2013

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 7

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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 **POKER MACHINE HARM REDUCTION ($1 BETS AND OTHER MEASURES) BILL 2012 [2013]**

Order of the day read for the adjourned debate on the motion of Senator Xenophon—That this bill be now read a second time.

Debate resumed.

Debate adjourned till the next day of sitting, Senator Moore in continuation.

3 **FAIR TRADE (AUSTRALIAN STANDARDS) BILL 2013**

Order of the day read for the adjourned debate on the motion of Senator Madigan—That this bill be now read a second time.

Debate resumed.

*Time expired*: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.

Debate adjourned till the next day of sitting, Senator Whish-Wilson in continuation.

4 **NOTICES**

Senator Hanson-Young: To move on the next day of sitting—That the Senate calls on the Minister Assisting the Minister for Immigration and Border Protection (Senator Cash) to:

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

(b) explain to the Senate how the Government intends to respond and action the recommendations made by the reports respectively. (*general business notice of motion no. 54*)

The Chair of the Community Affairs References Committee (Senator Siewert): To move on the next day of sitting—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 27 March 2014:

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

(b) the incidence of these disorders by demographic group (paediatric, Aboriginal and Torres Strait Islander people, people with disabilities and people from culturally and linguistically diverse communities);

(c) the availability and adequacy of speech pathology services provided by the Commonwealth, state and local governments across health, aged care, education, disability and correctional services;

(d) the provision and adequacy of private speech pathology services in Australia;

(e) evidence of the social and economic cost of failing to treat communication and swallowing disorders; and

(f) the projected demand for speech pathology services in Australia.
The Chair of the Select Committee on the National Broadband Network (Senator Lundy): To move on the next day of sitting—That the Select Committee on the National Broadband Network be authorised to hold a public meeting during the sitting of the Senate on Thursday, 12 December 2013, from 9.30 am. (general business notice of motion no. 55)

Senator Waters: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide Australian landholders the right to refuse the undertaking of gas and coal mining activities on their land without prior written authorisation, and for related purposes. Landholders’ Right to Refuse (Gas and Coal) Bill 2013. (general business notice of motion no. 56)

5 Selection of Bills—Standing Committee—Report No. 10 of 2013

The Chair of the Selection of Bills Committee (Senator Kroger) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 10 OF 2013

1. The committee met in private session on Wednesday, 4 December 2013 at 7.19 pm.

2. The committee resolved to recommend—That—
   (a) the provisions of the Infrastructure Australia Amendment Bill 2013 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 17 March 2014;
   (b) the provisions of the Migration Amendment (Regaining Control Over Australia’s Protection Obligations) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 3 March 2014; and
   (c) the provisions of the Tax Laws Amendment (Research and Development) Bill 2013 be referred immediately to the Economics Legislation Committee for inquiry and report by 17 March 2014.

3. The committee resolved to recommend—That the following bills not be referred to committees:
   Australian Capital Territory Water Management Legislation Amendment Bill 2013
   Australian Civilian Corps Amendment Bill 2013
   Australian Research Council Amendment Bill 2013
   Customs Amendment (Anti-Dumping Commission Transfer) Bill 2013
   Education Services for Overseas Students Amendment Bill 2013
   Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013
   Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013
   Higher Education Support Amendment (Savings and Other Measures) Bill 2013
   Import Processing Charges Amendment Bill 2013
   Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013
   National Health Amendment (Simplified Price Disclosure) Bill 2013
   Offshore Petroleum and Greenhouse Gas Storage Amendment (Cash Bidding) Bill 2013
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2013
Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Bill 2013
Primary Industries (Customs) Charges Amendment Bill 2013
Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Bill 2013
Primary Industries (Excise) Levies Amendment Bill 2013
Rural Research and Development Legislation Amendment Bill 2013
Veterans’ Affairs Legislation Amendment Bill 2013.

The committee recommends accordingly.

4. The committee considered the following bills but was unable to reach agreement:
   Social Services and Other Legislation Amendment Bill 2013
   Telecommunications Legislation Amendment (Submarine Cable Protection) Bill 2013.

5. The committee deferred consideration of the following bills to its next meeting:
   Environment Legislation Amendment Bill 2013
   Fair Trade (Workers’ Rights) Bill 2013
   National Integrity Commission Bill 2013.

Helen Kroger
Chair
4 December 2013.

Senator Kroger moved—That the report be adopted.

