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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.

DOCUMENTS

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

- Auditor-General—Audit report no. 9 of 2015-16—Performance audit—Test and evaluation of major Defence equipment acquisitions: Department of Defence.
- Law and justice—Marriage equality—Resolution of the Legislative Assembly of Western Australia—Letter to the President of the Senate from the Speaker of the Legislative Assembly of Western Australia (Mr Sutherland), dated 17 November 2015, forwarding the text of a resolution passed by the Legislative Assembly of Western Australia on 23 September 2015, and members’ speeches made during the debate on the matter.
- Sport—Rugby League—North Queensland Cowboys—Letter to the President of the Senate from the Minister for Infrastructure and Regional Development (Mr Truss), dated 12 November 2015, responding to the resolution of the Senate of 13 October 2015.

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.]

- Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination—No. 18 of 2015 [F2015L01824].
- Banking Act 1959—Banking exemption No. 2 of 2015 [F2015L01823].
- Civil Aviation Act 1988—Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—Civil Aviation Order 48.1 Amendment Instrument 2015 (No. 1) [F2015L01829].
- ASIC Corporations (Repeal) Instrument 2015/1050 [F2015L01830].

Greenhouse and Energy Minimum Standards (Registration Fees) Act 2012—
Greenhouse and Energy Minimum Standards (Registration Fees) Instrument 2015 (No. 2) [F2015L01822].

Migration Act 1958—Migration Regulations 1994—
Eligible Education Providers and Educational Business Partners 2015—
IMMI 15/132 [F2015L01820].
Required Medical Assessment—IMMI 15/144 [F2015L01826].


3 COMMITTEE—LEAVE TO MEET DURING SITTING
A committee was authorised to meet during the sitting of the Senate, as follows:
Environment and Communications Legislation Committee—public meeting on Monday, 30 November 2015, from 7.30 pm, for the committee’s consideration of the 2015-16 supplementary Budget estimates.

4 CORPORATIONS AMENDMENT (STREAMLINING OF FUTURE OF FINANCIAL ADVICE) BILL 2014
Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.
Debate resumed.
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.

Explanatory memorandum: The Minister for Finance (Senator Cormann) tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

On the motion of Senator Cormann the following amendments, taken together by leave, were debated and agreed to:


Schedule 1, item 12, page 8 (line 13), omit “paragraphs (2)(b), (ba) and (c)”, substitute “paragraphs (2)(a), (b) and (c)”.

Schedule 1, item 12, page 8 (line 19), omit “paragraphs (2)(b), (ba) and (c)”, substitute “paragraphs (2)(a), (b) and (c)”.


Schedule 1, items 21 and 22, page 10 (lines 10 to 13), omit the items, substitute:

21 Subsection 962K(1)
Omit “30 days”, substitute “60 days”.

22 Subsection 962S(1)
Omit “within a period of 30 days”, substitute “before the end of a period of 60 days”.

Schedule 1, item 28, page 11 (lines 5 to 8), omit the example.

Schedule 1, item 29, page 11 (line 20) to page 13 (line 29), omit the item, substitute:

29 At the end of section 963B (after the note)
Add:

(4) The regulations may prescribe circumstances in which, despite a provision of this section, all or part of a benefit is to be treated as conflicted remuneration.

Note: The expression intrafund advice is often used to describe financial product advice given by a trustee (or an employee of, or another person acting under arrangement with, the trustee) of a regulated superannuation fund to its members, where that advice is not of a kind to which the prohibition in section 99F of the Superannuation Industry (Supervision) Act 1993 applies. (Section 99F of that Act prohibits trustees of regulated superannuation funds from passing on the cost of providing certain kinds of financial product advice in relation to one member of the fund to another.)

Schedule 1, item 34, page 14 (lines 7 to 18), omit the item, substitute:

34 Section 963C
Before “Despite”, insert “(1)”.

34A At the end of section 963C
Add:

(2) The regulations may prescribe circumstances in which, despite subsection (1), all or part of a benefit is to be treated as conflicted remuneration.

Schedule 1, item 35, page 15 (line 10), omit “personal advice”, substitute “financial product advice”.

Schedule 1, item 35, page 15 (lines 15 to 24), omit subsections 963D(3) and (4), substitute:

(3) The regulations may prescribe circumstances in which, despite subsection (2), all or part of a benefit is to be treated as conflicted remuneration.


Schedule 1, item 43, page 18 (lines 25 to 27), omit “The amendments made by items 7 to 16 of Schedule 1 to the Corporations Amendment (Streamlining of Future of Financial Advice) Act 2014”, substitute “The amendments made by items 12, 14A and 16 of Schedule 1 to the Corporations Amendment (Financial Advice Measures) Act 2015”.

