quality technical and further education to Australians of all ages and backgrounds,

(iv) properly recognise the importance of TAFE in providing vocational and technical education in areas of high and low demand, in rural and remote areas and in supporting access and participation for disadvantaged learners, and

(v) work collaboratively to develop a national workforce strategy for the TAFE sector.

Question put and passed.
24 FAMILY AND COMMUNITY SERVICES—CARERS

Senator Siewert, also on behalf of Senators Moore and Boyce, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 282—That the Senate—

(a) recognises the role that carers play in our community, particularly family carers, and acknowledges the over $40 billion of unpaid care that carers provide;
(b) celebrates the diversity of carers in our community, who may be caring for a spouse, a sibling, a parent or a child, and particularly recognises the contribution of our young carers; and
(c) calls on the Government to maintain its support of carers and ensure that its welfare reform process does not adversely affect carers or reduce their access to income support.

Question put and passed.

25 IMMIGRATION—CHRISTMAS ISLAND TRAGEDY

Senator Kroger, at the request of the Assistant Minister for Immigration and Border Protection (Senator Cash) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 280—That the Senate—

(a) notes that on 15 December 2010, a vessel now known as SIEV 221 foundered on rocks at Rocky Point near Flying Fish Cove, Christmas Island, resulting in a significant search and rescue event and tragic loss of life; and
(b) acknowledges the:
   (i) bravery of the crews of the Customs and Border Protection vessel, ACV Triton, and the Royal Australian Navy vessel, HMAS Pirie, and the people of Christmas Island who rescued 41 survivors in treacherous conditions at considerable risk to their own personal safety,
   (ii) work done by officers of the Australian Customs and Border Protection Service and the Australian Navy who serve as part of Border Protection Command in protecting our borders is recognised and appreciated, and
   (iii) findings of the Joint Select Committee on the Christmas Island Tragedy in relation to the efforts of Customs, Navy and Australian Federal Police (AFP) on the day and that ‘The committee believes the response by Customs, Navy and AFP on the day was a tremendous rescue effort made in atrocious circumstances’.

Question put and passed.

26 FOREIGN AFFAIRS—ISRAEL-PALESTINE CONFLICT

Motion determined as not formal: The Leader of the Australian Greens (Senator Milne), also on behalf of Senator Xenophon, requested that general business notice of motion no. 276 standing in their names for today, relating to the Israel-Palestine conflict, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senator Milne, the Leader of the Opposition in the Senate (Senator Wong) and Senator Xenophon, by leave, made statements relating to the motion.
27 IMMIGRATION—ASYLUM SEEKERS FROM IRAQ

Motion determined as not formal: Senator Hanson-Young requested that general business notice of motion no. 281 standing in her name for today, relating to asylum seekers from Iraq, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

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

28 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—WORLD HERITAGE LISTED SITES

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

The Abbott Government’s failure to protect Australia’s World Heritage listed sites.

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

Document: The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) tabled the following document:

Environment—World Heritage listed sites—Map of Tasmania depicting wilderness quality ratings.

Discussion concluded.

29 NOTICE

Senator Moore, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

(a) notes the division and dysfunction in the Coalition Government over the Prime Minister’s unaffordable and unfair Paid Parental Leave Scheme; and

(b) calls on the Government to release the details of the Prime Minister’s scheme, including its costs and modelling that quantifies productivity and distributional impacts. (general business notice of motion no. 286)

30 FINAL OBSERVATIONS—STATEMENT BY PRESIDENT

The President made a statement relating to his work as a senator and as President of the Senate.

After 5 pm—

31 Valedictory Statements

Pursuant to order, senators made statements relating to the retirement of Senators Boyce and Eggleston.
32 **ADJOURNMENT**

The Deputy President (Senator Parry) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.50 pm till Thursday, 19 June 2014 at 9.30 am.

33 **ATTENDANCE**

Present, all senators.

**ROSEMARY LAING**

Clerk of the Senate