Senator Siewert moved the following amendment:
At the end of the motion, add “but, in respect of:

(a) the Social Services and Other Legislation Amendment Bill 2013, provisions of the bill be referred immediately to committees for inquiry and report by 11 February 2014 as follows:
   (i) the provisions of Schedules 6 and 9 of the bill, to the Education and Employment Legislation Committee,
   (ii) the provisions of Schedule 2 of the bill, to the Finance and Public Administration Legislation Committee, and
   (iii) the remaining provisions of the bill, to the Community Affairs Legislation Committee; and

(b) the Telecommunications Legislation Amendment (Submarine Cable Protection) Bill 2013, the provisions of the bill be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 31 March 2014.”.

The Assistant Minister for Social Services (Senator Fifield) moved the following amendment to Senator Siewert’s proposed amendment:

Paragraph (a), omit “11 February 2014”, substitute “12 December 2013”.

Debate ensued.

Question—That Senator Fifield’s amendment to Senator Siewert’s proposed amendment be agreed to—put.
The Senate divided—

AYES, 46

Senators—

Bernardi  
Bilyk  
Boswell  
Boyce  
Brown  
Bushby  
Carr  
Cash  
Colbeck  
Conroy  
Dastyari  
Edwards  
Farrell  
Fawcett  
Fierravanti-Wells  
Fifield  
Furner  
Gallacher  
Hogg  
Kroger (Teller)  
Lines  
Ludwig  
Landy  
Macdonald  
Marshall  
McEwen  
McKenzie  
McLucas  
Moore  
O’Neill  
Parry  
Payne  
Peris  
Polley  
Pratt  
Ruston

Ryan  
Seselja  
Singh  
Smith  
Stephens  
Sterle  
Thorpe  
Tillem  
Urquhart  
Williams

NOES, 11

Senators—

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

Question agreed to.

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

Main question, as amended, put and passed.

6 ORDER OF BUSINESS—REARRANGEMENT

The Assistant Minister for Social Services (Senator Fifield) moved—That—

(a) government business order of the day no. 15 (Australian Capital Territory Water Management Legislation Amendment Bill 2013) be considered from 12.45 pm today; and

(b) government business be called on after consideration of the bill listed in paragraph (a) and considered till not later than 2 pm today.

Debate ensued.

Question put and passed.

Senator Fifield moved—That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 44 standing in the name of Senator Carr, relating to immigration policy; and

(b) orders of the day relating to government documents.

Question put and passed.

7 LEAVE OF ABSENCE

Senator Kroger, by leave, moved—That leave of absence be granted to Senator Heffernan for today, for personal reasons.

Question put and passed.

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Collins for today, for personal reasons.

Question put and passed.
8 **PRIVATE SENATORS’ BILLS—CONSIDERATION**

The Assistant Minister for Social Services (Senator Fifield) moved—That, subject to introduction, the following bills be considered on Thursday, 12 December 2013 under the temporary order relating to the consideration of private senators’ bills:

- Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013.
- Landholders’ Right to Refuse (Gas and Coal) Bill 2013.

Question put and passed.

9 **POSTPONEMENT**

The following item of business was postponed:

- General business notice of motion no. 28 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Marriage Equality Amendment Bill 2013, postponed till 12 December 2013.

10 **NOTICE**

*Leave refused:* Senator Hanson-Young sought leave to give a notice of motion.

An objection was raised and leave was not granted.

*Suspension of standing orders:* Senator Hanson-Young moved—that so much of the standing orders be suspended as would prevent Senator Hanson-Young giving a notice of motion immediately.

Question put and passed.

Senator Hanson-Young gave a notice of motion as follows: To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend the Migration Act 1958, and for related purposes. *Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013.* (general business notice of motion no. 57)

11 **RESERVE BANK AMENDMENT (AUSTRALIAN RECONSTRUCTION AND DEVELOPMENT BOARD) BILL 2013**

Senator Xenophon, also on behalf of Senator Madigan and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 52—that the following bill be introduced:

A Bill for an Act to amend the Reserve Bank Act 1959, and for related purposes.

Question put and passed.

Senator Xenophon 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 Xenophon moved—that this bill be now read a second time.

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

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Debate adjourned till the next day of sitting, Senator Xenophon in continuation.
12 **HEALTH—RURAL CLINICAL SCHOOLS**

Senator Ruston, also on behalf of Senators Fawcett and McKenzie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 50—That the Senate—

(a) celebrates the success of Rural Clinical Schools (RCS) around Australia, commenced in 1999 by the then Minister for Health and Aged Care, Dr Wooldridge, and continued by a subsequent former Minister for Health and Ageing, Mr Abbott; 

(b) notes that: 

(i) RCS were designed to overcome the maldistribution of all doctors, including general practitioners, across Australia, which left country regions short of general practitioners and other specialty doctors, 

(ii) students undertaking training in rural locations have academic results that are equal to, or better than, their metropolitan counterparts, 

(iii) published data from public universities show high rates of RCS graduates working in, or intending to work in, rural areas, and 

(iv) the information gathered through an independent project tracking all Australian and New Zealand medical students, the Medical Schools Outcomes Database, demonstrates that long-term placements in a rural setting through RCS have a significant impact on the vocational choice and intention to practise in a rural or remote setting as well as future career specialty focus; and 

(c) calls on the Government to:

(i) continue its support for these excellent initiatives, and 

(ii) expand opportunities to create intern and postgraduate training places in rural locations to enhance the future of specialty medical service delivery with a focus on general practitioners in rural and regional Australia.

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

Question put and passed.

13 **ENVIRONMENT—NEW SOUTH WALES—ROYAL NATIONAL PARK**

Senator Rhiannon, also on behalf of Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 45—That the Senate—

(a) recognises that: 

(i) the Royal National Park in New South Wales is Australia’s first national park, one of the world’s oldest public parks, and the first to be proclaimed as a ‘national park’, and 

(ii) the Royal National Park is home to outstanding universal environmental, cultural and social values; 

(b) congratulates the community group First National Park which, since 2010, has campaigned for the Royal National Park, Garawarra State Conservation Area and Heathcote National Park to be World Heritage listed, for winning New South Wales State Government and Federal Government support for their World Heritage nomination; and
(c) calls on the Abbott Government to:
   (i) continue supporting the proposal to list the Royal National Park, Garawarra State Conservation Area and Heathcote National Park as a World Heritage site, and
   (ii) affirm the importance of Australia’s national parks, and especially those already on the World Heritage List, by:
      (A) guaranteeing federal safeguards to protect these parks from threats to their outstanding universal values from mining, grazing, logging, shooting and development, and
      (B) recognising Australia has the highest level of extinctions in the world with a continuing species decline that is the worst of the Organisation for Economic Co-operation and Development countries and among the world’s highest.

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

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 53—That there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later than Tuesday, 10 December 2013, all incident reports, logs, briefings, ministerial notes, internal communications and other reports (excluding any publicly available documents), in relation to the reported incident that took place on Friday, 15 November 2013, involving the towing of an Indonesian vessel near Christmas Island by an Australian Customs, Navy or other government asset or vessel.

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, 35

Bilyk (Teller)   Brown   Cameron   Carr   Conroy   Dastyari   Di Natale   Farrell   Faulkner   Furner   Gallacher   Hanson-Young   Hogg   Lines   Ladlam   Ludwig   Landy   Madigan

McEwen   McLucas   Milne   Moore   O’Neill   Peris   Pratt   Rhiannon   Siewert

Singh   Stephens   Thorp   Tillem   Urquhart   Waters   Whish-Wilson   Wright

NOES, 28


Question agreed to.
15 **AUSTRALIAN CAPITAL TERRITORY WATER MANAGEMENT LEGISLATION AMENDMENT BILL 2013**
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Parliamentary Secretary to the Minister for Education (Senator Ryan) the bill was read a third time.

16 **COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2013**
Order of the day read for the consideration of message no. 2 from the House of Representatives in committee of the whole (see entry no. 28, 2 December 2013).

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In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(1) Schedule 1, item 1, page 3 (line 6), omit “$500”, substitute “$400”.

The Assistant Minister for Social Services (Senator Fifield) moved—That the committee does not insist on its amendment to which the House of Representatives has disagreed.

The Leader of the Australian Greens (Senator Milne) moved the following amendment:

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

Title, page 1 (lines 1 and 2), omit “amend the *Commonwealth Inscribed Stock Act 1911*, and for related purposes”, substitute “remove the limit on stock and securities on issue, and for other purposes”.

Schedule 1, items 1 and 2, page 3 (lines 5 to 11), omit the items, substitute:

1 **Section 5**
   Repeal the section.

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

Insert:

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

(a) stock and securities issued in relation to money borrowed under the Loan (Temporary Revenue Deficits) Act 1953; and
(b) stock and securities loaned by the Treasurer under a securities lending arrangement under section 5BA of the Loans Securities Act 1919, or held by or on behalf of the Treasurer for the purpose of such an arrangement; and
(c) stock and securities invested under subsection 39(2) of the Financial Management and Accountability Act 1997; and
(d) stock and securities on issue as at the start of 13 July 2008, other than Treasury Fixed Coupon Bonds.

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

4 At the end of section 51JA

Add:

(5) For the purposes of this section:

(a) the face value of a Treasury Indexed Bond is taken to be its face value at the time it was issued; and
(b) the loan of stock or a security is taken to include an arrangement under which it is sold and repurchased.

