THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 10

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Contents

1 Meeting of Senate ................................................................. 322
2 Government Documents ....................................................... 322
3 Environment and Communications Legislation Committee—Leave to Meet
   During Sitting ................................................................. 323
4 Defence—Afghanistan—Ministerial Statement ................................ 323
5 Order of Business—Rearrangement .......................................... 323
6 Climate Change Authority (Abolition) Bill 2013 .......................... 323
7 Matters of Public Interest ........................................................ 323
8 Questions ................................................................................... 323
9 Motions to Take Note of Answers .............................................. 324
10 Administration—Statement of Ministerial Standards—Document .... 324
11 Notices ..................................................................................... 324
12 Leave of Absence ...................................................................... 333
13 Education and Employment References Committee—Reference .... 333
14 Hours of Meeting and Routine of Business—Proposed Variation ... 334
15 Economics References Committee—Reference ............................ 335
16 Rural and Regional Affairs and Transport References Committee—
   Proposed Reference .................................................................. 335
17 Broadcasting of Senate and Committee Proceedings ...................... 336
18 Criminal Code Amendment (Harming Australians) Bill 2013 ......... 339
19 Death of Mr Craig Gleeson and Mr Alistair Lucas ......................... 339
20 Foreign Affairs—Syria .............................................................. 339
21 Communications—Australian Broadcasting Corporation .............. 340
22 Social Issues—Homelessness .................................................... 341
23 Education—Schools Funding—Rural Areas ................................. 341
24 Immigration—Asylum Seekers—Undetected Boat Arrival—Order for
   Production of Documents ....................................................... 342
25 Immigration—Death of Asylum Seekers ...................................... 342
26 Trade—Free Trade Agreements—Order for Production of Documents 342
27 Environment—Whaling ............................................................ 343
28 Environment—Great White Shark ............................................. 343
29 Administration—Protection of Nationally Important Species and Wilderness Places—Responsibility ................................................................. 344
30 Foreign Affairs—Saudi Arabia—Migrant Workers ................................. 344
31 Abbott Government’s Commission of Audit—Select Committee—
Appointment .................................................................................. 345
32 Discussion of Matter of Public Importance—Environment—Queensland—
Abbot Point ................................................................................... 347
33 First Speeches .................................................................................. 347
34 Discussion of Matter of Public Importance—Environment—Queensland—
Abbot Point ................................................................................... 347
35 Legislation Committees—Reports—Annual Reports ................................. 347
36 Education and Employment Legislation Committee—Report—Schedules 6
and 9 of the Social Services and Other Legislation Amendment
Bill 2013 ........................................................................................ 347
37 Finance and Public Administration Legislation Committee—Report—
Schedule 2 of the Social Services and Other Legislation Amendment
Bill 2013 ......................................................................................... 348
38 Scrutiny of Bills—Standing Committee—Alert Digest No. 9 of 2013 .......... 348
39 Scrutiny of Bills—Standing Committee—Additional Information—Future
Direction and Role of the Committee ................................................ 348
40 Environment and Communications Legislation Committee—Additional
Information—Clean Energy Legislation (Carbon Tax Repeal) Bill 2013
and Related Bills ............................................................................ 348
41 Regulations and Ordinances—Standing Committee—118th Report and
Delegated Legislation Monitor No. 9 of 2013 ....................................... 349
42 Education and Employment Legislation Committee—Additional
Information—Fair Work (Registered Organisations) Amendment
Bill 2013 ........................................................................................ 349
43 Education, Employment and Workplace Relations References Committee—
Additional Information—Effectiveness of NAPLAN .......................... 349
44 Environment and Communications Legislation Committee—Interim
Report—Australia Post ..................................................................... 349
45 Parliamentary Committee Reports—Government Response—President’s
Report on Government Responses .................................................... 350
46 Pacific Parliamentary Partnerships—Presiding Officers’ Annual
Statement—Document ..................................................................... 350
47 Court of Disputed Returns—Election Petition—Documents ....................... 350
48 Australian Parliamentary Delegation to the 129th Inter-Parliamentary Union
Assembly—Document .................................................................... 350
50 Documents ..................................................................................... 350
51 Indexed Lists of Departmental and Agency Files—Order for Production of
Documents—Document .................................................................... 351
52 Transport—East West Link—Order for Production of Documents—
Document ..................................................................................... 351
53 Committee Membership .................................................................... 352
54 Australian Capital Territory Water Management Legislation Amendment
Bill 2013 ....................................................................................... 352
| 55 | Environment Legislation Amendment Bill 2013  
|    | Infrastructure Australia Amendment Bill 2013  
|    | Migration Amendment (Regaining Control Over Australia’s Protection Obligations) Bill 2013 |
| 56 | National Library of Australia—Senate Member of Council |
| 57 | Aged Care Act—Proposed Disallowances |
| 58 | Notice |
| 59 | Government Documents—Consideration |
| 60 | Adjournment |
| 61 | Attendance |
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:

- Australian Communications and Media Authority (ACMA)—Communications report for 2012-13.
- Australian Human Rights Commission—Immigration detainees with adverse security assessments v Commonwealth of Australia (Department of Immigration and Citizenship)—Report No. 64.
  
  Statement by the Attorney-General (Senator Brandis), dated 11 December 2013.
- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2013.
- Department of Finance—Consolidated financial statements for the year ended 30 June 2013.
- **Migration Act 1958**—Reports for the period 1 March to 30 June 2013—
  
  Section 91Y—Protection visa processing taking more than 90 days.
  
  Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days.
  
  Section 486O—Assessment of detention arrangements—Personal identifiers 1001020, 1001072, 1001012, 1000233, 1001057, 1000248, 1001128, 1000065, 1000684, 1001100, 1001007, 1000489, 1001008, 1000982, 1000977, 1000983, 1001040, 1001006, 1000254, 1001077, 1000696, 1001090, 1001087, 1000974, 1000976, 1000274, 1000916, 1000920 and 1000921, 1000919, 1000225, 1000918, 1000258, 1001111, 1001043, 1001035, 1001038 and 1001039, 1001028, 1001098, 1001041, 1001029 and 1001030, 1001031, 1000967, 1001047, 1001053, 1000996, 1001137, 1000984, 1000978, 1001112, 1001133, 1000997, 1000993, 1001058, 1001096, 1000842, 1000995, 1001019, 1000955, 1000662, 1001099, 1000994, 1001013, 1001103, 1198/13 and 1399/13—Commonwealth Ombudsman’s reports.
  
  Government response to Ombudsman’s reports, dated 4 December 2013.
- Treaties—**Bilateral**—
  
  Agreement between the Government of Australia and the Government of the Republic of Vanuatu relating to Air Services (Port Vila, 2 July 2013)—Text, together with national interest analysis and annexures.
Air Services Agreement between the Government of Australia and the Government of the Republic of Serbia (Belgrade, 14 May 2013)—Text, together with national interest analysis and annexure.
Convention between Australia and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, with Protocol (Sydney, 30 July 2013)—Text, together with national interest analysis.