Schedule 1, item 43, page 19 (lines 2 to 4), omit “The amendments made by items 17 to 21 and items 39 and 40 of Schedule 1 to the Corporations Amendment (Streamlining of Future of Financial Advice) Act 2014 apply”, substitute “The amendment made by item 21 of Schedule 1 to the Corporations Amendment (Financial Advice Measures) Act 2015 applies”.

Schedule 1, item 43, page 19 (line 11), omit “for pre-existing clients”.

Schedule 1, item 43, page 19 (lines 12 to 14), omit “The amendment made by item 22 of Schedule 1 to the Corporations Amendment (Streamlining of Future of Financial Advice) Act 2014 applies”, substitute “The amendments made by items 20A, 20B and 22 of Schedule 1 to the Corporations Amendment (Financial Advice Measures) Act 2015 apply”.


Question—That the bill, as amended, be agreed to—divided, at the request of Senator Cormann, in respect of Schedule 1, items 1A to 1J, 3 to 11, 13 to 15, 17 to 20, 24 to 27, 30 to 32, 36 to 40; and item 43, sections 1531AA and 1531F.

Question—That Schedule 1, items 1A to 1J, 3 to 11, 13 to 15, 17 to 20, 24 to 27, 30 to 32, 36 to 40; and item 43, sections 1531AA and 1531F stand as printed—put and negatived.

Bill, as amended, debated and agreed to.

Bill to be reported with amendments.

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

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

5 **Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015**

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

Message no. 495, dated 23 November 2015—A Bill for an Act to amend the law relating to higher education and research, and for related purposes.

The Minister for Finance (Senator Cormann) 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 Cormann moved—that this bill be now read a second time.

Debate ensued.
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.
Question—That the bill stand as printed—divided, at the request of Senator Simms, in respect of Schedule 2.
Schedule 2 debated.
Question—That Schedule 2 stand as printed—put.
The committee divided—

AYES, 38

Senator Simms moved the following amendment:
Clause 2, page 2 (table item 3), omit “Schedules 2 to 6”, substitute “Schedules 3 to 6”.
Question—That the amendment be agreed to—put.
The committee divided—

AYES, 10

Schedule agreed to.

Senator Simms moved the following amendment:
Clause 2, page 2 (table item 3), omit “Schedules 2 to 6”, substitute “Schedules 3 to 6”.
Question—That the amendment be agreed to—put.
The committee divided—

AYES, 10
NOES, 37

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Question negatived.
Bill agreed to.
Bill to be reported without amendment.

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

On the motion of the Minister for Education and Training (Senator Birmingham) the report from the committee was adopted and the bill read a third time.

After 2 pm—

6 **QUESTIONS**

Questions without notice were answered.

7 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Sterle moved—That the Senate take note of the answers given by the Minister for Tourism and International Education (Senator Colbeck) and the Minister for Finance (Senator Cormann) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senator Gallagher today relating to the goods and services tax.

Debate ensued.

Question put and passed.

Senator Lambie moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Lambie today relating to a proposal to drug test income support recipients.

Question put and passed.

8 **PETITION**

The following petition, lodged with the Clerk by Senator Bilyk, was received:

   From 364 petitioners, requesting that the Senate support the rollout of the National Broadband Network to residents of Howden in Tasmania.
9 NOTICES

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

Senator Day: To move on the next day of sitting—That the Senate—
   (a) acknowledges the Turnbull Government’s renewed focus on innovation and improved commercialisation of research;
   (b) welcomes the recent Australian delegations to Israel, including a delegation with the Assistant Minister for Innovation (Mr Roy), to support innovation-related trade with Israel;
   (c) notes that the 2015 Bloomberg Global Innovation index:
      (i) ranked Israel 5th overall ahead of the United States of America (US) in 6th and Australia in 13th place, and
      (ii) shows Australia now has free trade agreements with the 1st (Japan), 2nd (South Korea), 6th (US) and 8th (Singapore) ranked nations;
   (d) recognises that the European Union, the US, Canada, Mexico, Colombia and Turkey have direct free trade agreements with Israel; and
   (e) calls on the Australian Government to initiate negotiations with Israel towards a free trade agreement. (general business notice of motion no. 952)

The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend family law, and for related purposes. Family Law Amendment (Financial Agreements and Other Measures) Bill 2015.

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 27 July 2016:

The inconsistencies and inadequacies of current criminal, civil and administrative penalties for corporate and financial misconduct or white-collar crime, with particular reference to:
   (a) evidentiary standards across various acts and instruments;
(b) the use and duration of custodial sentences;
(c) the use and duration of banning orders;
(d) the value of fine and other monetary penalties, particularly in proportion to the amount of wrongful gains;
(e) the availability and use of mechanisms to recover wrongful gains;
(f) penalties used in other countries, particularly members of the Organisation for Economic Co-operation and Development [OECD]; and
(g) any other relevant matters.

Senators Moore and Waters: To move on the next day of sitting—That the Senate—
(a) notes:
(i) that 8 December 2015 is the 40th anniversary of the first official broadcast of community radio station 4ZZZ-FM from studios at the University of Queensland,
(ii) that 4ZZZ was the first FM stereo radio station in Queensland, the first community broadcaster in Australia with journalists accredited by the then Australian Journalists Association, and the first mass-audience format community broadcaster in Australia,
(iii) that 4ZZZ has provided, and continues to provide, an important means of exposure for many Brisbane musicians and artists and an important independent local outlet for information and news, and
(iv) the opinion of the hugely influential and prolific Brisbane musician, Mr Ed Kuepper, that ‘the importance of 4ZZZ in the development of an independent music and arts scene in Brisbane cannot be overstated’;
(b) congratulates all those involved in establishing and maintaining this pioneering community-based radio station now broadcasting from studios in Fortitude Valley in Brisbane; and
(c) expresses support for the ongoing development of community broadcasting in Australia as an important component in ensuring the community has access to a diverse and adequate range of information and entertainment. (general business notice of motion no. 953)

Senator Rhiannon: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report:

The contamination issues on and around RAAF Base Williamtown, New South Wales, and government responses to that contamination, with particular reference to:
(a) the contamination of water, soil and any other natural or human made structures at RAAF Base Williamtown and the surrounding environs;
(b) responses by both the Department of Defence, RAAF Base Williamtown management and the relevant New South Wales authorities to the contamination, including when base employees, local residents and businesses, Port Stephens and Newcastle City Councils, and the New South Wales Environment Protection Agency (EPA) were informed of the contamination;
(c) the adequacy of legislation and regulations to deal with this contamination in regard to human health and environmental damage;
(d) compensation for loss of income due to impact on business and property values, impact on property values regardless of any associated income loss, impact on health and wellbeing, and any other matters associated with living in the Red Zone;
(e) adequacy of public disclosure of information about the contamination;
(f) broader issues including the Department of Defence and Port Stephens City Council’s willingness to address long-standing surface water issues exacerbated by RAAF Base Williamtown;
(g) a comprehensive historical study of pollution, contamination and unsafe activities at RAAF Base Williamtown;
(h) a study of the health impacts of pollution linked to RAAF Base Williamtown on employees, residents and visitors;
(i) the adequacy of current legislation to enable the New South Wales EPA to respond to and regulate lands controlled and/or owned by a federal entity which would otherwise have the full jurisdiction of the New South Wales EPA if that same pollution event occurred on non-federally owned and controlled land; and
(j) any other related matters.

The Deputy Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Bilyk): To move on the next day of sitting—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10 am, as follows:
(a) Thursday, 4 February 2016, followed by a public meeting;
(b) Thursday, 25 February 2016; and
(c) Thursday, 17 March 2016. (general business notice of motion no. 954)

Senators Madigan, Day, Lazarus, Wang and Leyonhjelm: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) over one million Australian tertiary students are forced to pay up to $286 per year as a Student Services and Amenities Fee (SSAF),
(ii) students at the moment have very little say in how the SSAF monies are spent by their universities and student associations, and
(iii) SSAF is levied regardless of students’ need, willingness and ability to access the services and activities they are paying for; and
(b) calls on the Government to amend the Higher Education Support Act so that the SSAF can only be levied with the support of the majority of students at each university campus in a mandatory ballot conducted once an academic year. (general business notice of motion no. 955)

Senator Ludlam: To move on the next day of sitting—That the Senate—
(a) notes, with deep concern, recent political developments in Cambodia, including:
(i) the issuing of an arrest warrant based on seven-year-old defamation charges against the Opposition Leader, Mr Sam Rainsy, and his subsequent removal from Parliament and the stripping of his parliamentary immunity,
(ii) violent attacks against opposition parliamentarians, and
(iii) the removal of the Opposition Party Deputy Leader, Mr Kem Sokha, from his post as Vice-President of the National Assembly; and
(b) calls on the Cambodian Government to:
   (i) revoke the arrest warrant issued against Mr Rainsy, and to allow him and other opposition parliamentarians to return to Cambodia without fear of arrest or persecution,
   (ii) protect and uphold the tenets of multi-party democracy, and to take concrete steps to guarantee a free and safe political space, and
   (iii) engage with the Opposition in open dialogue on actions to strengthen Cambodia’s democracy. (general business notice of motion no. 956)

The Minister for Finance (Senator Cormann) and Senators Smith, Back, Johnston and Reynolds: To move on the next day of sitting—That the Senate—
(a) notes that the devastating bushfires that swept through the Salmon Gums, Scadden, Grass Patch, Merivale and Norseman areas north of Esperance, Western Australia, in the week beginning 15 November 2015, were the state’s worst bushfires in more than 50 years;
(b) acknowledges the determined efforts of the more than 200 volunteer firefighters, Fire and Emergency Services Authority personnel, State Emergency Services volunteers, and pastoralists and farmers who sought to save as many properties as possible;
(c) expresses its sincere regret at:
   (i) the tragic death of Scadden farmer, Mr Kym Curnow, who lost his life after bravely making sure homes were being evacuated, and turning back vehicles, and
   (ii) the tragic deaths of European workers, Ms Anna Winther (29) from Norway, Ms Julia Kohrs-Lichte (19) from Germany, and Mr Thomas Butcher (31) from England, who died trying to flee the fire; and
(d) extends its sympathy to the family and friends of the deceased. (general business notice of motion no. 957)

Senators Xenophon, Whish-Wilson, Lambie and Lazarus: To move on the next day of sitting—That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 3 March 2016:
(a) an examination of the powers and processes of the Foreign Investment Review Board (FIRB) in relation to key strategic assets being subject to a take-over by foreign-owned interests, and whether there ought to be any legislative or regulatory changes to that framework to ensure that Australia’s national interest is being adequately considered;
(b) the current exemption of purchases of state- and territory-owned assets from review by the FIRB;
(c) the recent decision by the Northern Territory Government to grant a 99-year lease over the Port of Darwin to the Chinese-owned company Landbridge Group in exchange for $506 million, with particular reference to:
   (i) the extent, type (written or oral) and duration (timeframe) of consultation between the Northern Territory Government, the Federal Government, the Australian Defence Force, the Department of Defence, businesses and other interested stakeholders in relation to the lease,
   (ii) the strategic importance of the Port of Darwin in terms of our national security, defence and trade capabilities and consultation in relation to same,
   (iii) the impact this lease will have on industry, businesses and jobs in the Port of Darwin and surrounding areas,
(iv) the pricing regime to be applied to the use of port services under the lease,
(v) the environmental impact resulting from any expansion of activities in the Port of Darwin, particularly to nearby Aboriginal cultural sites and World War II historic sites, and
(vi) any other direct or consequential impacts and/or risks associated with the leasing of the Port of Darwin; and
(d) any other related matters.

Senator Waters: To move on the next day of sitting—That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 24 August 2016:
(a) the role of gender inequality in all spheres of life in contributing to the prevalence of domestic violence;
(b) the role of gender stereotypes in contributing to cultural conditions which support domestic violence, including, but not limited to, messages conveyed to children and young people in:
   (i) the marketing of toys and other products,
   (ii) education, and
   (iii) entertainment;
(c) the role of government initiatives at every level in addressing the underlying causes of domestic violence, including the commitments under, or related to, the National Plan to Reduce Violence against Women and their Children; and
(d) any other related matters.

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) notes:
   (i) the suggestions by the Treasurer (Mr Morrison) that cuts may have to be made in the welfare system to pay for the National Disability Insurance Scheme, and
   (ii) that those on income support have disproportionately borne the burden of two cruel budgets; and
(b) calls on the Government to:
   (i) keep their pre-election commitment to ‘deliver the NDIS’ but not at the expense of people on income support, and
   (ii) cease their relentless attack on our social security safety net. (general business notice of motion no. 958)

The Minister for Women (Senator Cash) and Senators Lines, Moore and Waters: To move on the next day of sitting—That the Senate—
(a) notes that 25 November 2015:
   (i) is the International Day for the Elimination of Violence Against Women, which is also White Ribbon Day, and
   (ii) marks the start of the United Nations 16 Days of Activism against Gender-Based Violence Campaign, a time to galvanize action to end violence against women and girls around the world, leading to 10 December 2015, Human Rights Day;
(b) recognises that the White Ribbon campaign is a national male-led campaign to end men’s violence against women, and is now active in over 60 countries around the world;
(c) acknowledges that:
   (i) one in three women in Australia have been physically attacked in their lifetimes, and these attacks are most likely to have been in the women’s own home,
   (ii) across the world, violence against women and girls remains one of the most serious and the most tolerated human rights violations, both a cause and a consequence of gender inequality and discrimination,
   (iii) prevention strategies have a proven effect on levels of violence, and if we engage the whole community in prevention and give them skills for respectful relationships we will reduce the costs associated with violence, and
   (iv) social policy initiatives and law reform addressing gender inequality are central to reducing attitudes that support violence against women; and

(d) reinforces the need for cross-party support at all levels of government in the response to end the scourge of family violence. (general business notice of motion no. 959)

10 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Whish-Wilson for today, proposing the disallowance of the Small Pelagic Fishery (Closures Variation) Direction No. 1 2015, postponed till 25 November 2015.


11 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator Canavan, also on behalf of Senators Macdonald and Lindgren, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Economics References Committee for inquiry and report by 31 March 2016:

The development of the bauxite resources near Aurukun in Cape York, with particular reference to:

(a) the economic development of the bauxite resources near Aurukun in Cape York;
(b) any issues relating to native title rights and interests on the land on which these resources are located;
(c) the process for the finalisation of an exclusive Mineral Development Licence Application on this land;
(d) any opportunities for traditional owners to receive ongoing benefit from the resources located on this land; and
(e) any other related matter.

Question put and passed.
12 INTERACTIVE GAMBLING AMENDMENT (SPORTS BETTING REFORM) BILL 2015
Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 933—That the following bill be introduced:

A Bill for an Act to amend the Interactive Gambling Act 2001, and for related purposes.

Question put and passed. 
Senator Xenophon 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 Xenophon moved—That this bill be now read a second time.

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

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

13 COMMUNITY AFFAIRS REFERENCES COMMITTEE—GRANDPARENTS RAISING GRANDCHILDREN—GOVERNMENT'S RESPONSE
Senator Moore, also on behalf of Senators Brown and Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 943—That the Senate—

(a) notes that:

(i) throughout Australia, there are tens of thousands of children being raised by their grandparents,
(ii) these grandparents play a significant role in the lives of the grandchildren for whom they care,
(iii) the circumstances of these grandparents, as well as the grandchildren, entail significant challenges that are severely affecting the quality of life for grandparent-headed families,
(iv) it has been over a year since the Community Affairs References Committee tabled its report, Grandparents who take primary responsibility for raising their grandchildren, on 29 October 2014, and
(v) the Government is yet to respond to the report; and

(b) calls on the Government to respond to the report and its recommendations.

Question put and passed.
14 Northern Australia—Joint Select Committee—Leave to Meet during Sittings
Senator Bushby, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 944—That the Joint Select Committee on Northern Australia be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:
(a) Tuesday, 2 February 2016;
(b) Tuesday, 23 February 2016;
(c) Tuesday, 1 March 2016; and
(d) Tuesday, 15 March 2016.
Question put and passed.

15 Trade and Investment Growth—Joint Select Committee—Leave to Meet during Sittings
Senator Bushby, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 945—That the Joint Select Committee on Trade and Investment Growth be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:
(a) Thursday, 4 February 2016;
(b) Thursday, 25 February 2016;
(c) Thursday, 3 March 2016; and
(d) Thursday, 17 March 2016.
Question put and passed.

16 Health—Diabetes
Senator McEwen, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 946—That the Senate—
(a) notes that:
   (i) 14 November 2015 was World Diabetes Day,
   (ii) there are 1.1 million diagnosed cases of diabetes in Australia and this is rising by 100 000 a year,
   (iii) Diabetes Australia estimates that:
      (A) diabetes currently costs the Australian economy around $14.6 billion per annum, and
      (B) the cost of diabetes to the Australian economy is forecast to increase to $30 billion by 2025,
   (iv) Australia needs a stronger response to the challenge of diabetes, and
   (v) there is evidence that:
      (A) the onset of type 2 diabetes can be successfully prevented, and
      (B) serious complications and hospitalisations from diabetes can be prevented; and
(b) commits to working towards reducing the impact of diabetes on the lives of Australians.

Question put and passed.

17 Privileges—Standing Committee—Access to Committee Documents

Senator McEwen, at the request of the Chair of the Standing Committee of Privileges (Senator Collins) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 947—that, for the purposes of its inquiry into the matters referred on 10 November 2015, the Committee of Privileges have power to consider and use the minutes of evidence and records of the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru appointed on 26 March 2015 and reappointed on 10 August 2015.

Question put and passed.

18 Law and Justice—Vehicle Export Market—Theft of Vehicles

Senator Muir, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 854—that the Senate—

(a) notes that:

(i) the National Motor Vehicle Theft Reduction Council estimates that 20 passenger and light commercial vehicles are stolen and exported from Australia each week,

(ii) there are media reports that indicate that there has also been a spike in unrecovered, stolen four-wheel drive vehicles in recent years,

(iii) terror experts claim that these four-wheel drive vehicles are exported to Turkey and then driven across the border into Syria for use as armoured vehicles by terrorist organisations, and

(iv) vehicle exporters are not required to provide a clean Personal Property Securities Register report prior to the vehicle leaving the country; and

(b) calls on the Government to:

(i) require all vehicle exporters to provide to the relevant authorities a clean Personal Property Securities Register report as a mandatory compliance component of the export process, and

(ii) direct the responsible authorities to further investigate this problem in the interests of national security.

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

Question put.

The Senate divided—

AYES, 8

Senators—

Day       Lazarus       Madigan       Wang
Lambie    Leyonhjelm   Muir (Teller)  Xenophon
Administration—Political Donations—For-profit Corporations

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 948—That the Senate—

(a) notes that:

(i) former Newcastle Lord Mayor and developer, Mr Jeff McCloy, lost his High Court case to overturn a New South Wales law banning developers from making political donations,

(ii) in its finding on the case, the High Court identified a more subtle kind of corruption known as clientelism, which is where officeholders will decide issues not on the merits or the desires of their constituencies, but according to the wishes of those who have made large financial contributions valued by the officeholder,

(iii) the High Court also stated that the particular concern is that reliance by political candidates on private patronage may, over time, become so necessary as to sap the vitality, as well as the integrity, of the political branches of government, and

(iv) in dealing with solutions, the High Court found that, unlike straight cash-for-votes transactions, such corruption is neither easily detected nor practical to criminalise, and the best means of prevention is to identify and to remove the temptation; and

(b) calls on the Government to:

(i) ban political donations to parties and candidates from for-profit corporations, and

(ii) establish an independent agency, similar to the New South Wales Independent Commission Against Corruption, which works to expose corruption and enhance integrity at the federal level.

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

Question put.
The Senate divided—

AYES, 10

Senators—

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NOES, 38

Senators—

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Question negatived.
Question negatived.

20 ENVIRONMENT—COAL SEAM GAS MINING—APPROVAL OF LANDOWNERS

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 949—That the Senate—

(a) notes:

(i) the Victorian National Party’s announcement in early 2015 that they ‘support landowners having the right to say no to coal seam gas extraction activity on their land’,

(ii) comments by the Leader of The Nationals and Minister for Infrastructure and Regional Development, Mr Truss MP, that farmers should have the right to say yes or no to coal seam gas exploration and extraction on their property,

(iii) comments by:

(A) the Deputy Leader of The Nationals and Minister for Agriculture and Water Resources, Mr Joyce MP, and

(B) the Deputy Leader of The Nationals in the Senate and Minister for Rural Health, Senator Nash,

supporting a right for farmers to say no to coal seam gas activity on their land, and

(iv) reports that:

(A) the Assistant Minister to the Deputy Prime Minister, Mr McCormack MP, and

(B) Mr Broad MP, and Senators McKenzie, Williams and Canavan, support the right of farmers to say no to coal seam gas activity on their land; and

(b) agrees that landowners should have the right to say no to coal seam gas activity on their land.

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

Question put.

The Senate divided—

AYES, 14

NOES, 33

Senator—

Back

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Bullock

Bushby (Teller)

Canavan

Day

Edwards

Gallagher

Ketter

Lambie

Lazarus

Leyonhjelm

Lindgren

Lines

Ludwig

Madigan

Marshall

Ludlam

McAllister

McEwen

McGrath

McKenzie

McLucas

Moore

Muir

O’Neill

Parry

Peris

Polley

Reynolds

Ronaldson

Ryan

Smith

Wang

Hanson-Young

Lambie

Lazarus

Di Natale

Hanson-Young

Lambie

Lazarus
NOES, 30

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 950—That the Senate—

(a) notes:
(i) the disaster at the Samarco iron ore mine, owned by BHP and Vale, which claimed the lives of 12 people with 22 still missing, left thousands homeless, and has left 280 000 without drinking water,
(ii) comments by the Brazilian Minister of the Environment, Ms Izabella Teixeira, describing this as ‘the worst environmental disaster in Brazil’s history’,
(iii) the emergence of an independent report from 2013 warning of major design flaws in the waste stockpile and tailings dam which was not included in the application or the granting of a licence to Samarco,
(iv) that the pollution from the disaster has contaminated one of Brazil’s most important river systems, the Rio Doce, and
(v) that estimates of the cost of the clean-up range from US$1 billion to US$27 billion;

(b) offers its deepest condolences to the people of Bento Rodrigues, neighbouring communities, and downstream communities in Brazil affected by the disaster;

(c) calls on BHP and all Australian corporations active around the world to uphold local environmental laws and respect human rights; and

(d) supports adequate compensation for affected communities which should be paid by the owners of the Samarco mine.

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

Question put and passed.

22 NOTICE OF MOTION WITHDRAWN

Senator Whish-Wilson withdrew business of the Senate notice of motion no. 1 standing in his name for 25 November 2015, proposing a reference to the Economics References Committee.
23 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—TAX TRANSPARENCY
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 importance of tax transparency.

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

24 DOCUMENTS—CONSIDERATION
The following documents tabled earlier today (see entry no. 2) were considered:

- Law and justice—Marriage equality—Resolution of the Legislative Assembly of Western Australia—Letter to the President of the Senate from the Speaker of the Legislative Assembly of Western Australia (Mr Sutherland) forwarding the text of a resolution passed by the Legislative Assembly of Western Australia on 23 September 2015, and members’ speeches made during the debate on the matter. Motion to take note of documents moved by Senator Simms and agreed to.

25 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)
Senator Canavan, at the request of the Chair of the Parliamentary Standing Committee on Public Works (Senator Smith), tabled the following report:

Public Works—Joint Statutory Committee—9th report of 2015—Referrals made August 2015: HMAS Stirling redevelopment, stage 3A, Garden Island, Western Australia; Brisbane and Cairns control tower life extensions; Melbourne and Brisbane air traffic service centre – extension works, dated November 2015.

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


Question put and passed.

Senator Siewert, at the request of Senator Hanson-Young, tabled the following document:


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

26 DEFENCE—NATIONAL SECURITY—MINISTERIAL STATEMENT—DOCUMENT
The Minister for Indigenous Affairs (Senator Scullion) tabled the following document:

Defence—National security—Ministerial statement by the Prime Minister (Mr Turnbull), dated 24 November 2015.
The Leader of the Australian Greens (Senator Di Natale) moved—That the Senate take
note of the document.
Question put and passed.

27 NOTICE
Senator Conroy gave a notice of motion as follows: To move on the next day of
sitting—That the following matter be referred to the Foreign Affairs, Defence and
Trade References Committee for inquiry and report by 4 February 2016:
Contamination of Australian Defence Force (ADF) facilities with perfluorooctane
sulphonate (PFOS) and perfluorooctanoic acid (PFOA), with particular reference to:
(a) how effective the investigation and assessment of all ADF sites and
surrounding areas for contamination with PFOS and PFOA has been;
(b) what defence facilities have been identified as having PFOS or PFOA
contamination, and what facilities may still be identified as being contaminated,
including the facilities at the Army Aviation Centre Oakey and RAAF Base
Williamtown;
(c) the adequacy of consultation and coordination between the Federal
Government, state governments, local governments, the Department of Defence
and the ADF, affected local communities and businesses, and other interested
stakeholders;
(d) whether appropriate measures have been taken to ensure the health, wellbeing
and safety of Australian military and civilian personnel at affected ADF
facilities;
(e) the adequacy of health advice and testing of defence and civilian personnel and
members of the public exposed, or potentially exposed, to the contamination;
(f) what progress has been made on remediation works at affected sites, and the
adequacy of measures to control further contamination at affected sites;
(g) what compensation arrangements have been established for affected businesses
and individuals; and
(h) any other related matters.

28 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Lines) informed the Senate that the President
had received a letter requesting changes in the membership of a committee.
The Minister for Indigenous Affairs (Senator Scullion), by leave, moved—That
Senator Dastyari replace Senator Singh on the Environment and Communications
Legislation Committee on 30 November 2015, and Senator Singh be appointed as a
participating member.
Question put and passed.

