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

2 **GOVERNMENT DOCUMENTS**
The following documents were tabled:
- Government response to Ombudsman’s reports, dated 17 June 2014.

3 **CONSIDERATION OF LEGISLATION**
The Minister for Finance (Senator Cormann), by leave, moved—That government business orders of the day no. 1 (Appropriation (Parliamentary Departments) Bill (No. 1) 2014-2015 and related bills) and no. 2 (Appropriation Bill (No. 5) 2013-2014 and a related bill) may be taken together for their remaining stages.

4 **APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2014-2015**
- **APPROPRIATION BILL (NO. 1) 2014-2015**
- **APPROPRIATION BILL (NO. 2) 2014-2015**
- **APPROPRIATION BILL (NO. 5) 2013-2014**
- **APPROPRIATION BILL (NO. 6) 2013-2014**

Order read for the adjourned debate on the motions of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments to the bills were circulated and the bills were not considered in committee.

On the motion of the Minister for Finance (Senator Cormann) the bills were read a third time.

5 **AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT (REMOVING RE-APPROVAL AND RE-REGISTRATION) BILL 2014**

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

Debate resumed.
Senator Farrell moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to:

(a) explore the establishment of a systematic process of assessment within the Australian Pesticides and Veterinary Medicines Authority (APVMA) for existing agriculture and veterinary chemicals similar to the Inventory Multi-tiered Assessment and Prioritisation process established under the National Industrial Chemicals Notification and Assessment Scheme; and

(b) appropriately resource the APVMA to apply the framework and conduct reviews”.

Debate ensued.

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

Main question, as amended, put.

The Senate divided—

AYES, 40

Senators—

Back Dastyari McEwen Ryan
Bernardi Edwards McKenzie (Teller) Seselja
Bilyk Farrell McLucas Singh
Birmingham Fawcett Moore Smith
Boyce Fumer Nash Stephens
Brown Gallacher O’Neill Sterle
Bushby Lines O’Sullivan Thorp
Cameron Lundy Peris Tillem
Carr Macdonald Polley Urquhart
Colbeck Marshall Ruston Williams

NOES, 10

Senators—

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

Question agreed to.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill, taken as a whole by leave, debated.

At 12.45 pm: The Acting Deputy President (Senator Ruston) resumed the chair and the Temporary Chair of Committees reported progress.

6 Matters of Public Interest

Matters of public interest were discussed.
7 QUESTIONS
Questions without notice were answered.

8 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Farrell moved—That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.
Debate ensued.
Question put and passed.
Senator Whish-Wilson moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Whish-Wilson today relating to tax avoidance.
Question put and passed.

9 PETITION
The following petition, lodged with the Clerk by Senator Stephens, was received:
From 137 petitioners, requesting that the Senate take action to support the construction of a palliative care hospice in Wagga Wagga, New South Wales.

Document: Senator Siewert, by leave, tabled the following document:
Environment—Western Australia—Shark cull—Petitioning document from 649 signatories calling for the end of the shark cull in Western Australia.

10 NOTICES
Senator Thorp: To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 29 October 2014:
The history, effectiveness, performance and future of the National Landcare Program, including:
(a) the establishment and performance of the Natural Heritage Trust;
(b) the establishment and performance of the Caring for Our Country program;
(c) the outcomes to date and for the forward estimates period of Caring for Our Country;
(d) the implications of the 2014-15 Budget for land care programs, in particular, on contracts, scope, structure, outcomes of programs and long-term impact on natural resource management;
(e) the Government’s policy rationale in relation to changes to land care programs;
(f) analysis of national, state and regional funding priorities for land care programs;
(g) how the Department of the Environment and the Department of Agriculture have, and can, work together to deliver a seamless land care program;
(h) the role of natural resource management bodies in past and future planning, delivery, reporting and outcomes; and

(i) any other related matters.

The Chair of the Finance and Public Administration References Committee (Senator Lundy): To move on the next day of sitting—That the time for the presentation of the report of the Finance and Public Administration References Committee on its inquiry into Commonwealth procurement procedures be extended to 10 July 2014. (general business notice of motion no. 308)

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

(a) notes:

(i) the current gender pay gap of approximately 17.5 per cent in Australia,

(ii) recognition by industry of the need to address the gender pay gap,

(iii) support by key industry figures for current gender equality reporting requirements within Schedule 1 of the Workplace Gender Equality (Matters in relation to Gender Equality Indicators) Instrument 2013 (No. 1) (the Instrument) under the Workplace Gender Equality Act 2012,

(iv) the Government’s deferral of increases to gender equality reporting matters by delaying the commencement of Schedule 2 of the Instrument in order to consult industry, and

(v) that such consultation on gender equality reporting requirements is currently underway; and

(b) calls on the Government to retain the existing gender equality reporting requirements contained in Schedule 1 of the Instrument. (general business notice of motion no. 309)

Senator Rhiannon: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Agriculture, no later than 8 July 2014, all correspondence, whether written or in email form, between the Department of Agriculture and the Minister’s office relating to the cattle industry’s compensation claim resulting from the 5-week suspension of live export trade to Indonesia in 2011, and all correspondence, whether written or in email form, between the Minister’s office and the Department of Finance, the Australian Government Solicitor and the Attorney-General’s office, relating to the same matter. (general business notice of motion no. 310)

The Leader of the Australian Greens (Senator Milne): To move on the next day of sitting—That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 4 September 2014:

(a) the work undertaken by the Australian Federal Police’s Oil for Food Taskforce;

(b) the level of resourcing that was provided and used by the taskforce; and

(c) any other related matters.

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

(a) notes:

(i) the findings of the Youth Mental Health Report by Mission Australia and the Black Dog Institute, which states that 60 per cent of young people with a mental illness are not comfortable seeking information, advice or support from community agencies, online counselling or telephone hotlines, and
(ii) the judgment of the High Court in *Williams v. Commonwealth of Australia* (No. 2), which found the Commonwealth’s National School Chaplaincy and Student Welfare Program to be unconstitutional; and

(b) calls on the Federal Government to bring legislation before the Parliament supporting access to professional mental health support in schools by redirecting funding allocated to the National School Chaplaincy Program from 2015 to qualified mental health workers. *(general business notice of motion no. 311)*

Senator Moore: To move on the next day of sitting—That the Senate notes the Government’s Budget is an affront to Australians’ sense of fairness. *(general business notice of motion no. 312)*

Senators Faulkner, Bernardi, Rhiannon, Madigan and Xenophon: To move on the next day of sitting—

(1) That the following matters be referred to the Finance and Public Administration Legislation Committee for inquiry and report by the seventh sitting day in March 2015:

(a) progress in implementing the recommendations of the committee’s 2012 reports into the performance of the Department of Parliamentary Services (DPS), with particular reference to:

(i) workplace culture and employment issues,

(ii) heritage management, building maintenance and asset management issues, and

(iii) contract management;

(b) the senior management structure of DPS and arrangements to maintain the independence of the Parliamentary Librarian;

(c) oversight arrangements for security in the parliamentary precincts and security policies;

(d) progress in consolidating Information and Communication Technology services and future directions;

(e) the future of Hansard within DPS;

(f) the use of Parliament House as a commercial venue;

(g) further consideration of budget-setting processes for the Parliament and the merits of distinguishing the operating costs of the parliamentary institution and such direct support services such as Hansard, Broadcasting and the Parliamentary Library, from the operations and maintenance of the parliamentary estate;

(h) consideration of whether the distinction between the operations of the parliamentary institution and its direct support services, and the operations and maintenance of the parliamentary estate, is a more effective and useful foundation for future administrative support arrangements, taking into account the need for the Houses to be independent of one another and of the executive government; and

(i) any related matters.