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

1 At the end of clause 2 of Schedule 1

Add:

Additional statements about Commonwealth stock and securities

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

2 Subclause 3(1) of Schedule 1

Insert:

Commonwealth stock and securities means stock and securities on issue under the Commonwealth Inscribed Stock Act 1911 (the CIS Act) or the Loans Securities Act 1919 (disregarding stock and securities of the kind mentioned in subsection 51JA(2A) of the CIS Act).
debt statement, for a report under Part 5 or 7, means a statement that
includes:
(a) the following information about Commonwealth stock and
securities on issue, at the time of the report and for the financial
year to which the report relates and the following 3 financial
years:
(i) the value of the stock and securities (including their
market and face value, and their value as a proportion of
gross domestic product);
(ii) the total expected interest expenses relating to the stock
and securities; and
(b) a breakdown, by maturity and timing of interest payments, of
Commonwealth stock and securities on issue at the time of the
report.
3 At the end of subclause 12(1) of Schedule 1
Add:
; (f) a debt statement.
4 At the end of subclause 16(1) of Schedule 1
Add:
; and (c) contain a debt statement.
5 At the end of subclause 24(1) of Schedule 1
Add:
; (e) a debt statement.
6 At the end of paragraph 26(a) of Schedule 1
Add:
(v) the information required by paragraph 24(1)(e); and
7 At the end of Schedule 1
Add:
Part 9—Additional statements about Commonwealth stock and
securities
33 Additional statements about Commonwealth stock and securities
(1) This clause applies when the actual face value of Commonwealth
stock and securities on issue has increased by $50 billion or more
since whichever of the following last occurred:
(a) a budget economic and fiscal outlook report, a mid-year
economic and fiscal outlook report or a pre-election economic
and fiscal outlook report was publicly released;
(b) a statement under this clause was tabled.
(2) The Treasurer is to table in each House of the Parliament, within
3 sittings days of that House after the increase referred to in
subclause (1), a statement setting out the reasons for the increase,
including the extent to which any of the following contributed to the
increase:
(a) lower than expected revenue;
(b) higher than expected spending;
(c) capital purchases;
(d) grants to State and Territory governments for infrastructure.

8 Application—statements under clause 33 of the Charter of Budget Honesty

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

Document: Senator Milne, by leave, tabled the following document:
Commonwealth Inscribed Stock Amendment Bill 2013—Copy of letter from the Treasurer (Mr Hockey) to the Leader of the Australian Greens (Senator Milne), dated 4 December 2013.

Debate ensued.

At 2 pm: The President resumed the chair and the Deputy President (Senator Parry) reported progress.

17 QUESTIONS
Questions without notice were answered.

18 MOTIONS TO TAKE NOTE OF ANSWERS
Senator McLucas moved—That the Senate take note of the answers given by the Assistant Minister for Health (Senator Nash) to questions without notice asked by Senators McLucas and McEwen today relating to health funding.
Debate ensued.
Question put and passed.

The Leader of the Australian Greens (Senator Milne) moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Milne today relating to the Tasmanian Forests Intergovernmental Agreement.
Question put and passed.

19 NOTICE
The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Stephens) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 20 March 2014:
Australia’s overseas aid and development assistance program in light of the Government’s $4.5 billion cut to international development assistance, with particular reference to:
(a) Australia’s ability to deliver aid against stated policy objectives and international commitments;
(b) Australia’s ability to maintain its international development priorities, including sectoral, regional, bilateral and multilateral international relationships;
(c) the integration of AusAID into the Department of Foreign Affairs and Trade and the freeze in international development assistance funding;
(d) any unintended consequences of these changes; and
(e) any other related matters.

20 PROPOSED MATTER OF PUBLIC IMPORTANCE—IMMIGRATION—ASYLUM SEEKERS

The Deputy President (Senator Parry) informed the Senate that Senator Bernardi had withdrawn the proposed matter of public importance he had submitted to the President today relating to asylum seekers.

21 COMMUNICATIONS—NATIONAL BROADBAND NETWORK—STRATEGIC REVIEW—ORDER FOR PRODUCTION OF DOCUMENT

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

Communications—National Broadband Network—Strategic review—Letter from the Assistant Minister for Social Services (Senator Fifield) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 3 December 2013 and raising a public interest immunity claim, dated 5 December 2013.

22 TRADE—TRANS-PACIFIC PARTNERSHIP PLURILATERAL FREE TRADE AGREEMENT—ORDER FOR PRODUCTION OF DOCUMENT

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

Trade—Trans-Pacific Partnership plurilateral free trade agreement—Letter to the President of the Senate from the Minister for Finance (Senator Cormann) responding to the order of the Senate of 4 December 2013 and raising a public interest immunity claim, dated 5 December 2013.

23 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—ESTIMATES

Senator Kroger, at the request the Chair of the Community Affairs Legislation Committee (Senator Boyce), tabled the following documents:

Budget estimates 2013-14—Community Affairs Legislation Committee—Additional information received between 14 November and 4 December 2013—Health and Ageing portfolio.

24 DOCUMENTS

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Broadcasting Services Act 1992—Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 17 of 2013) [F2013L02042].
**Committee Membership**

The Deputy President (Senator Parry) informed the Senate that the President had received letters nominating senators to be members of committees.

The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, moved—That senators be appointed to committees as follows:

**Corporations and Financial Services—Joint Statutory Committee**—
Appointed—Senator Madigan

**Electoral Matters—Joint Standing Committee**—

**National Capital and External Territories—Joint Standing Committee**—
Appointed—Senator Kroger

**Northern Australia—Joint Select Committee**—
Appointed—
Senators Boyce and Eggleston

**Public Works—Joint Statutory Committee**—
Appointed—Senator Boyce.

Question put and passed.
26 **ADVISORY COUNCIL ON AUSTRALIAN ARCHIVES—SENATE MEMBER OF COUNCIL**

The President informed the Senate that he had received a letter nominating a senator to be a member of the Advisory Council on Australian Archives.

The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, moved—That, in accordance with the provisions of the *Archives Act 1983*, the Senate elect Senator Faulkner to be a member of the Advisory Council on Australian Archives for a period of 3 years, on and from today.

Question put and passed.

27 **ELECTORAL MATTERS—JOINT STANDING COMMITTEE—NORTHERN AUSTRALIA—JOINT SELECT COMMITTEE—VARIATIONS OF APPOINTMENT**

Messages from the House of Representatives were reported as follows:

Message no. 45, dated 5 December 2013—Agreeing to the amendment made by the Senate to the resolution of appointment of the Joint Standing Committee on Electoral Matters.

Message no. 41, dated 5 December 2013—Agreeing to the amendment made by the Senate to the resolution of appointment of the Joint Select Committee on Northern Australia.

28 **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. 42, dated 5 December 2013—

- Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Mr Hayes, Mr Matheson, Mr Porter, Mr Wood and Mr Zappia.
- Broadcasting of Parliamentary Proceedings—Joint Statutory Committee—Ms Bird, Mr Coulton, Mr Griffin, Ms Henderson and Mr Tehan.
- Corporations and Financial Services—Joint Statutory Committee—Mr Coleman, Ms Owens, Mr Smith, Mr Sukkar and Mr Watts.
- Human Rights—Joint Statutory Committee—Mr Ferguson, Dr Gillespie, Mr Laming, Ms Rowland and Mr Wyatt.
- Law Enforcement—Joint Statutory Committee—Mrs Elliot, Mr Matheson, Ms Vamvakinou, Mr van Manen and Mr Wood.
- Public Accounts and Audit—Joint Statutory Committee—Ms Brodtmann, Ms LM Chesters, Mr Conroy, Mr CA Laundy, Mr Smith, Dr Southcott, Dr Stone, Mr Sukkar, Mr Taylor and Mr Watts.
- Public Works—Joint Statutory Committee—Mrs KL Andrews, Ms Claydon, Mr Goodenough, Mr Perrett, Ms Ryan and Dr Southcott.
- Electoral Matters—Joint Standing Committee—Mr Goodenough, Mr Gray, Mr Griffin, Mr Hawke and Mr Smith.
- Foreign Affairs, Defence and Trade—Joint Standing Committee—Mr Champion, Mr Danby, Mr Feeney, Mr Ferguson, Ms Gambaro, Mr Griffin, Mr Hawke, Dr Jensen, Mr ET Jones, Mr Kelly, Mr Marles, Mr Nikolic, Ms Plibersek, Mr Randall, Mr Wyatt Roy, Mr Ruddock, Mr BC Scott, Mr Simpkins, Dr Stone and Ms Vamvakinou.
- Migration—Joint Standing Committee—Mr CA Laundy, Mr Kelly, Mrs Markus, Mr Thistlethwaite, Ms Vamvakinou and Mr Zappia.
National Capital and External Territories—Joint Standing Committee—Ms Brodtmann, Mrs Griggs, Mr BC Scott, Mr Simpkins, Mr Snowdon and Mr Vasta.
National Disability Insurance Scheme—Joint Standing Committee—Mr Brough, Dr Gillespie, Ms Hall, Ms Macklin, Ms Rishworth and Mr Wyatt Roy.
Parliamentary Library—Joint Standing Committee—Mr Broadbent, Ms Brodtmann, Mr Danby, Ms Hall, Mr Irons, Mr Taylor and Mr Wilson.
Treaties—Joint Standing Committee—Mr Broad, Dr Jensen, Ms Parke, Mrs Prentice, Mr Wyatt Roy, Dr Stone, Mr Thomson, Mr Watts and Mr Whiteley.
Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—Mr SP Jones, Mr Neumann, Mr Porter and Mr Wyatt.

29 **Offshore Petroleum and Greenhouse Gas Storage Amendment (Cash Bidding) Bill 2013**

**Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2013**

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


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.

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

30 **National Health Amendment (Simplified Price Disclosure) Bill 2013**

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

Message no. 44, dated 5 December 2013—A Bill for an Act to amend the National Health Act 1953, 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.

Bills 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 next day of sitting which is more than 14 days after the bill was first introduced.
31 RURAL RESEARCH AND DEVELOPMENT LEGISLATION AMENDMENT BILL 2013
PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT BILL 2013
PRIMARY INDUSTRIES (CUSTOMS) CHARGES AMENDMENT BILL 2013

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

Message no. 40, dated 5 December 2013—A Bill for an Act to amend legislation relating to research and development in relation to primary industries, and for related purposes.
Message no. 39, dated 5 December 2013—A Bill for an Act to amend the law relating to primary industry levies, and for related purposes.
Message no. 38, dated 5 December 2013—A Bill for an Act to amend the law relating to primary industry charges, 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.

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

32 CUSTOMS AMENDMENT (ANTI-DUMPING COMMISSION TRANSFER) BILL 2013
SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT BILL 2013
TELECOMMUNICATIONS LEGISLATION AMENDMENT (SUBMARINE CABLE PROTECTION) BILL 2013

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

Message no. 36, dated 5 December 2013—A Bill for an Act to amend the law relating to customs, and for related purposes.
Message no. 43, dated 5 December 2013—A Bill for an Act to amend the law relating to family assistance, social security, student assistance, veterans' entitlements, paid parental leave, child support, gambling, charities and the National Disability Insurance Scheme, and for related purposes.
Message no. 37, dated 5 December 2013—A Bill for an Act to amend legislation relating to telecommunications, and for other 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.

Explanatory memorandum: Senator Cash tabled a revised explanatory memorandum relating to the Social Services and Other Legislation Amendment Bill 2013.
On the motion of Senator Cash the debate was adjourned till the next day of sitting. *Consideration of legislation:* Senator Cash moved—that the bills be listed on the *Notice Paper* as separate orders of the day. Question put and passed.

33 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—PROPOSED REFERENCE**

Order of the day read for the adjourned debate on the motion of Senator Moore—

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

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

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

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

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

Debate resumed.

*Leave refused:* Senator Kroger sought leave to speak again.

An objection was raised and leave was not granted.

Debate continued.

Question put.

A division was called for.

Pursuant to standing order 57(3), consideration of the matter was adjourned.

The Minister for Veterans’ Affairs (Senator Ronaldson) moved—that the vote be taken after the discovery of formal business on the next day of sitting.

Question put and passed.

34 **NOTICE**

Senator Smith gave a notice of motion as follows: To move on the next day of sitting—that the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 September 2014:

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

(a) the practical challenges facing grandparents raising their grandchildren, and their support needs;

(b) the role and contribution of grandparents raising their grandchildren, and how this should be recognised;

(c) other challenges that grandparents raising their grandchildren face in undertaking their role, including in circumstances complicated by family conflict, mental illness, substance abuse, homelessness, child abuse or neglect, or family violence;
the barriers that grandparents raising their grandchildren face in acquiring legal recognition of their family arrangements, including Legal Aid entitlements for grandparents seeking to formalise their custodial arrangements through the Family Law Courts;

(e) the practical measures that can be implemented by the Commonwealth, state and territory governments and the community sector to better support grandparents raising their grandchildren, including key priorities for action;

(f) the specific needs of particular groups within the caring population, including Aboriginal and Torres Strait Islander grandparent carers, grandparents caring for grandchildren with disability, grandparents from culturally and linguistically diverse backgrounds, grandparents with mental health needs and grandparents with an informal care arrangement for their grandchildren; and

(g) other related matters.

General business was called on.

35 GOVERNMENT DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION
The following orders of the day relating to government documents were considered:
Gene Technology Regulator—Quarterly report for the period 1 January to 31 March 2013. Motion of Senator Boyce to take note of document agreed to.
Department of Foreign Affairs and Trade—
   Australia in the Asian Century: towards 2025—Country strategy—
   China.
   India.
   Indonesia.
   Japan.
   South Korea.
   —Motion of Senator Macdonald to take note of documents debated. Debate adjourned till Thursday at general business, Senator Faulkner in continuation.
Australian Human Rights Commission—Audit report—Review into the treatment of women at the Australian Defence Force Academy. Motion of Senator Boyce to take note of document called on. On the motion of Senator Moore debate was adjourned till Thursday at general business.
Department of Immigration and Citizenship—Access and equity in government services—Report for 2010-12. Motion of Senator Boyce to take note of document agreed to.
Australian Institute of Health and Welfare—Australia’s welfare 2013—Eleventh biennial report. Motion of Senator Boyce to take note of document agreed to.
Civil Aviation Safety Authority (CASA)—Corporate plan 2013-14 to 2015-16. Motion of Senator Macdonald to take note of document agreed to.


Australian Postal Corporation (Australia Post)—
   Statement of corporate intent 2013-14 to 2016-17.
   —Motion of Senator Boyce to take note of documents called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Centre for International Agricultural Research (ACIAR)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Health Workforce Australia—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator McLucas debate was adjourned till Thursday at general business.


Independent Hospital Pricing Authority (IHPA)—Report for 2012-13. Motion of Senator Boyce to take note of document agreed to.


Department of the Prime Minister and Cabinet—Report for 2012-13. Motion of Senator McKenzie to take note of document agreed to.


Department of Agriculture, Fisheries and Forestry—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Charities and Not-for-profits Commission (ACNC)—Report for the period 3 December 2012 to 30 June 2013. Motion of Senator Boyce to take note of document debated. On the motion of Senator Moore debate was adjourned till Thursday at general business.


Aged Care Standards and Accreditation Agency Limited—Report for 2012-13. Motion of Senator Polley to take note of document called on. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Institute of Criminology—Report for 2012-13. Motion of Senator Boyce to take note of document agreed to.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2012-13. Motion of Senator Boyce to take note of document agreed to.


Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2012-13, including reports of the Aboriginals Benefit Account and Coordinator General for Remote Indigenous Services, and financial statements for the Aboriginal and Torres Strait Islander Land Account. Motion of Senator Stephens to take note of document agreed to.


Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Boyce debate was adjourned till Thursday at general business.


Migration Agents Registration Authority (MARA)—Report for 2012-13. Motion of Senator Boyce to take note of document agreed to.

NBN Co Limited—

Letter to the Chairman of NBN Co Limited (Dr Switkowski) from the Minister for Communications and the Minister for Finance. Report for 2012-13.

—Motion of Senator Pratt to take note of documents agreed to.


Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2012-13. Motion of Senator Edwards to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2012-13, including report of the Merit Protection Commissioner. Motion of Senator Pratt to take note of document agreed to.


Department of Foreign Affairs and Trade—Report for 2012-13. Motion of Senator Edwards to take note of document agreed to.


Insolvency and Trustee Service Australia (Australian Financial Security Authority)—Report for 2012-13, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Australian Agency for International Development (AusAID)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Moore debate was adjourned till Thursday at general business.

Australian Electoral Commission (AEC)—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Department of Infrastructure and Transport—Report for 2012-13. Motion of Senator MacDonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Department of Regional Australia, Local Government, Arts and Sport—Report for 2012-13, including report on the operation of the Protection of Movable Cultural Heritage Act 1986. Motion of Senator Macdonald to take note of document agreed to.

Department of Resources, Energy and Tourism—Report for 2012-13, including report of Geoscience Australia. Motion of Senator Stephens to take note of document agreed to.

Moorebank Intermodal Company—Report for the period 13 December 2012 to 30 June 2013. Motion of Senator Macdonald to take note of document agreed to.


National Health Performance Authority (NHPA)—Report for 2012-13. Motion of Senator Boyce to take note of document agreed to.

Australian Communications and Media Authority (ACMA)—Report for 2012-13. Motion of Senator Edwards to take note of document agreed to.


Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2012-13, including report of the Science and Industry Endowment Fund. Motion of Senator Edwards to take note of document called on. On the motion of Senator Moore debate was adjourned till Thursday at general business.


National Health Funding Body—Report for 2012-13. Motion of Senator Boyce to take note of document agreed to.


Tourism Australia—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator McLucas debate was adjourned till Thursday at general business.


Australian Customs and Border Protection Service—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Reinsurance Pool Corporation (ARPC)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Boyce debate was adjourned till Thursday at general business.

