THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 129

WEDNESDAY, 25 NOVEMBER 2015

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

2 DOCUMENTS
The following documents were tabled pursuant to standing order 61(1)(b):

Environment—Queensland—ReefBlitz initiative—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 23 November 2015, responding to the resolution of the Senate of 15 October 2015.


Government response to Ombudsman’s reports, dated 23 November 2015.

3 ORDER OF BUSINESS—REARRANGEMENT
Statement by leave: The Minister for Communications (Senator Fifield), by leave, made a statement relating to the order of government business for today.

Senator Fifield moved—That government business order of the day no. 1 (Migration Amendment (Charging for a Migration Outcome) Bill 2015) be postponed till a later hour.

Debate ensued.

Question put and passed.

4 TAX AND SUPERANNUATION LAWS AMENDMENT (2015 MEASURES NO. 5) BILL 2015
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Finance (Senator Cormann) the bill was read a third time.
5 **SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE GOVERNANCE) BILL 2015**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston)—That this bill be now read a second time.

Debate resumed.

Explanatory memorandum: The Minister for Finance (Senator Cormann) tabled an addendum to the explanatory memorandum relating to the bill.

Question put.

The Senate divided—

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Question agreed to.

Bill read a second time.

On the motion of Senator Cormann consideration of the bill in committee of the whole was made an order of the day for the next day of sitting.

6 **MIGRATION AMENDMENT (CHARGING FOR A MIGRATION OUTCOME) BILL 2015**

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill—and of the amendments moved by Senator Carr:

Schedule 1, item 1, page 3 (line 6), after “(2)”, insert “, (2A)”.
Schedule 1, item 2, page 3 (lines 24 and 25), omit the item, substitute:

2 Subsection 116(2)

Omit “(1AA) or (1AB)”, substitute “(1AA), (1AB) or (1AC)”.

2A After subsection 116(2)

Insert:

(2A) The Minister is not to cancel a visa under subsection (1AC) if the benefit was asked for, received, offered or provided, as mentioned in that subsection:

(a) because of the use of coercion, threat or deception (within the meaning of Division 270 of the Criminal Code), whether against the visa holder or another person; or

(b) in circumstances where the visa holder was the victim of an offence against Division 270 (slavery and slavery-like conditions) or 271 (trafficking in persons and debt bondage) of the Criminal Code, whether or not a person has been charged with or convicted of the offence.

2B Subsection 116(3)

Omit “(1AA) or (1AB)”, substitute “(1AA), (1AB) or (1AC)”.

Schedule 1, item 6, page 6 (lines 3 to 5), omit subsection 245AR(3) (not including the note), substitute:

(3) Subsection (1) does not apply if:

(a) the benefit is a payment of a reasonable amount for a professional service that has been provided, or is to be provided, by the first person or a third person; or

(b) the benefit was asked for or received:

(i) because of the use of coercion, threat or deception (within the meaning of Division 270 of the Criminal Code), whether against the first person or another person; or

(ii) in circumstances where the first person was the victim of an offence against Division 270 (slavery and slavery-like conditions) or 271 (trafficking in persons and debt bondage) of the Criminal Code, whether or not a person has been charged with or convicted of the offence.

Schedule 1, item 6, page 7 (lines 1 to 4), omit subsection 245AS(3), substitute:

(3) Subsection (1) does not apply if:

(a) the benefit is a payment of a reasonable amount for a professional service that has been provided, or is to be provided, by the second person or a third person; or

(b) the benefit was offered or provided:

(i) because of the use of coercion, threat or deception (within the meaning of Division 270 of the Criminal Code), whether against the first person or another person; or

(ii) in circumstances where the first person was the victim of an offence against Division 270 (slavery and slavery-like conditions) or 271 (trafficking in persons and debt bondage) of the Criminal Code, whether or not a person has been charged with or convicted of the offence.
Debate resumed.
Question—That the amendments be agreed to—put and negatived.
Bill agreed to.
Bill to be reported without amendment.