3 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—LEAVE TO MEET DURING SITTING**
Senator Kroger, by leave and at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams), moved—that the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.
Question put and passed.

4 **DEFENCE—AFGHANISTAN—MINISTERIAL STATEMENT**
The Minister for Defence (Senator Johnston), by leave, made a statement relating to Australia’s commitment in Afghanistan.
*Statements by leave:* Senators Faulkner and Conroy, the Leader of the Australian Greens (Senator Milne) and Senator Macdonald, by leave, made statements relating to the matter.

5 **ORDER OF BUSINESS—REARRANGEMENT**
The Assistant Minister for Social Services (Senator Fifield) moved—that government business notices of motion nos 1 and 2 standing in his name for today, relating to the hours of meeting and routine of business for 12 December 2013 and the broadcasting of Senate and committee proceedings, be postponed till a later hour of the day.
Question put and passed.

6 **CLIMATE CHANGE AUTHORITY (ABOLITION) BILL 2013**
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—That this bill be now read a second time—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 Faulkner was speaking.

7 **MATTERS OF PUBLIC INTEREST**
Matters of public interest were discussed.

*At 2 pm—*

8 **QUESTIONS**
Questions without notice were answered.
9 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 Minister for Employment (Senator Abetz) to questions without notice asked by Senators Wong and Carr today relating to the announcement by GM Holden of its decision to cease its manufacture of cars in Australia by 2017.
Debate ensued.
Question put and passed.
Senator Waters 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 Waters today relating to decisions taken by the Minister for the Environment (Mr Hunt).
Question put and passed.

10 ADMINISTRATION—STATEMENT OF MINISTERIAL STANDARDS—DOCUMENT
The Minister for Employment (Senator Abetz) tabled the following document:
Statement of ministerial standards, dated December 2013.

11 NOTICES
Senator Hanson-Young: To move on the next day of sitting—That the following matter be referred to the Education and Employment References Committee for inquiry and report by 17 June 2014:
The delivery of quality and affordable early childhood education and care services, including:
(a) outcomes for children in early childhood education and care services, including:
   (i) workforce factors such as stability, qualifications and wage rates,
   (ii) quality regulation (including staff-to-child ratios),
   (iii) participation and access to services, and
   (iv) environments for learning;
(b) a progress report into the implementation of the National Quality Framework (NQF), including targets met and those working toward;
(c) parents’ experiences of the outcomes of the NQF;
(d) impacts of the announced government amendments to the NQF, and the outcomes for children and early childhood education and care services; and
(e) any other related matters.

Senator Lundy: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Foreign Affairs, by the adjournment of the Senate on 12 December 2013, the current edition of, ‘Signed Sealed and Delivered. Departmental Officials handbook’, produced by the Treaties Secretariat of the Department of Foreign Affairs and Trade. (general business notice of motion no. 80)
The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 25 June 2014:

The implications of the restriction on the use of Fenthion on Australia’s horticultural industry, including:

(a) the roles and responsibilities of relevant departments and agencies of Commonwealth, state and territory governments in relation to the regulation of pesticides and veterinary chemicals;

(b) the short- and long-term impact of the decision on stakeholders;

(c) the effectiveness and sustainability of chemicals other than Fenthion to manage fruit fly;

(d) transition arrangements following the restriction on the use of Fenthion, including Area Wide Management; and

(e) any related matters.

Senator McKenzie: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 28 March 2014:

The industry structures and systems governing the collection and disbursement of marketing and research and development levies pertaining to the sale of grass-fed cattle set out in subsections 6(1)(a), 6(1)(b), 6(2)(a) and 6(2)(b) of Schedule 3 (Cattle transactions) of the Primary Industries (Excise) Levies Act 1999, including:

(a) the basis on which levies are collected and used;

(b) the opportunities levy payers have to influence the quantum and investment of the levies;

(c) industry governance arrangements, consultation and reporting frameworks; and

(d) recommendations to maximise the ability of grass-fed cattle producers to respond to challenges and capture opportunities in marketing and research and development.

Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 26 March 2014:

The future of the beekeeping and pollination service industries in Australia, with particular reference to:

(a) the importance of these industries from a food security, environmental and financial point of view;

(b) current challenges facing the beekeeping industry domestically and internationally, and its future sustainability;

(c) the adequacy of the current biosecurity arrangements for imported and exported honey, apiary products, package bees and queen bees;

(d) Australia’s food labelling requirements, and how these affect the beekeeping industry;

(e) the recommendations from the House Standing Committee on Primary Industries and Resources 2008 report More than Honey: the future of the Australian honey bee and pollination industries, and the Rural Affairs and Transport References Committee 2011 report Science underpinning the inability to eradicate the Asian honey bee; and
(f) any related matters.

Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Education and Employment References Committee for inquiry and report by 27 March 2014:

The immediate future of the childcare sector in Australia, with particular reference to:

(a) cost and availability for parents over the short term, including the effectiveness of the current government rebates;
(b) administrative burden, including the impact of the introduction of the National Quality Framework;
(c) the current regulatory environment and the impact on children, educators and service operators;
(d) how the childcare sector can be strengthened in the short term to boost Australia’s productivity and workplace participation for parents; and
(e) any related matters.

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

(a) notes the significant consequences of Qantas failing, including national security implications, loss of manufacturing and tourism jobs, and the impacts on the wider economy; and
(b) calls on the Government to seriously consider investing in Qantas to maintain its viability as Australia’s national airline carrier. (general business notice of motion no. 81)

Senator Rhiannon: To move on the next day of sitting—That there be laid on the table, by 2 January 2014, by Infrastructure Australia or the Infrastructure Coordinator, all documents in relation to the WestConnex motorway project in New South Wales provided to Infrastructure Australia by the New South Wales Government, in particular, but not restricted to, the full business case. (general business notice of motion no. 82)

Senators O’Neill, Lines, McLucas, Pratt and Peris: To move on the next day of sitting—That the Senate—

(a) notes the national framework agreed to by the Council of Australian Governments (COAG) in 2008 to tackle Indigenous disadvantage and the six priority areas for change identified by COAG;
(b) further notes that there have been five annual reports by the Prime Minister to the Australian Parliament on progress in meeting these Closing the Gap targets;
(c) is of the view that the presentation of these annual reports should be marked by a special parliamentary procedure in recognition of the significance of these initiatives to all Australians;
(d) therefore proposes to the House of Representatives that it consider marking the presentation of the Prime Minister’s annual report on Closing the Gap by:
   (i) hosting a meeting of the House to which senators are invited in a similar manner as senators are invited to attend addresses by foreign Heads of State, and
   (ii) inviting senior Indigenous leaders to be present when the Prime Minister’s annual report is presented; and
(e) resolves that, on its presentation to the Senate, the Prime Minister’s annual report on Closing the Gap and accompanying ministerial statement be listed for consideration as a government business order of the day, and that the Government undertake to provide for at least 2 hours consideration of the statement during government business time. (general business notice of motion no. 83)

Senator Ludlam: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 10 June 2014:

Comprehensive revision of the Telecommunications (Interception and Access) Act 1979 (the Act), with regard to:

(a) the recommendations of the Australian Law Reform Commission For Your Information: Australian Privacy Law and Practice report, dated May 2008, particularly recommendation 71.2; and
(b) recommendations relating to the Act from the Parliamentary Joint Committee on Intelligence and Security Inquiry into the potential reforms of Australia’s National Security Legislation report, dated May 2013.

