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Contents

1 Meeting of Senate ........................................................................................................ 2909
2 Documents.................................................................................................................. 2909
3 Committees—Leave to Meet During Sittings ............................................................. 2909
4 Food Standards Amendment (Fish Labelling) Bill 2015 ............................................ 2909
5 Senate—Sporting and Other Attire—Statement by President ................................. 2910
6 Law and Justice—Marriage Laws—Proposed Suspension of Standing Orders .............. 2910
7 Medical Research Future Fund Bill 2015
   Medical Research Future Fund (Consequential Amendments) Bill 2015 ................. 2911
8 Senators’ Statements .................................................................................................. 2917
9 Questions ..................................................................................................................... 2917
10 Motions to Take Note of Answers ............................................................................ 2917
11 Notices ....................................................................................................................... 2917
12 Leave of Absence ...................................................................................................... 2920
13 Postponement .......................................................................................................... 2921
14 Committees—Extensions of Time to Report .............................................................. 2921
15 Trade—Free Trade Agreements—Benefits for Agricultural Sector ......................... 2921
16 Primary Industries—Australian Beef Industry ............................................................ 2921
17 Electoral Matters—Joint Standing Committee—Leave to Meet During Sittings ......... 2922
18 Sport—Netball World Cup ......................................................................................... 2922
19 Indigenous Australians—Deaths in Custody—Ms Dhu ............................................ 2923
20 Education—Higher Education Reforms—Modelling and Costings—Order for Production of Documents .................................................................................. 2923
21 Environment—Leadbeater’s Possum ........................................................................ 2924
22 Discussion of Matter of Public Importance—Environment—Climate Change—Emissions Reduction Targets .................................................................................. 2924
23 Documents—Consideration ..................................................................................... 2925
24 Committee Reports and Government Responses—Tabling and Consideration Pursuant to Standing Order 62(4) ............................................................ 2925
25 Transport—Western Australia—Roe 8 Extension and Perth Freight Link—
Order for Production of Documents—Documents........................................ 2926
26 Committee Membership .................................................................................. 2926
27 Crimes Legislation Amendment (Powers, Offences and Other Measures)
Bill 2015 ........................................................................................................... 2926
28 Environment Protection and Biodiversity Conservation Act—Amendment
to List of CITES Species—Proposed Disallowance ........................................ 2927
29 Legal and Constitutional Affairs Legislation Committee—Report—Budget
Estimates 2015-16 ........................................................................................... 2927
30 Migration Amendment (Strengthening Biometrics Integrity) Bill 2015 .......... 2927
31 Building and Construction Industry (Improving Productivity) Bill 2013
Building and Construction Industry (Consequential and Transitional
Provisions) Bill 2013 .................................................................................... 2930
32 Notice ............................................................................................................. 2931
33 Adjournment.................................................................................................. 2931
34 Attendance..................................................................................................... 2931
1 **MEETING OF SENATE**

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

2 **DOCUMENTS**

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

- **International Monetary Agreements Act 1947**—Extension of the loan agreement between the Australian Government and the Republic of Indonesia for a standby loan for A$1 billion—National interest statement, dated August 2015.

- **Migration Act 1958**—Section 486O—Assessment of detention arrangements—Personal identifiers 1001825, 1001828, 1001850, 1001870, 1001887, 1001899, 1001901, 1001907, 1001918, 1001919, 1001930, 1001941, 1001944, 1001954, 1001960, 1001976, 1001977, 1001979, 1001983, 1001984, 1001985, 1001986, 1002008, 1002017, 1002046, 1002050, 1002058, 1002079, 1002085, 1002086, 1002102, 1002103, 1002104, 1002106, 1002109, 1002113, 1002147, 1002178, 1002190, 1002206, 1002224, 1002242, 1002260, 1002267, 1002268, 1002321, 1002345 and 1002347—Commonwealth Ombudsman’s reports, dated 12 August 2015.

- Government response to Ombudsman’s reports, dated 4 August 2015.

- **Treaty**—**Multilateral**—Australia’s ratification of the *Asian Infrastructure Investment Bank Articles of Agreement* (Beijing, 29 June 2015)—Text, together with national interest analysis.


3 **COMMITTEES—LEAVE TO MEET DURING SITTINGS**

Committees were authorised to meet during the sittings of the Senate, as follows:

- **Law Enforcement**—Joint Statutory Committee—public meeting today, from 5.30 pm, to take evidence for the committee’s inquiry into crystal methamphetamine.

- Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 5.30 pm.

- Scrutiny of Government Budget Measures—Select Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 13 August 2015, from 3 pm.

4 **FOOD STANDARDS AMENDMENT (FISH LABELLING) BILL 2015**

Pursuant to order (see entry no. 8, 14 May 2015), the order of the day relating to the motion of Senator Xenophon, also on behalf of Senators Lazarus, Lambie, Whish-Wilson, Wang and Madigan—that this bill be now read a second time—was called on for the question to be put.

**Statements by leave:** Senators McLucas and Whish-Wilson, the Assistant Minister for Immigration and Border Protection (Senator Cash) and Senator Xenophon, by leave, made statements relating to the matter.

Question put.
The Senate divided—

AYES, 15

Senators—

Di Natale Ludlam Rice Whish-Wilson
Hanson-Young Madigan Stiewert (Teller) Wright
Lambie Muir Wang Xenophon
Lazarus Rhiannon Waters

NOES, 39

Senators—

Back Day Macdonald Polley
Bilyk Edwards Marshall Reynolds
Bullock Fawcett McAllister Ruston
Bushby (Teller) Gallacher McEwen Seselja
Cameron Gallagher McGrath Singh
Canavan Ketter McKenzie Smodinos
Carr Leyonhjelm Moore Smith
Cash Lindgren O’Neill Sterle
Colbeck Lines O’Sullivan Williams
Cormann Ludwig Parry

Question negatived.

5 **SENATE—SPORTING AND OTHER ATTIRE—STATEMENT BY PRESIDENT**

The President made a statement relating to the wearing of sporting and other insignia-bearing attire in the chamber.

6 **LAW AND JUSTICE—MARRIAGE LAWS—PROPOSED SUSPENSION OF STANDING ORDERS**

*Leave refused*: The Leader of the Australian Greens (Senator Di Natale) sought leave to move a motion relating to discrimination in the *Marriage Act 1961*.

An objection was raised and leave was not granted.

*Proposed suspension of standing orders*: Senator Di Natale, pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent him moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion relating to discrimination in the *Marriage Act 1961*.

Debate ensued.

Question put.

The Senate divided—

AYES, 12

Senators—

Di Natale Leyonhjelm Rice Whish-Wilson
Hanson-Young Ludlam Stiewert (Teller) Wright
Lazarus Rhiannon Waters Xenophon
No. 105—12 August 2015

NOES, 36

Senators—

Back
Bernardi
Bilyk (Teller)
Bullock
Bushby
Cameron
Canavan
Collins
Cormann

Day
Fawcett
 Fifield
Gallacher
Gallagher
Ketter
Lindgren
Ludwig
Macdonald

Madigan
McAllister
McEwen
McGrath
McKenzie
McLucas
Moore
Muir
Macdonald

O’Sullivan
Parry
Polley
Reynolds
Ruston
Singh
Sinodinos
Smith
O’Neill
Williams

Question negatived.

7 MEDI CAL RESEARCH FUTURE FUND BILL 2015
MEDICAL RESEARCH FUTURE FUND (CONSEQUENTIAL AMENDMENTS) BILL 2015

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills, taken together and as a whole by leave, debated.

Senator McLucas moved the following amendments in respect of the Medical Research Future Fund Bill 2015 together by leave:

Clause 4, page 3 (lines 18 to 22), omit “Initially, the Fund’s investments are a portion of the investments of the Health and Hospitals Fund which was established under the Nation-building Funds Act 2008. Additional amounts may also be credited to the Medical Research Future Fund Special Account”, substitute “Amounts are credited to the Medical Research Future Fund Special Account in accordance with determinations by the responsible Ministers”.

Clause 5, page 6 (lines 3 to 5), omit the definition of Health and Hospitals Fund.

Clause 5, page 6 (lines 6 to 9), omit the definition of Health and Hospitals Fund Special Account.

Clause 10, page 12 (lines 6 to 10), omit “Initially, its investments are a portion of the investments of the Health and Hospitals Fund which was established under the Nation-building Funds Act 2008. Additional amounts may also be credited to the Medical Research Future Fund Special Account”, substitute “Amounts are credited to the Medical Research Future Fund Special Account in accordance with determinations by the responsible Ministers”.

Clause 15, page 16 (line 23), omit “amounts referred to in paragraph 34(4)(a) are”, substitute “amount referred to in paragraph 34(4)(a) is”.

Clause 19, page 20 (line 21), omit “Agency; or”, substitute “Agency.”

Clause 19, page 20 (lines 22 to 24), omit subparagraph (f)(iii).
Clause 34, page 36 (lines 15 to 20), omit paragraph (4)(a), substitute:

(a) the principle that the total amount (in nominal terms) that has been credited to the Medical Research Future Fund Special Account under section 15 should be preserved over the long-term;

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Question—That the Medical Research Future Fund Bill 2015 stand as printed—divided, at the request of Senator McLucas, in respect of clauses 12 and 13.

Clauses 12 and 13 agreed to.

Senator McLucas moved the following amendments in respect of the Medical Research Future Fund Bill 2015 together by leave:

Clause 4, page 4 (lines 12 and 13), omit “Priorities. The Health Minister takes the Priorities into account”, substitute “Priorities and to make recommendations to the Health Minister on providing financial assistance. The Health Minister must take the recommendations and the Priorities into account”.

Clause 10, page 12 (lines 23 to 28), omit “The Health Minister takes the Australian Medical Research and Innovation Priorities (which are determined by the Australian Medical Research Advisory Board under Part 2A) into account in making decisions about the financial assistance that is provided from the Medical Research Future Fund Special Account”, substitute “The Health Minister makes decisions about the financial assistance that is provided from the Medical Research Future Fund Special Account following recommendations by the Australian Medical Research Advisory Board and taking into account the Australian Medical Research and Innovation Priorities (which are determined by the Advisory Board under Part 2A)”.

Clause 15A, page 17 (lines 14 to 16), omit subclause (2), substitute:

(2) The Health Minister must not require the Finance Minister to debit an amount unless:

(a) the Health Minister has received a recommendation regarding the debiting of the amount from the Advisory Board; and
(b) the Health Minister has taken into account the Australian Medical Research and Innovation Priorities that are in force.

(2A) A requirement under subclause (1) is of no effect unless:

(a) the Health Minister has caused to be laid before each House of the Parliament:

(i) the Advisory Board’s recommendations regarding the debiting of the amount; and
(ii) if the recommendation was that the amount not be debited—the Minister’s reasons for requiring that the amount be debited contrary to that advice; and

(b) both Houses of the Parliament by resolution have approved the making of the requirement.
Clause 32A, page 27 (lines 8 to 10), omit “Priorities. The Health Minister takes the Priorities into account in making decisions in relation to the financial assistance provided from the Medical Research Future Fund Special Account”, substitute “Priorities and make recommendations to the Health Minister on providing financial assistance. The Health Minister makes decisions about the financial assistance that is provided from the Medical Research Future Fund Special Account following recommendations by the Advisory Board and taking into account the Priorities”.

Clause 32C, page 28 (before line 13), before paragraph (a), insert:

(aa) to make recommendations to the Minister on financial assistance to be provided from the Medical Research Future Fund Special Account; and

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 22

Bilyk  Gallacher  Marshall  O’Neill
Brown  Gallacher  McAllister  Polley
Bullock  Lambie  McEwen  Singh
Collins  Lazarus  McLucas  Sterle
Conroy  Lines  Moore  Urquhart (Teller)
Dastyari  Ludwig

NOES, 43

Back  Fawcett  McKenzie  Seselja
Bernardi  Fierravanti-Wells  Mur  Siewert
Birmingham  Fifield  Parry  Sinodinos
Brandis  Hanson-Young  Payne  Smith
Bushby (Teller)  Heffernan  Reynolds  Wang
Canavan  Leyonhjelm  Rhiannon  Waters
Cash  Lindgren  Rice  Whish-Wilson
Colbeck  Ludlam  Ronaldson  Williams
Cormann  Macdonald  Ruston  Wright
Di Natale  Madigan  Ryan  Xenophon
Edwards  McGrath  Scullion

Question negatived.

Senator McLucas moved the following amendments in respect of the Medical Research Future Fund Bill 2015 together by leave:

Clause 5, page 4 (line 26), after “Board”, insert “of the NHMRC”.

Clause 32B, page 28 (line 4), after “Advisory Board”, insert “of the NHMRC”.

Clause 32B, page 28 (after line 4), after subclause (1), insert:

(1A) The Advisory Board is taken to be a Principal Committee within the meaning of the National Health and Medical Research Council Act 1992, other than for the purposes of the following provisions of that Act:

(a) sections 5D and 5E;
(b) section 35;
(c) section 41;
(d) section 80;
(e) subsections 82(1C) and (2).

(1B) This section has effect despite the definition of Principal Committee in section 4 of the National Health and Medical Research Council Act 1992.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.

Statement by Chair of Committees: The Chair of Committees (Senator Marshall) made a statement indicating that as a Government amendment to the Medical Research Future Fund Bill 2015, circulated as a request, did not have a clear, direct and necessary effect on an appropriation, it could not be regarded as an increase in a charge or burden on the people within the meaning of section 53 of the Constitution. It should therefore not be moved as a request and would be treated as an amendment.

On the motion of the Minister for Finance (Senator Cormann) the following amendments, taken together by leave, were debated and agreed to:

Medical Research Future Fund Bill 2015:

Clause 5, page 7 (lines 4 to 7), omit the definition of medical innovation, substitute:

medical innovation includes:

(a) the application and commercialisation of medical research for the purpose of improving the health and wellbeing of Australians;
and

(b) the translation of medical research into new or better ways of improving the health and wellbeing of Australians.

Clause 15A, page 17 (lines 10 to 12), omit Note 1, substitute:

Note: The Health Minister must report on matters relating to the financial assistance provided from the Medical Research Future Fund Special Account (see section 57A).

Clause 15A, page 17 (line 13), omit Note 2.

Clause 15A, page 17 (lines 14 to 16), omit subclause (2), substitute:

(2) In determining whether to require the Finance Minister to debit an amount, the Health Minister:

(a) must take into account the Australian Medical Research and Innovation Priorities that are in force; and

(b) has the power to seek expert advice on the merits of making the grant to which the debit relates; and

(c) may consider any other relevant matter.

Clause 15A, page 17 (after line 17), at the end of the clause, add:

Note: The Health Minister may, under section 61A, delegate a power under this section.
Clause 21, page 21 (after line 17), at the end of subclause (1), add:

Note: The Health Minister must publish on the internet information about
the grant—see section 58.

Clause 24, page 22 (line 21), omit “Note”, substitute “Note 1”.

Clause 24, page 22 (after line 22), at the end of the clause, add:

Note 2: A body that receives a grant may be acting in partnership with an
overseas body or other body in relation to the medical research or
medical innovation.

Clause 29, page 24 (after line 10), at the end of subclause (1), add:

Note: The Health Minister must publish on the internet information about
the grant—see section 58.

Clause 32D, page 29 (after line 19), at the end of subclause (3), add:

Note: The Advisory Board is also required to provide a consultation
process before determining the Strategy—see section 32EA.

Clause 32E, page 30 (after line 22), at the end of subclause (3), add:

Note: The Advisory Board is also required to provide a consultation
process before determining the Priorities—see section 32EA.

Page 31 (after line 7), at the end of Division 3, add:

32EA Consultation process before determining an Australian Medical
Research and Innovation Strategy or Australian Medical Research
and Innovation Priorities

(1) Before determining an Australian Medical Research and Innovation
Strategy, or Australian Medical Research and Innovation Priorities, the
Advisory Board must provide a process for consulting:
(a) organisations with expertise in medical research or medical
innovation; and
(b) organisations that represent consumers who benefit from medical
research or medical innovation; and
(c) any other person or organisation.

(2) This section does not limit section 17 of the Legislative Instruments

Clause 32G, page 32 (line 19), after “management”, insert “or delivery”.

Clause 32G, page 32 (line 22), omit “commercialisation.”, substitute
“commercialisation;”.

Clause 32G, page 32 (after line 22), at the end of subclause (2), add:
(g) philanthropy;
(h) consumer issues relating to health.

Clause 54, page 49 (line 11), omit “on the”, substitute “on matters relating to the”.

Clause 57A, page 50 (after line 29), after paragraph (2)(a), insert:
(aa) a description of the processes for determining the grants of
financial assistance; and
Clause 58, page 51 (lines 7 to 11), omit the clause, substitute:

58 Health Minister must publish information

(1) As soon as practicable after any of the following amounts have been debited, the Health Minister must publish on the internet information about the grant to which the debit relates:
   (a) an amount debited from the COAG Reform Fund under subsection 21(1);
   (b) an amount debited from the MRFF Health Special Account under subsection 26(1);
   (c) an amount debited from the Medical Research Future Fund Special Account under subsection 29(1).

(2) Without limiting subsection (1), the information must include the following:
   (a) the amount of the grant;
   (b) the person or body to whom the grant was paid;
   (c) any other relevant matter.

Clause 62, page 53 (line 32), before “The”, insert “(1)”.

Clause 62, page 54 (after line 2), at the end of the clause, add:

(2) Without limiting subsection (1), the review must consider whether financial assistance provided under this Act has:
   (a) complemented and enhanced other financial assistance provided by the Commonwealth for medical research and medical innovation, including through the National Health and Medical Research Council; and
   (b) otherwise affected the total amount of other financial assistance provided by the Commonwealth for medical research and medical innovation.

Medical Research Future Fund (Consequential Amendments) Bill 2015:

Schedule 3, page 19 (after line 11), after item 1A, insert:

1B Subsection 32EA(2)


Explanatory memorandum: Senator Cormann tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bills.

Senator Lazarus moved the following amendment in respect of the Medical Research Future Fund Bill 2015:

Clause 32G, page 32 (after line 29), at the end of the clause, add:

(5) An appointment under subsection (1) is of no affect until:
   (a) the Health Minister has caused to be laid before each House of the Parliament a statement:
      (i) recommending the appointment of the person; and
      (ii) outlining the field mentioned in subsection (2) in which the person has experience or knowledge; and
(b) both Houses of the Parliament by resolution have approved the making of the appointment.

Debate ensued.
Question—That the amendment be agreed to—put and negatived.
Bills, as amended, agreed to.
Bills to be reported with amendments.

The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported accordingly.
On the motion of Senator Cormann the report from the committee was adopted and the bills read a third time.

At 12.45 pm—

8 SENATORS’ STATEMENTS
Senators made statements.

At 2 pm—

9 QUESTIONS
Questions without notice were answered.

10 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Carr moved—That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.
Debate ensued.
Question put and passed.
Senator Rice moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Rice today relating to marriage equality.
Question put and passed.

11 NOTICES
Senator Singh: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) on 6 and 9 August 2015 many organisations and individuals around Australia held vigils and events to mark the 70th anniversaries of the atomic bombings of Hiroshima and Nagasaki, and
   (ii) despite the end of the Cold War more than two decades ago, there are still close to 16 000 nuclear weapons in the world today, including an estimated 1 800 kept on high-alert status; and
(b) welcomes:

(i) the three conferences convened since 2013 by the governments of Norway, Mexico and Austria on the humanitarian impact of nuclear weapons, which the Australian Government attended,

(ii) the Humanitarian Pledge, endorsed by 113 nations, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons, and

(iii) the growing movement of nations supporting the negotiation of a global treaty banning nuclear weapons. (general business notice of motion no. 799)

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

(a) notes that:

(i) the Abbott Government’s attempts to deregulate university fees and slash public funding to higher education have been defeated twice in the current Parliament,

(ii) the Minister for Education and Training (Mr Pyne) has so far spent $150 000 of public money hiring a private consultant to conduct parliamentary negotiations on his behalf, and

(iii) this spending is a significant waste of public resources at a time when the Government is inflicting huge cuts to public services such as health and education; and

(b) calls on the Abbott Government to stop wasting public resources in its attempts to wreck public higher education in Australia. (general business notice of motion no. 800)

Senators Leyonhjelm and Day: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes. Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015. (general business notice of motion no. 801)

Senator O’Sullivan: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that the Tasmanian specialty timber industry accounts for over 2 000 full-time equivalent jobs and thousands more part-time hobbyists, and contributes over $70 million a year to the state’s economy,

(ii) the support of both the Tasmanian Premier (Mr Hodgman) and the Leader of the Opposition (Mr Green) for the long-term sustainability of the iconic specialty timber industry, and

(iii) that the Australian Greens and the Australian Labor Party previously supported the continued low impact harvesting of special species timber in the 2013 extension of the Tasmanian Wilderness World Heritage Area; and

(b) calls on the Australian Greens to abandon their policy backflip and work with the Tasmanian Government to protect the future of the mostly small-scale businesses that produce high value products that embody the essence of Tasmania’s culture and history. (general business notice of motion no. 802)
Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Parliamentary Entitlements Act 1990 and other legislation, and for related purposes, Parliamentary Expenses Amendment (Transparency and Accountability) Bill 2015. (general business notice of motion no. 803)

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

(a) notes that:
   (i) the Adler A110 lever-action shotgun is currently a Category A firearm,
   (ii) lever-action shotguns similar to the Adler A110 currently exist and are in the possession of law-abiding firearm owners in Australia,
   (iii) the decision by the Government to temporarily suspend the importation of the Adler A110 lever-action shotgun was taken without consultation with the firearms industry, or the 800 000 plus law-abiding recreational firearm owners, and
   (iv) the firearms and hunting industry contributes over $1 billion annually to the Australian economy; and

(b) welcomes the Government’s announcement which will ensure licensed firearms users and industry representatives have meaningful input into the review of the technical aspects of the National Firearms Agreement. (general business notice of motion no. 804)

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

(a) notes:
   (i) the fact that the southern cassowary is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999, and that estimates of the remaining population range from 1 000 to 4 000 individuals,
   (ii) the recovery plan for the southern cassowary, published in 2007, which estimated a total cost for recovery of the southern cassowary of $994 000 over 5 years, including $50 000 for a cassowary rescue program, and
   (iii) the funding uncertainty surrounding the Garners Beach Cassowary Rehabilitation Centre, which has reportedly seen local vets instructed to euthanase injured adult cassowaries and their then-orphaned chicks, rather than sending them for care in the Centre; and

(b) calls on the Federal Government to:
   (i) urgently update the recovery plan and ensure that it is implemented, including by prioritising habitat protection and restoration, allocating adequate funding for reducing vehicle strikes, protection from predation by dogs, rehabilitation and protection from other threats, and
   (ii) work with the Queensland State Government and urgently consider providing federal funding to allow the Garners Beach Cassowary Rehabilitation Centre to remain open to rehabilitate orphan cassowary chicks, and to expand its operations to enable injured adult cassowaries to be cared for. (general business notice of motion no. 805)

Senators Madigan and Xenophon: To move on the next day of sitting—That the Senate notes the importance of an automotive transformation scheme to Australia’s economic prosperity and development. (general business notice of motion no. 806)
Senator Siewert: To move on the next day of sitting—That the Senate—

(a) welcomes the $9 million for Purple House to deliver dialysis services in Alice Springs and remote communities in Central Australia, and the $10 million in accommodation infrastructure funding;

(b) congratulates the advocates who have ensured that dialysis accommodation funding, which was first promised in 2011, has finally been delivered to remote communities;

(c) urges the Federal Government to work closely with the Northern Territory Government to ensure that the renal infrastructure funding is quickly translated into outcomes for remote communities; and

(d) calls on the Federal Government to ensure remote communities in the north of the Northern Territory are resourced to meet their need for on-country dialysis. *(general business notice of motion no. 807)*

Senator Ludlam and the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle): To move on the next day of sitting—That—

(a) the Senate notes the failure of the Minister representing the Minister for Infrastructure and Regional Development to comply with the order of the Senate of 10 August 2015, namely for all documents relating to the Infrastructure Australia evaluation of the Perth Freight Link and the business case presented by the Western Australian Government and related documents; and

(b) resolves that the decision to commit funding to the Perth Freight Link project be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 26 November 2015, with particular reference to:

(i) the decision-making process that led to the announcement that the Perth Freight Link would receive Commonwealth funding,

(ii) the information relied upon by state and Commonwealth governments informing the decision to fund this project,

(iii) the importance of transparency of decision-making in relation to infrastructure decisions,

(iv) evaluation of options for managing growth in the Perth freight task, and

(v) any related matters.

*Notices of motion withdrawn:* Senator Xenophon withdrew business of the Senate notices of motion nos 1 and 3 standing in his name for today, proposing references to the Rural and Regional Affairs and Transport References Committee and the Economics References Committee.

12 **Leave of Absence**

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Peris for today, for personal reasons.

Question put and passed.
13 POSTPONEMENT
Business was postponed as follows:

Government business notice of motion no. 1 standing in the name of the Assistant Minister for Social Services (Senator Fifield) for today, proposing the introduction of the Aged Care Amendment (Independent Complaints Arrangements) Bill 2015, postponed till 13 August 2015.

14 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:

Economics References Committee—Corporate tax avoidance, extended to 30 November 2015.

Legal and Constitutional Affairs References Committee—Circumstances surrounding a letter sent to the Attorney-General, extended to 20 August 2015.

Rural and Regional Affairs and Transport References Committee—Airport and aviation security at Australian airports, extended to 9 September 2015.

15 TRADE—FREE TRADE AGREEMENTS—BENEFITS FOR AGRICULTURAL SECTOR

Senator O’Sullivan amended general business notice of motion no. 793 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the opportunity now exists for Australian mango growers – a $110 million a year industry that produces the best mangoes in the world – to nominate for export to lucrative markets such as the United States of America, China, Japan and Korea,

(ii) a key to increasing farm gate returns for Australian producers is through creating new trade opportunities for Australia’s agricultural sector, and

(ii) since September 2013, the Government has achieved 42 key market access gains or restorations of suspended markets, and 14 key market access improvements or actions to maintain market access; and

(b) calls on the Australian Greens to reconsider their opposition to free trade agreements, placing in jeopardy Australian producers’ access to new markets and the growth of primary production export industries.

Statements by leave: Senators Whish-Wilson and Xenophon, by leave, made statements relating to the motion.

Question put and passed.

16 PRIMARY INDUSTRIES—AUSTRALIAN BEEF INDUSTRY

Senator Williams, also on behalf of Senators Canavan, O’Sullivan, McKenzie and Day, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 795—That the Senate notes that:

(a) the beef industry is worth $8.5 billion to Australia;

(b) a report released by the Australian Bureau of Agricultural and Resource Economics and Sciences [ABARES] shows that farm incomes are increasing for Australia’s beef producers;

(c) beef producers in northern Australia have enjoyed a 98.1 per cent increase or around 50 per cent above the average for the previous 10 years;
beef producers in southern Australia have seen their farm cash income increase from $38 100 a farm in 2013-14 to $64 000 a farm in 2014-15;

increases in the numbers of cattle sold for live export and higher prices have resulted in the farm cash income in the northern live cattle export region increasing from an average of $143 000 in 2013-14 to $277 000 in 2014-15; and

that the Australian Government’s free trade agreements with China, Japan and Korea, combined with the live cattle trade negotiations with China, ensure a strong and prosperous future for the beef industry.

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

Question put and passed.

17 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator McEwen, at the request of Senator Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 796—that the Joint Standing Committee on Electoral Matters be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 9.40 am to 11 am, as follows:

(a) Wednesday, 12 August 2015;
(b) Wednesday, 19 August 2015;
(c) Wednesday, 9 September 2015;
(d) Wednesday, 16 September 2015;
(e) Wednesday, 14 October 2015;
(f) Wednesday, 11 November 2015;
(g) Wednesday, 25 November 2015; and
(h) Wednesday, 2 December 2015.

Question put and passed.

18 SPORT—NETBALL WORLD CUP

Senator McKenzie, also on behalf of the Leader of the Opposition in the Senate (Senator Wong), the Parliamentary Secretary to the Attorney-General (Senator Fiaerravanti-Wells), Senator Hanson-Young and the Minister Assisting the Prime Minister for Women (Senator Cash), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 797—that the Senate—

(a) notes:

(i) that netball is the largest female community-based sport in the world, with more than 70 nations competing and more than 21 million participants,

(ii) that netball is ranked as the leading women’s participation team sport in Australia for 15-24 year olds, boasting more than 350 000 registered members with an estimated 1.2 million people nationwide who are involved in the game as players, umpires, coaches and administrators,

(iii) the important role netball plays in empowering young women and girls through competitive sport and teamwork,

(iv) that the Netball World Cup is being held in Sydney, from 7 to 16 August 2015, with 16 nations playing a total of 64 matches over 10 days,
(v) that Australia has a strong record of success in World Cup matches, winning the sport’s first gold medal in 1963 as well as a total of 109 of its 116 World Cup matches, and securing a record 10 World Cups, and
(vi) that the Australian Government invested $300,000 to support the participation of qualified teams from Zambia, Uganda, Sri Lanka, Malawi and Samoa at the 2015 Netball World Cup, removing the financial barriers for these nations to ensure they can compete in Sydney; and

(b) wishes:
(i) the Australian Diamonds, led by captain Ms Laura Geitz and coach Ms Lisa Alexander, great success as they chase a record 11th World Cup in Sydney, and
(ii) a successful and enjoyable World Cup for Australia and the 15 other competing nations.

Question put and passed.

19 **INDIGENOUS AUSTRALIANS—DEATHS IN CUSTODY—MS DHU**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 798—That the Senate—

(a) notes:
   (i) with sadness that 4 August 2015 marked one year since the death of Ms Dhu in police custody in Western Australia, and
   (ii) that the inquest into Ms Dhu’s death still has not occurred and will not until the end of 2015, and that meanwhile fine defaulters are still being gaoled in Western Australia; and

(b) calls on the Federal Government to continue to work with its state and territory counterparts to implement the remaining recommendations from the Deaths in Custody report.

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

Question put and passed.

20 **EDUCATION—HIGHER EDUCATION REFORMS—MODELLING AND COSTINGS—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 794—That there be laid on the table by the Minister representing the Minister for Education and Training, no later than 11 am on Wednesday, 19 August 2015, all documents held by the Government in relation to the modelling or costings of impacts of the Government’s proposed changes to higher education or funding for students, universities or other related changes regarding higher education not previously provided to the Senate, including but not limited to:

(a) the impact of removing caps on university fees charged to students;
(b) calculations of the potential impact on student fees, accumulated student HELP debt and loan costs, and interest rates where applicable;
(c) the effects of accumulated fee and loan costs for female graduates over their working lives;
(d) the level of public funding to public and for-profit higher and VET education providers, including potential cost of cuts for individual institutions;
(e) cuts to course funding;
(f) the assessment of impacts of deregulation and funding on regional public universities; and
(g) access by lower income, regional and other students suffering disadvantage to a full choice of university courses.

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

Question put and passed.

21 ENVIRONMENT—LEADBEATER’S POSSUM

Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 792—That the Senate—

(a) notes that:

(i) in April 2015, the Minister for the Environment up-listed Victoria’s animal emblem, the Leadbeater’s Possum, to critically endangered which is one category level prior to becoming extinct in the wild,
(ii) the ‘Threatened Species Strategy Action Plan 2015-16 – 20 mammals by 2020’ released by the Government on 16 July 2015 states that emergency intervention is required for this species, and
(iii) the scientific evidence states that the main threats to the Leadbeater’s Possum habitat are native forest logging and fire, and that fire risk is exacerbated by logging activity; and

(b) calls on the Government to:

(i) take urgent action to immediately protect the Leadbeater’s Possum from extinction, including:

(A) immediately listing the montane ash forests of the Victorian Central Highlands on the Register of Critical Habitat, and

(B) working with the Victorian Government to implement an immediate moratorium on logging in the native forests of Victorian Central Highlands, while the taskforce considering the future of logging in these forests carries out its investigations, and

(ii) scrap the Regional Forest Agreement which entrenches industrial scale clear fell logging in these forests.

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

Question put and negatived.

22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ENVIRONMENT—CLIMATE CHANGE—EMISSIONS REDUCTION TARGETS

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

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

The Abbott Government’s weak and dangerous carbon pollution reduction targets. The proposal was supported by four senators and the matter was discussed.
23 DOCUMENTS—CONSIDERATION
The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

24 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLELING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)
The Chair of the Standing Committee of Privileges (Senator Collins) tabled the following report and documents:
Privileges—Standing Committee—161st report—Possible imposition of a penalty on a witness before the Rural and Regional Affairs and Transport References Committee, dated August 2015, additional information and submissions.
Report ordered to be printed on the motion of Senator Collins.
Senator Collins moved—that the Senate adopt the recommendation at paragraph 1.47 of the report that no contempt be found in respect of the matter referred.
Debate adjourned till the next day of sitting, Senator Collins in continuation.

Senator Urquhart, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:
Scrutiny of Bills—Standing Committee—7th report of 2015, dated 12 August 2015.
Alert Digest No. 7 of 2015, dated 12 August 2015.
Report ordered to be printed on the motion of Senator Urquhart.

Senator O’Sullivan, 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. 8 of 2015, dated 12 August 2015.
Document ordered to be printed on the motion of Senator O’Sullivan.

Senator O’Sullivan, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:
Report ordered to be printed on the motion of Senator O’Sullivan.
Senator O’Sullivan moved—that the Senate take note of the report.
Question put and passed.
Senator O’Sullivan, on behalf of the Joint Committee of Public Accounts and Audit, tabled the following report:


Senator O’Sullivan moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator O’Sullivan in continuation.

25 **TRANSPORT—WESTERN AUSTRALIA—ROE 8 EXTENSION AND PERTH FREIGHT LINK—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) tabled the following documents:

Transport—Western Australia—Roe 8 extension and Perth Freight Link—Letter to the President of the Senate from the Assistant Minister for Education and Training (Senator Birmingham), dated 12 August 2015, responding to the order of the Senate of 11 August 2015, and attachments.

26 **COMMITTEE MEMBERSHIP**

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

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Foreign Affairs, Defence and Trade Legislation Committee—**

Appointed—

Substitute member: Senator Rhiannon to replace Senator Ludlam for the committee’s inquiry into the International Aid (Promoting Gender Equality) Bill 2015

Participating member: Senator Ludlam

**Murray-Darling Basin Plan—Select Committee—**

Appointed—Participating member: Senator Muir.

Question put and passed.

27 **CRIMES LEGISLATION AMENDMENT (POWERS, OFFENCES AND OTHER MEASURES) BILL 2015**

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

Message no. 424, dated 12 August 2015—A Bill for an Act to amend various Acts relating to the criminal law and law enforcement, and for other purposes.

The Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) 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 Colbeck moved—That this bill be now read a second time.

On the motion of Senator Colbeck the debate was adjourned till the next day of sitting.
28 Environment Protection and Biodiversity Conservation Act—Amendment to List of CITES Species—Proposed Disallowance

Senator Leyonhjelm, pursuant to notice, moved business of the Senate notice of motion no. 2—That the Amendment to List of CITES Species, Declaration of a stricter domestic measure, made under subsection 303CB(1) of the Environment Protection and Biodiversity Conservation Act 1999, be disallowed.

Debate ensued.

Question put and negatived.

29 Legal and Constitutional Affairs Legislation Committee—Report—Budget Estimates 2015-16

Pursuant to order, Senator Ruston, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:

Legal and Constitutional Affairs Legislation Committee—Budget estimates 2015-16—Report, dated August 2015, Hansard record of proceedings, documents presented to the committee and additional information.

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

30 Migration Amendment (Strengthening Biometrics Integrity) Bill 2015

Order of the day read for the adjourned debate on the motion of the Minister for Human Services (Senator Payne)—That this bill be now read a second time—and on the amendment moved by Senator Ludlam:

At the end of the motion, add “but further consideration of this bill be made an order of the day for the first sitting day after the Government has tabled the privacy impact assessment conducted by the Department of Immigration and Border Protection”.

Debate resumed.

Senator Ludlam, by leave, withdrew the amendment.

Question 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.

Senator Carr moved the following amendments together by leave:

Schedule 1, item 34, page 7 (after line 27), after subsection 257A(7), insert:

*Personal identifiers for minors or incapable persons*

(7A) If a minor or an incapable person (the *person*) is required to provide one or more personal identifiers under subsection (1), the personal identifiers must be provided:

(a) in circumstances affording reasonable privacy to the person; and

(b) in such a manner that ensures particular care is taken to treat the person with humanity and respect for human dignity.
Schedule 1, item 50, page 9 (lines 24 and 25), omit the item, substitute:

50 Subsections 261AL(5) and (6)

Repeal the subsections, substitute:

Persons present while identification test is carried out

(5) If a person who is a minor provides a personal identifier, in accordance with a requirement under Division 13AA of this Part, by way of an identification test carried out by an authorised officer, the test must be carried out in the presence of:
   (a) a parent or guardian of the minor; or
   (b) either:
       (i) if the minor is female—2 female independent persons; or
       (ii) if the minor is male—2 male independent persons.

(6) However, if the Minister is the minor’s guardian, the test must be carried out in the presence of:
   (a) if the minor is female—2 female independent persons (other than the Minister); or
   (b) if the minor is male—2 male independent persons (other than the Minister).

Schedule 1, item 53, page 10 (lines 3 and 4), omit the item, substitute:

53 Subsection 261AM(4)

Repeal the subsection, substitute:

Persons present while identification test is carried out

(4) If a person who is an incapable person provides a personal identifier, in accordance with a requirement under Division 13AA of this Part, by way of an identification test carried out by an authorised officer, the test must be carried out in the presence of:
   (a) a parent or guardian of the incapable person; or
   (b) either:
       (i) if the incapable person is female—2 female independent persons; or
       (ii) if the incapable person is male—2 male independent persons.

Schedule 1, page 10 (after line 4), after item 53, insert:

53A After section 336L

Insert:

336M Identifying information—serious data breach

Serious data breach

(1) If:
   (a) a person is the responsible person for identifying information; and
   (b) the person holds identifying information; and
   (c) there is unauthorised access to, or unauthorised disclosure of, the identifying information; and
   (d) the access or disclosure is in circumstances which may result in a real risk of:
       (i) the unauthorised use of the identifying information; or
(ii) a serious interference with the privacy of an individual; then:

(e) the loss is a **serious data breach** in relation to the identifying information; and 

(f) an individual is **significantly affected** by the serious data breach if, and only if, the individual is the person to whom the identifying information relates.

**Notification**

(2) If a responsible person believes on reasonable grounds that there has been a serious data breach in relation to identifying information, the responsible person must, as soon as practicable after forming that belief, notify, in writing:

(a) the individual who is significantly affected by the serious data breach; and 

(b) the Information Commissioner; 

of the following:

(c) a description of the serious data breach that the responsible person believes has occurred; 

(d) the kinds of information concerned; 

(e) recommendations about the steps that the individuals should take in response to the serious data breach that the responsible person believes has occurred; 

(f) such other information (if any) specified in the regulations.

**Responsible person**

(3) For the purposes of this section, **responsible person** has the same meaning as in section 336K.

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**Explanatory memorandum:** The Assistant Minister for Immigration and Border Protection (Senator Cash) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

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Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 31

Senators—

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Question negatived.

On the motion of Senator Cash the following amendment was agreed to:

Schedule 1, item 45, page 9 (lines 13 to 15), omit the item, substitute:

**45 Section 258F**

Repeal the section, substitute:

258F Person must not be required to provide personal identifiers in a cruel, inhuman or degrading way etc.

For the purposes of this Act, a requirement to provide a personal identifier, or the provision of a personal identifier, in a particular way under section 257A is not of itself taken:

(a) to be cruel, inhuman or degrading; or

(b) to be a failure to treat a person with humanity and with respect for human dignity.

However, nothing in this Act authorises the Minister or an officer to require a person to provide a personal identifier under section 257A in a cruel, inhuman or degrading way, or in a way that fails to treat the person with humanity and with respect for human dignity.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of Senator Cash the report from the committee was adopted and the bill read a third time.

31 **BUILDING AND CONSTRUCTION INDUSTRY (IMPROVING PRODUCTIVITY) BILL 2013**

31 **BUILDING AND CONSTRUCTION INDUSTRY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2013**

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

Debate resumed.

At 7.20 pm: Debate was interrupted while Senator McGrath was speaking.
32 **NOTICE**

Senators McAllister and Edwards gave a notice of motion as follows: To move on the next day of sitting—That—

(a) the Senate notes that, although the increasing participation of women in the workforce has contributed significantly to Australia’s economic productivity and to women’s financial independence, significant socio-economic disparity remains between men and women, illustrated by the pay gap between men and women which sits at 18.8 per cent and the gap in superannuation at retirement is 46.6 per cent; and

(b) the gender retirement income gap be referred to the Economics References Committee for inquiry and report by the first sitting day in March 2016, with particular reference to:

(i) the impact of inadequate superannuation savings on the retirement outcomes for women,

(ii) the extent of the gender retirement income gap and causes of this gap, including the gender pay gap and women’s caring responsibilities,

(iii) the effect of any structural inequities in the superannuation system,

(iv) the adequacy of the main sources of retirement income for women, and

(v) what measures would provide women with access to adequate and secure retirement incomes, including:

(A) assistance to employers to assist female employees’ superannuation savings, and

(B) government assistance, with reference to the success of previous schemes.

33 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 7.45 pm till Thursday, 13 August 2015 at 9.30 am.

34 **ATTENDANCE**

Present, all senators except Senators Nash and Peris* (*on leave).

**ROSEMARY LAING**
Clerk of the Senate

Printed by authority of the Senate