The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported accordingly.
On the motion of the Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells) the report from the committee was adopted and the bill read a third time.

7 **SHIPPING LEGISLATION AMENDMENT BILL 2015**
Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time.
Debate resumed.
*At 12.45 pm: Debate was interrupted while Senator Abetz was speaking.*

8 **SENATORS’ STATEMENTS**
Senators made statements.

*At 2 pm—*

9 **QUESTIONS**
Questions without notice were answered.

10 **MOTION TO TAKE NOTE OF ANSWERS**
Senator O’Neill moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for Communications (Senator Fifield) to questions without notice asked by Senators Ketter and McLucas today relating to the economy and to the National Broadband Network.
Debate ensued.
Question put and passed.

11 **NOTICES**
The Chair of the Education and Employment References Committee (Senator Lines):
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 22 June 2016:
A review of major Australian resources projects, with a particular focus on oil and gas projects, including Gorgon and Wheatstone, to understand the following:
(a) the level of engagement of Australian business as suppliers;
(b) the effects on employment growth of local suppliers;
(c) whether the jobs promised by proponents were delivered, including commitments to Indigenous employment, apprenticeships, training and youth employment;
(d) the economic, environmental and social impacts on local communities;
(e) the oversight and evaluation of project performance, particularly in relation to employment outcomes; and
(f) any other relevant matters.

The Leader of the Australian Greens (Senator Di Natale): To move on 1 December 2015—That the Senate—

(a) notes that 1 December 2015 marks the 54th anniversary of the raising of the Morning Star flag by the people of West Papua, a day celebrated as the unofficial day of Papuan independence;

(b) celebrates the long overdue release in November 2015 of West Papuan leader and political prisoner, Mr Filep Karma, who was convicted after leading a peaceful rally that included the raising of the Morning Star flag on 1 December 2004;

(c) calls on the Australian Government to express to the Indonesian Government the need for:
   (i) immediate amnesty and release of all remaining West Papuan political prisoners,
   (ii) free media access to be specified in a presidential directive that makes clear obligations of government ministries and security forces to ensure unobstructed foreign media access to West Papua, and
   (iii) free access for foreign researchers to West Papua; and

(d) affirms the right of the West Papuan people to self-determination, peace and security. (general business notice of motion no. 960)

Senator Rhiannon: To move on the next day of sitting—That there be laid on the table by the Leader of the Government in the Senate, no later than 11 am on Wednesday, 3 February 2016, all documents (whether archived in paper or digital format) held by the Government in relation to any training since 2005 undertaken by public servants as preparation to appear before Senate estimates committees, including but not limited to:

(a) media or media awareness training documents or similar;
(b) performance or confidence training documents or similar;
(c) details of contracts including, for each contract, the name of the department, dates of training, numbers of staff trained, name of training provider, and costs of contracts;
(d) copies of related tender documents, including documents specifying training outcomes sought by departments;
(e) copies of each training program training schedule including, but not limited to, content and aims or outcomes of subjects or module or activities, such as role playing, performance skills, delivery and impression;
(f) examples of individual written reports, analyses of performances, DVDs or other feedback from such courses, with personal identifiers redacted;
(g) documents relating to any training provided by the company Media Manoeuvres, and other training providers; and
(h) any other relevant document, memo or emails. (general business notice of motion no. 961)
Senators Carr, Rhiannon, Xenophon, Madigan, Lazarus and Lambie: To move on the next day of sitting—That the following matters be referred to the Economics References Committee for inquiry and report by the last sitting day in June 2016:

(a) the future sustainability of Australia’s strategically vital steel industry and its supply chain; and
(b) any other related matters.

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

(a) notes:

(i) the intention of the Western Australian State Government to repeal its *Genetically Modified Crops Free Areas Act 2003*, which will remove the legislative framework put in place by the former Labor State Government that creates genetically-modified (GM) organism free areas within Western Australia,

(ii) that this policy decision has the united support of both the state’s major farming organisations, the Pastoralists and Graziers Association of Western Australia and The Western Australian Farmers Federation, and

(iii) the large scale adoption of ‘Round Up Ready’ canola by Western Australian farmers following its introduction by the Western Australian Liberal-National State Government in 2009-10;

(b) supports the recommendations of both the 2006 statutory review of the *Gene Technology Act 2000*, and the 2011 *Review of the Gene Technology Act 2000* [report to the Department of Health and Ageing by the Allen Consulting Group], which noted that GM crops posed no adverse impact on markets, and concluded that state bans were having detrimental, rather than beneficial, impacts; and

(c) condemns the Western Australian State Labor Party’s anti-GM policy, including the reintroduction of a ban on cultivating GM crops if re-elected. (*general business notice of motion no. 962*)

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

(a) notes:

(i) the ongoing conflict in Syria, which has led to over 250 000 deaths, and the fleeing of 4 million refugees, over half of whom are children, and

(ii) Australia’s ongoing military involvement in Syria and Iraq, the scale of which is second only to the United States of America; and

(b) calls on the Government to:

(i) increase the intake of refugees from the Syrian crisis,

(ii) support legislation passed in the Senate that would remove children and their families from detention, and

(iii) de-escalate Australia’s military presence in Syria and Iraq, and explore political, economic and diplomatic avenues that will work toward a peaceful settlement to the conflict. (*general business notice of motion no. 963*)

Senator O’Neill: To move on the next day of sitting—That there be laid on the table by the Minister representing the Assistant Treasurer, Senator Cormann, no later than 3.30 pm on 30 November 2015, all documents recording contacts between:

(a) the Commonwealth and the New South Wales State Government relating to the purchase or lease of the old Gosford Public School site on the Gosford waterfront; and
(b) the Commonwealth and the New South Wales State Government, Gosford City Council, the Central Coast Regional Development Corporation, the Doma Group and other tenderers relating to the proposed Australian Taxation Office building development in Gosford. (general business notice of motion no. 964)

Senators Canavan, McKenzie and Williams: To move on the next day of sitting—That the Senate notes that:

(a) agriculture, fisheries and forestry is one of the biggest employers in rural and regional communities, employing more than 300 000 people;

(b) Australia’s 135 000 farmers provide 93 per cent of the domestic food supply, and support an export market valued at A$43.5 billion in 2014-15;

(c) Australia’s stringent biosecurity system and best practice farm safety standards underpin our agricultural export strength and our reputation as a producer of some of the highest quality produce in the world; and

(d) acts of agri-terrorism, including a farmer’s right to say no to property invasions, illegal activism and the intentional spread of disease and/or pests have the potential to jeopardise Australia’s hard-won reputation for agricultural excellence, placing in danger the safety of activists, farmers and their families and the health of animals and crops. (general business notice of motion no. 965)

Senators Lazarus and Lambie: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Pension Loan Scheme is currently available on a voluntary basis to retirees, and has been in existence since 1985,

(ii) the scheme is not currently available for retirees on the full rate age pension, and

(iii) the Parliamentary Budget Office has costed extending the scheme, which could unlock $2.8 billion of home equity to boost retirement incomes, at a cost of $23 million over the forward estimates, with a positive budget impact in later years; and

(b) calls on the Government to investigate extending the availability of the Pension Loan Scheme to Australians who receive the full age pension, and increasing the maximum payment rate under the scheme. (general business notice of motion no. 966)

Senator Waters: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 22 June 2016;

Disclosure and reporting on carbon risk, in regard to:

(a) current and emerging international carbon risk disclosure frameworks;

(b) current carbon risk disclosure practices within corporate Australia;

(c) the role of carbon risk disclosure within existing Australian corporate governance and financial reporting framework, and barriers to carbon accounting;

(d) implications of a global agreement to limit global warming to 2 degrees or stabilise at 1.5 degrees for Australia’s financial system stability;

(e) Australian involvement in the G20 Financial Stability Board discussions on carbon risk impacts for financial stability;

(f) current regulatory and policy oversight of carbon risk disclosure across government agencies; and

(g) any other related matters.
Senator Waters: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that the 2015 United Nations Climate Change Conference [COP 21], to be held in Paris, begins on Monday, 30 November 2015,

(ii) calls by the President of Kiribati, Mr Anote Tong, and other leaders, for a global moratorium on new coal mines,

(iii) calls in the Suva Declaration on Climate Change, from the Pacific Islands Development Forum, and the Port Moresby Declaration on Climate Change, from the Smaller Island State Leaders, for an ambitious international agreement to keep global warming below 1.5 degrees Celsius,

(iv) calls from civil society for Australia to commit at least $400 million per year to international climate finance that will allow developing countries to adapt to climate change and build the low-carbon communities of the future, and

(v) that the Turnbull Government’s pollution targets would keep Australia as the worst polluter per capita in the developed world by 2030; and

(b) calls on the Turnbull Government to:

(i) support a global agreement to stabilise global temperatures at 1.5 degrees by 2100,

(ii) raise Australia’s weak and dangerous pollution reduction targets to meet this long-term goal,

(iii) support a global moratorium on new coal mines, and

(iv) commit at least $400 million per year for four years to international climate finance. (general business notice of motion no. 967)

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), 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. 1 standing in his name for three sitting days after today for the disallowance of the Corporations Amendment (Financial Advice) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 108 and made under the Corporations Act 2001 [F2015L00969].

Senator Williams, by leave, made a statement relating to the notice of intention.

Notices of motion withdrawn:

Senator Rhiannon withdrew business of the Senate notice of motion no. 3 standing in her name for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee.

Senator Xenophon, also on behalf of Senators Whish-Wilson, Lambie and Lazarus, withdrew business of the Senate notice of motion no. 4 standing in their names for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee.

Senator Xenophon, by leave, made a statement relating to the matter.

12 LEAVE OF ABSENCE

Senator Bushby, by leave, moved—That leave of absence be granted to Senator Fawcett for 25 and 26 November 2015, for personal reasons.

Question put and passed.
13 Postponement

Business was postponed as follows:


14 Committee—Extension of Time to Report

The following committee was granted an extension of time to report:

Economics References Committee—Forestry managed investment schemes, extended to 16 December 2015.

15 Economics References Committee—Reference

Senator Whish-Wilson, 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 July 2016:

The inconsistencies and inadequacies of current criminal, civil and administrative penalties for corporate and financial misconduct or white-collar crime, with particular reference to:

(a) evidentiary standards across various acts and instruments;
(b) the use and duration of custodial sentences;
(c) the use and duration of banning orders;
(d) the value of fine and other monetary penalties, particularly in proportion to the amount of wrongful gains;
(e) the availability and use of mechanisms to recover wrongful gains;
(f) penalties used in other countries, particularly members of the Organisation for Economic Co-operation and Development [OECD]; and
(g) any other relevant matters.

Question put and passed.

16 Finance and Public Administration References Committee—Reference

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—that the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 24 August 2016:

(a) the role of gender inequality in all spheres of life in contributing to the prevalence of domestic violence;
(b) the role of gender stereotypes in contributing to cultural conditions which support domestic violence, including, but not limited to, messages conveyed to children and young people in:
   (i) the marketing of toys and other products,
   (ii) education, and
   (iii) entertainment;
(c) the role of government initiatives at every level in addressing the underlying causes of domestic violence, including the commitments under, or related to, the National Plan to Reduce Violence against Women and their Children; and
(d) any other related matters.
Question put and passed.

17 FAMILY LAW AMENDMENT (FINANCIAL AGREEMENTS AND OTHER MEASURES) BILL 2015
The Assistant Cabinet Secretary (Senator Ryan), at the request of the Attorney-General (Senator Brandis) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend family law, and for related purposes.
Question put and passed.
Senator Ryan 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 Ryan moved—That this bill be now read a second time.

Explanatory memorandum: Senator Ryan tabled an explanatory memorandum relating to the bill.

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, 2 February 2016.

18 HEALTH—ASBESTOS AWARENESS
Senator Singh, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 951—That the Senate—
(a) notes:
   (i) that 23 to 27 November 2015 is Asbestos Awareness Week,
   (ii) the success of the Second International Conference on Asbestos Awareness and Management hosted by the Asbestos Safety and Eradication Agency in Brisbane from 22 to 24 November 2015,
   (iii) that mesothelioma is a cancer generally caused by exposure to asbestos fibres,
   (iv) that Australia has one of the highest rates of mesothelioma in the world,
   (v) that as many as 40,000 Australians will be diagnosed with asbestos-related injuries in the next 20 years, and
   (vi) that recently, Australians have been exposed to a wide range of imported goods and materials containing asbestos that have not been detected by our customs services, including fibre cement sheets and children’s crayons;
(b) supports the Asbestos Awareness Month 2015 national campaign, which aims to inform homeowners, renovators, tradespeople and handymen about the dangers of asbestos in and around homes and how to manage it safely; and
(c) urges Australians with questions to visit www.asbestosawareness.com.au.

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

Question put and passed.

19 TRADE—ISRAEL

Senator Day, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 952—That the Senate—

(a) acknowledges the Turnbull Government’s renewed focus on innovation and improved commercialisation of research;
(b) welcomes the recent Australian delegations to Israel, including a delegation with the Assistant Minister for Innovation (Mr Roy), to support innovation-related trade with Israel;
(c) notes that the 2015 Bloomberg Global Innovation index:
   (i) ranked Israel 5th overall ahead of the United States of America (US) in 6th and Australia in 13th place, and
   (ii) shows Australia now has free trade agreements with the 1st (Japan), 2nd (South Korea), 6th (US) and 8th (Singapore) ranked nations;
(d) recognises that the European Union, the US, Canada, Mexico, Colombia and Turkey have direct free trade agreements with Israel; and
(e) calls on the Australian Government to explore the feasibility of initiating negotiations with Israel towards a free trade agreement.

Statement by leave: Senator Day and the Assistant Cabinet Secretary (Senator Ryan), by leave, made statements relating to the motion.

Question put and passed.

20 COMMUNICATIONS—COMMUNITY BROADCASTING—4ZZZ-FM

Senator Moore, also on behalf of Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 953—That the Senate—

(a) notes:
   (i) that 8 December 2015 is the 40th anniversary of the first official broadcast of community radio station 4ZZZ-FM from studios at the University of Queensland,
   (ii) that 4ZZZ was the first FM stereo radio station in Queensland, the first community broadcaster in Australia with journalists accredited by the then Australian Journalists Association, and the first mass-audience format community broadcaster in Australia,
   (iii) that 4ZZZ has provided, and continues to provide, an important means of exposure for many Brisbane musicians and artists and an important independent local outlet for information and news, and
   (iv) the opinion of the hugely influential and prolific Brisbane musician, Mr Ed Kuepper, that ‘the importance of 4ZZZ in the development of an independent music and arts scene in Brisbane cannot be overstated’;
(b) congratulates all those involved in establishing and maintaining this pioneering community-based radio station now broadcasting from studios in Fortitude Valley in Brisbane; and
(c) expresses support for the ongoing development of community broadcasting in Australia as an important component in ensuring the community has access to a diverse and adequate range of information and entertainment.

Question put and passed.

21 AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator McEwen, at the request of the Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Bilyk) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 954—that the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10 am, as follows:

(a) Thursday, 4 February 2016, followed by a public meeting;
(b) Thursday, 25 February 2016; and
(c) Thursday, 17 March 2016.

Question put and passed.

22 REGIONAL AUSTRALIA—WESTERN AUSTRALIA—BUSHFIRES

Senator Smith, also on behalf of the Minister for Finance (Senator Cormann), Senators Back, Johnston and Reynolds, the Minister for Employment (Senator Cash) and Senators Sterle, Ludlam, Bullock, Lines, Siewert and Wang, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 957—that the Senate—

(a) notes that the devastating bushfires that swept through the Salmon Gums, Scadden, Grass Patch, Merivale and Norseman areas north of Esperance, Western Australia, in the week beginning 15 November 2015 were the state’s worst bushfires in more than 50 years;
(b) acknowledges the determined efforts of the more than 200 volunteer firefighters, Fire and Emergency Services Authority personnel, State Emergency Services volunteers, and pastoralists and farmers who sought to save as many properties as possible;
(c) expresses its sincere regret at:

(i) the tragic death of Scadden farmer, Mr Kyn Curnow, who lost his life after bravely making sure homes were being evacuated, and turning back vehicles, and
(ii) the tragic deaths of European workers, Ms Anna Winther (29) from Norway, Ms Julia Kohrs-Lichte (19) from Germany, and Mr Thomas Butcher (31) from England, who died trying to flee the fire; and
(d) extends its sympathy to the family and friends of the deceased.

Question put and passed.
23 **FAMILY AND COMMUNITY SERVICES—NATIONAL DISABILITY INSURANCE SCHEME—FUNDING**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 958—That the Senate—

(a) notes:

(i) the suggestions by the Treasurer (Mr Morrison) that cuts may have to be made in the welfare system to pay for the National Disability Insurance Scheme, and

(ii) that those on income support have disproportionately borne the burden of two cruel budgets; and

(b) calls on the Government to:

(i) keep their pre-election commitment to ‘deliver the NDIS’ but not at the expense of people on income support, and

(ii) cease their relentless attack on our social security safety net.

*Statement by leave:* The Assistant Cabinet Secretary (Senator Ryan), by leave, made a statement relating to the motion.

Question put and passed.

24 **WOMEN—VIOLENCE AGAINST WOMEN**

Senator Moore, also on behalf of the Minister for Women (Senator Cash) and Senators Lines and Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 959—That the Senate—

(a) notes that 25 November 2015:

(i) is the International Day for the Elimination of Violence Against Women, which is also White Ribbon Day, and

(ii) marks the start of the United Nations 16 Days of Activism against Gender-Based Violence Campaign, a time to galvanize action to end violence against women and girls around the world, leading to 10 December 2015, Human Rights Day;

(b) recognises that the White Ribbon campaign is a national male-led campaign to end men’s violence against women, and is now active in over 60 countries around the world;

(c) acknowledges that:

(i) one in three women in Australia have been physically attacked in their lifetimes, and these attacks are most likely to have been in the women’s own home.

(ii) across the world, violence against women and girls remains one of the most serious and the most tolerated human rights violations, both a cause and a consequence of gender inequality and discrimination.

(iii) prevention strategies have a proven effect on levels of violence, and if we engage the whole community in prevention and give them skills for respectful relationships we will reduce the costs associated with violence, and

(iv) social policy initiatives and law reform addressing gender inequality are central to reducing attitudes that support violence against women; and
(d) reinforces the need for cross-party support at all levels of government in the
response to end the scourge of family violence.

Question put and passed.

25 POSTPONEMENT

Senator McEwen, by leave and at the request of Senator Conroy, moved—That
business of the Senate notice of motion no. 6 standing in the name of Senator Conroy
for today, proposing a reference to the Foreign Affairs, Defence and Trade References
Committee, be postponed till the next day of sitting.

Question put and passed.

26 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator McEwen, at the request of Senators Conroy, Xenophon, Whish-Wilson,
Lambie and Lazarus and pursuant to notice of motion not objected to as a formal
motion, moved business of the Senate notice of motion no. 7—That the following
matter be referred to the Economics References Committee for inquiry and report by
4 February 2016:

An examination of the foreign investment review framework, including powers and
processes of the Foreign Investment Review Board, in relation to Australian assets of
strategic or national significance being subject to lease or purchase by foreign owned
interests, and whether there ought to be any legislative or regulatory changes to that
framework to ensure Australia’s national interest is being adequately considered, with
particular reference to:

(a) the decision by the Northern Territory Government to grant a 99-year-lease
over the Port of Darwin to Landbridge Group;
(b) the planned lease by the New South Wales Government of TransGrid;
(c) the decision by the Treasurer to block the sale of S Kidman and Co on national
interest grounds; and
(d) any other related matters.

Statement by leave: The Assistant Cabinet Secretary (Senator Ryan), by leave, made a
statement relating to the motion.

The Senate proceeded to divide—

The call for the division was withdrawn by leave.

Question put and passed.

27 TRANSPORT—VICTORIA—RAIL AND ROAD INFRASTRUCTURE

Senator Muir, pursuant to notice of motion not objected to as a formal motion, moved
general business notice of motion no. 914—That the Senate—

(a) notes that:

(i) there is a political stalemate between the Federal Government and the
Vicorian State Government in relation to the East West Link,
(ii) there is approximately $1.5 billion in unspent allocations to the East
West Link,
(iii) evidence presented to the Rural and Regional Affairs and Transport
References Committee inquiry into aspects of road safety in Australia by
the National Rural Health Alliance demonstrated that those who live
outside the major cities make up 30 per cent of the population and
52 per cent of deaths due to land transport accidents,
(iv) rural roads play a vital role in putting food on city tables and bringing resources to urban areas,
(v) the annual economic cost of road crashes in Australia is enormous – estimated at $27 billion per annum – and the social impacts are devastating,
(vi) many rural roads are in dangerously poor condition and in desperate need of repair,
(vii) some local councils in Victoria do not have the necessary funding to fully maintain the extensive road networks in their electorate due to proposed rate caps and the federal freeze in financial assistance grants,
(viii) a life in rural and regional Australia is just as important as a life in urban Australia,
(ix) until there is a change of Victorian State Government or a change in Federal Government, a resolution to the East West Link is unlikely, and
(x) there is a strong need in Victoria to invest in rail and road infrastructure in order to ease congestion and improve productivity into the future; and
(b) calls on the Government to withdraw the allocation of federal funding set aside for the East West Link and to reallocate this funding to projects to improve rural road infrastructure.

Statements by leave: Senator Muir, the Assistant Cabinet Secretary (Senator Ryan) and Senators Rice and Moore, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 33

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Question agreed to.
28 FOREIGN AFFAIRS—CAMBODIA

Motion determined as not formal: Senator Ludlam requested that general business notice of motion no. 956 standing in his name for today, relating to political developments in Cambodia, be taken as formal.

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

Statements by leave: Senator Ludlam and the Assistant Cabinet Secretary (Senator Ryan), by leave, made statements relating to the motion.

29 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TRANSPORT—URBAN FREEWAY PROJECTS

The President informed the Senate that, at 8.30 am today, Senator Siewert and Senator Leyonhjelm had each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would be submitted to the Senate was determined by lot.

As a result, the President informed the Senate that Senator Siewert had proposed that the following matter of public importance be submitted to the Senate for discussion:

The chaos, lack of transparency and waste surrounding the Abbott-Turnbull Government’s outdated urban freeway projects, including the Perth Freight Link, East West Link and WestConnex.

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

30 DOCUMENTS—CONSIDERATION

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

31 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLEING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

Senator Bilyk, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

Scrutiny of Bills—Standing Committee—

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

Senator Smith, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:


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

Senator Smith, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:


Report ordered to be printed on the motion of Senator Smith.
Senator Smith moved—That the Senate take note of the report.
Question put and passed.

Senator Smith, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report and documents:

Public Accounts and Audit—Joint Statutory Committee—
447th report—EPBC Act, cyber security, mail screening, ABR and helicopter program: Review of Auditor-General’s reports nos 32 to 54 (2013-14)—Executive minutes and responses to the committee recommendations.

Senator Smith moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Smith in continuation.

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability—Report, dated November 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Siewert moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Moore in continuation.

32 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 2015
AVIATION TRANSPORT SECURITY AMENDMENT (CARGO) BILL 2015
HEALTH INSURANCE AMENDMENT (SAFETY NET) BILL 2015
MARITIME LEGISLATION AMENDMENT BILL 2015
MARITIME TRANSPORT AND OFFSHORE FACILITIES SECURITY AMENDMENT (INTER-STATE VOYAGES) BILL 2015

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

Message no. 499, dated 24 November 2015—A Bill for an Act to amend the Aboriginal Land Rights (Northern Territory) Act 1976, and for other purposes.
Message no. 504, dated 25 November 2015—A Bill for an Act to amend the law in relation to medicare benefit, and for related purposes.
Message no. 503, dated 25 November 2015—A Bill for an Act to amend the
Maritime Transport and Offshore Facilities Security Act 2003, and for related
purposes.

The Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells) 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 Fierravanti-Wells moved—That these bills be now read a second time.

Explanatory memorandum: Senator Fierravanti-Wells tabled a revised explanatory
memorandum relating to the Aboriginal Land Rights (Northern Territory) Amendment
Bill 2015.

On the motion of Senator Fierravanti-Wells the debate was adjourned till the next day
of sitting.

Consideration of legislation: Senator Fierravanti-Wells moved—That the bills be
listed on the Notice Paper as separate orders of the day.

Question put and passed.

33 TAX LAWS AMENDMENT (GIFTS) BILL 2015

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

Message no. 501, dated 25 November 2015—A Bill for an Act to amend the law
relating to taxation, and for related purposes.

The Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells) moved—
That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Consideration of legislation: Senator Fierravanti-Wells, by leave, moved—That the
provisions of paragraphs (5) to (8) of standing order 111 not apply to this bill,
allowing it to be considered during this period of sittings.

Document: Senator Fierravanti-Wells tabled the following document:

Consideration of legislation—Statement of reasons for introduction and passage of
the bill in the 2015 spring sittings.

Question put and passed.

Senator Fierravanti-Wells moved—That this bill be now read a second time.

On the motion of Senator Fierravanti-Wells the debate was adjourned till the next day
of sitting.
34 SMALL PELAGIC FISHERY (CLOSURES VARIATION) DIRECTION—PROPOSED DISALLOWANCE

Senator Whish-Wilson, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Small Pelagic Fishery (Closures Variation) Direction No. 1 2015, made under subsection 41A(3) of the Fisheries Management Act 1991, be disallowed [F2015L01450].

Debate ensued.

Question put.

The Senate divided—

AYES, 31

Senators—

Bilyk (Teller) Hanson-Young McKim Siewert
Brown Ketter McLucas Simms
Bullock Lambie Moore Singh
Cameron Lazarus Muir Sterle
Dastyari Ludlam O’Neill Urquhart
Di Natale Ludwig Polley Waters
Gallacher Marshall Rhiannon Whish-Wilson
Gallagher McEwen Rice

NOES, 31

Senators—

Abetz Edwards McGrath Ryan
Back Fierravanti-Wells McKenzie Scullion
Bernardi Fieldi Nash Seselja
Birmingham Heffernan Parry Smith (Teller)
Bushby Johnston Payne Wang
Canavan Leyonhjelm Reynolds Williams
Colbeck Lindgren Ronaldson Xenophon
Day Madigan Ruston

The ayes and noes were equal and so the question was negatived.

35 ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—MOTOR VEHICLE STANDARDS (CHEAPER TRANSPORT) BILL 2014

Pursuant to order, Senator Smith, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Reynolds), tabled the following report and documents:


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

36 SHIPPING LEGISLATION AMENDMENT BILL 2015

Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time.

Debate resumed.

At 7.20 pm: Debate was interrupted while Senator Lambie was speaking.
37 ADJOURNMENT

The Acting Deputy President (Senator Williams) proposed the question—that the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.49 pm till Thursday, 26 November 2015 at 9.30 am.

38 ATTENDANCE

Present, all senators except Senators Cash*, Fawcett* and O’Sullivan* (*on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate