JOURNALS OF THE SENATE

No. 116

TUESDAY, 15 SEPTEMBER 2015

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No. 116—15 September 2015

1 MEETING OF SENATE
The Senate met at 12.30 pm. 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 by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Migration Act 1958—Statements under section 33—1 January to 30 June 2015 [3].

Radiocommunications Act 1992—

Radiocommunications Licence Conditions (Fixed Licence) Determination 2015 [F2015L01430].

Radiocommunications Licence Conditions (Fixed Receive Licence) Determination 2015 [F2015L01431].

Radiocommunications Licence Conditions (Outpost Licence) Determination 2015 [F2015L01433].


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

Entity contracts for 2014–15—Letter of advice pursuant to the order of the Senate of 20 June 2001, as amended—Department of Veterans’ Affairs.

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS
Committees were authorised to meet during the sittings of the Senate, as follows:

Environment and Communications Legislation Committee—public meeting on Thursday, 17 September 2015, from 4.30 pm, to take evidence for the committee’s inquiry into the provisions of the Environment Protection and Biodiversity Conservation Amendment (Standing) Bill 2015.

Legal and Constitutional Affairs References Committee—private meetings otherwise than in accordance with standing order 33(1)—

Today, from 3.35 pm, for the committee’s inquiry into the circumstances surrounding a letter sent to the Attorney-General.

Wednesday, 16 September 2015, from 9.35 am, for the committee’s inquiry into a popular vote on the matter of marriage.

4 CONSIDERATION OF LEGISLATION
The Assistant Minister for Social Services (Senator Fifield), pursuant to notice, moved government business notice of motion no. 1—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Asian Infrastructure Investment Bank Bill 2015
Tax and Superannuation Laws Amendment (2015 Measures No. 4) Bill 2015.

Question put and passed.

5 ECONOMICS LEGISLATION COMMITTEE—REPORT—ASIAN INFRASTRUCTURE INVESTMENT BANK BILL 2015
Pursuant to order, Senator Bushby, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following report and documents:


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

6 ORDER OF BUSINESS—REARRANGEMENT
The Assistant Minister for Social Services (Senator Fifield) moved—That intervening business be postponed till after consideration of the government business order of the day relating to the Asian Infrastructure Investment Bank Bill 2015.

Question put and passed.

7 ASIAN INFRASTRUCTURE INVESTMENT BANK 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.

Debate resumed.

Senator Whish-Wilson moved the following amendment:

At the end of the motion, add “but the Senate:

(a) urges the Government to use its diplomatic influence to secure standards for labour rights, environmental preservation and the protection of local communities that face displacement from large projects; and
(b) calls on the Government to withdraw if policies addressing environmental and social impacts required by Article 13 of the Asian Infrastructure Investment Bank Articles of Agreement are breached”.

Debate ensued.

On the motion of the Minister for Employment (Senator Abetz) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

8 MINISTRY AND MINISTERIAL ARRANGEMENTS

The Leader of the Government in the Senate (Senator Abetz), by leave, informed the Senate that Mr Malcolm Turnbull had been elected as Leader of the Liberal Party of Australia and had been commissioned by His Excellency the Governor-General as Prime Minister.

——

At 2 pm——

9 QUESTIONS

Questions without notice were answered.

10 MOTION TO TAKE NOTE OF ANSWERS

Senator Cameron moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Finance (Senator Cormann) to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

11 PETITIONS

The following 3 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Ronaldson, from 5 petitioners, requesting that the Senate oppose any change in the design or colour of the Australian national flag.

Senators Back and Bernardi, from 100 and 10 petitioners, respectively, requesting that the Senate oppose any redefinition of marriage to admit relationships to which it does not naturally or historically apply.

12 NOTICES

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

(a) notes that:

(i) the green bans movement led by the New South Wales Builders Labourers’ Federation, the forerunner of the Construction, Forestry, Mining and Energy Union (CFMEU), saved key heritage precincts in Sydney, including The Rocks and Victoria Street at Kings Cross,

(ii) the CFMEU New South Wales Branch has placed a ‘green ban’ on the iconic Parramatta Female Factory Precinct,

(iii) the Hobart Female Factory gained World Heritage status despite the fact that it is not as extensive, well-preserved, significant or as old as the Parramatta Female Factory Precinct, and
(iv) the proposed 30 storey, 3,900 unit development at North Parramatta would negatively impact the heritage listing of the Parramatta Female Factory Precinct; and

(b) calls on the Minister for the Environment to:

(i) acknowledge the national and world heritage value of this site, and

(ii) urgently approve the Precinct’s National Heritage Listing.  

(general business notice of motion no. 862)

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

(a) notes:

(i) the release of the University of Melbourne and PriceWaterhouseCoopers report, The value of Indigenous sight: An economic analysis, and

(ii) that currently for every $1 invested in eye care the return is $0.90, however, if the recommendations in the report The Roadmap to Close the Gap for Vision are implemented it is anticipated that there will be a return of $2.50 for every additional $1 spent; therefore the elimination of unnecessary vision loss for Indigenous Australians will generate an estimated return of $1.60 for every $1 spent on eye care;

(b) acknowledges that:

(i) 94 per cent of the vision loss experienced by Indigenous Australians is preventable or treatable, and

(ii) if Australia implements the ‘roadmap’, in addition to the provision of current eye care services and programs, it will be able to restore sight or avoid future vision loss for 34,000 Indigenous Australians, closing the gap for Indigenous eye health; and

(c) urges the Federal Government to:

(i) review the report and provide national leadership on eye health, and

(ii) address the gap between Aboriginal and non-Aboriginal eye health as a matter of priority.  

(general business notice of motion no. 863)

13 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for today, proposing a reference to the Education and Employment References Committee, postponed till 13 October 2015.

General business notice of motion no. 854 standing in the name of Senator Muir for 16 September 2015, relating to the theft and export of Australian motor vehicles, postponed till 14 October 2015.

General business notice of motion no. 858 standing in the name of Senator Canavan for today, relating to mining exports, postponed till 16 September 2015.

14 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:

Community Affairs References Committee—Availability of cancer drugs in Australia, extended to 17 September 2015.

Economics References Committee—

Non-conforming building products, extended to 3 December 2015.
Insolvency in the Australian construction industry, extended to 3 December 2015.

Rural and Regional Affairs and Transport References Committee—Aspects of road safety in Australia, extended to the Wednesday of the first sitting week in March 2016.

15 SPORT—PAYMENT OF FEMALE ATHLETES
The Leader of the Australian Greens (Senator Di Natale), also on behalf of Senators McEwen and McLucas, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 856—That the Senate—
(a) notes the extraordinary achievements of the Australian Matildas while playing and training under inappropriate work conditions for a world-class sports team;
(b) applauds the Matildas’ efforts as leaders and role models for young women and all footballers across Australia;
(c) raises concern that, despite this best ever performance by an Australian football team in reaching the quarter finals at a World Cup, they are paid 1/15th of the men’s team, as part-time employees with a full-time commitment, and at a rate below the minimum wage; and
(d) supports strong and fair working conditions for all female Australian athletes.

Question put and passed.
Statement by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion.

16 TRANSPORT—NORTH STAR CRUISES—BRIEFING MATERIALS AND CORRESPONDENCE—ORDER FOR PRODUCTION OF DOCUMENTS
Senator Conroy, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 857—That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development (Senator Cash), by no later than noon on Thursday, 17 September 2015, the following documents:
(a) all briefing or background material; and
(b) all correspondence (including emails),
between the Department of Infrastructure and Regional Development and the Deputy Prime Minister and/or his office relating to claims made to a Senate inquiry by Mr Bill Milby of North Star Cruises relating to meetings with officials from the Department of Infrastructure and Regional Development on 20 May and 16 June 2015.

Question put and passed.

17 TRANSPORT—NEW SOUTH WALES—NEWCASTLE HEAVY RAIL LINE
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 860—That the Senate—
(a) notes that:
(i) a New South Wales parliamentary inquiry has recommended that rail services and infrastructure that have been removed from the Newcastle heavy rail line be immediately reinstated, and
(ii) the rail line closure would be a public transport disaster for the Hunter region and for New South Wales, with patronage significantly lower since services were stopped at Hamilton in 2014; and
(b) calls on:

(i) the Federal Government to commit to funding public transport infrastructure in New South Wales, and

(ii) the New South Wales Government to reverse its decision to truncate the heavy rail line into Newcastle.

Question put and passed.

18 WOMEN—DOMESTIC VIOLENCE

Senator Moore, also on behalf of Senator Lazarus, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 861—

That the Senate—

(a) notes that:

(i) the continuing number of domestic violence attacks against women remains unacceptably high, and expresses great sadness at the spate of fatal domestic violence attacks on women in Queensland over the past week, and

(ii) on average, one woman loses her life as a result of intimate partner violence each week in Australia;

(b) re-affirms that domestic violence against women has no place in Australia;

(c) welcomes the Queensland State Government’s announcement that it will establish an ‘Implementation Council for domestic violence reforms’, to be chaired by Dame Quentin Bryce AD CVO, to enhance the ability of Queensland police officers to offer support and respond to complaints of domestic violence to ensure that women affected by domestic violence receive priority assistance;

(d) acknowledges that the Council of Australian Governments agreed to take urgent collective action in April 2015 to reduce the amount of violence perpetrated against women, after having endorsed the 2011 National Plan to Reduce Violence against Women and their Children 2010-2022;

(e) urges the Government and state and territory governments to prioritise the issue of domestic violence and act urgently to investigate and implement strategies to support and protect women from the scourge of domestic violence; and

(f) calls on the Government and state and territory governments to urgently work together to:

(i) investigate the establishment of a national domestic violence register to enable the national management and monitoring of domestic violence offenders across all state and territory borders,

(ii) increase criminal penalties for offences committed by perpetrators of domestic violence, including the breach of domestic violence orders by perpetrators of domestic violence, and

(iii) support the concept of a national domestic violence against women summit to bring all governments, stakeholders and support organisations together to develop and implement effective strategies and programs to increase support for women, raise awareness of domestic violence, and eliminate the occurrence of domestic violence against women.

Statement by leave: The Assistant Minister for Immigration and Border Protection (Senator Cash), by leave, made a statement relating to the motion.

Question put and passed.
19 ECONOMICS—COMPETITION POLICY—EFFECTS TEST

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 859—That the Senate—

(a) notes that:

(i) the Harper Review into competition policy called for the introduction of an effects test in relation to the misuse of market power,

(ii) supporters of the introduction of an effects test include the National Farmers’ Federation, and the newly-formed Independent Business Alliance for Competition made up of the Council of Small Business Australia, the Australian Retailers Association, Fresh Markets Australia, the Australian Newsagents’ Federation, the Australasian Convenience and Petroleum Marketers Association and the Master Grocers Association, and

(iii) the National Party unanimously passed a motion at its National Conference calling for the introduction of an effects test; and

(b) calls on the Government to bring forward legislation that amends section 46 of the Competition and Consumer Act 2010 to introduce an effects test so as to better protect farmers and small business owners from anti-competitive conduct.

Statements by leave: Senator Whish-Wilson, the Assistant Minister for Social Services (Senator Fifield) and Senator Canavan, by leave, made statements relating to the motion.

Question put.

The Senate divided—

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Question negatived.
DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMICS—ECONOMIC LEADERSHIP

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 Coalition Government’s failure to provide the economic leadership our nation needs.

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

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

Senator Urquhart, on behalf of the Parliamentary Joint Committee on Law Enforcement, tabled the following report and documents:


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

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

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

Senator Ruston, on behalf of the Joint Standing Committee on Treaties, tabled the following report:


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

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

Senator Ruston, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:

Public Works—Joint Statutory Committee—8th report of 2015—Referrals made June 2015: Fit-out of existing leased premises for the Australian Taxation Office at 121-125 Henry Street, Penrith, NSW; Fit-out of leased premises for the Administrative Appeals Tribunal at 83 Clarence Street, Sydney, NSW; OneSKY equipment rooms project in Melbourne and Brisbane, dated September 2015.

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

Question put and passed.

TRADE—INVESTMENT—MINISTERIAL STATEMENT—DOCUMENT

The Parliamentary Secretary to the Minister for Education and Training (Senator Ryan) tabled the following document:

Trade—Investment—2015 ministerial investment statement—Ministerial statement by the Minister for Trade and Investment (Mr Robb), dated 14 September 2015.
23 **TAX AND SUPERANNUATION LAWS AMENDMENT (BETTER TARGETING THE INCOME TAX TRANSPARENCY LAWS) BILL 2015**

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

Message no. 450, dated 15 September 2015—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Parliamentary Secretary to the Minister for Education and Training (Senator Ryan) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

*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, 12 October 2015.

24 **AGED CARE AMENDMENT (INDEPENDENT COMPLAINTS ARRANGEMENTS) BILL 2015**

**CIVIL LAW AND JUSTICE (OMNIBUS AMENDMENTS) BILL 2015**

Messages from the House of Representatives were reported agreeing to the following bills without amendment:


25 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—FAIRER PAID PARENTAL LEAVE BILL 2015**

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

Community Affairs Legislation Committee—Fairer Paid Parental Leave Bill 2015


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

26 **ASIAN INFRASTRUCTURE INVESTMENT BANK 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 Whish-Wilson (see entry no. 7).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 10

Senators—

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Question negatived.
Main 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, debated.
Senator Whish-Wilson moved the following amendment:
Clause 3, page 3 (lines 5 to 9), omit:

- Regulations may confer privileges and immunities on:
  (a) the Bank; and
  (b) officers and employees of the Bank; and
  (c) experts and consultants performing missions or services for the Bank.

Debate ensued.
Question—That the amendment be agreed to—put and negatived.
Bill agreed to.
Bill to be reported without amendment.

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

27 ORDER OF BUSINESS—REARRANGEMENT
The Assistant Minister for Health (Senator Nash) moved—that intervening business be postponed till after consideration of the government business order of the day relating to the Tax and Superannuation Laws Amendment (2015 Measures No. 4) Bill 2015.
Question put and passed.
28 **TAX AND SUPERANNUATION LAWS AMENDMENT (2015 MEASURES NO. 4) BILL 2015**
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan)—That this bill be now read a second time.
Debate resumed.
*At 7.20 pm:* Debate was interrupted while Senator Smith was speaking.

29 **ADJOURNMENT**
The Acting Deputy President (Senator Lines) proposed the question—That the Senate do now adjourn.
Debate ensued.

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*Document:* Senator Ludlam, by leave and at the request of Senator Siewert, tabled the following document:
Environment—Marine conservation—Australian dive industry statement for sanctuaries: Marine sanctuaries are our business, dated August 2015.

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Debate continued

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*Documents:* Senator Madigan, by leave, tabled the following documents:
Industry—Victoria—Western Victorian wind farms—
Letters, dated 18 August 2015, from Senator Madigan to—
Premier of Victoria (Mr Andrews).
Victorian Minister for Planning (Mr Wynne).

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Debate continued.
The Senate adjourned at 10.20 pm till Wednesday, 16 September 2015 at 9.30 am.

30 **ATTENDANCE**
Present, all senators except Senators O’Sullivan*, Polley* and Singh* (*on leave).

ROSEMARY LAING
Clerk of the Senate