The Chair of the Education and Employment Legislation Committee (Senator McKenzie): To move on the next day of sitting—That answers be provided by 13 January 2014 to the Education and Employment Legislation Committee in respect of estimates questions to the Department of Education lodged with its predecessor committee in the course of the Budget estimates hearings in June 2013 which remained unanswered at the beginning of the new Parliament. (general business notice of motion no. 84)

Senator Farrell: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend legislation relating to defence, and for related purposes. Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013. (general business notice of motion no. 85)

Senator Carr: To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee on School Funding, be established to inquire into and report on the development and implementation of national school funding arrangements and school reform, with particular reference to:

(a) the implementation of needs-based funding arrangements, from 1 January 2014, for all schools and school systems, including:
   (i) Commonwealth funding, methods for the distribution of funds, funding arrangements and agreements with states and territories, as well as related accountability and transparency measures,
   (ii) funding arrangements for individual schools,
   (iii) the extent to which schools can anticipate their total future funding and links to educational programs in future years,
   (iv) the consequential equity of educational opportunity between states and territories, schools and students,
   (v) progress towards the Schooling Resource Standard, and
   (vi) the implementation of schools reforms;
(b) how funding arrangements will meet the needs of all schools and individual students, including Indigenous students, students with disability, small schools, remote schools, students with limited English, and students from socially and economically disadvantaged backgrounds;

(c) the Government’s proposed changes to the *Australian Education Act* 2013, related legislative instruments and their consequences;

(d) the economic impacts of school education policy;

(e) the Government’s consideration of expert findings, research, public consultation and reports in the development and implementation of school policy, including the selection of experts to provide advice on education policy; and

(f) any related matters.

(2) That the committee may present interim reports and must present a final report on or before 13 May 2014.

(3) 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.

(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 a member nominated by the Leader of the Opposition 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 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.

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

(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 examine.

(12) 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.
(13) 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.

(14) 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. (general business notice of motion no. 86)

Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for related purposes. Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013. (general business notice of motion no. 87)

Senator Madigan: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 27 March 2014:

The form of a referendum on an amendment to the Constitution confirming that all powers pertaining to making laws for marriage rest with the Commonwealth and that those powers may only be used to confirm marriage to be the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, with particular reference to:

(a) what question should be put to the electors;
(b) any effect of the alteration on the Parliament’s powers under section 51(xxi) of the Constitution;
(c) the level of state and territory support;
(d) the potential ramifications for states and territories if such an amendment was made; and
(e) any other matters that the committee considers may be relevant to a decision on whether to conduct a referendum, and the timing of any referendum.

Senator Moore: To move on the next day of sitting—That the Senate condemns the Coalition for its failure to honour its pre-election commitments to the Australian people. (general business notice of motion no. 88)

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

(a) notes the open letter to the Government, dated 9 December 2013, signed by 44 prominent academics and public health experts, which expresses alarm around the effects these potential changes could have on the Pharmaceutical Benefits Scheme and the integrity of Australian public health initiatives;
(b) reiterates its call for the Government to make public the details of the final agreed text and Australia’s position regarding these controversial intellectual property provisions; and
(c) reaffirms its opposition to any measures, such as Investor-State Dispute provisions or strengthening of the patent system, whether in this treaty or otherwise, which limit Australia’s ability to implement domestic public health policy and safeguard the efficient operation of our system of medicines. (general business notice of motion no. 89)
Senator McLucas: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 16 July 2014:

Affordable housing, including the following matters:

(a) the role of all levels of government in facilitating affordable home ownership and affordable private rental, including:
   (i) the effect of policies designed to encourage home ownership and residential property investment,
   (ii) the taxes and levies imposed by state and territory governments,
   (iii) the effect of policies designed to increase housing supply,
   (iv) the operation, effect and future of the National Rental Affordability Scheme,
   (v) the regulatory structures governing the roles of financial institutions and superannuation funds in the home lending and property sectors, and
   (vi) the operation and effectiveness of rent and housing assistance programs;

(b) the impacts, including social implications, of public and social housing policies on housing affordability and the role of all levels of government in providing public and social housing;

(c) the impact of Commonwealth, state and territory government policies and programs on homelessness;

(d) the contribution of home ownership to retirement incomes;

(e) the implications for other related changes to Commonwealth government policies and programs, including taxation policy, aged care, disability services, Indigenous affairs and for state and territory governments;

(f) the need to develop improved overview and accountability mechanisms in relation to Commonwealth grants and funding to the states and territories in order to ensure that public funding delivers outcomes consistent with Commonwealth objectives;

(g) planning and policies that will ensure that women, particularly vulnerable women, have access to secure, appropriate, affordable and adaptable accommodation;

(h) planning and policies that will ensure emergency and essential service workers have access to affordable housing close to where they work;

(i) planning and policies that will ensure the availability of an appropriately skilled workforce; and

(j) any other matters the committee considers relevant.

Senators Siewert and Rhiannon: To move on the next day of sitting—That the Senate—

(a) acknowledges:
   (i) the Exporter Supply Chain Assurance System was introduced under the Export Control Act 1982 to provide minimum standards for the welfare of Australian livestock in importing countries,
   (ii) that exporters who disregard or deliberately flout the standards set under this system should be met with the full force of the law,
   (iii) that the Department of Agriculture is currently investigating 14 complaints regarding breaches of these standards,
(iv) that the export company Livestock Shipping Services is implicated in three of these complaints regarding the sale and cruel slaughter of livestock outside approved supply chains, and

(v) the Maysora, a ship operated by Livestock Shipping Services, has docked in the Fremantle Port; and

(b) calls on the Government to prevent Livestock Shipping Services from exporting any further animals from Australia until investigations on their previous activities have been completed. (general business notice of motion no. 90)

Senator Xenophon: To move on the next day of sitting—

(1) That a Joint Select Committee on Gambling Reform be established to:

(a) inquire into and report on the following:

(i) the Productivity Commission report on gambling, released in June 2010, including a national response to the full set of its recommendations,

(ii) any gambling-related legislation that has been tabled in either House, either as a first reading or exposure draft,

(iii) monitoring the impact of problem gambling and reforms to address problem gambling, and

(iv) such other matters relating to gambling referred by either House; and

(b) make recommendations to the Minister for Social Services and the Assistant Treasurer to inform any position that the Commonwealth will take to the COAG Select Council on Gambling Reform.

(2) That the committee consist of 10 members, 2 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips, 1 Member of the House of Representatives to be nominated by any minority party or independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority party or independent Senator.

(3) That:

(a) participating members may be appointed to the committee; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of a member of the committee, but may not vote on any questions before the committee.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(5) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.

(6) That the committee elect as its chair a member nominated by the Leader of the Government in the Senate.

(7) That the committee elect as its deputy chair a non-Government member nominated by either the Opposition Whip or a minority party or independent Member of the House of Representatives.
(8) That the deputy chair shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

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

(10) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

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

(12) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

(13) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(14) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(15) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(16) That the committee or any subcommittee may conduct proceedings at any place it sees fit and sit in public or private.

(17) That the committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(18) That the committee may report from time to time, but that it present its final report no later than 30 June 2015.

(19) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(20) That a message be sent to the House of Representatives seeking its concurrence in this resolution. (general business notice of motion no. 91)

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

(a) notes that:

(i) the Australian Taxation Office (ATO) has issued a new Draft GST Ruling, GSTR 2013/02, in which it has drastically altered its view on the goods and services tax (GST) treatment of supplies made by operators of mobile home parks,

(ii) once the draft ruling is finalised, home park operators will no longer be able to treat their lease, or licence of the site, to a resident as a supply of commercial residential premises and as a result, operators will be liable for GST on the full value of the supply rather than having access to the 50 per cent discount that is currently available for supplies of long-term accommodation, and
(iii) the likelihood that these charges will be passed on to consumers, many of whom are low income earners and pensioners, and that the increase in their fee may constitute 10 per cent or more of their meagre disposable income; and

(b) urges the ATO to maintain the current GST arrangements on mobile home parks, in order to ensure that low income earners are not disproportionately impacted. (general business notice of motion no. 92)

12 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Marshall for 11 and 12 December 2013, for personal reasons.
Question put and passed.

Senator Kroger, by leave, moved—That leave of absence be granted to Senator Macdonald for 12 December 2013, for personal reasons.
Question put and passed.

13 EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE

Senator Rhiannon amended business of the Senate notice of motion no. 1 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by 13 May 2014:

Technical and further education (TAFE) in Australia, including:

(a) the role played by TAFEs in:
   (i) educational linkages with secondary and higher education,
   (ii) the development of skills in the Australian economy,
   (iii) the development of opportunities for Australians to improve themselves and increase their life, education and employment prospects, and
   (iv) the delivery of services and programs to support regions, communities and disadvantaged individuals to access education, training and skills and, through them, a pathway to further education and employment;

(b) the effects of a competitive training market on TAFE;

(c) what public funding is adequate to ensure TAFEs remain in a strong and sustainable position to carry out their aims;

(d) what factors affect the affordability and accessibility of TAFE to students and business;

(e) different mechanisms used by state governments to allocate funding; and

(f) the application and effect of additional charges to TAFE students.

(2) That, in conducting its inquiry, the committee must:

(a) consider any public information provided to the 2013 House of Representatives inquiry by the Standing Committee on Education and Employment on the role of the technical and further education system and its operation; and
(b) hold public hearings in all capital cities, with a minimum of Melbourne, Sydney, Perth and Brisbane, as well as a major regional centre in either New South Wales or Victoria.

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

Question put and passed.

14 HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION

The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That on Thursday, 12 December 2013—

(a) if by 8 pm the following bills have not been finally considered:
   Clean Energy Finance Corporation (Abolition) Bill 2013
   Climate Change Authority (Abolition) Bill 2013
   Clean Energy Legislation (Carbon Tax Repeal) Bill 2013
   Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2013
   Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal) Bill 2013
   True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2013
   True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2013
   Customs Tariff Amendment (Carbon Tax Repeal) Bill 2013
   Excise Tariff Amendment (Carbon Tax Repeal) Bill 2013
   Clean Energy (Income Tax Rates and Other Amendments) Bill 2013
   Minerals Resource Rent Tax Repeal and Other Measures Bill 2013
   Social Services and Other Legislation Amendment Bill 2013
   Higher Education Support Amendment (Savings and Other Measures) Bill 2013,

the Senate shall not adjourn, the routine of business from not later than 8 pm shall be government business only, and the Senate shall continue to sit until it has finally considered these bills, or a motion for the adjournment is moved by a minister, whichever is the earlier; and

(b) divisions may take place after 4.30 pm.

Question put.

The Senate divided—

AYES, 28

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Question negatived.

*Statements by leave:* Senators Fifield and Moore, by leave, made statements relating to the motion.

15 **ECONOMICS REFERENCES COMMITTEE—REFERENCE**

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 26 March 2014:

Ticket scalping in Australia, with particular reference to:

(a) the prevalence of ticket scalping and its impact on ticket prices and sales;
(b) the effectiveness of current state-based consumer protection legislation, and how these measures can be improved, including through a federal approach;
(c) issues of illegality, including the prevalence of counterfeit tickets; and
(d) any related matters.

Question put and passed.

16 **RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES 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 matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 13 June 2014:

(a) the decision of the Australian Government to fund the East West Link in Melbourne in the absence of:
   (i) any full business case, and
   (ii) any recommendation to that effect from Infrastructure Australia;
(b) the economic, social and environmental justifications for the proposed East West Link;
(c) whether alternative projects, including public transport projects, would be more appropriate;
(d) the impacts of the proposed East West Link on:
   (i) residents of Melbourne,
   (ii) traffic congestion, including in areas adjacent to the link,
   (iii) public transport,
   (iv) open spaces and parkland,
(v) the environment,
(vi) climate change and Australia’s greenhouse gas pollution, and
(vii) any social and cultural features of Melbourne; and

(e) any other related matter.

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

Question put.

The Senate divided—

AYES, 11

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Question negatived.

17 **Broadcasting of Senate and Committee Proceedings**

The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That, in place of the orders relating to the broadcasting of Senate and committee proceedings, the Senate adopts the following:

1 **Provision of broadcast**

(1) The Senate authorises the broadcast and rebroadcast of proceedings and excerpts of proceedings of the Senate and of its committees in accordance with this order.

(2) The Senate authorises the provision of sound and vision coverage of proceedings of the Senate and its committees, including records of past proceedings, through the House Monitoring Service and through the Parliament of Australia website.

(3) Access to the House Monitoring Service sound and vision coverage of the proceedings of the Senate and its committees is provided to persons and organisations as determined by the President, on terms and conditions determined by the President which must not be inconsistent with this order.

(4) The President shall report to the Senate on persons and organisations in receipt of the service and on any terms and conditions determined under paragraph 1(3).
(5) Use of sound and vision coverage of proceedings of the Senate and its committees, including records of past proceedings, published on the Parliament of Australia website is subject to conditions of use determined by the President.

2 Broadcast of Senate proceedings – House Monitoring Service
Access to proceedings provided through the House Monitoring Service is subject to compliance with the following conditions:

(1) Only the following broadcast material shall be used:
   (a) switched sound and vision feed of the Senate and its committees provided by the Parliament that is produced for broadcast, rebroadcast and archiving; and
   (b) official broadcast material supplied by authorised parliamentary staff.

(2) Broadcast material shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
   (a) political party advertising or election campaigns; or
   (b) commercial sponsorship or commercial advertising.

(3) Reports of proceedings shall be such as to provide a balanced presentation of differing views.

(4) Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.

(5) The instructions of the President or his or her delegates, which are not inconsistent with these conditions or the rules applying to the broadcasting of committee proceedings, shall be observed.

3 Broadcast of committee proceedings
The following conditions apply to the broadcasting of committee proceedings:

(1) Recording and broadcasting of proceedings of a committee may occur only in accordance with the authorisation of the committee by a deliberate decision of the committee.

(2) A committee may authorise the broadcasting of only its public proceedings.

(3) Recording and broadcasting of a committee is not permitted during suspensions of proceedings, or following an adjournment of proceedings.

(4) A committee may determine conditions, not inconsistent with this order, for the recording and broadcasting of its proceedings, may order that any part of its proceedings not be recorded or broadcast, and may give instructions for the observance of conditions so determined and orders so made. A committee shall report to the Senate any wilful breach of such conditions, orders or instructions.

(5) Recording and broadcasting of proceedings of a committee shall not interfere with the conduct of those proceedings, shall not encroach into the committee’s work area, or capture documents (either in hard copy or electronic form) in the possession of committee members, witnesses or committee staff.
(6) Broadcasts of proceedings of a committee, including excerpts of committee proceedings, shall be for the purpose only of making fair and accurate reports of those proceedings, and shall not be used for:
   (a) political party advertising or election campaigns; or
   (b) commercial sponsorship or commercial advertising.

(7) Where a committee intends to permit the broadcasting of its proceedings, a witness who is to appear in those proceedings shall be given reasonable opportunity, before appearing in the proceedings, to object to the broadcasting of the proceedings and to state the ground of the objection. The committee shall consider any such objection, having regard to the proper protection of the witness and the public interest in the proceedings, and if the committee decides to permit broadcasting of the proceedings notwithstanding the witness’ objection, the witness shall be so informed before appearing in the proceedings.

4 Broadcast of proceedings of committees when considering estimates

The public proceedings of legislative and general purpose standing committees when considering estimates may be broadcast through the House Monitoring System and through the Parliament of Australia website in accordance with this order, and in accordance with any further conditions, not inconsistent with this order, determined by a committee in relation to the proceedings of that committee.

5 Radio broadcast of parliamentary proceedings by the Australian Broadcasting Corporation – general principles

The Senate adopts the following general principles agreed to by the Joint Committee on the Broadcasting of Parliamentary Proceedings on 19 March 2013:

(a) Allocation of the broadcast between the Senate and the House of Representatives

The proceedings of Parliament shall be broadcast live whenever a House is sitting. The allocation of broadcasts between the Senate and the House of Representatives will be in accordance with the standing determinations made by the Joint Committee on the Broadcasting of Parliamentary Proceedings. It is anticipated that over time, the coverage of each House will be approximately equal.

(b) Rebroadcast of questions and answers

At the conclusion of the live broadcast of either House, questions without notice and answers thereto from the House not allocated the broadcast shall be rebroadcast.

(c) Unusual or exceptional circumstances

Nothing in these general principles shall prevent the Joint Committee on the Broadcasting of Parliamentary Proceedings from departing from the principles in unusual or exceptional circumstances.

6 Television broadcast of question time by the Australian Broadcasting Corporation

(1) The Senate authorises the television broadcast and rebroadcast by the Australian Broadcasting Corporation of question time in the Senate.
(2) The distribution of television broadcasts between the two Houses shall be in accordance with the distribution of the radio broadcast, provided that the Senate is broadcast on not less than 3 days in any 2-week sitting period.

7 This order is of continuing effect.

Question put and passed.

18 CRIMINAL CODE AMENDMENT (HARMING AUSTRALIANS) BILL 2013

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 64—That the following bill be introduced:


Question put and passed.

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

Question put and passed.

Bill read a first time.

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

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

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

19 DEATH OF MR CRAIG GLEESON AND MR ALISTAIR LUCAS

Senator Urquhart, also on behalf of Senators Singh, Polley, Bilyk, Brown and Thorp, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 67—That the Senate expresses its sincere condolences to the families, friends and work colleagues of Mr Craig Gleeson and Mr Alistair Lucas, who were tragically killed at work at the Mount Lyell copper mine on Tasmania’s west coast on Monday, 9 December 2013.

Question put and passed.

20 FOREIGN AFFAIRS—SYRIA

Senator Moore, also on behalf of Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 68—That the Senate—

(a) notes that:

(i) the ongoing humanitarian crisis in Syria is staggering, and that according to Oxfam and CARE—two non-government organisations (NGOs) operating in the region—estimates suggest that:

(A) more than 100 000 lives have been lost and more than 2.2 million people have fled the country since 2011,

(B) an estimated 9.3 million people are in need of humanitarian assistance inside Syria, and
(c) around 6.5 million people have been forced to flee their homes and remain trapped inside the country,

(ii) most refugees are hosted by Lebanon and Jordan, with estimates of over one million refugees in Lebanon alone,

(iii) more than 80 per cent of refugees are living outside of camps, in informal shelters, and

(iv) as winter rapidly approaches in the region and temperatures plummet, many refugees have inadequate shelter; and

(b) calls on the Federal Government to:

(i) provide critically-needed assistance at the upcoming donor conference to be held in Kuwait in January 2014, which addresses both the immediate- and long-term needs of people affected by the crisis,

(ii) contribute its fair share of funding to the United Nations (UN) new appeals for Syria, as well as calling on other international donors to follow this example,

(iii) continue to actively use all diplomatic channels, including Australia’s membership on the UN Security Council, to drive work towards a political solution to the crisis, and to facilitate an effective humanitarian response from the international community, through pushing for increased access for humanitarian agencies, including NGOs like CARE and Oxfam, to enable them to reach people most in need of assistance across the region, and

(iv) actively support the Geneva Two peace talks scheduled for 22 January 2014, and by pushing for an urgent ceasefire and actively promoting the critical role of the Syrian people and civil society, especially women, in this dialogue and any ongoing peace negotiations.

Question put and passed.

21 COMMUNICATIONS—AUSTRALIAN BROADCASTING CORPORATION

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 69—That the Senate—

(a) notes:

(i) the Australian Broadcasting Corporation (ABC) is accountable to its charter, its board and the people of Australia,

(ii) editors and journalists, not politicians, should make editorial decisions in a democracy that values a free press,

(iii) 80 per cent of Australians surveyed believe the ABC is balanced and even-handed when reporting news and current affairs, and

(iv) the ABC and the Special Broadcasting Service are vital public news, information, education and entertainment services for the benefit of citizens and audiences rather than advertisers and shareholders;

(b) rejects:

(i) complaints about the ABC unfairly competing with commercial media as vindictive and misconceived, and

(ii) government interference in the editorial decisions made by the ABC; and
(c) calls on all parties to commit to maintaining the ABC as a well-funded public broadcaster with an independent board free from political interference.

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

Question put and passed.

22 SOCIAL ISSUES—HOMELESSNESS

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 70—That the Senate—

(a) notes that:
   (i) more than 100,000 Australians experience homelessness each night,
   (ii) the National Partnership Agreement on Homelessness (NPAH) expired in June 2013, and
   (iii) the Government’s lack of commitment to housing and homelessness is causing uncertainty, in regard to the future of homelessness services; and

(b) calls on the Australian Government to:
   (i) immediately recommence negotiations with the states and territories on the NPAH and report progress to the Senate on Thursday, 12 December 2013, and
   (ii) compile a list of homelessness programs that will be cut in each state and territory, and the number of jobs lost, if the National Partnership is not renewed, and provide this list to the Senate by Thursday, 12 December 2013.

Senator McLucas moved the following amendments together by leave:

- Omit subparagraph (a)(i), substitute:
  (i) at the 2011 Census more than 100,000 Australians experienced homelessness,

- Omit subparagraph (b)(ii), substitute:
  (ii) provide a list of the homelessness programs and the numbers of staff working in those services, currently funded by the interim NPAH that would not be continued in the event that the NPAH is not renewed.

Question—that the amendments be agreed to—put and passed.

Main question, as amended, put and passed.

23 EDUCATION—SCHOOLS FUNDING—RURAL AREAS

Senator Siewert, at the request of Senator Wright and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 71—That the Senate—

(a) notes:
   (i) the results of the 2012 Programme for International Student Assessment of students’ mathematical, scientific and reading literacy, published on 3 December 2013, which showed students attending provincial and remote schools were performing as much as 2 years of schooling behind students in metropolitan schools, and
(ii) the Gonski Review of Funding for Schooling also found the performance of students in rural schools is significantly below that of students in city schools, and recommended additional funding for these schools;

(b) recognises:

(i) Australian students in rural areas deserve the same educational opportunities as students in metropolitan areas,

(ii) additional Commonwealth Government funding to improve student outcomes is not guaranteed to reach the most needy rural schools under unconditional funding arrangements with state governments, and

(iii) rural students will likely continue to be disadvantaged as a result; and

(c) calls on the Commonwealth Government to negotiate agreements with all state governments which ensure rural schools receive appropriate funding, in accordance with the recommendations of the Gonski review, including loadings for remoteness or a school’s limited size.

Question put and passed.

24 IMMIGRATION—ASYLUM SEEKERS—UNDETECTED BOAT ARRIVAL—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Siewert, at the request of Senator Hanson-Young and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 72—that there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later than noon on Thursday, 12 December 2013, all incident reports, briefings, internal communications and other reports (excluding already publicly available documents), between the Minister or the Minister’s office and the Department of Immigration and Border Protection or the Detection, Interception and Transfer Task Group and related agencies in relation to an undetected boat arrival suspected to have arrived on Monday, 3 December 2013, carrying 27 asylum seekers.

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.

25 IMMIGRATION—DEATH OF ASYLUM SEEKERS

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 73—that the Senate records its deepest condolences for the families and loved ones of the three refugees, including a toddler, who tragically lost their lives at sea on a boat bound for Australia.

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 TRADE—FREE TRADE AGREEMENTS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Moore, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 74—that the Senate—

(a) notes that the United States Trade Representative has undertaken to publish the full text of all free trade agreements negotiated on behalf of the United States of America (US) ‘well before’ signing to invite further comments from the US Congress and the US people;
(b) resolves that the Australian Senate and the people of Australia are entitled to scrutinise proposed agreements before signing; and

(c) orders that there be laid on the table by the Minister representing the Minister for Trade and Investment, the full text of the proposed Korea-Australia Free Trade Agreement, the Trans-Pacific Partnership Agreement and other bilateral and plurilateral trade agreements at least 14 days before signing.

Question put and passed.

27 ENVIRONMENT—WHALING
Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 75—That the Senate calls on the Government to:

(a) send a Customs vessel to the Southern Ocean now that the whaling season has commenced, as it is important that Australia has a Southern Ocean presence given the ongoing risk of confrontation between whalers and protestors; and

(b) ensure that the resources devoted to patrolling illegal foreign fishing are not diverted to other activities, including that the Australian Customs Vessel Ocean Protector and/or its replacement is provided with sufficient funding to devote an adequate level of patrol days in the Southern waters every financial year.

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

Question put and passed.

Document: Senator Whish-Wilson, by leave, tabled the following document:

Environment—Whaling—Information relating to the location and activities of the fishing vessel Thunder, dated 5 December 2013.

28 ENVIRONMENT—GREAT WHITE SHARK
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 76—That the Senate—

(a) acknowledges that the Great White Shark is listed under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) as a threatened (vulnerable) and migratory species; and

(b) calls on the Government to:

(i) maintain protection for the Great White Shark under the EPBC Act,

(ii) oppose any proposals to cull Great White Sharks by the Western Australian Government, and

(iii) support further research including radio tagging to better understand the shark population, including any changes in their behaviour as a result of ocean warming, which will allow governments to better inform and protect ocean users.

Question put and passed.
29 ADMINISTRATION—PROTECTION OF NATIONALLY IMPORTANT SPECIES AND WILDERNESS PLACES—RESPONSIBILITY

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 77—That the Senate—

(a) notes that:

(i) only Australia’s most precious places, species and ecosystems are protected by our national environment laws, namely the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act),

(ii) each year only a limited number of developments across Australia—projects that will significantly impact on these nationally protected places, species and ecosystems—need to seek approval under our national environment laws,

(iii) assessment bilateral agreements can streamline environmental assessment processes without compromising environmental protections, and

(iv) a recent inquiry by the Environment and Communications Legislation Committee looking at whether the Federal Government should be prevented from handing its EPBC Act approval powers to state governments found:

(A) there was no compelling evidence to show how an approval agreement would improve business efficiency, and

(B) that it is not appropriate for the states and territories to exercise decision-making powers for approvals in relation to matters of national environmental significance; and

(b) calls on the Federal, state and territory governments of Australia to:

(i) ensure that final approval decisions for projects significantly impacting species, ecosystems and wilderness places protected under our national environment laws remain with the national environment minister, and

(ii) abandon any plans to progress approvals bilateral agreements under the EPBC Act.

Question put and passed.

30 FOREIGN AFFAIRS—SAUDI ARABIA—MIGRANT WORKERS

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. 78—That the Senate—

(a) notes the concerns of the International Organization for Migration, Human Rights Watch and Amnesty International, regarding the treatment of migrant workers in Saudi Arabia, arising from reports of people being transported to remote areas without adequate shelter and water, exploitation of, and violence against, the workers and their families; and

(b) calls on the Saudi Arabian Government to work with international agencies and human rights groups to improve the working and living conditions for foreign workers.

Question put and passed.
31 ABBOTT GOVERNMENT’S COMMISSION OF AUDIT—SELECT COMMITTEE—APPOINTMENT
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. 79—

(1) That, a select committee, to be known as the Select Committee into the Abbott Government’s Commission of Audit, be established to inquire into the Commission of Audit established by the Commonwealth Government and, in particular, any report of that Commission to the Government, with interim reports as the committee sees fit and a final report on or before 13 May 2014, with particular reference to:

(a) the nature and extent of any cuts or changes to government expenditure recommended by the Commission;
(b) the effect of any proposed cuts or changes on the provision of services, programs or benefits by the Government;
(c) the effect of any proposed cuts or changes on the ability of the public service to provide advice to government;
(d) the effect of any proposed changes to the current split of roles and responsibilities between the Commonwealth Government and state and territory governments on the current levels of government expenditure, taxation and service delivery;
(e) the potential impact of any proposed revenue measures on the Budget and on taxpayers, including access to services like health and education;
(f) the potential impact of any proposed cuts or changes to government expenditure or service provision on employment and the economy;
(g) the consistency of the Commission’s recommendations with the Government’s commitments on spending on health, medical research, education, and defence spending;
(h) the potential impact of any proposed cuts or changes on the structural budget balance over the forward estimates and the next 10 years;
(i) the potential impact that any proposed changes to Commonwealth budgeting arrangements might have in undermining public confidence in the provision of Commonwealth government accounts;
(j) the potential effects of any proposed cuts or changes on the Government’s medium- to long-term fiscal position, such as reducing future productivity, reducing the tax base and government revenues, or increasing future demand for government programs or support;
(k) whether the Commission’s terms of reference are appropriate, and, in particular, whether consideration ought be given to alternative means of:
   (i) improving the efficiency and effectiveness of government expenditure,
   (ii) improving the state of the Commonwealth’s finances and addressing medium-term risks to the integrity of the budget position,
   (iii) improving the fairness and efficiency of revenue raising, including that businesses cover the full cost of their activities, and that individuals with greater capacity contribute more to government revenue,
(iv) funding infrastructure and enhancing Australia’s human, economic and natural capital, or
(v) improving the public service; and
(l) any 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.
32 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—
QUEENSLAND—ABBOT POINT
The Deputy President (Senator Parry) informed the Senate that Senator Siewert had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Abbott Government’s sacrificing of the climate and our Great Barrier Reef with its approval of the world’s largest coal port at Abbot Point and the Arrow LNG plant in the Reef.

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

After 5 pm: Discussion was interrupted.

33 FIRST SPEECHES
Pursuant to order (see entry no. 5, 13 November 2013), Senators Dastyari and Tillem made their first speeches.

34 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—
QUEENSLAND—ABBOT POINT
Discussion of the matter of public importance proposed by Senator Siewert (see entry no. 32) concluded.

35 LEGISLATION COMMITTEES—REPORTS—ANNUAL REPORTS
Pursuant to order, Senator McKenzie, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 2 of 2013, dated December 2013—
- Economics Legislation Committee.
- Education and Employment Legislation Committee.
- Environment and Communications Legislation Committee.
- Finance and Public Administration Legislation Committee.
- Foreign Affairs, Defence and Trade Legislation Committee.
- Legal and Constitutional Affairs Legislation Committee.
- Rural and Regional Affairs and Transport Legislation Committee.

Reports ordered to be printed on the motion of Senator McKenzie.

36 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—REPORT—
SCHEDULES 6 AND 9 OF THE SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT BILL 2013
The Chair of the Education and Employment Legislation Committee (Senator McKenzie) tabled the following report and documents:


Report ordered to be printed on the motion of Senator McKenzie.
37 **FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—SCHEDULE 2 OF THE SOCIAL SERVICES AND OTHER LEGISLATION AMENDMENT BILL 2013**

Senator McKenzie, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi), tabled the following report and documents:


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

38 **SCRUTINY OF BILLS—STANDING COMMITTEE—ALERT DIGEST NO. 9 OF 2013**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Polley) tabled the following document:

Scrutiny of Bills—Standing Committee—Alert Digest No. 9 of 2013, dated 11 December 2013.

39 **SCRUTINY OF BILLS—STANDING COMMITTEE—ADDITIONAL INFORMATION—FUTURE DIRECTION AND ROLE OF THE COMMITTEE**

The Chairman of the Standing Committee for the Scrutiny of Bills (Senator Polley) tabled the following document:

Scrutiny of Bills—Standing Committee—Report—Future role and direction of the Senate Scrutiny of Bills Committee—Additional information.

40 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—ADDITIONAL INFORMATION—CLEAN ENERGY LEGISLATION (CARBON TAX REPEAL) BILL 2013 AND RELATED BILLS**

Senator McKenzie, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Williams), tabled the following document:

41 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—118TH REPORT AND
DELEGATED LEGISLATION MONITOR NO. 9 OF 2013
Senator McKenzie, at the request of the Chairman of the Standing Committee on
Regulations and Ordinances (Senator Edwards), tabled the following report and
document:
Regulations and Ordinances—Standing Committee—
Delegated legislation monitor no. 9 of 2013, dated 11 December 2013.

42 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—ADDITIONAL
INFORMATION—FAIR WORK (REGISTERED ORGANISATIONS) AMENDMENT
BILL 2013
The Chair of the Education and Employment Legislation Committee (Senator
McKenzie) tabled the following document:
Education and Employment Legislation Committee—Report—Fair Work
(Registered Organisations) Amendment Bill 2013 [Provisions]—Additional
information.

43 EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES
COMMITTEE—ADDITIONAL INFORMATION—EFFECTIVENESS OF NAPLAN
Senator McKenzie tabled the following document:
Education, Employment and Workplace Relations References Committee—
Report—The effectiveness of the National Assessment Program – Literacy and
Numeracy—Additional information.

44 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—INTERIM
REPORT—AUSTRALIA POST
Pursuant to order, Senator McKenzie, at the request of the Chair of the Environment
and Communications Legislation Committee (Senator Williams), tabled the following
report:
Environment and Communications Legislation Committee—Performance,
importance and role of Australia Post in Australian communities and its operations
in relation to licensed post offices—Interim report, dated December 2013.
Report ordered to be printed on the motion of Senator McKenzie.

Extension of time to report: Senator McKenzie, by leave and at the request of the
Chair of the Environment and Communications Legislation Committee (Senator
Williams), moved—that the time for the presentation of the report of the Environment
and Communications Legislation Committee on Australia Post be extended to
31 March 2014.
Question put and passed.
Senator McKenzie, by leave, moved—that the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator McKenzie in continuation.
45 **PARLIAMENTARY COMMITTEE REPORTS—GOVERNMENT RESPONSE—PRESIDENT’S REPORT ON GOVERNMENT RESPONSES**

The Assistant Treasurer (Senator Sinodinos) tabled the following document:

Government response to the schedule of government responses outstanding to parliamentary committee reports tabled by the President of the Senate on 27 June 2013, dated 11 December 2013.

46 **PACIFIC PARLIAMENTARY PARTNERSHIPS—PRESIDING OFFICERS’ ANNUAL STATEMENT—DOCUMENT**

The Acting Deputy President (Senator Stephens) tabled the following document:


47 **COURT OF DISPUTED RETURNS—ELECTION PETITION—DOCUMENTS**

The Acting Deputy President (Senator Stephens) tabled the following documents:

Court of Disputed Returns—Election petition—Mead v Johnston & Ors, received from the Chief Executive and Principal Registrar of the High Court of Australia, dated 5 December 2013 and accompanying letter, dated 10 December 2013.

48 **AUSTRALIAN PARLIAMENTARY DELEGATION TO THE 129TH INTER-PARLIAMENTARY UNION ASSEMBLY—DOCUMENT**

The Acting Deputy President (Senator Stephens) tabled the following document:


49 **AUDITOR-GENERAL—AUDIT REPORT NO. 10 OF 2013-14—DOCUMENT**

The Acting Deputy President (Senator Stephens) tabled the following document:

Auditor-General—Audit report no. 10 of 2013-14—Performance audit—Torres Strait Regional Authority – Service delivery: Torres Strait Regional Authority.

50 **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.]

- Australian Nuclear Science and Technology Organisation Act 1987—Statement pursuant to section 7(3).
- Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determinations—No. 25 of 2013 [F2013L02065].
- No. 26 of 2013 [F2013L02066].
- ARC Discovery Projects Proposals for funding commencing in 2014—Determination No. 120.
ARC Linkage Infrastructure, Equipment and Facilities Proposals for funding commencing in 2014—Determination No. 118.

Discovery Early Career Researcher Award Proposals for funding commencing in 2014—Determination No. 119.

Civil Aviation Act 1988—
Civil Aviation Regulations 1988—Civil Aviation Order 100.5 Amendment Instrument 2013 (No. 3) [F2013L02068].
Civil Aviation Safety Regulations 1998—Exemption — solo flight training at Archerfield Aerodrome using ultralight aeroplanes registered with Recreational Aviation Australia—CASA EX 123/13 [F2013L02061].


Financial Sector (Collection of Data) Act 2001—Financial Sector (Collection of Data) (reporting standard) determination No. 100 of 2013 – SRS 703.0 – Fees Disclosed [F2013L02064].

Higher Education Support Act 2003—
Tax file number guidelines for higher education providers and Open Universities Australia Revocation 2013 [F2013L02067].
VET Provider Approval No. 74 of 2013 [F2013L02059].

Parliamentary Service Act 1999—Parliamentary Service Amendment Determination 2013 (No. 1) [F2013L02060].

Superannuation Act 2005—Tenth Amendment of the Superannuation (PSSAP) Trust Deed [F2013L02063].


51 Indexed Lists of Departmental and Agency Files—Order for Production of Documents—Document

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2013—Statement of compliance—Attorney-General’s portfolio.

52 Transport—East West Link—Order for Production of Documents—Document

The following document was tabled pursuant to the order of the Senate of 2 December 2013:

Transport—East West link—Letter from the National Infrastructure Coordinator, Infrastructure Australia (Mr Deegan) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 2 December 2013 and raising public interest immunity claims, dated 10 December 2013.
53 COMMITTEE MEMBERSHIP

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

The Assistant Treasurer (Senator Sinodinos), by leave, moved—that senators be discharged from and appointed to committees as follows:

Education and Employment References Committee—
   Appointed—
   Substitute member: Senator Wright to replace Senator Rhiannon for the committee’s inquiries into the Australian Building and Construction Commission, including the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 and any related bills, and the provisions of the Fair Work (Registered Organisations) Amendment Bill 2013
   Participating member: Senator Rhiannon

Environment and Communications References Committee—
   Appointed—
   Substitute member: Senator Milne to replace Senator Waters for the committee’s inquiry into the Direct Action Plan
   Participating member: Senator Waters

National Disability Insurance Scheme—Joint Standing Committee—
   Discharged—Senator Urquhart
   Appointed—Senator Gallacher

Rural and Regional Affairs and Transport Legislation Committee—
   Appointed—
   Substitute member: Senator Ludlam to replace Senator Siewert for the committee’s inquiry into the provisions of the Infrastructure Australia Amendment Bill 2013
   Participating member: Senator Siewert.

Question put and passed.

54 AUSTRALIAN CAPITAL TERRITORY WATER MANAGEMENT LEGISLATION AMENDMENT BILL 2013

A message from the House of Representatives was reported agreeing to the following bill without amendment:


55 ENVIRONMENT LEGISLATION AMENDMENT BILL 2013
INFRASTRUCTURE AUSTRALIA AMENDMENT BILL 2013
MIGRATION AMENDMENT (REGAINING CONTROL OVER AUSTRALIA’S PROTECTION OBLIGATIONS) BILL 2013

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

Message no. 51, dated 11 December 2013—A Bill for an Act to amend the Infrastructure Australia Act 2008, and for other purposes.


The Assistant Treasurer (Senator Sinodinos) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.

Senator Sinodinos moved—That these bills be now read a second time.


Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings.

Senator Sinodinos moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

56 NATIONAL LIBRARY OF AUSTRALIA—SENATE MEMBER OF COUNCIL

The Acting Deputy President (Senator Stephens) informed the Senate that the President had received a letter from the Leader of the Government in the Senate (Senator Abetz) nominating a senator to be a member of the Council of the National Library of Australia.

The Assistant Treasurer (Senator Sinodinos), by leave, moved—That, in accordance with the provisions of the National Library Act 1960, the Senate elect Senator Seselja to be a member of the Council of the National Library of Australia on and from 11 December 2013, for a period of 3 years.

Question put and passed.

57 AGED CARE ACT—PROPOSED DISALLOWANCES

Senator Polley, pursuant to notice, moved the following business of the Senate notices of motion together by leave—

No. 4—That the Residential Care Subsidy Amendment (Workforce Supplement) Principle 2013, made under the Aged Care Act 1997, be disallowed.

No. 5—That the Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013, made under the Aged Care Act 1997, be disallowed.

Debate ensued.

After 6.50 pm: Debate was interrupted.
58 NOTICE
Senator Moore gave a notice of motion as follows: To move on the next day of sitting—that the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 13 May 2014:
The role of public transport in delivering productivity outcomes, with particular reference to:
(a) the need for an integrated approach across road and rail in addressing congestion in cities, including Sydney, Melbourne, Brisbane, Adelaide and Perth;
(b) the social and environmental benefits of public transport;
(c) the national significance of public transport;
(d) the relationship between public transport and building well-functioning cities;
(e) the decision of the Federal Government to refuse to fund public transport projects;
(f) the impact on user charges arising from requiring states to fund public transport projects; and
(g) any related matter.

59 GOVERNMENT DOCUMENTS—CONSIDERATION
The following government documents tabled earlier today (see entry no. 2) were considered:
Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2013. Motion to take note of document moved by Senator Brown. Debate adjourned till Thursday at general business, Senator Brown in continuation.

60 ADJOURNMENT
The Deputy President (Senator Parry) proposed the question—that the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.24 pm till Thursday, 12 December 2013 at 9.30 am.
61 ATTENDANCE

Present, all senators except Senators Back*, Bishop* and Marshall* (* on leave).

ROSEMARY LAING
Clerk of the Senate