2013-15

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 122

THURSDAY, 15 OCTOBER 2015

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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.

DOCUMENTS

The following documents were tabled by the Clerk pursuant to statute:

[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.]


Environment Protection and Biodiversity Conservation Act 1999—

Amendment of List of Exempt Native Specimens – Queensland Blue Swimmer Crab Fishery (12 October 2015)—EPBC303DC/SFS/2015/36 [F2015L01651].

Amendment of List of Exempt Native Specimens – Queensland Blue Swimmer Crab Pot Fishery (12 October 2015)—EPBC303DC/SFS/2015/35 [F2015L01652].

Amendment of List of Exempt Native Specimens – Queensland Mud Crab Fishery (12 October 2015)—EPBC303DC/SFS/2015/34 [F2015L01650].


Veterans’ Entitlements Act 1986—


The following documents were tabled by the Clerk pursuant to order:

Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2015-16—Letter of advice pursuant to the order of the Senate of 24 June 2008—Treasury portfolio.

Departmental and agency grants—Budget (Supplementary) estimates 2015-16—Letter of advice pursuant to the order of the Senate of 24 June 2008—Treasury portfolio.

Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16—Statement pursuant to the order of the Senate of 25 June 2014—Foreign Affairs and Trade portfolio.

COMMITTEE—PROPOSED LEAVE TO MEET DURING SITTING

The Clerk informed the Senate that, pursuant to standing order 33(5), a notice had been received proposing that the Legal and Constitutional Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.40 pm, for the committee’s inquiry into the regional processing centres in the Republic of Nauru and Papua New Guinea.
Statements by leave: The Minister for Communications (Senator Fifield) and Senators Siewert, McEwen, Bushby and Moore, by leave, made statements relating to the matter.
Leave was granted for the matter to be postponed till a later hour (see entry no. 8).

4 RACIAL DISCRIMINATION AMENDMENT BILL 2014
Order of the day read for the adjourned debate on the motion of Senator Day, also on behalf of Senators Bernardi, Leyonhjelm and Smith—That this bill be now read a second time.
Debate resumed.
On the motion of the Minister for Employment (Senator Cash) the debate was adjourned till the next day of sitting.

5 COMMONWEALTH GRANTS COMMISSION AMENDMENT (GST DISTRIBUTION) BILL 2015
Order of the day read for the adjourned debate on the motion of Senator Wang—That this bill be now read a second time.
Debate resumed.
On the motion of Senator Back the debate was adjourned till the next day of sitting.

6 NOTICES
Senator Brown: To move on the next day of sitting—That the Senate—
(a) condemns Tasmania’s Liberal members and senators for failing to stand up for Tasmania in the face of savage cuts and broken promises by the Federal Liberal Government;
(b) notes the previous statement by the Tasmanian Treasurer, Mr Peter Gutwein, calling for the return of the funds, ‘We want our money back! We want our money back, $2.1 billion was taken from the state in last year’s Federal Budget’; and
(c) condemns the Federal Liberal Government for slashing $2.1 billion in funding for health and education to Tasmania. (general business notice of motion no. 908)

Senators Ludlam and Moore: To move on the next day of sitting—That the Senate—
(a) celebrates the 15th anniversary of United Nations Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325);
(b) recognises that women and girls are disproportionately affected by armed conflict, and that women’s participation in peace processes is vital to international peace and security;
(c) notes the inadequate implementation of UNSCR 1325 internationally, despite repeated commitments from parties to the resolution;
(d) calls:
   (i) for the prioritisation of ‘women, peace and security’ programming in Australian aid delivery, and
   (ii) on the Australian Government to update the Senate on concrete actions it has taken to implement UNSCR 1325; and
(e) notes the current independent interim review of the Australian National Action Plan on Women, Peace and Security 2012-18. (general business notice of motion no. 909)
Senator Singh: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) Saturday, 24 October 2015, is World Polio Day,
   (ii) the world is now very close to eradicating polio completely, and
   (iii) in 1988 there were 350,000 cases of polio worldwide while in 2015 there have been just 44;
(b) welcomes the fact that:
   (i) for the first time ever, the African continent no longer has any polio endemic countries, and
   (ii) by the end of this decade polio will be eradicated, making it only the second disease ever to be eradicated;
(c) supports the efforts of the Global Polio Eradication Initiative which has immunised 3 billion children globally since 1988, and spared 10 million children paralysis and deformity; and
(d) calls on the Australian Government to continue its support of the Global Polio Eradication Initiative that is critical to finishing the job of ending polio.
( general business notice of motion no. 910 )

Senator Hanson-Young: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958, and for related purposes. Migration Amendment (Free the Children) Bill 2015. ( general business notice of motion no. 911 )

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes that Australia has:
   (i) some of the world’s greatest marine natural resources, with rich biodiversity and unique species, and
   (ii) the potential for a world-leading system of marine reserves;
(b) recognises that scientific analysis predicts that marine food chains are at risk of collapse due to global warming, overfishing and pollution; and
(c) calls on the Turnbull Government to reinstate Australia’s system of marine reserves. ( general business notice of motion no. 912 )

Senator Canavan: To move on the next day of sitting—That the Senate notes:
(a) the important role freedom of speech plays in the exercise of public debate;
(b) that informed public debate requires the expression of different views, even if you disagree with them;
(c) that this nation has fought wars for democracy, for freedom of speech and for the right to protest; and
(d) that attempts by the Australian Greens and their supporters to introduce legislation banning peaceful protest from public areas is an attack on a fundamental right and should be opposed. ( general business notice of motion no. 913 )
7 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 13 OF 2015

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 13 OF 2015

1. The committee met in private session on Wednesday, 14 October 2015 at 7.16 pm.

2. The committee resolved to recommend—that—
   (a) the provisions of the Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015 and the Education Services for Overseas Students (Registration Charges) Amendment (Streamlining Regulation) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 30 November 2015;
   (b) the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 1 March 2016;
   (c) the Fair Work Amendment (Gender Pay Gap) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 12 May 2016;
   (d) the provisions of the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 30 November 2015;
   (e) the provisions of the Health Legislation Amendment (eHealth) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 9 November 2015;
   (f) the provisions of the Migration Amendment (Complementary Protection and Other Measures) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 February 2016; and
   (g) the provisions of the Social Services Legislation Amendment (Youth Employment) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 30 November 2015.

3. The committee resolved to recommend—that the following bills not be referred to committees:
   Aviation Transport Security Amendment (Cargo) Bill 2015
   Customs Amendment (Fees and Charges) Bill 2015
   Customs Depot Licensing Charges Amendment Bill 2015
   Education Legislation Amendment (Overseas Debt Recovery) Bill 2015
   Import Processing Charges Amendment Bill 2015
   Student Loans (Overseas Debtors Repayment Levy) Bill 2015.

The committee recommends accordingly.
4. The committee deferred consideration of the following bills to its next meeting:
   - Australian Crime Commission Amendment (Criminology Research) Bill 2015
   - Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015
   - Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
   - Corporations Amendment (Publish What You Pay) Bill 2014
   - Crimes Legislation Amendment (Harming Australians) Bill 2015
   - Defence Legislation Amendment (First Principles) Bill 2015
   - Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015
   - Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014

   David Bushby
   Chair
   15 October 2015.

   Senator Bushby moved—That the report be adopted.
   Question put and passed.

8 COMMITTEE—LEAVE TO MEET DURING SITTING
   A committee was authorised to meet during the sitting of the Senate, as follows:
   - Legal and Constitutional Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3.40 pm, for the committee’s inquiry into the regional processing centres in the Republic of Nauru and Papua New Guinea.

9 ORDER OF BUSINESS—REARRANGEMENT
   The Minister for Communications (Senator Fifield) moved—That—
   (a) the following government business orders of the day be considered from 12.45 pm today:
      No. 3 Customs Depot Licensing Charges Amendment Bill 2015
      Customs Amendment (Fees and Charges) Bill 2015
      Import Processing Charges Amendment Bill 2015
      No. 4 Australian Immunisation Register Bill 2015
      Australian Immunisation Register (Consequential and Transitional Provisions) Bill 2015
      No. 5 Social Services Legislation Amendment (Cost of Living Concession) Bill 2015
      No. 6 Amending Acts 1980 to 1989 Repeal Bill 2015
      Statute Law Revision Bill (No. 2) 2015; and
   (b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.
   Question put and passed.
Senator Fifield moved—that the order of general business for consideration today be as follows:

(a) general business notice of motion no. 899 standing in the name of Senator Moore relating to public sector infrastructure spending; and

(b) orders of the day relating to documents.

Question put and passed.

10 **POSTPONEMENTS**

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for today, proposing a reference to the Education and Employment References Committee, postponed till 10 November 2015.

General business notice of motion no. 876 standing in the name of Senator Dastyari for today, proposing an order for the production of a document by the Minister representing the Treasurer, postponed till 9 November 2015.

General business notice of motion no. 898 standing in the names of Senators Ludlam and Singh for today, relating to the bombing of a Médecins Sans Frontières hospital in Afghanistan, postponed till 9 November 2015.

11 **CRIMES LEGISLATION AMENDMENT (HARMING AUSTRALIANS) BILL 2015**

The Attorney-General (Senator Brandis), also on behalf of Senator Xenophon, 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:


Question put and passed.

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

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

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**Statement by leave:** Senator Brandis, by leave, made a statement relating to the matter.

**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, 9 November 2015.
12 CONSIDERATION OF LEGISLATION—ORDER OF THE DAY DISCHARGED
The Minister for Communications (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—
That the government business order of the day relating to the Migration Amendment (Regaining Control Over Australia’s Protection Obligations) Bill 2013 be discharged from the Notice Paper.
Question put and passed.

13 FOREIGN AFFAIRS—FUNDING FOR NUTRITION
Senator McEwen, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 888—That the Senate—
(a) notes that:
   (i) World Food Day 2015, held on 16 October 2015, will mark the 70th anniversary of the establishment of the United Nations Food and Agriculture Organization, and that the theme for the day is ‘Social protection and agriculture: breaking the cycle of rural poverty’,
   (ii) malnutrition contributes to 3 million of the 6 million deaths of children under age 5 each year,
   (iii) in addition, 162 million children around the world suffer from stunting, which is an indicator of chronic under-nutrition, and affects the physical and mental development of children,
   (iv) the estimated economic benefits of action to improve nutrition outweigh the additional costs by up to 18 to 1,
   (v) Australia and other international donors invest less than 1 per cent of development assistance in specific nutrition investments, in spite of the toll of malnutrition, and
   (vi) achieving Goal 2 of the Sustainable Development Goals, ‘End hunger, achieve food security and improved nutrition and promote sustainable agriculture’, will require increased investment in nutrition;
(b) recognises that:
   (i) the Australian Government has included nutrition as a priority investment in its Health for Development Strategy released in June 2015,
   (ii) the next global Nutrition for Growth Summit, due to take place in Rio de Janeiro in 2016, is a significant opportunity for international donors, national governments and non-government partners to commit additional resources to reducing malnutrition, and
   (iii) the Nutrition for Growth Summit provides an occasion for Australia to back its priority for nutrition to improve health outcomes with a commitment of additional resources; and
(c) calls on the Australian Government to ensure Australia has ministerial level representation and makes a commitment of new funding for nutrition at the Nutrition for Growth Summit in 2016.
Question put and passed.
14 **TRANSPORT—NEW SOUTH WALES—WESTCONNEX MOTORWAY**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 906—that the Senate—

(a) notes that:

(i) the Federal Government is contributing substantial funding to the WestConnex Motorway despite no business case being released,

(ii) the Environmental Impact Statement for the M4 East Tunnel shows it will be at capacity by 2031,

(iii) irreparable damage would be done to the Haberfield conservation area with hundreds of people forced from their homes and many heritage houses slated for demolition,

(iv) asbestos waste is being removed from the M5 interchange site in St Peters,

(v) removal of that asbestos waste is continuing without any environmental impact statement having been released, and

(vi) local residents have collected evidence that safety regulations are being breached in relation to the removal of the asbestos waste; and

(b) calls on the Government to hold current and future scheduled federal payments to the WestConnex project until the full business case is made public and proper community consultation and planning approvals are complete.

*Statements by leave: The Minister for Communications (Senator Fifield) and Senator Moore, by leave, made statements relating to the motion.*

Question put.

The Senate divided—

**AYES, 10**

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**NOES, 39**

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Question negatived.
15 Education—Nous Group Contract—Order for Production of Documents

Senator Carr, also on behalf of Senators Lambie, Lazarus and Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 907—that there be laid on the table by the Minister for Education and Training, no later than 3.30 pm on Thursday, 15 October 2015, the following:

(a) a redacted copy of any reports delivered under the Nous Group contract, ‘Assessment of Stakeholder Views – Higher Education’ listed on the Austender website (contract number CN3277481), omitting any reference to the views expressed by individual senators or their staff; and

(b) all other documentation related to the contract, including the contract itself and any correspondence between the Nous Group and the Minister or his department, omitting any reference to the views expressed by individual senators or their staff.

Question put.

The Senate divided—

AYES, 31

Brown
Carr
Dastyari
Di Natale
Gallacher
Gallagher
Hanson-Young
Ketter

Lambie
Lazarus
Lines
Ludlam
Ludwig
McAllister
McEwen (Teller)
McKim

McLucas
Moore
Muir
O’Neill
Peris
Polley
Rhiannon
Rice

Siewert
Simms
Singh
Urquhart
Waters
Whish-Wilson
Xenophon

Question agreed to.

16 Electoral Matters—Joint Standing Committee—Reference

Senator Xenophon, also on behalf of Senators Madigan and Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 900—that the following matter be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by the last sitting day in March 2016:

The regulatory framework governing the financing of electoral activities undertaken by political parties and other participants in the political process, with particular reference to:

(a) how many of the recommendations made by the Joint Standing Committee on Electoral Matters in its 2011 report (the report) on its inquiry into the funding of political parties and election campaigns were accepted by government, and how many have been implemented;
(b) what factors, if any, are contributing to any delays in implementing the accepted recommendations of the report;
(c) how much was spent on the last election in 2013 by:
   (i) political parties or associated entities,
   (ii) third parties,
   (iii) candidates, and
   (iv) Senate groups;
(d) what proportion of the expenditure at the last election in 2013 was provided by private sources, including:
   (i) what amounts were acquired from each source,
   (ii) the circumstances of the donation or contribution,
   (iii) whether third parties were involved in the donations or contributions, and
   (iv) what influence those sources had on the political process;
(e) the current level of public funding provided to:
   (i) political parties or associated entities,
   (ii) third parties,
   (iii) candidates, and
   (iv) Senate groups;
(f) how public funds are allocated to electoral activities, and whether the current levels of such funds should be increased or decreased or allocated differently;
(g) whether the status of the political donations as tax deductions should be maintained;
(h) whether any comparable democracies:
   (i) regulate electoral contributions from private donors, or particular classes of private donors, or
   (ii) have absolute limits on private funding on electoral activities, and, if so, what policy objectives underlie the regulation and whether those objectives are achieved;
(i) how the regulation of electoral funding is achieved in comparative democracies, and whether it is applicable in the Commonwealth sphere; and
(j) any other related matter.

Question put and passed.

17 HISTORICAL EVENTS—WEST GATE BRIDGE COLLAPSE—45TH ANNIVERSARY

Senator Carr, also on behalf of Senator Marshall, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 897—
That the Senate—
(a) respectfully commemorates the 45th anniversary of the collapse of the West Gate Bridge which occurred at 11.50 am on 15 October 1970;
(b) acknowledges the sacrifice of the 35 workers who lost their lives in Australia’s worst ever industrial accident;
(c) celebrates the heroic actions of the many people who risked their own lives to assist the rescue efforts and help the injured and other survivors on that day;
(d) extends its sympathy to the families of those affected by the tragedy;
recognises the sacrifice of the many workers who have been injured or killed in workplace accidents before and since the collapse of the bridge on that day; and

(f) praises the efforts of those within the union movement and others who toil to ensure that workers are able to return home safely to their loved ones at the end of each working day.

Question put and passed.

18 EDUCATION—DISABILITY SUPPORT PROGRAM REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 904—That there be laid on the table by the Minister for Education and Training, by no later than 4.30 pm on Thursday, 15 October 2015, any reports resulting from the review of the Disability Support Program conducted by KPMG on behalf of the Department of Education and Training (contract no. CN2478741).

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

Question put and passed.

19 HEALTH—FOOD STANDARDS AUSTRALIA NEW ZEALAND—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 905—That there be laid on the table by the Minister representing the Minister for Health (Senator Nash) by 22 October 2015, a copy of the following in relation to Food Standards Australia New Zealand (FSANZ):

(a) any advice FSANZ has received from the Attorney-General’s Department, the Attorney-General’s office or the Solicitor-General relating to the right of FSANZ to give advice regarding the interpretation of the Food Standards Code;

(b) the terms of reference for the report it has commissioned from an ‘expert toxicologist’ on the safety of nano titanium dioxide and silica; and

(c) the contract for that report.

Question put.

The Senate divided—

AYES, 32

Senators—

Brown   Lambie   McKim   Rice
Carr    Lazarus  McLucas  Siewert
Dastyari Leyonhjelm  Moore   Simms
Di Natale Lines    Muir    Singh
Gallacher Ladlam   O’Neill  Urquhart
Gallagher Ludwig  Peris    Waters
Hanson-Young McAllister Polley  Whish-Wilson
Ketter   McEwen (Teller)  Rhiannon  Xenophon
20 ENVIRONMENT—QUEENSLAND—REEFBLITZ INITIATIVE

Senator Lazarus, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 902—That the Senate—

(a) notes that ReefBlitz is an important initiative providing an opportunity to discover, identify and record the plants and animals living in and around the Great Barrier Reef that will take place in Townsville, Queensland, on 16 and 17 October 2015;

(b) acknowledges the valuable contribution of ReefBlitz in educating the community and promoting the unique marine environment in the Great Barrier Reef, and also in generating tourism in north Queensland;

(c) commends the sponsors, organisers, participants, and the numerous volunteers who enable ReefBlitz to take place each year; and

(d) calls on the Government to recognise the importance of ecological sustainability in and around the Great Barrier Reef and other protected marine areas in and around Australia.

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

Question put and passed.

21 ENVIRONMENT—COAL SEAM GAS MINING

Senator Lazarus, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 903—That the Senate—

(a) notes that the people of Queensland have no legal right to stop mining companies from entering their land to mine coal seam gas (CSG);

(b) further notes that rural and regional communities across Queensland are being devastated by the impact of CSG mining, including loss of underground water, contamination of underground and surface water, health impacts, mental health issues, reduced quality of life, reduced land values and other forms of stress, trauma and suffering;

(c) acknowledges that the impact of CSG mining and the behaviour of resource companies in harassing, bullying and intimidating landholders is splintering families, dividing communities and creating personal and financial hardship;

(d) understands that the people affected by CSG mining have no fair and equitable legal recourse to address their concerns given the significant power imbalance between those affected and the mining companies;

(e) calls on the Government to urgently consider the establishment of a Resources Ombudsman and a CSG Mining Commissioner to address the issues being experienced by the people of Queensland and elsewhere across the country affected by CSG mining; and
(f) urges the Government to consider undertaking an urgent audit of the human impacts of CSG mining, and to establish support services and other forms of assistance, including medical assistance, for those affected by CSG mining.

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

Question put.
The Senate divided—

AYES, 13

Senators—

Di Natale
Hanson-Young
Lambie
Lazarus
Ludlam
Rhiannon
Simms
Muir
Siewert (Teller)
Whish-Wilson
Rice
Waters

NOES, 35

Senators—

Abetz
Bernardi
Brown
Bushby (Teller)
Canavan
Colbeck
Collins
Edwards
Fawcett
Fifield
Gallacher
Gallagher
Johnston
Ketter
Leyonhjelm
Lindgren
Ludwig
Macdonald
McAllister
McEwen
McGeath
McKenzie
McLucas
Moore
Nash
O’Neill
Peris
Ruston
Ryan
Scullion
Seselja
Smith
Wang
Williams

Question negatived.

22 ENVIRONMENT—SOUTH AUSTRALIA—EXPLORATORY DRILLING IN THE GREAT AUSTRALIAN BIGHT

Senator Simms, 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. 901—

That the Senate—

(a) notes:

(i) the intention of British Petroleum (BP) to perform high-risk exploratory drilling in the Great Australian Bight,

(ii) that the current environmental and safety evaluation being performed by the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) for exploration lease approval requires BP to release sufficient information so stakeholders can make informed assessment of the project and its possible consequences,

(iii) that BP has not released critical information such as its:

(A) environmental plan,

(B) oil spill modelling, or

(C) oil spill emergency plan,

(iv) that given:

(A) the natural beauty of the Great Australian Bight,

(B) the ecological uniqueness of the Great Australian Bight and its critical importance for marine life, including blue, southern right, sperm, killer and humpback whales,
(C) that an oil spill of this nature could devastate the $442 million South Australian fishing industry, as well as the state’s $1 billion coastal tourism industries,

(D) that 90 per cent of oil spills take place during exploratory drilling,

(E) that the Great Australian Bight contains some of the roughest and most remote open waters on the planet, and

(F) that, in the event of an oil spill, it may take up to 157 days to cap an oil well,

that this lack of environmental transparency does not meet the sufficient information criteria for NOPSEMA’s 28 day approval process; and

(b) calls on BP to release its environmental plan, and, failing that, NOPSEMA to reject BP’s exploration lease application.

Question put.

The Senate divided—

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Question negatived.

At 12.45 pm—

23 CUSTOMS DEPOT LICENSING CHARGES AMENDMENT BILL 2015
CUSTOMS AMENDMENT (FEES AND CHARGES) BILL 2015
IMPORT PROCESSING CHARGES AMENDMENT BILL 2015

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Assistant Cabinet Secretary (Senator Ryan) the bills were read a third time.
24. **Australian Immunisation Register Bill 2015**  
**Australian Immunisation Register (Consequential and Transitional Provisions) Bill 2015**

Order of the day read for the adjourned debate on the motion of the Minister for Rural Health (Senator Nash)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Assistant Cabinet Secretary (Senator Ryan) the bills were read a third time.

25. **Social Services Legislation Amendment (Cost of Living Concession) Bill 2015**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells)—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.

The Assistant Cabinet Secretary (Senator Ryan) moved—That this bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time.

**Statute Law Revision Bill (No. 2) 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 these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

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

On the motion of the Assistant Cabinet Secretary (Senator Ryan) the bills were read a third time.
27 TAX AND SUPERANNUATION LAWS AMENDMENT (BETTER TARGETING THE INCOME TAX TRANSPARENCY LAWS) BILL 2015

Order of the day read for the adjourned debate on the motion of the Assistant Cabinet Secretary (Senator Ryan)—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 Senator Ryan the bill was read a third time.

28 SOCIAL SERVICES LEGISLATION AMENDMENT (LOW INCOME SUPPLEMENT) BILL 2015

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells)—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

AYES, 41

Senators—

Abetz  Edwards  Macdonald  Polley
Back  Fawcett  Marshall  Reynolds
Brown  Fifield  McGrath  Ronaldson
Bushby  Gallagher  McKenzi  Riston
Cameron  Gallagher  McLucas  Ryan
Canavan (Teller)  Ketter  Moore  Singh
Carr  Leyonhjelm  Nash  Sinodinos
Cash  Lindgren  O’Neill  Smith
Collins  Lines  Parry  Urquhart
Cormann  Ludwig  Peris  Williams

NOES, 12

Senators—

Di Natale  Madigan  Rhiannon  Simms
Hanson-Young  McKim  Rice  Waters
Ludlam  Muir  Siewert (Teller)  Whish-Wilson

Question agreed to.

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 Communications (Senator Fifield) the bill was read a third time.
29 QUESTIONS
Questions without notice were answered.

30 NOTICE
Senator Rice and the Chair of the Education and Employment References Committee (Senator Lines) gave a notice of motion as follows: 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 the third sitting day in February 2016:

The feasibility of, and options for, creating a national long service standard, and the portability of long service and other entitlements, with particular reference to:

(a) the number of Australians in insecure work;
(b) the extent and nature of labour market mobility;
(c) the objectives of portable long service leave schemes, and the key components that might apply;
(d) which sectors, industries or occupations may, or may not, benefit from such schemes;
(e) the operation of a portable long service scheme, including:
   (i) how and by whom such schemes might be run,
   (ii) how such schemes could be organised, be it occupational, industrial or other,
   (iii) the appropriate role for the Commonwealth Government in facilitating portable long service leave schemes,
   (iv) the impact of varying state and territory long service leave arrangements on a potential national long service scheme administered by the Commonwealth, and
   (v) the capacity to operate such schemes within or across jurisdictions, including recognition of service; and
(f) any other related matters.

31 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION
Senator Xenophon, pursuant to standing order 74, asked the Acting Minister for Defence (Senator Brandis) for an explanation of answers not being provided to questions on notice nos 2467, 2475 to 2477, 2483, 2484 and 2487 (notice given 20 July 2015), no. 2492 (notice given 21 July 2015), nos 2549 to 2551 (notice given 25 August 2015) and nos 2564 to 2569 (notice given 2 September 2015) relating to defence procurement processes.

Senator Brandis indicated that an explanation would be provided.

Senator Xenophon moved—that the Senate take note of the minister’s failure to provide either answers or an explanation.

Debate ensued.
Question put and passed.
32 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Singh moved—that the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

Senator Siewert moved—that the Senate take note of the answer given by the Minister for Communications (Senator Fifield) to a question without notice asked by Senator Siewert today relating to carer and disability support payments.

Question put and passed.

33 **EDUCATION—NOUS GROUP CONTRACT—ORDER FOR PRODUCTION OF DOCUMENTS—EXPLANATION FOR FAILURE TO COMPLY**

Senator Carr, by leave, asked the Attorney-General (Senator Brandis) to provide an explanation of why the order of the Senate agreed to earlier today concerning a contract with the Nous Group (see entry no. 15) had not been complied with.

Senator Brandis indicated that an explanation would be provided.

34 **TAX AND SUPERANNUATION LAWS AMENDMENT (BETTER TARGETING THE INCOME TAX TRANSPARENCY LAWS) BILL 2015—STATEMENTS BY LEAVE**


35 **DEPARTMENT OF PARLIAMENTARY SERVICES—DOCUMENT**

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


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

36 **OFFICIAL VISIT TO CANADA AND UNITED STATES OF AMERICA—DOCUMENT**

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

Official visit to Canada and United States of America—Report on the visit by the President of the Senate, 30 May to 6 June 2015.

37 **COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)**

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

Budget estimates 2015-16—

Finance and Public Administration Legislation Committee—Additional information received between 19 August and 13 October 2015—

Finance portfolio.

Parliamentary departments.

Prime Minister and Cabinet portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between—

13 August and 15 October 2015—Foreign Affairs and Trade portfolio.

16 September and 15 October 2015—Defence portfolio.
Senator Smith, at the request of the Chair of the Standing Committee on Publications (Senator Reynolds), tabled the following report:

PUBLICATIONS COMMITTEE
18TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 17 September 2015, recommends that the following be printed:

- Department of Industry and Science—Report for 2014-15, including reports of Geoscience Australia and IP Australia.

Senator Reynolds
Chair
15 October 2015.

Senator Smith moved—That the report be adopted.

Question put and passed.

Pursuant to order, Senator Smith, on behalf of the Joint Select Committee on Trade and Investment Growth, tabled the following report and documents:


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, Senator Carr, at the request of the Chair of the Education and Employment References Committee (Senator Lines), tabled the following report and documents:

Education and Employment References Committee—Getting our money’s worth: the operation, regulation and funding of private vocational education and training (VET) providers in Australia—Report, dated October 2015, Hansard record of proceedings, document presented to the committee, additional information and submissions.

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

Senator Carr moved—that the Senate take note of the report.

Debate ensued.

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

Pursuant to order, Senator Fawcett, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report and documents:


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

38 EDUCATION—NOUS GROUP CONTRACT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Assistant Minister to the Prime Minister (Senator McGrath) tabled the following document:

Education—Nous Group contract—Letter to the President of the Senate from the Minister for Education and Training (Senator Birmingham), dated 15 October 2015, responding to the order of the Senate agreed to earlier today (see entry no. 15).

39 EDUCATION—DISABILITY SUPPORT PROGRAM REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Assistant Minister to the Prime Minister (Senator McGrath) tabled the following documents:

Education—Disability Support Program review—

Evaluation of the Disability Support Program—

Executive summary by KPMG, dated May 2015.

Final report by KPMG, dated June 2015.

Letter to the President of the Senate from the Minister for Education and Training (Senator Birmingham), dated 15 October 2015, responding to the order of the Senate agreed to earlier today (see entry no. 18).
40 COMMITTEE MEMBERSHIP

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

The Assistant Minister to the Prime Minister (Senator McGrath), by leave, moved—That senators be discharged from and appointed to committees as follows:

Education and Employment Legislation Committee—

Appointed—

Substitute member: Senator Waters to replace Senator Simms for the committee’s inquiry into the Fair Work Amendment (Gender Pay Gap) Bill 2015

Participating member: Senator Simms

Environment and Communications Legislation Committee—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Waters for the committee’s inquiry into the Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015

Participating member: Senator Waters

Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute members:

Senator Canavan to replace Senator Smith on 19 and 20 October 2015

Senator Hanson-Young to replace Senator McKim for the committee’s inquiry into the provisions of the Migration Amendment (Complementary Protection and Other Measures) Bill 2015

Participating member: Senator McKim.

Question put and passed.

41 HEALTH LEGISLATION AMENDMENT (EHEALTH) BILL 2015

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

Message no. 473, dated 15 October 2015—A Bill for an Act to amend the law in relation to healthcare identifiers, electronic health records and other information relating to health, and for related purposes.

The Assistant Minister to the Prime Minister (Senator McGrath) 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 McGrath moved—That this bill be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings, 9 November 2015.
42 **FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT (FORUM ON FOOD REGULATION AND OTHER MEASURES) BILL 2015**  
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:  
The Assistant Minister to the Prime Minister (Senator McGrath) 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 McGrath moved—that this bill be now read a second time.  
*Consideration of legislation*: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Community Affairs Legislation Committee to report on the bill, 30 November 2015.

43 **EDUCATION LEGISLATION AMENDMENT (OVERSEAS DEBT RECOVERY) BILL 2015**  
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bills:  
Message no. 474, dated 15 October 2015—A Bill for an Act to impose the overseas debtors repayment levy, and for related purposes.  
The Assistant Minister to the Prime Minister (Senator McGrath) 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 McGrath 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, 9 November 2015.

44 **SHIPPING LEGISLATION AMENDMENT BILL 2015**  
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:  
Message no. 471, dated 14 October 2015—A Bill for an Act to amend various Acts relating to shipping, and for other purposes.  
The Assistant Minister to the Prime Minister (Senator McGrath) 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 McGrath moved—that this bill be now read a second time.  
On the motion of Senator McGrath the debate was adjourned till the next day of sitting.
45 **GOVERNOR-GENERAL’S MESSAGES—ASSENT TO LAWS**

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

13 October 2015—Messages Nos—

53—


54—

  - Water Amendment Act 2015 (Act No. 133, 2015)

*General business was called on.*

46 **TRANSPORT—INFRASTRUCTURE SPENDING**

Senator Brown, at the request of Senator Moore and pursuant to notice, moved general business notice of motion no. 899—That the Senate notes the 20 per cent fall in public sector infrastructure spending under the Coalition Federal Government, and the Turnbull Government’s need to catch-up on 2 lost years of support for public transport projects.

Debate ensued.

*At 6 pm:* Debate was interrupted while Senator Ludlam was speaking.

47 **DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following order of the day relating to documents was considered:

Defence—Operations in the Middle East—Statement on Iraq, Syria, Afghanistan and operations in the Middle East—Ministerial statement by the Minister for Defence (Mr Andrews). Motion of Senator Conroy to take note of document agreed to.

*General business concluded.*

48 **COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**

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

Intelligence and Security—Joint Statutory Committee—Review of the re-listing of Al-Shabaab, Hamas’ Izz al-Din al-Qassam Brigades, Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba and Palestinian Islamic Jihad as terrorist organisations—Report. Motion of Senator Fawcett to take note of report agreed to.

Intelligence and Security—Joint Statutory Committee—Annual report of committee activities 2014-15—Report. Motion of Senator Fawcett to take note of report agreed to.
Rural and Regional Affairs and Transport Legislation Committee—Shipping Legislation Amendment Bill 2015 [Provisions]—Dissenting report from Opposition senators. Motion of Senator McEwen to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Education and Employment References Committee—Australia’s temporary work visa programs—Interim report. Motion of the chair of the committee (Senator Lines) to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Availability of new, innovative and specialist cancer drugs in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade Legislation Committee—International Aid (Promoting Gender Equality) Bill 2015—Report. Motion of Senator Fawcett to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Health—Select Committee—Australian Hearing: too important to privatise—Third interim report. Motion of the chair of the committee (Senator O’Neill) to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia’s regional processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report debated. Debate adjourned till the next day of sitting, Senator Gallacher in continuation.

Economics References Committee—Future of Australia’s naval shipbuilding industry—Interim report. Motion of Senator Canavan to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Environment and Communications References Committee—Regulation of the fin-fish aquaculture industry in Tasmania—Report. Motion of the chair of the committee (Senator Urquhart) to take note of report debated and agreed to.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of the chair of the committee (Senator Gallagher) to take note of report called on. On the motion of Senator Ketter the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Availability of new, innovative and specialist cancer drugs in Australia—Interim report. Motion of Senator McEwen to take note of report agreed to.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia’s treaty-making process—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Legal and Constitutional Affairs References Committee—Ability of Australian law enforcement authorities to eliminate gun-related violence in the community—Report. Motion to take note of report called on. On the motion of Senator Bushby the debate was adjourned till the next day of sitting.

Finance and Public Administration References Committee—Domestic violence in Australia—Interim report. Motion to take note of report agreed to.

National Broadband Network—Select Committee—Second interim report. Motion to take note of report agreed to.

49 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 6.50 pm till Monday, 9 November 2015 at 10 am.

50 ATTENDANCE


ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate