# Journals of the Senate

No. 133

Wednesday, 2 December 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 pursuant to standing order 61(1)(b):

Australian Communications and Media Authority (ACMA)—Communications report for 2014-15.

Offshore Petroleum and Greenhouse Gas Storage Act 2006—First operational reviews—

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 1 December 2015.


The following document was tabled by the Clerk pursuant to statute:

Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.

HIGHER EDUCATION SUPPORT AMENDMENT (VET FEE-HELP REFORM) BILL 2015
Order of the day read for the adjourned debate on the motion of the Minister for Defence (Senator Payne)—That this bill be now read a second time—and on the amendment moved by Senator Carr:

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

(a) appoint a National Vocational Education and Training Ombudsman who would have the power to investigate consumer complaints and order the refund of course fees where Registered Training Organisations (RTOs) have been found to act unscrupulously, either to the student directly or the Government, whichever is applicable, resulting in the student discharging any related VET FEE-HELP debt;

(b) support the call for the Auditor General to conduct an audit on the use of VET FEE-HELP;

(c) amend the Higher Education Support Act 2003 to impose caps on tuition fee amount similar to the student contribution caps for HECS-HELP;

(d) reduce the lifetime loan limit for VET FEE-HELP to half the current amount;

(e) ban or directly regulate brokers or marketing agents; and
(f) provide the Department and the Minister with the necessary statutory powers to suspend VET FEE-HELP payments to providers which are under investigation”.

Question—That the amendment be agreed to—put and passed.
Main question, as amended, put and passed.
Bill read a second time.
The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.
The Minister for Education and Training (Senator Birmingham) moved the following amendments and request for an amendment together by leave:

Amendments:

No. 1—Schedule 1, page 3 (after line 6), after item 1, insert:

1A At the end of section 137-18
Add:

(5) A person’s VET FEE-HELP debt in relation to a VET unit of study is taken to be remitted to the extent that the person’s FEE-HELP balance is re-credited under clause 46B of Schedule 1A in relation to the unit.

No. 2—Schedule 1, item 3, page 3 (lines 9 to 20), omit the item, substitute:

3 Paragraph 6(1)(c) of Schedule 1A
Repeal the paragraph, substitute:

(c) the body is a registered training organisation, as listed on the National Register, that has been a registered training organisation since at least 1 January 2011; and

(c) the body has been offering:
(i) at least one qualifying VET course continuously since at least 1 January 2011; or
(ii) one or more series of qualifying VET courses since at least 1 January 2011, with each course in a series superseding the other without interruption; and

No. 3—Schedule 1, page 3 (after line 22), after item 4, insert:

4A After paragraph 6(1A)(d) of Schedule 1A
Insert:

(da) the body has been offering:
(i) at least one qualifying VET course continuously since at least 1 January 2011; or
(ii) one or more series of qualifying VET courses since at least 1 January 2011, with each course in a series superseding the other without interruption; and
4B After subclause 6(2) of Schedule 1A

Insert:

(2A) For the purposes of (but without limiting) paragraph (1)(g) or (1A)(i), the requirements set out in the VET Guidelines can include requirements relating to a body’s capacity to satisfactorily and sustainably provide VET courses of study.

Note: These requirements could, for example, relate to the stability of the body’s ownership and management, its experience, its business relationships with particular kinds of educational institutions and its record in providing quality student outcomes.

No. 4—Schedule 1, item 7, page 5 (lines 2 to 4), omit subclause 23B(4), substitute:

(4) For the purposes of subclause (3), the VET Guidelines may empower:

(a) a person or body:
   (i) to decide whether to approve a particular tool for use when assessing whether a student is academically suited to undertake a VET course of study; and
   (ii) to charge a fee for making such a decision; and

(b) a person or body to charge a fee for the use of a tool for such an assessment.

A fee so charged must not be such as to amount to taxation.

No. 5—Schedule 1, page 6 (after line 2), after item 7, insert:

7A Subclause 26(1) of Schedule 1A

Repeal the subclause, substitute:

(1) The Minister may require a VET provider to be audited:

(a) about compliance with any or all of the following requirements:
   (i) the VET financial viability requirements;
   (ii) the VET fairness requirements;
   (iii) the VET compliance requirements;
   (iv) the VET fee requirements;
   (v) other requirements for VET quality and accountability set out in the VET Guidelines; or

(b) about any or all of the following matters relating to VET courses of study provided by the VET provider:
   (i) the approaches used to recruit or enrol students (or potential students) of those courses who receive (or who could receive) VET FEE-HELP assistance for VET units of study forming part of those courses;
   (ii) the veracity of enrolments in those courses of students who receive VET FEE-HELP assistance for VET units of study forming part of those courses;
   (iii) the level of teaching resources, or the quality of those resources, for any of those courses;
   (iv) the level of engagement in any of those courses of students who receive VET FEE-HELP assistance for VET units of study forming part of those courses;
   (v) the completion rates for any of those courses of students who receive VET FEE-HELP assistance for VET units of study forming part of those courses.
No. 6—Schedule 1, page 6 (after line 4), after item 8, insert:

8A Before subclause 36(1) of Schedule 1A

Insert:

Suspension pending revocation

8B At the end of clause 36 of Schedule 1A

Add:

Suspension for poor performance

(5) The *Secretary may, in writing, suspend a body’s approval as a *VET provider if:

(a) an audit of the body has been conducted about any or all of the matters in paragraph 26(1)(b); and

(b) the audit identified one or more concerns; and

(c) those concerns have yet to be resolved as described in paragraph (6)(b).

(6) The suspension:

(a) starts on the day of the decision under subclause (5); and

(b) ends on the day (if any) that the *Secretary notifies the body, in writing, that the Secretary reasonably believes that those concerns have been satisfactorily resolved by the body in accordance with a plan agreed between the body and the Commonwealth.

(7) Before making a decision under subclause (5), the *Secretary must give the body a notice in writing:

(a) stating that the Secretary is considering making the decision; and

(b) stating the reasons why the Secretary is considering making the decision; and

(c) inviting the body to respond to the Secretary, in writing, within 14 days; and

(d) informing the body that, if no response is received within the 14 day period, the Secretary may proceed to make the decision.

(8) In deciding whether to make the decision under subclause (5), the *Secretary must consider any response received from the body within the 14 day period.

(9) The *Secretary must give written notice of a decision under subclause (5) to the body. The notice must be given within 14 days after the day the decision was made.

8C Before subclause 37(1) of Schedule 1A

Insert:

Suspension pending revocation

8D Subclause 37(1) of Schedule 1A

Omit “clause 36 is of no effect for the purposes of”, substitute “subclause 36(1) is of no effect for purposes of or relating to”.

8E At the end of clause 37 of Schedule 1A

Add:

Suspension for poor performance—no impact on existing students

(6) A suspension of a body’s approval as a *VET provider under subclause 36(5) is of no effect for purposes of or relating to assistance payable to the body’s students under Part 2 to the extent that the assistance relates to students of the body who have not completed the \*VET courses of study in which they were enrolled with the body before the day the suspension starts (see paragraph 36(6)(a)).

Note: One consequence of this subclause is that clauses 45E and 46B (which apply if the body’s VET FEE-HELP account is in deficit at the end of a calendar year) will continue to apply to the body during the suspension.

No. 7—Schedule 1, page 6 (before line 5), before item 9, insert:

8F Subclause 39(1) of Schedule 1A

Omit “may revoke”, substitute “must revoke”.

8G After subclause 39(2) of Schedule 1A

Insert:

(2A) The revocation is subject to the condition that, after the revocation:
   (a) clauses 45E and 46B continue to apply to the body as if the body were still approved as a *VET provider; and
   (b) other provisions of this Act, or the *VET Guidelines, that:
      (i) relate (directly or indirectly) to entitlements to *VET FEE-HELP assistance arising before the revocation; and
      (ii) are specified in the notice of revocation under subclause (3) of this clause;
   continue to apply to the body as if the body were still approved as a VET provider.

No. 8—Schedule 1, page 6 (after line 12), after item 10, insert:

10A After paragraph 43(1)(f) of Schedule 1A

Insert:

(fa) in a case where the student is not already entitled to VET FEE-HELP assistance for another VET unit of study forming part of the course—the body with whom the student is enrolled is approved as a *VET provider:
   (i) for the day of the enrolment; or
   (ii) if that day falls within a period when the body’s approval as a VET provider is suspended under subclause 36(5)—for a later day because that suspension has ended; and
No. 9—Schedule 1, page 6 (before line 13), before item 11, insert:

10B Before paragraph 43(1)(g) of Schedule 1A

Insert:

(fb) if the VET provider was approved as a VET provider after 2015, the course is:
(i) one of the qualifying VET courses that enabled paragraph 6(1)(ca) or (1A)(da) to be satisfied for the purposes of that approval; or
(ii) a qualifying VET course that superseded such a course directly or indirectly without interruption; and

No. 10—Schedule 1, page 6 (after line 16), after item 11, insert:

11A Subclause 43(1) of Schedule 1A (note)

Repeal the note, substitute:

Note 1: For the purposes of paragraph (e), clause 45A affects whether a person undertakes a VET unit of study as part of a VET course of study.

Note 2: For the purposes of paragraph (fa), a body’s approval as a VET provider ceases while the approval is suspended (see clause 29). If this approval is suspended when the student first enrols in units forming part of the course, the student can only become entitled to VET FEE-HELP assistance when that suspension ends.

No. 11—Schedule 1, item 12, page 7 (after line 8), after paragraph 45C(1)(b), insert:

(ba) if the student enrols in the course after the day the Higher Education Support Amendment (VET FEE-HELP Reform) Act 2015 receives the Royal Assent—the student being entitled to the VET FEE-HELP assistance for the unit:
(i) would not cause the VET provider’s VET FEE-HELP account to be in deficit at the end of that census date (see subclause 45D(7)); and
(ii) would not cause or contribute to that account being in deficit at the end of 2016 or a later calendar year; and

No. 12—Schedule 1, item 12, page 7 (lines 11 to 24), omit subclause 45C(2), substitute:

If VET provider incorrectly treats student as being entitled

(2) However, for the purposes of this Act (other than clause 39DH), if:
(a) either or both of the following things happen:
(i) the student fails to comply with paragraph (1)(a) of this clause by not giving the request at least 2 business days after the enrolment referred to in that paragraph;
(ii) paragraph (1)(ba) of this clause is not complied with; and
(b) the VET provider treats the student as being entitled to VET FEE-HELP assistance for the unit;

those paragraphs of this clause are taken to have been complied with.

Note 1: The VET provider should not treat the student as being entitled to VET FEE-HELP assistance:
(a) if the student requests the assistance during the 2 business day cooling-off period after the enrolment; or
(b) if being entitled would cause or contribute to the provider’s VET FEE-HELP account being in deficit.

Note 2: However, if the provider does treat the student as being entitled, the provider will contravene subclause 39DH(1) (a civil penalty provision), and the student may still be able to receive the assistance.

No. 13—Schedule 1, item 12, page 7 (after line 24), after clause 45C, insert:

45D Notional VET FEE-HELP accounts

(1) There is a notional VET FEE-HELP account for each *VET provider.

Note 1: The VET provider will need to monitor the balance of its account, as it will have to repay an amount to the Commonwealth if the account is in deficit at the end of 2016 or a later year.

Note 2: This account applies in relation to all students entitled to VET FEE-HELP assistance for VET units of study with census dates on or after 1 January 2016 (whether or not the student received VET FEE-HELP assistance for earlier units before that day). See subclause (7).

Credits to the VET provider’s VET FEE-HELP account

(2) A credit arises in the *VET provider’s *VET FEE-HELP account as follows:

(a) if the VET provider is already a VET provider on 1 January 2015, a credit arises on the first day of each later calendar year that is equal to the amount worked out under subclause (3);
(b) if the VET provider becomes a VET provider during 2015, a credit arises on the first day of each later calendar year that is equal to the amount worked out under subclause (4);
(c) if the VET provider becomes a VET provider on a day after 2015, a credit arises on that day that is equal to the amount worked out under subclause (5);
(d) if the VET provider pays on a particular day any part of any amount that becomes due under subclause 45E(2), a credit arises on that day that is equal to the amount of that payment;
(e) if another body ceases to be a VET provider, a credit may arise in accordance with a determination under subclause (6).

A credit that arises as described in paragraph (e) arises at the time of the cessation, and is equal to the amount worked out under that determination.

(3) For the purposes of paragraph (2)(a), the amount to be credited is the amount equal to:

\[
\frac{3}{2} \times \text{VET provider’s adjusted 2015 total loan amount}
\]

where:

VET provider’s adjusted 2015 total loan amount means the sum of the amounts of *VET FEE-HELP assistance paid for students undertaking, with the *VET provider, *VET units of study that had *census dates during the period starting on 1 January 2015 and ending on 31 August 2015.
(4) For the purposes of paragraph (2)(b), the amount to be credited is the amount equal to the sum of:
   (a) the *VET provider’s fee revenue for the period:
      (i) starting on 1 January 2015; and
      (ii) ending on the day before the VET provider was approved as a VET provider;
      for *domestic students undertaking *qualifying VET courses in that period; and
   (b) the sum of the amounts of *VET FEE-HELP assistance paid for students undertaking, with the VET provider, *VET units of study that had *census dates during 2015.

(5) For the purposes of paragraph (2)(c), the amount to be credited is the amount equal to the *VET provider’s fee revenue for the 2015 calendar year for *domestic students undertaking in that year the *qualifying VET courses that enabled paragraph 6(1)(ca) or (1A)(da) to be satisfied for the purposes of the VET provider’s approval as a VET provider.

(6) The Minister may, by legislative instrument, determine:
   (a) whether credits arise in the *VET FEE-HELP accounts of specified *VET providers when another body ceases to be a VET provider; and
   (b) the amounts of such credits.

*Debits to the VET FEE-HELP account*

(7) A debit arises in the *VET provider’s *VET FEE-HELP account if a student is entitled to *VET FEE-HELP assistance for a *VET unit of study:
   (a) that is to be undertaken with the VET provider; and
   (b) that has a *census date on or after 1 January 2016.

The debit arises at the end of that census date, and is equal to the amount of that assistance.

**45E Effect of VET FEE-HELP account being in deficit at the end of a calendar year**

(1) If:
   (a) a *VET provider’s *VET FEE-HELP account is in deficit at the end of a calendar year; and
   (b) the *Secretary gives the VET provider a written notice about the deficit;

the VET provider must pay to the Commonwealth an amount equal to the amount of the deficit (the excess loan amount).

(2) The excess loan amount is due on the seventh day (the due day) after the day the notice is given.
Late payments of the excess loan amount attract the general interest charge

(3) If some or all of the excess loan amount remains unpaid after the due day, the "VET provider must pay to the Commonwealth an amount (the general interest charge) relating to the unpaid amount for each day in the period that:
   (a) starts at the beginning of the day after the due day; and
   (b) ends at the end of the last day on which, at the end of the day, any of the following remains unpaid:
      (i) the excess loan amount;
      (ii) general interest charge on any of the excess loan amount.

(4) The general interest charge for a particular day is worked out by multiplying the "general interest charge rate for that day by the sum of so much of the following amounts as remains unpaid:
   (a) the general interest charge from previous days;
   (b) the excess loan amount.

(5) The general interest charge for a day is due and payable to the Commonwealth at the end of that day.

(6) The "Secretary may give written notice to the "VET provider of the amount of the general interest charge for a particular day or days. A notice given under this subclause is prima facie evidence of the matters stated in the notice.

(7) The "Secretary may remit all or a part of the general interest charge payable by the "VET provider if the Secretary is satisfied:
   (a) that:
      (i) the circumstances that contributed to the delay in payment were not due to, or caused directly or indirectly by, an act or omission of the VET provider; and
      (ii) the VET provider has taken reasonable action to mitigate, or mitigate the effects of, those circumstances; or
   (b) that it is otherwise appropriate to do so.

(8) An amount payable under this clause may be recovered by the Commonwealth from the "VET provider as a debt due to the Commonwealth.

No. 14—Schedule 1, page 9 (after line 30), after item 15, insert:

15A Clause 60 of Schedule 1A

Repeal the clause, substitute:

60 Time and manner of payments

(1) Amounts payable by the Commonwealth to a "VET provider under this Schedule are to be paid in accordance with an applicable determination under subclause (2) or (3).

(2) The Minister may, by legislative instrument, determine the way (including payment in instalments or in arrears), and the times when, amounts payable by the Commonwealth under this Schedule are to be paid to specified kinds of "VET providers.
(3) The Minister may, in writing, determine the way (including payment in instalments or in arrears), and the times when, amounts payable by the Commonwealth under this Schedule are to be paid to a particular VET provider.

(4) A determination under subclause (3) is not a legislative instrument.

No. 15—Schedule 1, page 10 (after line 25), after item 20, insert:

20A Clause 91 of Schedule 1A (after table item 1B)

Insert:

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No. 16—Schedule 1, page 11 (before line 1), before item 22, insert:

21A Before clause 98 of Schedule 1A

Insert:

97A Compensation for acquisition of property

(1) If the operation of this Schedule would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this clause:

- acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.
- just terms has the same meaning as in paragraph 51(xxxi) of the Constitution.

No. 17—Schedule 1, item 22, page 11 (before line 3), before the definition of responsible parent, insert:

- general interest charge rate has the same meaning as in section 8AAD of the Taxation Administration Act 1953.
qualifying VET course means a structured and integrated program of vocational education or vocational training, usually consisting of a number of modules (units of study) or shorter programs, and leading to the award of a *VET diploma, *VET advanced diploma, *VET graduate diploma or *VET graduate certificate.

No. 18—Schedule 1, item 22, page 11 (after line 9), after the definition of student entry procedure, insert:

VET FEE-HELP account has the meaning given by clause 45D of Schedule 1A.

No. 19—Schedule 1, item 24, page 11 (lines 13 to 16), omit subitem (1), substitute:

(1) The amendments of clause 6 of Schedule 1A to the Higher Education Support Act 2003 made by this Schedule apply in relation to decisions whether to approve bodies as VET providers made on or after 1 January 2016.

No. 20—Schedule 1, item 24, page 11 (after line 23), after subitem (3), insert:

(3A) Paragraph 26(1)(b) of Schedule 1A to the Higher Education Support Act 2003 (as inserted by this Schedule) applies to matters happening before, on or after 1 January 2016, to the extent that those matters are relevant to VET courses of study provided wholly or partly on or after 1 January 2016.

Example: When auditing a VET provider about a 2016 VET course of study, the audit could look at:

(a) any approaches used in 2015 for recruiting students to the 2016 course; or
(b) teaching resources, student engagement or completion rates for the corresponding course provided in 2015.

(3B) The amendments made by this Schedule of clause 39 of Schedule 1A to the Higher Education Support Act 2003 apply in relation to requests for revocation made on or after 1 January 2016.

No. 21—Schedule 1, item 24, page 12 (after line 2), after subitem (6), insert:

(6A) Subclause 45E(1) of Schedule 1A to the Higher Education Support Act 2003 (as inserted by this Schedule) applies in relation to the 2016 calendar year and later calendar years.

No. 22—Schedule 1, item 24, page 12 (after line 5), at the end of the item, add:

(8) Clause 51A of Schedule 1A to the Higher Education Support Act 2003 (as inserted by this Schedule) applies in relation to the re-crediting of FEE-HELP balances on or after 1 July 2016.

(9) Clause 60 of Schedule 1A to the Higher Education Support Act 2003 (as inserted by this Schedule) applies in relation to amounts payable on or after 1 January 2016.

No. 23—Schedule 1, Part 1, page 12 (after line 5), at the end of the Part, add:

24A Transitional—pending applications

For the purposes of subclause 11(3) of Schedule 1A to the Higher Education Support Act 2003, any period referred to in that subclause that was underway on 2 December 2015 is taken to have paused at the end of that day until the end of 21 January 2016.
No. 24—Schedule 1, item 26, page 23 (lines 22 and 23), omit “an APS employee in the Department”, substitute “a person”.

Request:
That the House of Representatives be requested to make the following amendment:
Schedule 1, page 9 (before line 28), before item 15, insert:

14A Before clause 47 of Schedule 1A
Insert:

46B Re-crediting a person’s FEE-HELP balance—VET FEE-HELP account in deficit at the end of a calendar year

Main case
(1) A "VET provider must, on the "Secretary’s behalf, re-credit a student’s "FEE-HELP balance with an amount if:
(a) the student receives "VET FEE-HELP assistance in a calendar year for a "VET unit of study undertaken with the VET provider; and
(b) under subclause 45E(1), the Secretary notifies the VET provider that the VET provider’s "VET FEE-HELP account was in deficit at the end of the calendar year; and
(c) the VET provider reasonably believes that some or all of that assistance caused or contributed to the deficit.

(2) The amount to be re-credited is equal to so much of that assistance as the "VET provider reasonably believes caused or contributed to the deficit.

Note: A corresponding amount of the student’s VET FEE-HELP debt relating to the unit will be remitted (see section 137-18).

(3) The "Secretary may re-credit the student’s "FEE-HELP balance under this subclause if:
(a) the "VET provider is unable to do so under subclauses (1) and (2); and
(b) the Secretary knows how much of that assistance that the VET provider reasonably believes caused or contributed to the deficit.

If not all of the deficit can be re-credited under subclauses (1) and (3)

(4) If the deficit exceeds the total amount able to be re-credited under subclauses (1) and (3) for all of the "VET provider’s students who received "VET FEE-HELP assistance in the calendar year for "VET units of study undertaken with the VET provider, the "Secretary may re-credit the "FEE-HELP balance of each of those students with the amount equal to:
That excess × Student’s percentage of the total assistance

where:

student’s percentage of the total assistance means the percentage equal to the percentage that the student’s "VET FEE-HELP assistance referred to in paragraph (1)(a) is of the total VET FEE-HELP assistance received by students of the "VET provider in the calendar year for "VET units of study undertaken with the VET provider.
14B At the end of Subdivision 7-B of Schedule 1A

Add:

51A Implications for the student’s liability to the VET provider for the VET tuition fee

If a student’s FEE-HELP balance is re-credited in accordance with this Subdivision with an amount for a VET unit of study, the student is discharged from all liability to pay or account for so much of the student’s VET tuition fee for the unit as is equal to that amount.

Explanatory memorandum: Senator Birmingham tabled a supplementary explanatory memorandum relating to the government amendments and request for an amendment to be moved to the bill.

Debate ensued.

Senator Lazarus, also on behalf of Senator Muir, moved the following amendment to Senator Birmingham’s proposed amendment no. 13:

Omit proposed subsection 45D(2), substitute:

Credits to the VET provider’s VET FEE-HELP account

(2) A credit arises in the VET provider’s VET FEE-HELP account as follows:

(a) if the VET provider is already a VET provider on 1 January 2015, a credit arises on the first day of each later calendar year that is equal to the amount worked out under subclause (3);

(b) if the VET provider becomes a VET provider during 2015, a credit arises on the first day of each later calendar year that is equal to the amount worked out under subclause (4);

(c) if the VET provider becomes a VET provider on a day after 2015, a credit arises on that day that is equal to the amount worked out under subclause (5);

(d) if the VET provider pays on a particular day any part of any amount that becomes due under subclause 45E(2), a credit arises on that day that is equal to the amount of that payment;

(e) if another body ceases to be a VET provider, a credit may arise:

(i) in accordance with a determination under subclause (6) at the time of the cessation; and

(ii) that is equal to the amount worked out under that determination;

(f) if the Secretary, on application by the VET provider, is satisfied on a particular day that:

(i) the VET provider is offering a VET course of study that confers skills in an identified area of national importance; and

(ii) the course is relevant for employment in a licensed occupation; and
(iii) one or more students are unable to readily access training places in courses of this kind with any other VET provider; and
(iv) insufficient credits have arisen in the VET provider’s VET FEE-HELP account for an appropriate number of students to undertake the course with the VET provider; and
(v) granting an extra credit of a particular amount is appropriate (which need not be the amount specified in the application);
the Secretary may grant a credit, which arises on that day, that is equal to the amount considered appropriate under subparagraph (v).

Debate ensued.

Question—That the amendment to Senator Birmingham’s proposed amendment be agreed to—put.
The committee divided—

AYES, 37

Senators—
Abetz  Fawcett (Teller)  Macdonald  Ronaldson
Back   Ferravanti-Wells  Madigan  Ryan
Bernardi  Fife  McGrath  Scullion
Birmingham  Heffernan  McKenzie  Seselja
Bushby  Johnston  Muir  Sinodinos
Canavan  Lambie  Nash  Smith
Cash   Lazarus  Parry  Wang
Colbeck  Leyonhjelm  Payne  Williams
Day   Lindgren  Reynolds  Xenophon
Edwards

NOES, 31

Senators—
Bilyk (Teller)  Gallacher  McAllister  Rhiannon
Brown   Gallagher  McEwen  Rice
Bullock  Hanson-Young  McKim  Siewert
Cameron  Ketter  McLucas  Sims
Carr   Lines  Moore  Singh
Collins  Ludlam  O’Neill  Urquhart
Dastyari  Ludwig  Peris  Whish-Wilson
Di Natale  Marshall  Polley

Question agreed to.

Amendments and request further debated.

On the motion of Senator Lazarus, also on behalf of Senator Muir, the following amendment to Senator Birmingham’s proposed amendment no. 15 was agreed to:

Omit proposed item 20A, substitute:

20A Clause 91 of Schedule 1A (after table item 1B)

Insert:

1C  A decision to suspend a body’s approval as a VET provider

the Secretary

subclause 36(5)
A decision that concerns have not been satisfactorily resolved in accordance with a plan agreed with the Commonwealth

paragraph 36(6)(b) the Secretary

Refusal to grant a credit for a VET provider’s VET FEE-HELP account

paragraph 45D(2)(f) the Secretary

Granting a credit for a VET provider’s VET FEE-HELP account

paragraph 45D(2)(f) the Secretary

Refusal to remit the general interest charge

subclause 45E(7) the Secretary

Remitting part of the general interest charge

subclause 45E(7) the Secretary

Question—That amendments nos 13 and 15, as amended, and the remaining amendments and request be agreed to—put and passed.

Senator Carr moved the following amendment:

Page 31 (after line 26), at the end of the bill, add:

Schedule 3—VET FEE-HELP loan limit

Higher Education Support Act 2003

1 Subdivision 104-B (heading)

Repeal the heading, substitute:

Subdivision 104-B—FEE-HELP and VET FEE-HELP balances

2 Sections 104-15 and 104-20

Repeal the sections, substitute:

104-15 A person’s FEE-HELP balance or VET FEE-HELP balance

FEE-HELP balance

(1) A person’s FEE-HELP balance at a particular time is:

(a) if the FEE-HELP limit in relation to the person at the time exceeds the sum of all of the amounts of FEE-HELP assistance that have previously been payable to the person, being that sum as reduced by any amounts previously re-credited under this Subdivision—that excess; and

(b) otherwise—zero.

Note: If an amount is to be re-credited to a FEE-HELP balance, the balance that is to be re-credited is worked out immediately before that re-crediting. The balance is worked out after the re-crediting by taking account of the amount re-credited. If a person’s FEE-HELP limit has been reduced, the balance might not increase, or might not increase by the same amount as the amount re-credited.
(2) To avoid doubt, the sum referred to in paragraph (1)(a) includes amounts of *FEE-HELP assistance that have been repaid.

**VET FEE-HELP balance**

(3) A person’s *VET FEE-HELP balance* at a particular time is:

(a) if the *FEE-HELP limit in relation to the person at the time exceeds the sum of all of the amounts of *VET FEE-HELP assistance that have previously been payable to the person, being that sum as reduced by any amounts previously re-credited under Subdivision 7-B of Schedule 1A—that excess; and

(b) otherwise—zero.

Note: If an amount is to be re-credited to a VET FEE-HELP balance, the balance that is to be re-credited is worked out immediately before that re-crediting. The balance is worked out after the re-crediting by taking account of the amount re-credited. If a person’s FEE-HELP limit has been reduced, the balance might not increase, or might not increase by the same amount as the amount re-credited.

(4) To avoid doubt, the sum referred to in paragraph (3)(a) includes amounts of *FEE-HELP assistance that have been repaid.

104-20 **The FEE-HELP and VET FEE-HELP limits**

(1) The *FEE-HELP limit* is:

(a) $97,728;

(b) in relation to a person who is enrolled in a *course of study in medicine, a *course of study in dentistry or a *course of study in veterinary science, while the person is enrolled in that course— $122,162.

Note 1: A person is entitled to receive both FEE-HELP assistance and VET FEE-HELP assistance up to the relevant FEE-HELP limit.

Note 2: The FEE-HELP limit is indexed under Part 5-6.

(2) The *VET FEE-HELP limit* is $48,864.

Note 1: A person is entitled to receive both FEE-HELP assistance and VET FEE-HELP assistance up to the relevant FEE-HELP limit.

Note 2: The VET FEE-HELP limit is indexed under Part 5-6.

3 **Section 107-10**

Repeal the section, substitute:

107-10 **Amounts of FEE-HELP assistance must not exceed the FEE-HELP balance**

*Amount of FEE-HELP assistance for one unit*

(1) The amount of *FEE-HELP assistance to which a student is entitled for a unit of study is an amount equal to the student’s *FEE-HELP balance on the *census date for the unit if:

(a) there is no other unit of study, with the same census date, for which the student is entitled to FEE-HELP assistance; or

(b) the amount of FEE-HELP assistance to which the student would be entitled under section 107-1 for the unit would exceed that FEE-HELP balance.
Amount of FEE-HELP assistance for more than one unit

(2) If the sum of:
   (a) the amount of FEE-HELP assistance to which a student would
       be entitled under section 107-1 for a unit of study; and
   (b) any other amounts of FEE-HELP assistance to which the student
       would be entitled under that section for other units that have the
       same census date as that unit; and
would exceed the student’s FEE-HELP balance on the census date for
the unit, then, despite subsection (1) of this section, the total amount of
FEE-HELP assistance to which the student is entitled for all of those
units is an amount equal to that FEE-HELP balance.

Example: Kath has a FEE-HELP balance of $2,000, and is enrolled in 4 units
with the same census date. Kath’s tuition fee for each unit is $600.
The total amount of FEE-HELP assistance to which Kath is entitled
for the units is $2,000, even though the total amount of her tuition
fees for the units is $2,400.

(3) If the student has enrolled in the units with more than one higher
education provider and access to none of the units was provided by
Open Universities Australia, the student must notify each provider of
the proportion of the total amount of FEE-HELP assistance that is to
be payable in relation to the units in which the student has enrolled
with that provider.

(4) If access to some, but not all, of the units of study was provided by
Open Universities Australia, the student must:
   (a) notify Open Universities Australia of the proportion of the total
       amount of FEE-HELP assistance that is to be payable in relation
       to units access to which was provided by Open Universities
       Australia; and
   (b) notify each higher education provider at which the student is
       enrolled in a unit, access to which was not provided by Open
       Universities Australia, of the proportion of the total amount of
       FEE-HELP assistance that is to be payable in relation to that
unit.

4 Subsection 137-18(4)
Repeal the subsection, substitute:

Remission of VET FEE-HELP debts

(4) A person’s VET FEE-HELP debt in relation to a VET unit of study
is taken to be remitted if the person’s FEE-HELP balance is
re-credited under clause 46, 47 or 51 of Schedule 1A in relation to the
unit.

Note: The debt is taken to be remitted even if the person’s VET
FEE-HELP balance is not increased by an amount equal to the
amount re-credited.

5 Subsection 198-5 (table item 4)
Repeal the table item, substitute:

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<td>4</td>
<td>The FEE-HELP limit</td>
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<td>4A</td>
<td>The VET FEE-HELP limit</td>
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</tbody>
</table>
6 Paragraph 43(1)(b) of Schedule 1A
   Omit “‘FEE-HELP balance”, substitute “‘VET FEE-HELP balance”.

7 Subdivision 7-B of Schedule 1A (heading)
   Repeal the heading, substitute:
   Subdivision 7-B—VET FEE-HELP balances

8 Clause 46 of Schedule 1A (heading)
   Repeal the heading, substitute:

46 Main case of re-crediting a person’s VET FEE-HELP balance

9 Subclause 46(1) of Schedule 1A
   Omit “‘FEE-HELP balance”, substitute “‘VET FEE-HELP balance”.

10 Subclause 46(1) of Schedule 1A (note)
   Repeal the note, substitute:
   Note: For VET FEE-HELP balance, see section 104-15, and for VET FEE-HELP limit, see section 104-20.

11 Subclause 46(2) of Schedule 1A
   Omit “‘FEE-HELP balance”, substitute “‘VET FEE-HELP balance”.

12 Paragraph 46(2)(d) of Schedule 1A
   Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

13 Subclause 46(2) of Schedule 1A (note)
   Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

14 Clause 47 of Schedule 1A (heading)
   Repeal the heading, substitute:

47 Re-crediting a person’s VET FEE-HELP balance—no tax file number

15 Subclause 47(1) of Schedule 1A
   Omit “‘FEE-HELP balance”, substitute “‘VET FEE-HELP balance”.

16 Subclause 47(1) of Schedule 1A (note)
   Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

17 Subclause 47(2) of Schedule 1A
   Omit “‘FEE-HELP balance”, substitute “‘VET FEE-HELP balance”.

18 Paragraph 49(1)(a) of Schedule 1A
   Omit “‘FEE-HELP balance”, substitute “‘VET FEE-HELP balance”.

19 Clause 51 of Schedule 1A (heading)
   Repeal the heading, substitute:

51 Re-crediting a person’s VET FEE-HELP balance if provider ceases to provide course of which unit forms part

20 Subclause 51(1) of Schedule 1A
   Omit “‘FEE-HELP balance”, substitute “‘VET FEE-HELP balance”.

21 Subclause 51(1) of Schedule 1A (note)
   Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.
22 Subclause 51(2) of Schedule 1A
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

23 Clause 54 of Schedule 1A
Repeal the clause, substitute:

54 Amounts of VET FEE-HELP assistance must not exceed the VET FEE-HELP balance

Amount of VET FEE-HELP assistance for one unit

(1) The amount of VET FEE-HELP assistance to which a student is entitled for a VET unit of study is an amount equal to the student’s VET FEE-HELP balance on the census date for the unit if:
(a) there is no other VET unit of study, with the same census date, for which the student is entitled to VET FEE-HELP assistance; and
(b) the amount of VET FEE-HELP assistance to which the student would be entitled under clause 52 for the unit would exceed that VET FEE-HELP balance.

Amount of VET FEE-HELP assistance for more than one unit

(2) If the sum of:
(a) the amount of VET FEE-HELP assistance to which a student would be entitled under clause 52 for a VET unit of study; and
(b) any other amounts of VET FEE-HELP assistance to which the student would be entitled under that clause for other units that have the same census date as that unit;
would exceed the student’s VET FEE-HELP balance on the census date for the unit, then, despite subclause (1) of this clause, the total amount of VET FEE-HELP assistance to which the student is entitled for all of those units is an amount equal to that VET FEE-HELP balance.

Example: Kath has a VET FEE-HELP balance of $2,000, and is enrolled in 4 units with the same census date. Kath’s VET tuition fee for each unit is $600. The total amount of VET FEE-HELP assistance to which Kath is entitled for the units is $2,400, even though the total amount of her VET tuition fees for the units is $2,400.

(3) If the student has enrolled in the units with more than one VET provider, the student must notify each provider of the proportion of the total amount of VET FEE-HELP assistance that is to be payable in relation to the units in which the student has enrolled with that provider.

24 Clause 56 of Schedule 1A (heading)
Repeal the heading, substitute:

56 Effect of VET FEE-HELP balance being re-credited

25 Subclause 56(1) of Schedule 1A
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

26 Subclause 56(1) of Schedule 1A (note)
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.
27 Paragraph 56(2)(a) of Schedule 1A
Repeal the paragraph, substitute:
(a) the person’s “VET FEE-HELP balance was re-credited under subclause 46(2) (main case of re-crediting a person’s VET FEE-HELP balance); and

28 Subclause 56(3) of Schedule 1A
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

29 Subclause 89(1) of Schedule 1A (note)
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

30 Clause 92 of Schedule 1A (table item 1)
Omit “FEE-HELP balance”, substitute “VET FEE-HELP balance”.

31 Subclause 1(1) of Schedule 1 (definition of FEE-HELP balance)
Omit “section 104-15”, substitute “subsection 104-15(1)”.

32 Subclause 1(1) of Schedule 1 (definition of FEE-HELP limit)
Omit “section 104-20”, substitute “subsection 104-20(1)”.

33 Subclause 1(1) of Schedule 1
Insert:

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<th>VET FEE-HELP balance</th>
<th>has the meaning given by subsection 104-15(3).</th>
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<td>VET FEE-HELP limit</td>
<td>has the meaning given by subsection 104-20(2).</td>
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Debate ensued.
Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 34**

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

Bill, as amended, agreed to, subject to a request.

Bill to be reported with amendments and a request for an amendment.

The President resumed the chair and the Chair of Committees (Senator Marshall) reported accordingly.

On the motion of Senator Birmingham the report from the committee was adopted.

4 **AUSTRALIAN CITIZENSHIP AMENDMENT (ALLEGIANCE TO AUSTRALIA) 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.

Bill further debated.

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

5 **SENATORS’ STATEMENTS**

Senators made statements.

At 2 pm—

6 **QUESTIONS**

Questions without notice were answered.

7 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Collins moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Senators Collins and Wong today relating to the Special Minister of State (Mr Brough).

Debate ensued.

Question put and passed.
Senator Siewert moved—That the Senate take note of the answer given by the Minister for Indigenous Affairs (Senator Scullion) to a question without notice asked by Senator Siewert today relating to incarceration rates of Indigenous Australians. Question put and passed.

8 NOTICES

Senator Whish-Wilson: 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:

Carbon risk disclosure in regard to:
(a) current and emerging international carbon risk disclosure frameworks;
(b) current carbon risk disclosure practices within corporate Australia;
(c) Australian involvement in the G20 Financial Stability Board discussions on carbon risk impacts for financial stability;
(d) current regulatory and policy oversight of carbon risk disclosure across government agencies; and
(e) any other related matters.

Senators Williams and Sterle: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) the trucking industry consists of approximately 49,000 businesses of which 25,000 are owner-drivers,
   (ii) road freight transport delivers more than 2 billion tonnes of goods per year, which is 71 per cent of Australia’s domestic freight,
   (iii) the industry has had a poor but improving safety record, particularly considering the growth in the number of trucks on the road, and in the 12 months to the end of September 2015 there were 102 deaths in crashes involving articulated trucks and 82 deaths in crashes involving rigid trucks,
   (iv) some large companies have been unfairly asking trucking operators to accept extended payment terms of up to 120 days which is not in the spirit of a harmonious business relationship,
   (v) the resultant impact on a trucking operator’s cash flow may affect their ability to meet their own financial commitments, such as for wages, lease payments and maintenance of their vehicles, and
   (vi) any reduction in maintenance and repair schedules forced on operators by extended payment terms could lead to more serious accidents and fatalities; and
(b) calls on businesses to adopt payment terms not exceeding 30 days, consistent with the requirements of the Road Safety Remuneration Tribunal, and in line with the Australian Government policy of making payments no later than 30 days for many contracts. (general business notice of motion no. 988)

Senators Lines, Urquhart and Brown: To move on the next day of sitting—That, on International Day of People with Disability, the Senate calls on state, territory and Commonwealth governments to demonstrate their commitment to people with disability by signing the remaining bilateral agreements for the full rollout of the National Disability Insurance Scheme Australia-wide. (general business notice of motion no. 989)
Senator Ludlam: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the findings of the Economics References Committee in its report *Out of reach? The Australian housing affordability challenge* (received 8 May 2015) containing 40 recommendations, and

(ii) that the Government supported nine of these recommendations, including:

(A) to commit to ensuring adequate funding so that women and children escaping domestic violence are housed in secure and appropriate housing,

(B) investigating housing supply bonds and tax increment financing to fund infrastructure for new housing developments, and

(C) to look closely at its aged care policy in relation to the difficulties confronting older Australians in the rental market; and

(b) calls on the Government to update the Senate on Thursday, 3 December 2015, on any progress, if at all, on implementing those nine recommendations.

(General business notice of motion no. 990)

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

(a) notes:

(i) 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,

(ii) the comments regarding the commercial cultivation of genetically-modified (GM) canola in Western Australia, New South Wales and Victoria made to the ABC’s *Landline* program on 25 July 2010 by the then Labor Minister for Agriculture, Fisheries and Forestry, Mr Burke, – ‘My view is that the time for banning GM is long since passed. We need to have appropriate regulation to make sure that crops that are planted meet all the food safety guidelines. That’s important. But I just don’t think there is an argument anymore that says you can turn a blind eye to an area of technology that’s going to play a particular role in the future in reducing chemical use, reducing pesticide use and helping feed people’, and

(iii) the comments made to *Farm Weekly* on 12 March 2013 over developing a national strategy on the consistent application of modern biotechnology in agriculture by then Labor Minister for Agriculture, Fisheries and Forestry, Senator Ludwig, that ‘We do support the use of GM within the federal OGTR framework, requirements, and I’d encourage everyone to look at that research and the work that’s being done’;

(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;

(c) notes the announcement by agricultural biotechnology company Monsanto that it plans to become carbon neutral by 2021 through a program targeted across its seed and crop protection operations, and through collaboration with farmers; and
(d) condemns:
   (i) the Western Australian State Labor Party’s plan to reimpose a ban on cultivating GM crops if elected in March 2017, and
   (ii) the Australian Greens anti-GM policy to ban the cultivation of GM crops, which will deny grain producers in Western Australia, New South Wales, Victoria and Queensland the choice to use an internationally-accepted, safe, and proven cropping system. (general business notice of motion no. 991)

Senators Day and Leyonhjelm: To move on the next day of sitting—That the Senate calls on the Government to engage the Productivity Commission to review the Australian domestic shipping industry, to report on:
(a) the impediments to productivity in the sector;
(b) any consequential impacts on the productivity of the Australian agricultural, resources or other sectors arising from those impediments; and
(c) whether aspects of the European ‘Motorways of the Sea’ system could deliver productivity benefits to the Australian economy and domestic shipping. (general business notice of motion no. 992)

Senators Carr, Muir, Madigan, Xenophon and Rice: To move on the next day of sitting—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 23 June 2016:
(a) progress made by the Government to address the recommendations in relation to paper procurement in the Finance and Public Administration References Committee’s report, Commonwealth procurement procedures (tabled 17 July 2014);
(b) the impact of procurement connected policies, with particular reference to the ICT Sustainability Plan and the National Waste Policy, on securing manufacturing investment and jobs in the paper sector; and
(c) any other related matters.

Senator Moore: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the success of Tambo Teddies as the inaugural winner of Google and the Regional Australia Institute’s ‘Online Heroes’ competition,
   (ii) Tambo Teddies have been making bears and wool products since 1993 in the regional community of Tambo, and in 2015 celebrated bear number 40,000, and
   (iii) that this company developed from a government Future Search Workshop, a program to create jobs in country towns, in 1992, whilst Western Queensland was suffering a crippling drought and devastating wool prices,
   (iv) that the original bears were established by three women, Ms Mary Sutherland, Ms Helen Sargood and Ms Charm Ryrie, and that the business is now a major national and international company; and
(b) acknowledges the enterprise and inspiration of this local business. (general business notice of motion no. 993)
The Chair of the Environment and Communications References Committee (Senator Urquhart): To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 22 June 2016:

The risks and opportunities associated with the use of the bumblebee population in Tasmania for commercial pollination purposes, including:

(a) the existing distribution and population density of exotic bumblebees;
(b) productivity and economic benefits of the commercial use of bumblebees for agricultural producers;
(c) the potential environmental impacts associated with the commercial use of bumblebees, including whether their use is likely to:
   (i) impact the conservation status of a species or ecological community,
   (ii) impact biodiversity,
   (iii) cause unintended ecological impacts, and
   (iv) contribute to a wider distribution of bumblebees;
(d) the implications for Australia’s biosecurity regime of any approval to use bumblebees in Tasmania for commercial purposes;
(e) the potential economic outcomes;
(f) the effectiveness of alternative pollination options; and
(g) any other related matters.

Senators Madigan, Day, Muir, Wang, Lazarus, Leyonhjelm and Lambie: To move on the next day of sitting—That the Senate—

(a) notes the 2003 committee report by the House of Representatives Standing Committee on Family and Community Affairs, Every picture tells a story: Report on the inquiry into child custody arrangements in the event of family separation, which recommended that a new non-adversarial system be created; and
(b) calls on the Government to:
   (i) recognise that thousands of Australian children continue to be harmed by a family law system that is not fit-for-purpose,
   (ii) recognise that the Family Law Act 1975 should be revised, simplified, shortened and based on core principles of the paramountcy of the long-term welfare of children, gender equality, and equal parental care and responsibility, when neither parent has been proven unfit, and
   (iii) undertake a root-and-branch review of the family law system with a view to creating a new mechanism that is not adversarial in nature and deals with family separation in a way that has a tangible and primary focus on the welfare of the child, including an urgency for decisions, education and fairness. (general business notice of motion no. 994)

Senators Siewert, Moore and Lindgren: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) 3 December is International Day of People with Disability,
   (ii) the theme for 2015 is ‘Inclusion matters: access and empowerment for people of all abilities’, and
   (iii) the three sub-themes are:
      (A) making cities inclusive and accessible for all,
(B) improving disability data and statistics, and
(c) including persons with invisible disabilities in society and development;
(b) acknowledges that International Day of People with Disability is an opportunity for the community to make positive changes to the lives of 4 million Australians;
(c) urges government at all levels to take action to develop inclusive and accessible communities; and
(d) encourages all Australians to get involved in the celebrations in their local community by visiting www.idpwd.com.au. (general business notice of motion no. 995)

The Minister for Communications (Senator Fifield): To move on the next day of sitting—That—
(a) so much of the standing orders be suspended as would prevent the succeeding provisions of this resolution having effect;
(b) on Thursday, 3 December 2015, the business of the Senate notice of motion proposing the disallowance of the Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015, standing in the name of Senator Hanson-Young, be called on no later than 3.45 pm; and
(c) if consideration of the motion listed in paragraph (b) is not concluded at 4 pm, the questions on the unresolved motion shall then be put.

Senator Lambie: To move on the next day of sitting—That there be laid on the table by the Minister for Defence (Senator Payne), no later than 3.30 pm on Tuesday, 2 February 2016, a copy of the Defence White Paper 2015. (general business notice of motion no. 996)

Senator Lambie: To move on the next day of sitting—That there be laid on the table by the Minister for Defence (Senator Payne), no later than 3.30 pm on Tuesday, 2 February 2016, a copy of the Lazard Scoping Study completed on the future ownership and operations for Defence Housing Australia. (general business notice of motion no. 997)

Senator Moore: To move on the next day of sitting—That the Senate notes that despite the change of Prime Minister, the Turnbull Government has adopted former Prime Minister Abbott’s misplaced priorities and broken promises. (general business notice of motion no. 998)

Senators Simms and Xenophon: To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 3 March 2016:
The potential environmental, social and economic impacts of British Petroleum’s planned exploratory oil drilling project, and any future oil or gas production in the Great Australian Bight, with particular reference to:
(a) the effect of a potential drilling accident on marine and coastal ecosystems, including:
   (i) impacts on existing marine reserves within the Bight,
   (ii) impacts on whale and other cetacean populations, and
   (iii) impacts on the marine environment,
(b) social and economic impacts, including effects on tourism, commercial fishing activities and other regional industries;
(c) current research and scientific knowledge;
(d) the capacity, or lack thereof, of government or private interests to mitigate the effect of an oil spill; and
(e) any other related matters.

Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 23 June 2016:
The adequacy of security for government and citizen data held, or transmitted, by governments, commercial entities, non-government organisations (NGOs) or citizens, with a particular focus on:
(a) Australia’s current laws and their enforcement;
(b) the Government’s cyber security policy framework for government agencies, and reporting requirements of same;
(c) security, such as vetting, measures for personnel with access to government and citizen data stored, or transmitted, on government, NGO and commercial entities’ information technology (IT) systems;
(d) physical security measures for government, NGO and commercial entities’ IT systems which store or transmit government and citizen data, including for mobile phone networks;
(e) cyber-attack and interception security measures for government, NGO and commercial entities’ IT systems which store, or transmit, government and citizen data, including for mobile phone networks (for example, SS7 vulnerabilities and International Mobile Subscriber Identity (IMSI) catchers);
(f) the safe disposal of obsolete government, NGO and commercial entities’ IT systems, databases and storage systems;
(g) methods for detecting security breaches, including the detection of mobile surveillance devices such as IMSI catchers;
(h) other approaches to these areas used in other jurisdictions; and
(i) any other related matters.

Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 4 February 2016:
The medical complaints process in Australia, with particular reference to:
(a) the prevalence of bullying and harassment in Australia’s medical profession;
(b) any barriers, whether real or perceived, to medical practitioners reporting bullying and harassment;
(c) the roles of the Medical Board of Australia, the Australian Health Practitioners Regulation Agency and other relevant organisations in managing investigations into the professional conduct (including allegations of bullying and harassment), performance or health of a registered medical practitioner or student;
(d) the operation of the Health Practitioners Regulation National Law Act 2009 (the National Law), particularly as it relates to the complaints handling process;
(e) whether the National Registration and Accreditation Scheme, established under the National Law, results in better health outcomes for patients, and supports a world-class standard of medical care in Australia;
(f) the benefits of ‘benchmarking’ complaints about complication rates of particular medical practitioners against complication rates for the same procedure against other similarly qualified and experienced medical practitioners when assessing complaints;

(g) the desirability of requiring complainants to sign a declaration that their complaint is being made in good faith; and

(h) any related matters.

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

(a) congratulates the Right Honourable Patricia Scotland on her selection at the 2015 Commonwealth Heads of Government Meeting (CHOGM) as the 6th Commonwealth Secretary-General; and

(b) notes the 2015 CHOGM Communiqué which states that:

(i) the Commonwealth Heads of Government reaffirmed their shared and enduring commitment on behalf of the people of the Commonwealth to the values and principles of the Commonwealth Charter,

(ii) young people, who comprise sixty percent of the Commonwealth's population, have an important role in building stable, secure and prosperous societies, and that Commonwealth programs can help raise awareness of the risk of radicalisation and prevent young people from embracing violent extremism, radicalisation and terrorism in all its forms,

(iii) the Commonwealth recognises that freedom of opinion and expression, freedom of peaceful assembly and association, and freedom of religion and belief are cornerstones of democratic societies, and important for the enjoyment of all human rights, and

(iv) good governance and respect for the rule of law are vital for stable and prosperous societies. (general business notice of motion no. 999)

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

(a) notes that:

(i) the Senate had begun debate on mandatory data breach notification legislation prior to the 2013 election,

(ii) the Attorney-General (Senator Brandis) committed to introduce data breach notification laws before the end of 2015 during the debate over the national data retention scheme,

(iii) the Attorney-General again committed to introduce such laws to the Parliament before the end of 2015 in an answer to a question without notice on 13 October 2015, and

(iv) contrary to these commitments, the bill has not been introduced; and

(b) calls on the Government to make a statement to the Senate on 3 December 2015 explaining why such legislation has not been introduced, and clarifying the Government’s intentions. (general business notice of motion no. 1000)

Notice of motion withdrawn: Senator Siewert withdrew general business notice of motion no. 929 standing in her name for today, relating to the New South Wales Custody Notification Service.

Senator Siewert, by leave, made a statement relating to the matter.
9 POSTPONEMENT
Senator Rhiannon, by leave, moved—That general business notice of motion no. 980 standing in her name for today, relating to funding for family planning, be postponed till the next day of sitting.
Question put and passed.

10 SOCIAL SECURITY LEGISLATION AMENDMENT (COMMUNITY DEVELOPMENT PROGRAM) BILL 2015
COURTS ADMINISTRATION LEGISLATION AMENDMENT BILL 2015
The Minister for Indigenous Affairs (Senator Scullion), also at the request of the Attorney-General (Senator Brandis) and pursuant to notices of motion not objected to as formal motions, moved government business notices of motion nos 1 and 2—That the following bills be introduced:
A Bill for an Act to amend the law relating to social security, and for related purposes.
A Bill for an Act to amend the law relating to the administration of courts, and for other purposes.
Question put and passed.
Senator Scullion presented the bills and 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 Scullion 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, 2 February 2016.
Senator Scullion moved—That the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.

11 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE
Senator Moore, at the request of Senator Conroy and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 April 2016:
Operations of Defence Housing Australia, with particular reference to:
(a) senior management arrangements and board composition;
(b) whether the requirements of the Defence Housing Australia Act 1987 have been met;
(c) how the review announced by the Minister for Finance on 11 May 2015 will affect the accounting, information technology and business reporting systems;
(d) what role land sales will play in future business planning, and what implications there are for current residents if existing housing stock is sold; and
(e) any other related matter.

Question put and passed.

12 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE**

Senator Bullock, also on behalf of Senators Back, Lindgren and Madigan, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—

(1) That the Senate notes that:
   
   (a) in today’s culture, children’s use of smart phones, tablets and computers has increased markedly;
   
   (b) online pornography is easily accessed, and a growing number of children are viewing it at an early age;
   
   (c) recent studies have shown that exposure to pornography has measurable negative effects on brain development and behavioural outcomes;
   
   (d) online pornography is increasingly violent in its content, particularly against women, and exposure correlates with children’s acceptance of violent attitudes and beliefs;
   
   (e) violence against women is often linked back to early and repeated exposure to pornography;
   
   (f) violence towards, and abuse of, children is often linked to early and repeated exposure to pornography;
   
   (g) children increasingly access the Internet outside their home environment; and
   
   (h) previous inquiries in Australia have not adequately addressed the question of children’s (those under 18 years-of-age) exposure to online pornography and the harm caused because of that access.

(2) That the following matter be referred to the Environment and Communications References Committee for inquiry and report by the first sitting day in December 2016:

Harm being done to Australian children through access to pornography on the Internet, with particular reference to:

   (a) trends of online consumption of pornography by children and their impact on the development of healthy and respectful relationships;
   
   (b) current methods taken towards harm minimisation in other jurisdictions, and the effectiveness of those methods;
   
   (c) the identification of any measures with the potential for implementation in Australia; and
   
   (d) any other related matters.

Question put and passed.
The Chair of the Community Affairs References Committee (Senator Siewert), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—

(1) That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 July 2016:

The indefinite detention of people with cognitive and psychiatric impairment in Australia, with particular reference to:

(a) the prevalence of imprisonment and indefinite detention of individuals with cognitive and psychiatric impairment within Australia;

(b) the experiences of individuals with cognitive and psychiatric impairment who are imprisoned or detained indefinitely;

(c) the differing needs of individuals with various types of cognitive and psychiatric impairments such as foetal alcohol syndrome, intellectual disability or acquired brain injury and mental health disorders;

(d) the impact of relevant Commonwealth, state and territory legislative and regulatory frameworks, including legislation enabling the detention of individuals who have been declared mentally-impaired or unfit to plead;

(e) compliance with Australia’s human rights obligations;

(f) the capacity of various Commonwealth, state and territory systems, including assessment and early intervention, appropriate accommodation, treatment evaluation, training and personnel and specialist support and programs;

(g) the interface between disability services, support systems, the courts and corrections systems, in relation to the management of cognitive and psychiatric impairment;

(h) access to justice for people with cognitive and psychiatric impairment, including the availability of assistance and advocacy support for defendants;

(i) the role and nature, accessibility and efficacy of programs that divert people with cognitive and psychiatric impairment from the criminal justice system;

(j) the availability of pathways out of the criminal justice system for individuals with cognitive and psychiatric impairment;

(k) accessibility and efficacy of treatment for people who are a risk of harm to others;

(l) the use and regulation of restrictive practices and their impact on individuals with cognitive and psychiatric impairment;

(m) the impact of the introduction and application of the National Disability Insurance Scheme, including the ability of individuals with cognitive and psychiatric impairment to receive support under the National Disability Insurance Scheme while in detention; and

(n) the prevalence and impact of indefinite detention of individuals with cognitive and psychiatric impairment from Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds, including the use of culturally appropriate responses.
(2) That for the purposes of this inquiry:
   (a) indefinite detention includes all forms of secure accommodation of a person without a specific date of release; and
   (b) this includes, but is not limited to, detention orders by a court, tribunal or under a disability or mental health act and detention orders that may be time limited but capable of extension by a court, tribunal or under a disability or mental health act prior to the end of the order.

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

Question put and passed.

14 FAMILY AND COMMUNITY SERVICES—CHILDCARE ASSISTANCE PACKAGE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Xenophon amended general business notice of motion no. 969 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That—
   (a) the Senate notes that:
      (i) the Jobs For Families legislation, including the Childcare Assistance Package, would be tabled by Christmas 2015, and
      (ii) the childcare package reforms will be implemented in July 2017; and
   (b) there be laid on the table by the Minister for Education and Training (Senator Birmingham), no later than 4 pm on 8 December 2015, all documents relating to the Childcare Assistance Package, including, but not limited to, documents produced by and/or for, and communications related to the reform package, including specifically:
      (i) economic modelling on the impact of the reforms on families earning $65 000 to $300 000 plus per annum, where either one or both parents are working,
      (ii) reports from the focus groups conducted by the Government to inform the policy proposal,
      (iii) clarification of the activity test, specifically relating to the hours of work correlating to the hours of subsidised childcare available,
      (iv) economic data and modelling used to determine where families will be $30 per week ‘better off’, and
      (v) economic and social data and departmental modelling relating to the reform package.

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

Question put and passed.

15 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—VARIATION OF APPOINTMENT

Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 979—That the resolution of appointment of the Joint Standing Committee on Electoral Matters be amended to provide for participating membership, omitting from paragraph (3A) “the 2013 election” and substituting “political donations”.

Question put and passed.
16 **INDIGENOUS AUSTRALIANS—EAR HEALTH SERVICES**

Senator Lines, also on behalf of Senators Peris and Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 981—That the Senate notes that:

(a) support to ‘Close the Gap’ on health has been a bipartisan commitment;

(b) the World Health Organization has declared incidents of ear disease in communities in Western Australia and the Northern Territory to be a ‘massive health problem’, with the number of Aboriginal and Torres Strait Islander children in remote community suffering with middle ear infections to be as high as 93 per cent;

(c) the relationship between hearing loss and early interaction with the justice system has been recognised by Indigenous health experts;

(d) the Western Australian Minister for Health, Dr Hames, has, during the week beginning 29 November 2015, cancelled the Government funding of the Telethon Speech and Hearing’s Ear Health program, an Aboriginal children’s ear clinic based in Perth, despite its rating of ‘outstanding’ in an independent review; and

(e) to achieve progress toward closing the gap across Australia, governments at all levels must recognise the importance of adequate funding for ear health services for Aboriginal and Torres Strait Islander children.

**Statements by leave:** Senators Lines and Siewert, by leave, made statements relating to the motion.

Question put and passed.

17 **RESTORING TERRITORY RIGHTS (ASSISTED SUICIDE LEGISLATION) BILL 2015**

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 983—That the following bill be introduced:

A Bill for an Act to amend certain Acts relating to the territories, and for other purposes.

Question put and passed.

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

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

Debate adjourned till the next day of sitting, Senator Leyonhjelm in continuation.
18 **EDUCATION—TEACHER QUALITY—LITERACY AND NUMERACY STANDARDS**

Senator Wang amended general business notice of motion no. 984 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that more than 90 per cent of teaching students met benchmark literacy and numeracy standards in an exam trialled by the Federal Government to ensure universities are preparing teachers to the highest possible standard; and

(b) calls on the Government, through its focus on research and innovation, to:

(i) keep its sights on teaching quality, recognising that today’s teachers are incubating the next generation of Australian researchers and innovators, and

(ii) ensure universities are accountable for all graduates meeting national professional standards for teachers.

*Statement by leave*: Senator Wang, by leave, made a statement relating to the motion. Question put and passed.

19 **INDIGENOUS AUSTRALIANS—IMPRISONMENT RATES**

Senator Siewert, also on behalf of Senators Peris and Lines, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 985—That the Senate—

(a) notes:

(i) the report from the Change the Record Coalition, *Blueprint for change: Changing the record on the disproportionate imprisonment rates, and rates of violence experienced by Aboriginal and Torres Strait Islander people*, and

(ii) that the Change the Record Coalition is a significant group of leading Aboriginal and Torres Strait Islander, human rights, legal and community organisations;

(b) acknowledges that:

(i) in the past 10 years we have seen an 88 per cent increase in the number of Aboriginal and Torres Strait Islander people in prison,

(ii) Aboriginal and Torres Strait Islander people are 13 times more likely to be in prison than non-Indigenous Australians, and

(iii) Aboriginal and Torres Strait Islander women are 34 times more likely to be hospitalised as a result of family violence than non-Indigenous women; and

(c) calls for:

(i) Commonwealth, state and territory governments to work together to close the gap in imprisonment rates of Aboriginal and Torres Strait Islander people, and cut disproportionate rates of violence experienced by Aboriginal and Torres Strait Islander people, particularly women and children, and

(ii) urgent and coordinated national action to close the gap in imprisonment rates of Aboriginal and Torres Strait Islander people and cut disproportionate rates of violence experienced by Aboriginal and Torres Strait Islander people, particularly women and children.

*Statement by leave*: Senator Peris, by leave, made a statement relating to the motion. Question put and passed.
20 **FOREIGN AFFAIRS—JAPAN—WHALING ACTIVITY**

Senator Whish-Wilson, also on behalf of Senator Wang, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 986—That the Senate—

(a) notes that:

(i) in 1979 Australia adopted an anti-whaling policy, permanently ending whaling in Australian waters,

(ii) in 1986, the International Whaling Commission moratorium on commercial whaling came into place,

(iii) in March 2014, Australia won its case against Japan in the International Court of Justice in regards to whaling in Antarctic waters,

(iv) in November 2014, Japan lodged a new whaling plan with the International Whaling Commission to slaughter 3 333 minke whales in Antarctic water,

(v) in April 2015, the Scientific Committee rejected the need for lethal whale sampling in order for Japan to achieve its scientific objectives,

(vi) on 19 November 2015 the Federal Court of Australia fined the Japanese whaling company Kyodo $1 million for hunting whales within an Australian whale sanctuary, and

(vii) in the week beginning 29 November 2015, the Japanese Government gave notice that the whaling fleet will be leaving port to carry out their commercial whaling; and

(b) calls on the Government and the Prime Minister (Mr Turnbull) to:

(i) uphold their election commitment and send a customs patrol vessel to monitor any Japanese whaling activity, and collect evidence for future legal actions,

(ii) raise the issue, and express the disappointment of the Australian people, directly with the Japanese Prime Minister, Shinzō Abe, during discussions on bilateral relations, and

(iii) consider the option put forward by the Second Sydney Panel of Independent Experts to pursue United Nations Convention on the Law of the Sea dispute resolution mechanisms to hold Japan accountable for their continued commercial whaling.

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

Question put and passed.

21 **LAW AND JUSTICE—PROTECTION OF NORTHERN COASTLINE**

Senator Lazarus, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 987—That the Senate—

(a) recognises the important work of the Australian Federal Police, the Queensland Police Service, Australian Border Force and other government agencies in protecting Australia’s northern coastline, borders and communities;

(b) acknowledges the growing need to increase Australia’s policing capacity in, and monitoring of, our northern waters in view of:

(i) the strategic importance of the region,

(ii) its proximity to the Papua New Guinea coastline,
(iii) the large area to cover and growing number of incidents, for example, authorities monitor an estimated 250,000 boat trips per year and conducted 68 search and rescue operations in 2014, and

(iv) the need for nearby communities to feel safe;

(c) notes the Queensland State Government and the Queensland Police Union’s calls for the Federal Government to help fund the build of a multi-jurisdictional government facility, Australia’s northernmost police station, on Sabai Island, located in the Torres Strait of Queensland, to service the northern region; and

(d) calls on the Federal Government to consider contributing to the funding of the facility, to increase Australia’s police presence and border protection and management activities in the northern region.

Question put and passed.

22 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator Whish-Wilson, also on behalf of Senators Lambie and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 1 May 2016:

The planned acquisition of the F-35 Lightning II (Joint Strike Fighter), with particular reference to:

(a) the future air defence needs that the aircraft is intended to fulfil;

(b) the cost and benefits of the program to Australia, including industrial costs and benefits received and forecast;

(c) changes in the acquisition timeline;

(d) the performance of the aircraft in testing;

(e) potential alternatives to the Joint Strike Fighter; and

(f) any other related matters.

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

Question put.

The Senate divided—

AYES, 37

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23 CONSIDERATION OF LEGISLATION—PROPOSED DISCHARGE OF ORDER OF THE DAY

Senator McKim, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 982—that the government business order of the day relating to the consideration of the Tax and Superannuation Laws Amendment (2015 Measures No. 3) Bill 2015 be discharged from the Notice Paper.

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

Question put.

The Senate divided—

AYES, 10

Senators—

Di Natale
Hanson-Young
Lambie

Ludlam
McKim
Rhiannon

Rice
Siewert (Teller)

Simms
Whish-Wilson

NOES, 46

Senators—

Abetz
Back
Bernardi
Bilyk
Bullock
Bushby (Teller)
Cameron
Canavan
Collins
Conroy
Dastyari
Day

Edwards
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Johnston
Lindgren
Lines
Ludwig
Macdonald

Madigan
McAllister
Gallacher
Gallagher
Johnston
Ketter
Lazarus
Leyonhjelm
Lindgren
Lines

McEwen
McGrath
McKenzie
McEwn
McKenzie
McLucas
Moore
Muir
O’Neill

Polley
Reynolds
Ruston
Ruston
Ryan
Ryan
Singh
Smith
Urquhart

Smith
Williams
Williams

Question negatived.

24 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—GOODS AND SERVICES TAX

The President informed the Senate that Senator Moore had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Abbott/Turnbull Government’s plan to increase the rate of the Goods and Services Tax and broaden its base.

The proposal was supported by four senators and the matter was discussed.
25 **AUSTRALIAN PARLIAMENTARY DELEGATION TO THE REPUBLIC OF INDONESIA— DOCUMENT**

Senator Back, by leave, tabled the following document:


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

26 **DOCUMENTS—CONSIDERATION**

The following document tabled earlier today (see entry no. 2) was considered:

President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 1 December 2015. Motion to take note of document moved by Senator Smith. Debate adjourned till Thursday at general business, Senator Smith in continuation.

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

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

Scrutiny of Bills—Standing Committee—
14th report of 2015, dated 2 December 2015.
Alert Digest No. 14 of 2015, dated 2 December 2015.

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

Senator Polley moved—That the Senate take note of the report.

Question put and passed.

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

Regulations and Ordinances—Standing Committee—Delegated legislation monitor no. 16 of 2015, dated 2 December 2015.

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.
Pursuant to order, Senator Ketter, at the request of the Chair of the Environment and Communications References Committee (Senator Urquhart), tabled the following report and documents:

Environment and Communications References Committee—Stormwater management in Australia—Report, dated December 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Ketter.
Senator Ketter moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Ketter in continuation.

Senator Back, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher), tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Australia’s relationship with Mexico—Report, dated December 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Back.
Senator Back moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Back in continuation.

Pursuant to order, the Chair of the Legal and Constitutional Affairs References Committee (Senator Lazarus) tabled the following report and documents:

Legal and Constitutional Affairs References Committee—Impact of the 2014 and 2015 Commonwealth Budget decisions on the arts—Report, dated December 2015, Hansard record of proceedings, additional information and submissions.

Report ordered to be printed on the motion of Senator Lazarus.
Senator Lazarus moved—That the Senate take note of the report.
Debate ensued.
On the motion of Senator Brown the debate was adjourned till the next day of sitting.

The Minister for Employment (Senator Cash) tabled the following document:


Senator McEwen moved—That the Senate take note of the document.
Debate adjourned till the next day of sitting, Senator McEwen in continuation.
28 **IMMIGRATION—OPERATION SOVEREIGN BORDERS—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Employment (Senator Cash) tabled the following document:

Immigration—Operation Sovereign Borders — Two year scorecard—Ministerial statement by the Minister for Immigration and Border Protection (Mr Dutton), dated 2 December 2015.

29 **TRANSPORT—AVIATION SAFETY—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Employment (Senator Cash) tabled the following document:

Transport—Aviation safety—Progress with implementing the Australian Government’s response to the Aviation Safety Regulation Review report—Ministerial statement by the Minister for Infrastructure and Regional Development (Mr Truss), dated 2 December 2015.

30 **TRANSPORT—HEAVY VEHICLE ROAD REFORM—MINISTERIAL STATEMENT—DOCUMENT**

The Minister for Employment (Senator Cash) tabled the following document:

Transport—Heavy vehicle road reform—Australian Government’s response to the Harper Review’s recommendation on road pricing—Ministerial statement by the Minister for Territories, Local Government and Major Projects (Mr Fletcher), dated 2 December 2015.

31 **COMMITTEE MEMBERSHIP**

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

The Minister for Employment (Senator Cash), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Education and Employment References Committee**—

Appointed—

Substitute members:

- Senator Rice to replace Senator Simms for the committee’s inquiry into Australia’s temporary work visa programs
- Senator Siewert to replace Senator Simms for the committee’s inquiry into students with disability and the schools system

Participating member: Senator Simms

**Health—Select Committee**—

Appointed—

Substitute member: Senator Dastyari to replace Senator McAllister on 11 December 2015

Participating member: Senator McAllister.

Question put and passed.

32 **LABOR 2013-14 BUDGET SAVINGS (MEASURES NO. 2) BILL 2015**

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

Message no. 512, dated 1 December 2015—A Bill for an Act to amend the law relating to social security, student assistance and higher education support, and for related purposes.
The Minister for Employment (Senator Cash) 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 Cash, 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 Cash 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 Cash moved—That this bill be now read a second time.

Explanatory memorandum: Senator Cash tabled a revised explanatory memorandum relating to the bill.

On the motion of Senator Cash the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

33 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (STREAMLINING REGULATION) BILL 2015

VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2015 BUDGET MEASURES) BILL 2015

Messages from the House of Representatives were reported agreeing to the amendments made by the Senate to the following bills:

Message no. 511, dated 1 December 2015—Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015.


34 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:

30 November 2015—Messages Nos—

65—


Migration Amendment (Charging for a Migration Outcome) Act 2015 (Act No. 161, 2015)


35 Australian Citizenship Amendment (Allegiance to Australia) 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.

Bill further debated.

The Attorney-General (Senator Brandis) moved—that the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator O’Neill) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bill, made progress and asked leave to sit again.

Ordered, on the motion of Senator Brandis, that the committee have leave to sit again on the next day of sitting.

36 Notices

Senator Dastyari 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 1 July 2016:

Primary and secondary school education, with particular reference to:

(a) factors affecting future employment, including:

(i) the critical future skills areas, including science, technology, engineering and maths (STEM), cooperation, collaboration, creativity, innovation and enterprise, that Australian students will need for jobs in the future, and

(ii) the jobs and economic opportunities for Australia if attainment levels are improved in critical future skills areas, including STEM, cooperation, collaboration, creativity, innovation, and enterprise and the consequences if they are not;

(b) factors affecting students, including:

(i) the levels of attainment, and trends, in critical future skills areas, including STEM,

(ii) the levels of participation, and trends, in critical future skills areas, including STEM,

(iii) the factors influencing consideration of further study in critical future skills areas, including STEM, and

(iv) the most effective methods of supporting and encouraging students, particularly disadvantaged students and women, to consider further study in critical future skills areas, including STEM;
(c) factors affecting teachers, including:
   (i) the evidence base for effective pedagogy and school culture to improve participation and successful learning in critical future skills areas, including STEM,
   (ii) access to further study and high quality, sustained performance development for teachers to be able to meet Australia’s critical future skills areas, including STEM, and
   (iii) any workforce issues that may influence the teaching of critical future skills areas, including STEM; and

(d) any other related matters.

Senator Leyonhjelm, also on behalf of Senator Dastyari, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

(a) notes:
   (i) complaints by Western Sydney Wanderers fans that a heavy-handed approach to crowd control has been adopted, and that this is deterring fans from attending games,
   (ii) that football fans may be banned from stadiums by Football Federation Australia with no opportunity to appeal against the banning order,
   (iii) the publication of a list of the names of allegedly banned football supporters in the Sunday Telegraph on 22 November 2015, which apparently included individuals who were not banned, and others who were under 18 and had not been charged with any offence, and
   (iv) that football fans from a number of clubs have staged walkouts at recent games to protest alleged excessive policing and security, as well as Football Federation Australia’s policy regarding banning;

(b) acknowledges Football Federation Australia’s:
   (i) recent undertaking to develop an appeals process for banned supporters, and
   (ii) assurances that it was not responsible for making private information about banned supporters available to the Sunday Telegraph;

(c) calls on Football Federation Australia, police, stadium security, active supporter group leadership and A-League clubs to develop an accord, with a view to ensuring:
   (i) Football Federation Australia’s banning procedures comply with the rules of natural justice,
   (ii) individuals engaging in anti-social behaviour are appropriately dealt with, while other football fans are allowed to enjoy the game in peace,
   (iii) exuberant fan behaviour should not be unreasonably interpreted as anti-social or harmful, and
   (iv) football supporters are not over-policied; and

(d) calls on the Minister for Sport (Ms Ley) to consider becoming involved in this matter. (general business notice of motion no. 1001)
At 7.20 pm—

37 **ADJOURNMENT**

The Acting Deputy President (Senator O’Neill) proposed the question—That the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 7.54 pm till Thursday, 3 December 2015 at 9.30 am.

38 **ATTENDANCE**

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

**ROSEMARY LAING**

Clerk of the Senate