THURSDAY, 13 FEBRUARY 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 DEFENCE LEGISLATION AMENDMENT (WOOMERA PROHIBITED AREA) BILL 2013
Order of the day read for the adjourned debate on the motion of Senator Farrell—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 Bishop in continuation.

3 IMMIGRATION—BORDER PROTECTION OPERATIONS—LIFEBOATS—ORDER FOR
PRODUCTION OF DOCUMENTS—DOCUMENT
The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled
the following document:
Immigration—Border protection operations—Lifeboats—Letter from the Assistant
Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the
Senate (Dr Laing), dated 13 February 2014, responding to the order of the Senate
of 12 February 2014.

4 NOTICES
The Minister Assisting the Prime Minister for Women (Senator Cash) and Senators
Moore and Waters: To move on the next day of sitting—That the Senate
acknowledges that:
(a) under age and forced marriage is a totally unacceptable illegal practice and will
not be tolerated in Australia under any circumstances;
(b) the Australian Government is deeply concerned by this illegal practice and is
keen to work jointly with state and territory governments on tackling this issue;
(c) under the Commonwealth Marriage Act 1961, it is an offence to solemnise a
marriage where one or both parties is not of marriageable age;
(d) it is also an offence to go through a form of ceremony of marriage with a
person who is not of marriageable age;
(e) under the Commonwealth Criminal Code, it is also an offence to force a person
into marriage without their full and free consent through coercion, threat or
deception;
(f) the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and
People Trafficking) Act 2013 has strengthened Australia’s response to slavery,
slavery-like practices and human trafficking, including by criminalising forced
marriage; and
(g) the Government provides support to victims of forced marriage through the
Support for Trafficked People Program, which provides victims access to
accommodation, financial support, counselling, medical treatment, legal and
migration advice and interpreter services. (general business notice of motion
no. 132)
Senator Ludlam: To move on the next day of sitting—That there be laid on the table by the Attorney-General, no later than 2 pm on 6 March 2014, evidence to substantiate the Attorney-General’s claim to the Senate on 11 February 2014 that former National Security Agency contractor Mr Edward Snowden ‘has put Australian lives at risk’. 

( general business notice of motion no. 133 )

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

(a) notes:

(i) that poor kidney health continues to be a serious problem for Aboriginal people in Central Australia with an alarming growth in the need for dialysis both now and in the future,

(ii) the release of a report by the Western Desert Nganampa Walytja Palyantjaku Tjutaku Aboriginal Corporation and EY into the Service Delivery Model of remote dialysis in Central Australia, and

(iii) that this report finds that the Western Desert Dialysis model of care:

(A) offers a unique combination of services and approach to patient care and community engagement that has allowed for significant success particularly in terms of patient participation,

(B) is cost effective,

(C) encourages higher patient participation rates,

(D) creates better clinical outcomes,

(E) offers higher levels of clinical safety, and

(F) supports people to be able to remain on country, which means that there is a greater prospect of children accessing education, adults contributing economically and communities remaining safe and stable; and

(b) calls on the Government to ensure that:

(i) the $10 million earmarked by the previous government for renal services is urgently spent on improving central desert infrastructure, and

(ii) a community approach to renal services is at the heart of any renal treatment strategy. ( general business notice of motion no. 134 )

Notice of motion withdrawn: Senator Hanson-Young, pursuant to notice of intention given on 12 February 2014, withdrew business of the Senate notice of motion no. 2 standing in her name for 6 March 2014, for the disallowance of the amendments to the Migration Regulations 1994 made by the Migration Amendment (Unauthorised Maritime Arrival) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 280 and made under the Migration Act 1958.

5 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 1 OF 2014

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 1 OF 2014

1. The committee met in private session on Wednesday, 12 February 2014 at 7.16 pm.

2. The committee resolved to recommend—That the following bills not be referred to committees:

   Landholders’ Right to Refuse (Gas and Coal) Bill 2013
   Marriage Equality Amendment Bill 2013
National Integrity Commission Bill 2013
Primary Industries (Excise) Levies Amendment (Dairy Produce) Bill 2014.

The committee recommends accordingly.

3. The committee deferred consideration of the following bills to its next meeting:
   Adelaide Airport Curfew Amendment (Protecting Residents’ Amenity) Bill 2014
   Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014
   Live Animal Export (Slaughter) Prohibition Bill 2014.

Helen Kroger
Chair
13 February 2014.

Senator Kroger moved—that the report be adopted.
Question put and passed.

6 ORDER OF BUSINESS—REARRANGEMENT
The Assistant Minister for Social Services (Senator Fifield) moved—that—
(a) the following government business orders of the day be considered from 12.45 pm today:
   No. 12 Australian Research Council Amendment Bill 2013
   No. 13 Veterans’ Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013
   No. 14 Telecommunications Legislation Amendment (Consumer Protection) Bill 2013
   No. 15 Education Services for Overseas Students Amendment Bill 2013
   No. 16 Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013; and
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.
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. 123 standing in the name of Senator Carr relating to Australian jobs; and
(b) orders of the day relating to government documents.
Question put and passed.

7 POSTPONEMENTS
The following items of business were postponed:
Business of the Senate notice of motion no. 1 standing in the name of Senator Madigan for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 3 March 2014.
Business of the Senate notices of motion nos 2 and 7 standing in the name of Senator Hanson-Young for today, proposing references to the Legal and Constitutional Affairs References Committee, postponed till 3 March 2014.
8 **INDIGENOUS AUSTRALIANS—NATIONAL APOLOGY TO AUSTRALIA’S ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES—6TH ANNIVERSARY**

The Minister for Indigenous Affairs (Senator Scullion), also on behalf of Senators Peris, Siewert and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 116—That the Senate—

(a) notes that 13 February 2014 marks the 6th anniversary of the National Apology to Australia’s Aboriginal and Torres Strait Islander peoples;

(b) recognises the significance of the apology and its meaning to Aboriginal and Torres Strait Islander peoples;

(c) confirms its support for the recognition in the Constitution of Aboriginal and Torres Strait Islander peoples as the first Australians; and

(d) confirms a multi-party commitment to work in partnership with Aboriginal and Torres Strait Islander peoples to close the gap on Aboriginal disadvantage.

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

Question put and passed.

9 **ECONOMICS REFERENCES COMMITTEE—LEAVE TO MEET DURING SITTING**

Senator Kroger, at the request of the Chair of the Economics References Committee (Senator Bishop) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 117—That the Economics 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, 13 February 2014, from 3.30 pm.

Question put and passed.

10 **TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Kroger, at the request of Senator Fawcett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 118—That the Joint Standing Committee on Treaties be authorised to hold public meetings during the sittings of the Senate, from 11 am to 1 pm, as follows:

(a) Monday, 3 March 2014;

(b) Monday, 17 March 2014; and

(c) Monday, 24 March 2014.

Question put and passed.

11 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSIONS 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. 119—That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended, as follows:

(a) future of the beekeeping and pollination service industries in Australia—to 19 June 2014;

(b) grass-fed cattle levies—to 30 June 2014; and

(c) public transport—to 30 June 2014.

Question put and passed.
12 **FOREIGN AFFAIRS—EGYPT—MR PETER GRESTE**

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. 124—That the Senate—

(a) notes:

(i) with deep concern, the charges the Egyptian Government has laid against Australian citizen and journalist, Mr Peter Greste, and fellow Al Jazeera journalists,

(ii) calls by the White House, the United Nations, and global news agencies for their release, and

(iii) the excellent support Australian consular officials are providing to Mr Greste and his family; and

(b) calls on the Prime Minister (Mr Abbott) and the Minister for Foreign Affairs (Ms Bishop) to make direct contact with the Egyptian Government to seek the immediate release of Mr Greste and the other 19 individuals detained.

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

Question put and passed.

13 **GREAT BARRIER REEF LEGISLATION AMENDMENT BILL 2014**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 128—That the following bill be introduced:

A Bill for an Act to amend the law relating to the Great Barrier Reef, and for related purposes.

Question put and passed.

Senator Waters presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

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

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

14 **LAW AND JUSTICE—LEGAL COMMUNITY—ADVERSE COMMENTS**

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 115—That the Senate—

(a) notes the Queensland Premier (Mr Newman) has made recent public statements that:

(i) any lawyer acting for a member of a motorcycling gang is part of what he described as a criminal gang machine and will say and do anything to defend their clients,
(ii) members of the legal community, including the judiciary, are living out of touch with society and do not understand what the community wants from the law, and

(iii) the doctrine of separation of powers between the legislature, the executive and the judiciary is less applicable to Australia than other places;

(b) affirms that these comments do not acknowledge lawyers’ professional obligations, including their duty to the court, the integrity of the judiciary or the application of the separation of powers in Australia’s parliamentary democracy, and so are incorrect; and

(c) calls on the Commonwealth Attorney-General (Senator Brandis) to acknowledge and uphold the integrity of the legal profession and the judiciary across Australia.

Question put.

The Senate divided—

AYES, 37

Senators—

Bilyk  Faulkner  Milne  Sterle
Bishop  Furner  Moore  Thorp
Brown  Gallacher  O’Neill  Unquhart
Cameron  Hanson-Young  Peris  Waters
Carr  Lines  Polley  Whish-Wilson
Collins  Ludlam  Pratt  Wright
Conroy  Landy  Rhiannon  Xenophon
Di Natale  Madigan  Stewart
Farrell  McEwen (Teller)  Singh

NOES, 29

Senators—

Back  Colbeck  Macdonald  Ryan
Bernardi  Edwards  Mason  Scallion
Birmingham  Eggleston  McKenzie  Seselja
Boswell  Fawcett  Nash  Smith
Boyce  Fieravanti-Wells  Parry  Williams
Brandis  Fifield  Payne
Busby  Heffernan  Ronaldson
Cash  Kroger (Teller)  Ruston

Question agreed to.

15 PROCEDURE—STANDING COMMITTEE—PROPOSED REFERENCE

Senator Di Natale, 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 Procedure Committee for inquiry and report:

That consideration be given to amending standing order 50 to replace the prayer with the following: ‘Senators, let us in silence pray or reflect upon our responsibilities to the people of Australia, to the states and territories which we represent, and to all future generations’.

Question put and negatived.

Statements by leave: Senators Moore and Di Natale, by leave, made statements relating to the motion.
16 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE

The Chair of the Legal and Constitutional Affairs References Committee (Senator Wright), 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 matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 15 May 2014:

(a) responses by the Australian Securities and Investments Commission, the Australian Federal Police and the Australian Crime Commission (the agencies) to allegations of corruption and of breaches of Commonwealth laws, including allegations:
   (i) concerning the Reserve Bank of Australia, Securency and Note Printing Australia,
   (ii) in the Leighton group of companies and in the construction industry generally, and
   (iii) concerning other entities;
(b) whether the agencies’ investigation of allegations of serious fraud, including bribery, and their decisions whether to commence any prosecutions, were appropriate;
(c) whether the agencies appropriately communicated with each other and cooperated in a manner which ensured the optimal effectiveness of law enforcement with respect to serious fraud;
(d) whether the relationship between the agencies is such that the Australian community can have confidence that serious fraud is being properly investigated and any breaches properly prosecuted;
(e) whether the agencies are appropriately resourced;
(f) whether Australia should have a stand-alone Commonwealth agency to investigate and prosecute breaches of laws regarding serious fraud;
(g) whether Australia should have an independent standing commission against corruption, at the federal level;
(h) recommendations for further action by the Commonwealth Government and its agencies; and
(i) any related matters.

Question put and negatived.

17 POSTPONEMENT

Senator Xenophon, by leave, moved—That business of the Senate notice of motion no. 5 standing in the names of Senators Xenophon and Madigan for today, proposing a reference to the Economics References Committee, be postponed till the next day of sitting.

Question put and passed.
18 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE
The Leader of the Australian Greens (Senator Milne), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 6—
That the following matters be referred to the Environment and Communications References Committee for inquiry and report by 15 May 2014:

(a) the natural world heritage values of the Tasmanian Wilderness World Heritage Area minor boundary extension passed by the World Heritage Committee in June 2013;
(b) the interaction between the Department of the Environment and the Prime Minister and other ministers’ offices, and the process followed in the department’s review of the 2013 extension that led to a lesser minor boundary extension being submitted for consideration at the 2014 World Heritage Committee meeting;
(c) any action the Department of the Environment has funded, directed and overseen to rehabilitate any degraded areas within the World Heritage Area identified in the department’s 2013 review, as per the requirements of the World Heritage Convention;
(d) the extent and description of any areas of degraded forest included in the 2013 boundary adjustment and the World Heritage Committee’s rationale for including them;
(e) implications for the World Heritage status of the Tasmanian Wilderness World Heritage Area of the Government’s request to withdraw the 74 000 hectares for logging; and
(f) any related matter.

Question put and passed.

19 ENVIRONMENT—TASMANIA—BELL BAY PULP MILL PROJECT
Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 120—That the Senate—

(a) notes:
(i) the conditions of the Gunns Pulp Mill approval (EPBC 2007/3385) by the then Minister for the Environment, on 10 March 2011, which requires ‘no wood sourced from native forests will be used by the Bell Bay pulp mill’,
(ii) the Minister for the Environment (Mr Hunt) has confirmed the Government has asked the United Nations Educational, Scientific and Cultural Organization’s World Heritage Committee to delist 74 000 hectares of Tasmanian forest, and
(iii) that, with the support of the Liberal and Labor parties, the Tasmanian Parliament passed legislation in January 2014 to remove doubts about the validity of the permit for the Bell Bay Pulp Mill project; and

(b) calls on the Government to commit to maintain the environmental requirement in the Gunns Pulp Mill approval (EPBC 2007/3385) that excludes wood sourced from native forests being used as feedstock.

Question put and passed.
20 **TRADE—KOREA-AUSTRALIA FREE TRADE AGREEMENT—MODELLING—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 121—that there be laid on the table by the Minister representing the Minister for Trade and Investment, by 3 March 2014, the modelling and associated reports referred to by the Prime Minister and the Minister for Trade and Investment that outline the economic costs and benefits of the Korea—Australia Free Trade Agreement.

*Statements by leave:* Senators Whish-Wilson and Xenophon, by leave, made statements relating to the motion.

Question put and passed.

21 **ENVIRONMENT—AIR QUALITY—IMPACT OF COAL TRAINS**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 122—that the Senate—

(a) notes:

(i) the recent Senate inquiry into the impacts on health of air quality in Australia recommended health impact assessments for new mining developments and the covering of coal trains that spread dust in populated areas,

(ii) the New South Wales Environment Protection Authority has, under pollution reduction programs administered by the Australian Rail Track Corporation (ARTC), which manages the haulage of coal in the Hunter Valley, directed the ARTC to assess whether coal trains contribute to increased pollution particulate emissions,

(iii) that documents released under Freedom of Information requests have shown that the reports from the ARTC aimed at meeting these requirements were misleading as they failed to recognise uncovered coal wagons as causing the spike in particulate concentrations,

(iv) that during 2012 the network of 17 Hunter Valley air quality monitoring stations recorded levels of PM$_{10}$ over the national standard on 115 occasions—more than 30 000 Newcastle residents live within 500 metres of the coal corridor, and

(v) a number of peer-reviewed reports have highlighted this problem, which was not addressed in the final report; and

(b) calls on the ARTC to:

(i) require all coal wagons during transport operations to be covered when loaded and unloaded,

(ii) ensure that future reports on particulate pollution it is responsible for producing are subject to thorough methodological scrutiny, and

(iii) publicly disclose all data and peer revision arising from any of its reports into particulate pollution resulting from its operations.

Question put and negatived.

*Statement by leave:* Senator Rhiannon, by leave, made a statement relating to the motion.
22 **FOREIGN AFFAIRS—CAMBODIA**

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. 125—That the Senate—

(a) notes:

(i) that, on 3 January 2014, a peaceful protest of garment factory employees in Cambodia for increased wages became violent when government security forces opened fire on the demonstrators, killing five people and injuring more than 30,

(ii) that a number of incidents followed, in which peaceful protesters were forcibly arrested, and reportedly beaten and tortured, resulting in a ban on demonstrations,

(iii) that this decision is reflective of a broader suppression of those who speak and act in defence of human rights in Cambodia, including the Cambodia National Rescue Party leaders Mr Sam Rainsy and Mr Kem Sokha, and

(iv) the ongoing dispute over the July 2013 election and electoral processes, including alleged voter fraud and corruption;

(b) condemns the use of violence and excessive force by the Cambodian Government and implores it to protect and strengthen human rights, including a repeal of the ban on demonstrations; and

(c) calls on the:

(i) Cambodian Government to accept an international, independent investigation into allegations of fraud and corruption during the July 2013 election, and

(ii) Australian Parliament to affirm its commitment to the protection of human rights and democracy in Cambodia.

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

Question put and passed.

23 **COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION—FUNDING—ORDER FOR PRODUCTION OF DOCUMENT**

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 126—That the Senate—

(a) notes that:

(i) the Australian Broadcasting Corporation (ABC) is Australia’s most trusted news and current affairs broadcaster,

(ii) the ABC is an extremely well-loved national institution, and that independent opinion polls regularly reveal high levels of public satisfaction with the broadcaster, and

(iii) the Coalition has cut funding for the ABC in the past, including an 11 per cent cut in 1998 under Prime Minister John Howard;

(b) calls on the Government to:

(i) commit to protecting funding to the ABC in the forthcoming budget, and

(ii) cease threatening the ABC’s editorial independence; and
(c) orders that there be laid on the table by the Minister representing the Minister for Communications (Senator Fifield), by 3 March 2014, the 2006 KPMG report into the adequacy and efficiency of ABC funding commissioned by the Howard Government.

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

Question put and passed.

24 LEGISLATION COMMITTEES—ESTIMATES HEARINGS—VARIATION
Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 127—

(1) That the order of the Senate of 4 December 2013 relating to estimates hearings for 2014 be amended as follows:

2013-14 additional estimates, add:
and, if required, Friday, 28 February (Groups A and B)

2014-15 budget estimates, add:
and, if required, Friday, 24 October (supplementary hearings—Groups A and B)

(2) That, for the purposes of that order, an additional hearing of a committee considering estimates is taken to be required where any 3 members of the committee notify the chair of the requirement, in writing.

(3) That paragraph (2) operate subject to the restriction in standing order 26(3) that not more than 4 committees shall hear evidence on the estimates simultaneously.

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

Question put and passed.

25 IMMIGRATION—ASYLUM SEEKERS—OPERATION SOVEREIGN BORDERS—ORDER FOR PRODUCTION OF DOCUMENTS
Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 129—That there be laid on the table by the Assistant Minister for Immigration and Border Protection, no later than noon on Friday, 21 February 2014, a copy of the report of the Review of Operation Sovereign Borders Vessel Positioning December 2013 – January 2014 and accompanying documents identified in part 10 of the review terms of reference.

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

Question put and passed.

26 ENVIRONMENT—UNCONVENTIONAL GAS MINING
Senator Waters, also on behalf of Senators Wright, Hanson-Young and Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 130—That the Senate—

(a) notes:

(i) the concern of communities in South Australia and Western Australia about their land and water being threatened by shale and other unconventional gas mining,
(ii) that landholders lack the legal right to refuse shale and other unconventional gas mining on their land, and

(iii) the scientific uncertainty surrounding the environmental and health implications of hydraulic fracturing (‘fracking’) for shale and other unconventional gas mining; and

(b) calls on the Federal Government to:

(i) ban the use of fracking by the unconventional gas industry across Australia, and

(ii) support the Australian Greens’ bill to give landholders the legal right to refuse shale and other unconventional gas mining on their land.

Question put.
The Senate divided—

AYES, 9

Senators—

Di Natale
Hanson-Young
Ludlam

Milne
Rhiannon
Waters
Whish-Wilson

NOES, 36

Senators—

Back
Boswell
Boyce
Brown
Cameron
Carr
Colbeck
Collins
Conroy

Dastyari
Eggleston
Fifield
Furner
Gallacher
Groger
Lines
Lundy
Madigan

Marshall
McEwen (Teller)
McKenzie
McLucas
Moore
O’Neill
Parry
Peris
Polley

Pratt
Ruston
Ryan
Seselja
Singh
Smith
Stephens
Sterle
Thorp

Question negatived.

27 FOREIGN AFFAIRS—SRI LANKA—HUMAN RIGHTS

Senator Stephens, also on behalf of Senators Moore and Rhiannon and 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. 131—That the Senate—

(a) notes Australia’s co-sponsorship of the:

(i) 2012 United Nations (UN) General Assembly Human Rights Council (HRC) resolution calling on the Sri Lankan Government to implement the recommendations of the Lessons Learnt and Reconciliation Commission of Sri Lanka and to take credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans, and

(ii) 2013 UN General Assembly HRC resolution expressing concern at continuing reports of violations of human rights in Sri Lanka, and reiterating the call on the Government of Sri Lanka to implement the Commission’s recommendations and to fulfil its commitment to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law;
(b) notes:
   (i) continuing reports of violations of human rights in Sri Lanka, and international concerns about insufficient progress by the Government of Sri Lanka in addressing justice, reconciliation and accountability, and
   (ii) the forthcoming update to the HRC 24th session on the progress of the 2012 and 2013 resolutions; and

(c) calls on the Australian Government to:
   (i) maintain Australia’s strong record of support for human rights at the 24th session of the HRC, including in relation to Sri Lanka,
   (ii) support the United States in its call for the ‘international community to establish an independent international accountability mechanism to evaluate reports of war crimes, crimes against humanity, and other human rights violations committed by both sides during and after the war in Sri Lanka’,
   (iii) co-sponsor any United States resolution at the UNHRC in March 2014 regarding Sri Lanka’s progress on accountability and human rights, and
   (iv) urge the Government of Sri Lanka to:
       (A) allow unimpeded access for media, international aid agencies and human rights groups into all regions of the country, as well as to detention sites that may hold political and war prisoners, and
       (B) end its media restrictions, including the obstacles to the flow of information in the north and east, and bring to justice those responsible for attacks on journalists and newspaper offices.

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

Question put and passed.

28 COMMITTEES—ADDITIONAL INFORMATION—ESTIMATES

Senator Kroger, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2011-12—Environment and Communications Legislation Committee—Additional information—Climate Change and Energy Efficiency portfolio.

Budget estimates 2012-13—
   Foreign Affairs, Defence and Trade Legislation Committee—Additional information—Defence portfolio.
   Legal and Constitutional Affairs Legislation Committee—Additional information received between 17 May 2013 and 13 February 2014—Attorney-General’s portfolio.


Budget estimates 2013-14 (Supplementary)—
   Community Affairs Legislation Committee—Additional information received between 21 November 2013 and 12 February 2014—Department of Human Services.
   Health portfolio.
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time—and on the amendment moved by Senator Pratt:

At the end of the motion, add “but the Senate expresses concern over the impact of the abolition of the Climate Change Authority on the provision of independent advice to Government and the public on carbon pollution reduction targets and actions”.

Debate resumed.
At 12.45 pm: Debate was interrupted while Senator Waters was speaking.

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

Debate resumed.

Question put 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.
31 **Veterans’ Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sinodinos)—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.

32 **Telecommunications Legislation Amendment (Consumer Protection) Bill 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Health (Senator Nash)—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.

33 **Education Services for Overseas Students Amendment Bill 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sinodinos)—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.

34 **Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013**

Order of the day read for the adjourned debate on the motion of the Assistant Treasurer (Senator Sinodinos)—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.
At 2 pm—

35 **VICTORIA CROSS FOR AUSTRALIA—CORPORAL CAMERON STEWART BAIRD, MG—STATEMENTS BY LEAVE**

The Leader of the Government in the Senate (Senator Abetz), the Leader of the Opposition in the Senate (Senator Wong) and the Leader of the Australian Greens (Senator Milne), by leave, made statements relating to the posthumous awarding of the Victoria Cross for Australia to Corporal Cameron Stewart Baird, MG.

36 **QUESTIONS**

Questions without notice were answered.

37 **MOTIONS TO TAKE NOTE OF ANSWERS**

The Leader of the Opposition in the Senate (Senator Wong) moved—that the Senate take note of the answers given by the Assistant Minister for Health (Senator Nash) to questions without notice asked by Senators Faulkner, Wong and McLucas today relating to potential conflicts of interest for ministerial staff.

Debate ensued.

Question put and passed.

Senator Siewert 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 Siewert today relating to the Western Australian Government’s shark catch-and-kill policy.

Question put and passed.

38 **IMMIGRATION—BORDER PROTECTION OPERATIONS—LIFEBOATS—ORDER FOR PRODUCTION OF DOCUMENTS—CONSIDERATION**

Senator Carr, by leave, moved—that the Senate take note of the document tabled earlier today (see entry no. 3).

Question put and passed.

39 **WOMEN—INTERNATIONAL DAY OF ZERO TOLERANCE TO FEMALE GENITAL MUTILATION—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Finance (Senator Cormann) tabled the following document:

Women—International Day of Zero Tolerance to Female Genital Mutilation—Ministerial statement by the Minister Assisting the Prime Minister for Women (Senator Cash), dated 13 February 2014.

40 **CYBER SAFETY—JOINT SELECT COMMITTEE—GOVERNMENT RESPONSE—CYBERSAFETY FOR SENIOR AUSTRALIANS**

The Minister for Finance (Senator Cormann) tabled the following document:

41 **TREATIES—JOINT STANDING COMMITTEE—GOVERNMENT RESPONSE—136TH REPORT**

The Minister for Finance (Senator Cormann) tabled the following document:


42 **WORK OF COMMITTEES—DOCUMENT**

The Deputy President (Senator Parry) tabled the following document:

Work of committees—Year statistics: 1 January to 31 December 2013; and half-year statistics: 1 July to 31 December 2013.

Document ordered to be printed on the motion of Senator Kroger.

43 **ADMINISTRATION—PROTECTION OF NATIONALLY IMPORTANT SPECIES AND WILDERNESS PLACES—RESPONSIBILITY—DOCUMENT**

The Deputy President (Senator Parry) tabled the following document:

Administration—Protection of nationally important species and wilderness places—Responsibility—Letter to the President of the Senate from the Deputy Premier of Queensland (Mr Seeney), dated 11 February 2014, responding to the resolution of the Senate of 11 December 2013.

44 **AUSTRALIAN LAW REFORM COMMISSION—REPORT NO. 122—DOCUMENTS**

The Attorney-General (Senator Brandis) tabled the following documents:

Australian Law Reform Commission—Report no. 122—Copyright and the digital economy—


Senator Brandis, by leave, moved—that the Senate take note of the documents.

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

45 **PARTICULARS OF PROPOSED ADDITIONAL EXPENDITURE—2013-14—DOCUMENTS**

The Minister for Finance (Senator Cormann) tabled the following documents:


Particulars of proposed additional expenditure in respect of the year ending on 30 June 2014 [Appropriation Bill (No. 3) 2013-2014].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2014 [Appropriation Bill (No. 4) 2013-2014].

Particulars of proposed additional expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2014 [Appropriation (Parliamentary Departments) Bill (No. 2) 2013-14].

Senator Cormann, by leave, moved—that—

(a) the documents, together with the final budget outcome 2012-13 (see entry no. 2, 13 November 2013), be referred to committees for examination and report; and
(b) consideration of the Advances provided under the annual Appropriation Acts in committee of the whole be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question put and passed.

46  **ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2013-14—PORTFOLIO ADDITIONAL ESTIMATES STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENTS**

The Minister for Finance (Senator Cormann) tabled the following documents:

Estimates of proposed additional expenditure for 2013-14—Portfolio additional estimates statements—Portfolios and executive departments—

Agriculture.
Attorney-General.
Communications.
Defence.
Department of Human Services.
Department of Veterans’ Affairs.
Education.
Employment.
Environment.
Finance.
Foreign Affairs and Trade.
Health.
Immigration and Border Protection.
Industry.
Infrastructure and Regional Development.
Prime Minister and Cabinet.
Social Services.
Treasury.

47  **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.]

**Financial Management and Accountability Act 1997**—Determination 2014/03 – Section 32 (Transfer of Functions from DEEWR to Education and Employment) [F2014L00136].

**Higher Education Support Act 2003**—VET Provider Approvals—

No. 8 of 2014 [F2014L00140].
No. 9 of 2014 [F2014L00138].
No. 10 of 2014 [F2014L00139].

**National Health Act 1953**—National Health (Weighted average disclosed price – main disclosure cycle) Amendment Determination 2014 (No. 1)—PB 8 of 2014 [F2014L00137].

48 DEPARTMENTAL AND AGENCY CONTRACTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended:

- Departmental and agency contracts for 2013—Letters of advice—Australian National Preventive Health Agency.
- Australian Radiation Protection and Nuclear Safety Agency.
- Employment portfolio.
- National Health and Medical Research Council.
- National Health Performance Authority.
- Private Health Insurance Ombudsman.

49 DEPARTMENTAL AND AGENCY APPOINTMENTS AND VACANCIES—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:

- Departmental and agency appointments and vacancies—Additional estimates—Letters of advice—Department of the Prime Minister and Cabinet.
- Health portfolio.
- Industry portfolio.

50 DEPARTMENTAL AND AGENCY GRANTS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The following documents were tabled pursuant to the order of the Senate of 24 June 2008:

- Departmental and agency grants—Additional estimates—Letters of advice—Agriculture portfolio.
- Attorney-General’s portfolio.
- Australian National Preventive Health Agency.
- Cancer Australia.
- Department of Infrastructure and Regional Development.
- Environment portfolio.
- Industry portfolio.

51 COMMITTEE MEMBERSHIP

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

The Minister for Finance (Senator Cormann), by leave, moved—that senators be discharged from and appointed to committees as follows:

Economics Legislation Committee—
- Appointed—Substitute member: Senator Furner to replace Senator Bishop on Thursday, 27 February 2014
Foreign Affairs, Defence and Trade References Committee—
     Appointed—
     Substitute member: Senator Rhiannon to replace Senator Whish-Wilson for the committee’s inquiry into overseas aid
     Participating member: Senator Whish-Wilson

National Broadband Network—Select Committee—
     Appointed—
     Substitute member: Senator O’Neill to replace Senator Thorp on Tuesday, 11 March 2014
     Participating member: Senator O’Neill

Rural and Regional Affairs and Transport References Committee—
     Appointed—Substitute member: Senator Ludlam to replace Senator Whish-Wilson for the committee’s inquiry into public transport on Wednesday, 19 February 2014.

Question put and passed.

General business was called on.

52 EMPLOYMENT—JOB LOSSES

Senator Carr, pursuant to notice, moved general business notice of motion no. 123—
That the Senate—
(a) condemns:
   (i) the failure of the Government to:
       (A) articulate a comprehensive innovation policy so that Australia
           has the high skill, high wage jobs of the future, and
       (B) fight for Australian jobs,
   (ii) the deliberate and hostile actions of the Government in bringing about
        the end of Australia’s automotive manufacturing sector threatening a
        further 50,000 jobs directly reliant and the 200,000 jobs that rely on it
        indirectly, and
   (iii) the cowardice of the Government for blaming job losses on workers to
         distract from its own inaction and lack of any plan to deal with the crisis
         facing Australian manufacturing due to the strong dollar; and
(b) calls on the Government to immediately outline:
   (i) its plans to support the 50,000 Australian workers who have lost their
       jobs since the election,
   (ii) the industries in which it expects these workers to find new jobs, and
   (iii) its plans to attract the billions in new investment, new jobs, new skills
       and new technologies to replace those lost in the automotive sector.

Debate ensued.
At 6 pm: Debate was interrupted while Senator Back was speaking.

53 VACANCY IN THE REPRESENTATION OF QUEENSLAND—CHOICE OF BARRY JAMES O’SULLIVAN

The President informed the Senate that he had received, through the Governor-General, from the Governor of Queensland, a copy of the certificate of the choice by the Parliament of Queensland of Barry James O’Sullivan to fill the vacancy caused by the resignation of Senator Joyce.
The President tabled the copy of the certificate as follows:

Government House
Queensland

Her Excellency the Honourable Quentin Bryce AC CVO
Governor-General of the Commonwealth of Australia
Government House
CANBERRA ACT 2600

Your Excellency,

I have the honour to inform you that I, Penelope Wensley, the Governor of the State of Queensland in the Commonwealth of Australia, in accordance with the provisions of Section 15 of the Constitution of the Commonwealth of Australia, do hereby certify that Mr Barry James O’Sullivan of Cottesloe Street, Toowoomba, Queensland was chosen on the Eleventh day of February, 2014, by the Legislative Assembly of Queensland to hold the place in the Senate of the Parliament of the Commonwealth, rendered vacant through the resignation of Senator Barnaby Joyce.

Penelope Wensley
Governor
13 February 2014.

Senator sworn: Senator O’Sullivan, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

54 ESTIMATES OF PROPOSED ADDITIONAL EXPENDITURE FOR 2013-14—PORTFOLIO ADDITIONAL ESTIMATES STATEMENT—DEPARTMENT OF PARLIAMENTARY SERVICES—DOCUMENT

The President tabled the following document:

Estimates of proposed expenditure for 2013-14—Portfolio additional estimates statements—Department of Parliamentary Services.

55 ADMINISTRATION—MINISTERIAL STAFF—POTENTIAL CONFLICTS OF INTEREST—ANSWER TO QUESTION—STATEMENT BY LEAVE

The Leader of the Opposition in the Senate (Senator Wong), by leave, made a statement relating to the answer given by the Assistant Minister for Health (Senator Nash) to a question without notice asked by Senator McLucas during question time today relating to potential conflicts of interest for ministerial staff.

Statement by leave: The Attorney-General (Senator Brandis), by leave, made a statement relating to the matter.

Statements by leave: Senators Wong and Brandis, by leave, made further statements relating to the matter.
The following orders of the day relating to government documents were considered:

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 agreed to.

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 Bushby debate was adjourned till Thursday at general business.


Australian Postal Corporation (Australia Post)—
—Motion of Senator Boyce to take note of documents called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

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 McEwen 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 agreed to.

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

Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2012-13. Motion of Senator McKenzie to take note of document agreed to.

Australian Research Council (ARC)—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 agreed to.
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 called on. On the motion of Senator Bushby 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 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 Bushby debate was adjourned till Thursday at general business.


Tourism Australia—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.


Motion of Senator Stephens to take note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.

General business concluded.

57 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:

- 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 agreed to.
- 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 agreed to.
- 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 and agreed to.

Orders of the day nos 1 to 3 relating to committee reports and government responses were called on but no motion was moved.

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

The following order of the day relating to reports of the Auditor-General was considered:

- Auditor-General—Audit report no. 10 of 2013-14—Performance audit—Torres Strait Regional Authority—Service delivery: Torres Strait Regional Authority. Motion of Senator McLucas to take note of document called on. Debate adjourned till the next day of sitting, Senator McLucas in continuation.

Orders of the day nos 2 to 10 relating to reports of the Auditor-General were called on but no motion was moved.

59 COMMITTEE MEMBERSHIP

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

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

**Finance and Public Administration Legislation Committee**—
Appointed—Substitute member: Senator Siewert to replace Senator Rhiannon on Friday 28 February 2014

**National Broadband Network—Select Committee**—
Appointed—
Substitute member: Senator Rhiannon to replace Senator Ludlam on Tuesday, 11 March 2014
Participating member: Senator Ludlam.

Question put and passed.
60 ADJOURNMENT
The Deputy President (Senator Parry) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.08 pm till Monday, 3 March 2014 at 10 am.

61 ATTENDANCE
Present, all senators except Senator Tillem (on leave).

ROSEMARY LAING
Clerk of the Senate