(2) That, in undertaking the inquiry, the committee have access to relevant records and evidence of the committee in the previous Parliament.
Senator Thorp: To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 3 December 2014:

The adequacy of arrangements to prevent the entry and establishment of invasive species likely to harm Australia’s natural environment, including:

(a) recent biosecurity performance with respect to exotic organisms with the potential to harm the natural environment detected since 2000 and resulting from accidental or illegal introductions from overseas, including:
   (i) the extent of detected incursions, including numbers, locations and species, and their potential future environmental, social and economic impacts,
   (ii) the likely pathways of these recently detected incursions and any weaknesses in biosecurity that have facilitated their entry and establishment,
   (iii) the extent of quarantine interceptions of exotic organisms with the potential to harm the natural environment, including numbers, locations, species and potential impacts, and
   (iv) any reviews or analyses of detected incursions or interceptions relevant to the environment and any changes in biosecurity processes resulting from those reviews or analyses;

(b) Australia’s state of preparedness for new environmental incursions, including:
   (i) the extent to which high priority risks for the environment have been identified in terms of both organisms and pathways, and accorded priority in relation to other biosecurity priorities,
   (ii) the process for determining priorities for import risk analyses and the process for prioritising the preparation of these analyses,
   (iii) the current approach to contingency planning for high priority environmental risks and the process by which they were developed,
   (iv) the adequacy of current protocols and surveillance and their implementation for high priority environmental risks,
   (v) current systems for responses to newly detected incursions, the timeliness and adequacy, and the role of ecological expertise,
   (vi) the extent to which compliance monitoring and enforcement activities are focused on high priority environmental risks,
   (vii) the adequacy of reporting on incursions, transparency in decision-making and engagement of the community, and
   (viii) institutional arrangements for environmental biosecurity and potential improvements; and

(c) any other related matter.

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Edwards), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in his name for six sitting days after today for the disallowance of the Migration Amendment (Bridging Visas—Code of Behaviour) Regulation 2013, as contained in Select Legislative Instrument 2013 No. 269 and made under the Migration Act 1958.

Senator Edwards, by leave, made a statement relating to the notice of intention.
Notice of motion withdrawn: The Assistant Minister for Social Services (Senator Fifield) withdrew government business notice of motion no. 1 standing in his name for today, relating to the the hours of meeting and routine of business for today.

11 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.

12 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—EXTENSIONS OF TIME TO REPORT
Senator McEwen, by leave and at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle), moved—That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:
(a) implications of the restrictions on the use of Fenthion on Australia’s horticultural industry—to 16 July 2014; and
(b) future of the beekeeping and pollination service industries in Australia—to 16 July 2014.
Question put and passed.

13 POSTPONEMENT
Senator Waters, by leave, moved—That business of the Senate notice of motion no. 4 standing in her name for today, proposing a reference to the Community Affairs References Committee, be postponed till the next day of sitting.
Question put and passed.

14 ECONOMICS REFERENCES COMMITTEE—REFERENCES
Senator Xenophon, also on behalf of Senators Whish-Wilson and Madigan, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Economics References Committee for inquiry and report by 30 October 2014:
The need for a national approach to retail leasing arrangements to create a fairer system and reduce the burden on small to medium businesses with associated benefits to landlords, with particular reference to:
(a) the first right of refusal for tenants to renew their lease;
(b) affordable, effective and timely dispute resolution processes;
(c) a fair form of rent adjustment;
(d) implications of statutory rent thresholds;
(e) bank guarantees;
(f) a need for a national lease register;
(g) full disclosure of incentives;
(h) provision of sales results;
(i) contractual obligations relating to store fit-outs and refits; and
(j) any related matters.
Question put and passed.
Senator Whish-Wilson, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Economics References Committee for inquiry and report by 27 October 2014:

The structure and development of forestry managed investment schemes (MIS), including:

(a) the motivation and drivers that established the framework for the schemes initially;
(b) the role of governments in administering and regulating forestry MIS;
(c) the current policy and regulatory framework of forestry MIS;
(d) the role of some in the financial services industry in promoting and selling forestry MIS;
(e) compensation arrangements for small investors in forestry MIS who have lost life savings and their homes in the face of the collapse of forestry MIS;
(f) the burden on farmers and other agricultural producers who have been left with the uncertainty of timber plantations linked to forestry MIS on their land;
(g) options for reforming forestry MIS to protect investors and rural communities; and
(h) any other related matters.

Statement by leave: Senator Whish-Wilson, by leave, made a statement relating to the motion.

Question put and passed.

Senator Moore, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the future sustainability of Australia’s strategically vital naval ship building industry be referred to the Economics References Committee for inquiry and report by 1 July 2015.

Question put and passed.

15 **HEALTH—BORDERLINE PERSONALITY DISORDER AWARENESS DAY**

Senator Wright, also on behalf of Senators Boyce and McLucas, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 294—That the Senate—

(a) notes that:

(i) at any point in time, about 1.8 per cent of the general population experiences Borderline Personality Disorder,

(ii) the disorder can be characterised by overwhelming emotions, problems with relationships, impulsive and risk-taking behaviour and a fragile sense of self, and

(iii) a history of trauma, abuse or deprivation is common among those with the disorder; and

(b) with the aim of promoting understanding of the disorder in the community and working towards better treatment options and quality of life for those affected by the disorder, acknowledges that 5 October 2014 is Borderline Personality Disorder Awareness Day.

Question put and passed.
Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 307—That—

(a) the Senate notes:

(i) the budget provides for payment to the Western Australian Government of $925 million for the Perth Freight Link which includes the Roe Highway extension,

(ii) Infrastructure Australia has not assessed this project despite the promise by the Prime Minister (Mr Abbott) that all Commonwealth-funded infrastructure projects worth more than $100 million would undergo a cost-benefit analysis by Infrastructure Australia,

(iii) the Minister has not received a full business case for this project, and

(iv) the modelling for the Roe 8 extension by the proponent, the Western Australian Government, demonstrates negligible impact on passenger traffic or heavy vehicle traffic on local roads; and

(b) there be laid on the table, by the Minister representing the Minister for Infrastructure and Regional Development, no later than noon on Monday, 7 July 2014:

(i) all communications between Western Australia’s Minister for Transport, Assistant Minister, Treasurer and Premier and the Federal Government in relation to the project being included in the budget, and

(ii) the cost-benefit analysis submitted to the Government that demonstrates a 5:1 benefit to cost ratio and underlies the decision for Commonwealth funding.

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

Question put.

The Senate divided—

AYES, 34

Senators—

Bilyk
Bishop
Brown
Cameron
Collins
Conroy
Dastyari
Di Natale
Faulkner
Furner
Gallacher
Hanson-Young
Hogg
Lines
Ludlam
Ludwig
McEwen (Teller)
Moore
O’Neill
Pers
Rhiannon
Siewert
Singh
Stephens
Sterle
Thorp

Tillem
Uqichtart
Waters
Whish-Wilson
Wong
Wright
Xenophon
Question agreed to.

17 **FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—ESTIMATES HEARING—ATTENDANCE OF WITNESSES**

Senator Conroy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 293—That the Foreign Affairs, Defence and Trade Legislation Committee be required to convene a supplementary estimates meeting on Thursday, 26 June 2014 from 10 am for a period of no less than one hour for the purpose of asking for explanations from the Managing Director, Chief Operating Officer, Chief Financial Officer, and the General Manager Property and Tenancy Services of Defence Housing Australia concerning the performance of the agency and the scoping study investigating options for future ownership.

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

Question put and passed.

18 **HEALTH—SELECT COMMITTEE—APPOINTMENT**

Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 295—

(1) That a select committee, to be known as the Select Committee on Health, be established to inquire into and report on health policy, administration and expenditure, with particular reference to:

(a) the impact of reduced Commonwealth funding for hospital and other health services provided by state and territory governments, in particular, the impact on elective surgery and emergency department waiting times, hospital bed numbers, other hospital-related care and cost shifting;

(b) the impact of additional costs on access to affordable healthcare and the sustainability of Medicare;

(c) the impact of reduced Commonwealth funding for health promotion, prevention and early intervention;

(d) the interaction between elements of the health system, including between aged care and health care;

(e) improvements in the provision of health services, including Indigenous health and rural health;

(f) the better integration and coordination of Medicare services, including access to general practice, specialist medical practitioners, pharmaceuticals, optometry, diagnostic, dental and allied health services;

(g) health workforce planning; and
(h) any related matters.

(2) That the committee present its final report on or before 20 June 2016, with interim reports as the committee sees fit.

(3) That the committee consist of 7 senators, as follows:
   (a) 3 nominated by the Leader of the Government in the Senate;
   (b) 3 nominated by the Leader of the Opposition in the Senate; and
   (c) 1 nominated by the Leader of the Australian Greens.

(4) That:
   (a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(5) That 3 members of the committee constitute a quorum of the committee.

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

(7) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate and, as deputy chair, a member nominated by the Leader of the Australian Greens.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

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

(10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(11) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question put.
The Senate divided—

AYES, 34

Senators—

Bilyk  Furner  Moore  Tillem
Bishop  Gallacher  O’Neill  Urquhart
Brown  Hanson-Young  Peris  Waters
Cameron  Hogg  Rhiannon  Whish-Wilson
Collins  Lines  Siewert  Wong
Conroy  Ludlam  Singh  Wright
Dastyari  Ludwig  Stephens  Xenophon
Di Natale  McEwen (Teller)  Sterle
Faulkner  Milne  Thorp

NOES, 27

Senators—

Back  Colbeck  Kroger (Teller)  Ruston
Bernardi  Edwards  Macdonald  Ryan
Birmingham  Eggleston  McKenzie  Seselja
Boswell  Fawcett  Nash  Sinodinos
Boyce  Fierravanti-Wells  O’Sullivan  Smith
Bushby  Fifield  Parry  Williams
Cash  Johnston  Payne

Question agreed to.

19 Environment—Tasmanian Wilderness World Heritage Area

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. 296—That the Senate—

(a) applauds the World Heritage Committee’s decision in Doha on 23 June 2014 to uphold the current boundaries of the Tasmanian Wilderness World Heritage Area;

(b) notes the damage to Australia’s international reputation and Tasmanian tourism as a result of the Abbott Government’s attempt to reduce the World Heritage Area by 74,000 hectares so it can be logged; and

(c) calls on the Abbott Government to abide by the requirements of the World Heritage Convention to fund the rehabilitation of degraded areas and a cultural assessment of the area.

Question put.
The Senate divided—

**AYES, 34**

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**NOES, 27**

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Question agreed to.

**20 ENVIRONMENT—SOLAR ENERGY INITIATIVES**

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. 297—

That the Senate—

(a) acknowledges the proposal to build community-scale solar thermal plants and install solar photovoltaic panels in western New South Wales, known as the Solar Energy eXchange Initiative (the Initiative), has received in-principle support from 22 councils in the target area, including the unincorporated area;

(b) notes the Initiative would boost local economies, create local jobs, reduce greenhouse gas emissions, reduce the need for investment in transmission and distribution infrastructure and, in the long run, reduce power bills;

(c) supports those councils involved in the Initiative and the value that such projects can bring to long-term energy security and the economy in New South Wales; and

(d) encourages all levels of government to work cooperatively to see plans such as the Initiative harness the power of the sun in inland New South Wales to the benefit of ratepayers and residents, the economy and the environment.

Question put.

The Senate divided—

**AYES, 10**

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Senator Di Natale, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 271—

(1) That a select committee, to be known as the Select Committee into the Abbott Government’s Budget Cuts, be established to inquire into the effect of cuts or changes in the Commonwealth budget, with interim reports as the committee sees fit and a final report on or before 20 June 2016, with particular reference to:

(a) any reductions in access to services provided by the Commonwealth;
(b) the provision of other services, programs or benefits provided by the Government affected by the budget;
(c) Commonwealth – state relations and the impact of decreased Commonwealth investment on service delivery by the states;
(d) the fairness and efficiency of revenue raising;
(e) the structural budget balance over the forward estimates and the next 10 years;
(f) the reduced investment in scientific research and infrastructure and its impact on future productivity;
(g) public sector job cuts;
(h) the impact of the budget on retirement incomes and pensions;
(i) intergenerational mobility;
(j) the impact of the budget on young people and students;
(k) the impact of the budget on households; and
(l) other matters the committee considers relevant.

(2) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by the Leader of the Australian Greens.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(4) That 3 members of the committee constitute a quorum of the committee.

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

(6) That the committee elect as chair a member nominated by the Leader of the Australian Greens and as deputy chair, a member nominated by the Leader of the Opposition.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

(10) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question put and passed.

22 LEGISLATION COMMITTEES—ESTIMATES HEARINGS

Motions determined as not formal: The Leader of the Opposition in the Senate (Senator Wong) requested that general business notices of motion nos 298 to 305 standing in her name for today, relating to estimates hearings and accountability matters, be taken together and as formal.

An objection was raised and the motions were not proceeded with as formal motions.

Suspension of standing orders: Senator Moore, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Wong moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notices of motion nos 298 to 305.

Debate ensued.

Question put.
The Senate divided—

AYES, 34

Senators—

Bilyk
Bishop
Brown
Cameron
Collins
Dastyari
Di Natale
Farrell
Gallacher
Hanson-Young
Hogg
Lines
Ludlam
Ludwig
Madigan
Marshall
McEwen (Teller)
Milne
Moore
O’Neill
Peris
Rhiannon
Siewert
Singh
Stephens
Sterle
Thorp
Tillem
Urqhart
Waters
Whish-Wilson
Wong
Wright
Xenophon

NOES, 26

Senators—

Back (Teller)
Bernardi
Birmingham
Boswell
Boyce
Bushby
Cash
Colbeck
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
Fifield
Gallacher
Gallacher
Groser
Kroger
Lawrence
Lee
Lodge
Ludwig
Madigan
Marshall
McEwen (Teller)
Milne
Moore
O’Neill
Peris
Rhiannon
Siewert
Singh
Stephens
Sterle
Thorp
Tillem
Urqhart
Waters
Whish-Wilson
Wong
Wright
Xenophon

Question agreed to.

Senator Moore, at the request of Senator Wong, moved—That general business notices of motion nos 298 to 305 be considered together, be called on immediately and have precedence over all other business until determined.

Question put.

The Senate divided—

AYES, 34

Senators—

Bilyk
Bishop
Brown
Cameron
Collins
Dastyari
Di Natale
Farrell
Gallacher
Hanson-Young
Hogg
Lines
Ludlam
Ludwig
Madigan
Marshall
McEwen (Teller)
Milne
Moore
O’Neill
Peris
Rhiannon
Siewert
Singh
Stephens
Sterle
Tillem
Urqhart
Waters
Whish-Wilson
Wong
Wright
Xenophon

NOES, 27

Senators—

Abetz
Back (Teller)
Bernardi
Birmingham
Boswell
Boyce
Bushby
Cash
Colbeck
Edwards
Eggleston
Fawcett
Fierravanti-Wells
Fifield
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Question agreed to.
Senator Moore, at the request of Senator Wong, moved the following general business notices of motion together:

Senate—Powers—Freedom of Information Act provisions

No. 298—That the Senate—

(a) notes the frequency with which freedom of information legislation is invoked to withhold information from senators and the Senate, not only by reference to grounds of exemption in the legislation but also apparently on the basis that an answer will not be provided if a Freedom of Information (FOI) request has been lodged for the same information;

(b) recalls the observations of the Procedure Committee in its Third Report of 1992 that:

(i) there is no basis in law for the application of the FOI Act to the production of documents to a House,

(ii) if a minister were to regard all of the exemption provisions in the FOI Act as grounds on which to claim a privilege against disclosure of information to a House, this would considerably expand the grounds of executive privilege hitherto claimed, and

(iii) the use of the provisions of the FOI Act as a checklist of grounds for non-disclosure does not relieve a minister of the responsibility of carefully considering whether the minister should seek to withhold documents from a House, or from considering the question in the context of the importance of the matters under examination by the House;

(c) resolves that the same principles apply to the provision of information to committees in response to questions asked by senators, which require the same careful consideration by ministers; and

(d) declares that declining to provide documents or answer questions on the basis that an FOI request has been made for the same information is an unacceptable response, is not supported by the FOI Act and shows a profound lack of respect for the Senate and its committees.

Estimates hearings—Unanswered questions on notice—Order for production of documents

No. 299—That—

(1) There be laid on the table, by each minister in the Senate, in respect of each department or agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 10 days before the commencement of the budget estimates, supplementary budget estimates and additional estimates hearings, a statement showing:

(a) the number of questions taken on notice at the previous round of estimates hearings;

(b) the number of answers provided to the committee by the date set by the committee for answers; and

(c) of those answers not provided to the committee by the due date, the dates on which answers were provided to the approving minister’s office.

(2) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.

(3) This order is of continuing effect.
Legislation committees—Estimates hearings—Unanswered questions on notice—Standing order 74—Amendment

No. 300—That standing order 74(5) be amended as follows, with effect from the first sitting day in July 2014:

Omit paragraph 74(5), substitute:

(5) If a minister does not answer a question on notice asked by a senator within 30 days of the asking of that question, or if a question taken on notice during a hearing of a legislative and general purpose standing committee considering estimates remains unanswered after the day set for answering the question, and a minister does not, within that period, provide to the senator who asked the question an explanation satisfactory to that senator of why an answer has not yet been provided:

(a) at the conclusion of question time on any day after that period, the senator may ask the relevant minister for such an explanation; and

(b) the senator may, at the conclusion of the explanation, move without notice—That the Senate take note of the explanation; or

(c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion with regard to the minister’s failure to provide either an answer or an explanation.

Legislation committees—Estimates hearings—Additional hearings

No. 301—

(1) That, for the purposes of any order setting out a schedule of estimates hearings by legislation committees:

(a) if the order provides for hearings, if required, on a designated Friday, an additional hearing of a committee is taken to be required on that Friday if any 3 members of the committee notify the chair in writing of a requirement for the committee to meet, including for a specified period of time; and

(b) if the order does not provide for hearings, if required, on a designated Friday, an additional hearing of a committee is taken to be required on a relevant Friday if any 3 members of the committee notify the chair in writing of a requirement for the committee to meet, including for a specified period of time.

(2) For the purposes of paragraph (1), a relevant Friday means any of the following, as the case requires:

(a) for additional estimates hearings, the Friday of a week in which committees in Groups A and B are scheduled to meet;

(b) for Budget estimates hearings, the Friday of a week in which committees in Group A are scheduled to meet;

(c) for Budget estimates hearings, the Friday of a week in which committees in Group B are scheduled to meet; and

(d) for supplementary Budget estimates hearings, the Friday of a week in which committees in Groups A and B are scheduled to meet.

(3) The operation of this order is subject to the restriction in standing order 26(3) that not more than 4 committees shall hear evidence on the estimates simultaneously.

(4) This order is of continuing effect.
No. 302—

(1) That an additional hearing of a legislation committee considering estimates is taken to be required if any 3 members of the committee notify the chair in writing of a requirement for the committee to meet for that purpose, including for a specified period of time.

(2) For the purposes of paragraph (1), an additional hearing means a hearing in addition to any hearing required by, or pursuant to, an order of the Senate setting out days for legislation committees to meet to consider estimates or providing for such meetings to be held on spill-over days.

(3) The operation of this order is subject to the restriction in standing order 26(3) that not more than 4 committees shall hear evidence on the estimates simultaneously.

(4) This order is of continuing effect.

Legislation committees—Estimates hearings—Hours of meeting

No. 303—That the order of the Senate of 4 December 2013, as amended on 13 February 2014, providing for estimates hearings for 2014, be further amended as follows:

After paragraph (2), insert:

(2A) On the specified Mondays to Thursdays, committees shall meet from 9 am till 11 pm unless a committee completes its examination of items of proposed expenditure earlier and no senator has further explanations to seek.

Legislation committees—Estimates hearings—Accountability

No. 304—That the Senate—

(a) reaffirms:

(i) the principle, stated previously in resolutions of 9 December 1971, 23 October 1974, 18 September 1980, 4 June 1984, 29 May 1997 and 25 June 1998, that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the Parliament or its committees unless the Parliament has expressly provided otherwise, and

(ii) its expectation that officers, including agency heads, will appear before committees in fulfilment of their accountability obligations, whenever their presence is requested by committees;

(b) in relation to the provision of exceptions to the general principle reaffirmed in paragraph (a), notes and reaffirms:

(i) Privilege Resolution 1(16) which provides that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister,

(ii) the resolution of 16 July 1975, relating to the powers of the Senate and the accountability of witnesses, and requiring any claim to withhold information from the Senate to be based on an established ground, and

(iii) the order of 13 May 2009 setting out the proper process for raising public interest immunity claims;
(c) notes that:

(i) the statutory values which Australian Public Service agency heads and employees are required to uphold include a requirement to be open and accountable to the Australian community under the law and within the framework of ministerial responsibility, and

(ii) the Constitutional framework of checks and balances under a separation of powers places the Parliament in prime position as the agent of accountability, representing the Australian people;

(d) calls on the Government to issue a general instruction to all public service agency heads and employees about their duty to cooperate with parliamentary committee inquiries, including by formalising the revised guidelines for official witnesses appearing before parliamentary committees (last issued in 1989), a revised draft of which was provided to the Committee of Privileges in 2012 and considered in its 153rd Report; and

(e) requires:

(i) the chairs of legislation committees considering estimates to draw the provisions of paragraphs (a) and (b) of this resolution to the attention of any witness who declines to provide information to a committee on any basis other than those specified, and

(ii) the Clerk to draw this resolution, and the resolutions referred to in paragraph (b), to the attention of the heads of all agencies appearing before legislation committees, prior to each round of estimates.

**Legislation committees—Estimates hearings—Standing order 26—Amendment**

No. 305—That standing order 26 be amended as follows:

> At the end of paragraph (4), add:
> 
> If a senator has further explanations to seek, items of expenditure shall not be closed for examination unless the senator has agreed to submit written questions or the committee has agreed to schedule additional hearings for that purpose.

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

**Question**—That the question be now put—put.

The Senate divided—

AYES, 33

Senators—

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Question agreed to.

Main question put.

The Senate divided—

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Question agreed to.

23 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FOREIGN AFFAIRS—MIDDLE EASTERN POLICY**

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

The Abbott Government’s failure to acknowledge that the term ‘occupied’ in relation to the Occupied Palestinian Territories is an objective legal description of the status of those territories.

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

At 5 pm: Discussion was interrupted.

24 **Valedictory Statements**

Pursuant to order, senators made statements relating to the retirement of Senators Kroger, Furner and Farrell.
25 Government Documents—Consideration
The government documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

26 Adjournment
The Acting Deputy President (Senator Whish-Wilson) proposed the question—That the Senate do now adjourn.
Debate ensued.

Documents: Senator Waters, by leave, tabled the following documents:
Environment—Queensland—Coal seam gas project approvals—Extracts of the diary of the Premier of Queensland (Mr Newman), dated 1 February to 3 April 2013 and email correspondence, dated 12 and 24 May 2010.

The Senate adjourned at 7.39 pm till Thursday, 26 June 2014 at 9.30 am.

27 Attendance
Present, all senators except Senators Heffernan* and Mason* (*on leave).

Rosemary Laing
Clerk of the Senate