Civil Aviation Safety Authority (CASA)—Report for 2012-13. Motion of Senator Macdonald to take note of document agreed to.

Clean Energy Finance Corporation (CEFC)—Report for the period 3 August 2012 to 30 June 2013. Motion of Senator Stephens to take note of document agreed to.


Director of National Parks—Report for 2012-13. Motion of Senator Edwards to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2012-13. Motion of Senator Stephens to take note of document agreed to.

Climate Change Authority—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Road Safety Remuneration Tribunal—Report for 2012-13. Motion of Senator Pratt to take note of document agreed to.

Australian Strategic Policy Institute Limited (ASPI)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Migration Review Tribunal and Refugee Review Tribunal—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

National Health and Medical Research Council (NHMRC)—Report for 2012-13. Motion of Senator Stephens to take note of document agreed to.

Australian Broadcasting Corporation (ABC)—Audio description trial on ABC television, dated December 2012. Motion of Senator Stephens to take note of document agreed to.

Torres Strait Regional Authority (TSRA)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2013. Motion of Senator Kroger to take note of document agreed to.

Outback Stores Pty Ltd—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Peris debate was adjourned till Thursday at general business.

Indigenous Business Australia (IBA)—Report for 2012-13. Motion of Senator Kroger to take note of document called on. On the motion of Senator Peris debate was adjourned till Thursday at general business.


Rural Industries Research and Development Corporation (RIRDC)—Report for 2012-13. Motion of Senator Kroger to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Wheat Exports Australia—Report for the period 1 July 2012 to 31 December 2012 [Final report]. Motion of Senator Kroger to take note of document agreed to.


Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers: 1378/13, 1489/13, 1491/13, 1502/13, 1506/13, 1513/13, 1516/13, 1518/13, 1539/13, 1563 and 1564/13, 1568/13, 1578 to 1582/13, 1584 and 1585/13, 1587/13, 1589 to 1592/13, 1601/13, 1618/13, 1624/13, 1626 to 1628/13, 1630 and 1631/13, 1638/13, 1640 and 1641/13, 1646 and 1647/13, 1649/13, 1659/13, 1670/13—Commonwealth Ombudsman’s reports. Motion of Senator Brown to take note of documents called on. On the motion of Senator Moore debate was adjourned till Thursday at general business.

General business concluded.
36 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—
CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:


Finance and Public Administration Legislation Committee—Interim and final reports: The performance of the Department of Parliamentary Services—Government responses. Motion of Senator Polley to take note of documents debated and agreed to.

Cyber Safety—Select Committee—Report—Options for addressing the issue of sexting by minors. Motion of Senator Bilyk to take note of report agreed to.

Community Affairs References Committee—Interim report—Care and management of younger and older Australians living with dementia and behavioural and psychiatric symptoms of dementia (BPSD). Motion of Senator Urquhart to take note of report agreed to.

Rural and Regional Affairs and Transport References Committee—Interim reports (2)—Ownership arrangements of grain handling. Motion of Senator Urquhart to take note of reports agreed to.

Corporations and Financial Services—Joint Statutory Committee—Report—Statutory oversight of the Australian Securities and Investments Commission: the role of gatekeepers in Australia’s financial services system. Motion of Senator Urquhart to take note of report called on. On the motion of Senator Boyce debate was adjourned till the next day of sitting.


Community Affairs References Committee—First and final reports—Involuntary or coerced sterilisation of people with disabilities in Australia. Motion of Senator Urquhart to take note of reports called on. On the motion of Senator Moore debate was adjourned till the next day of sitting.

Environment and Communications References Committee—Interim (2) and final reports—Recent trends in and preparedness for extreme weather events. Motion of Senator Urquhart to take note of reports debated. Debate adjourned till the next day of sitting, Senator Siewert in continuation.

37 AUDITOR-GENERAL’S REPORTS—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 3 of 2013-14—Performance audit—AIR 8000 Phase 2 – C-27J Spartan battlefield Airlift Aircraft—Department of Defence. Motion of Senator Macdonald to take note of document agreed to.
Auditor-General—Audit report no. 8 of 2013-14—Performance audit—The Australian Government Reconstruction Inspectorate’s conduct of value for money reviews of flood reconstruction projects in Queensland—Department of Infrastructure and Regional Development. Motion of Senator Macdonald to take note of document agreed to.

38 **ADJOURNMENT**
The Acting Deputy President (Senator Fawcett) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.26 pm till Monday, 9 December 2013 at 10 am.

39 **ATTENDANCE**
Present, all senators except Senators Back*, Bishop*, Collins* and Heffernan* (* on leave).

**ROSEMARY LAING**
Clerk of the Senate