29 TAX AND SUPERANNUATION LAWS AMENDMENT (2015 MEASURES NO. 5) BILL 2015
A message from the House of Representatives was reported transmitting for the
concurrence of the Senate the following bill:
   Message no. 496, dated 23 November 2015—A Bill for an Act to amend the law
relating to taxation, and for related purposes.
The Minister for Indigenous Affairs (Senator Scullion) 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 Scullion moved—That this bill be now read a second time.
On the motion of Senator Scullion the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

30 FOREIGN ACQUISITIONS AND TAKEOVERS LEGISLATION AMENDMENT BILL 2015
A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

31 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—REPORT—SOCIAL SECURITY LEGISLATION AMENDMENT (FURTHER STRENGTHENING JOB SEEKER COMPLIANCE) BILL 2015
Pursuant to order, Senator Canavan, at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), tabled the following report and documents:
Report ordered to be printed on the motion of Senator Canavan.

32 MIGRATION AMENDMENT (CHARGING FOR A MIGRATION OUTCOME) BILL 2015
Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time.
Debate resumed.
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 1, page 3 (line 11), omit “sponsorship-related event”, substitute “migration outcome-related event”.
Schedule 1, item 1 page 3 (lines 14 and 15), omit “sponsorship-related event”, substitute “migration outcome-related event”.
Schedule 1, item 1, page 3 (line 20), omit “sponsorship-related event”, substitute “migration outcome-related event”.
Schedule 1, item 1, page 3 (line 23), omit “sponsorship-related event”, substitute “migration outcome-related event”.

Schedule 1, item 3, page 3 (after line 29), after the definition of benefit in subsection (4), insert:

migration outcome-related event has the meaning given by section 245AQ.

Schedule 1, item 3, page 3 (lines 30 and 31), omit the definition of sponsorship-related event in subsection (4).

Schedule 1, item 6, page 4 (line 8), omit “sponsored visas”, substitute “work visas”.

Schedule 1, item 6, page 4 (after line 24), after the definition of executive officer in section 245AQ, insert:

migration outcome-related event means any of the following events:

(a) a person applying for approval as a sponsor under section 140E in relation to a sponsor class;
(b) a person applying for a variation of a term of an approval as a sponsor under section 140E in relation to a sponsor class;
(c) a person becoming, or not ceasing to be, a party to a work agreement;
(d) a person agreeing to be, or not withdrawing his or her agreement to be, an approved sponsor in relation to an applicant or proposed applicant for a sponsored visa;
(e) a person making a nomination under section 140GB in relation to a holder of, or an applicant or proposed applicant for, a sponsored visa, or including another person in such a nomination;
(f) a person not withdrawing a nomination made under section 140GB in relation to a holder of, or an applicant or proposed applicant for, a sponsored visa;
(g) a person applying under the regulations for approval of the nomination of a position in relation to the holder of, or an applicant or proposed applicant for, a sponsored visa, or including another person in such a nomination;
(h) a person not withdrawing the nomination under the regulations of a position in relation to the holder of, or an applicant or proposed applicant for, a sponsored visa;
(i) a person employing or engaging, or not terminating the employment or engagement of, a person to work in an occupation or position in relation to which a work visa has been granted, has been applied for or is to be applied for;
(j) a person engaging, or not terminating the engagement of, a person to undertake a program, or carry out an activity, in relation to which a sponsored visa has been granted, has been applied for or is to be applied for;
(k) the grant of a work visa;
(l) a prescribed event.
 Schedule 1, item 6, page 5 (after line 31), after the definition of sponsorship-related event in section 245AQ, insert:

work visa means:

(a) a sponsored visa; or

(b) any other visa (other than a visa of a prescribed kind, however described) in accordance with which the holder may perform work:

(i) without restriction; or

(ii) subject to one or more work-related conditions.

Schedule 1, item 6, page 4 (line 28) to page 5 (line 31), omit the definition of sponsorship-related event in section 245AQ.

Schedule 1, item 6, page 5 (line 33), omit “sponsorship-related event”, substitute “migration outcome-related event”.

Schedule 1, item 6, page 5 (line 38), omit “sponsorship-related event”, substitute “migration outcome-related event”.

Schedule 1, item 6, page 6 (line 2), omit “sponsorship-related event”, substitute “migration outcome-related event”.

Schedule 1, item 6, page 6 (line 23), omit “sponsorship-related event”, substitute “migration outcome-related event”.

Schedule 1, item 6, page 6 (line 28), omit “sponsorship-related event”, substitute “migration outcome-related event”.

Schedule 1, item 6, page 6 (line 31), omit “sponsorship-related event”, substitute “migration outcome-related event”.

Schedule 1, item 6, page 7 (lines 12 and 13), omit “sponsorship-related offence”, substitute “migration outcome-related offence”.

Schedule 1, item 6, page 7 (line 15), omit “sponsorship-related offence”, substitute “migration outcome-related offence”.

Schedule 1, item 6, page 7 (line 18), omit “sponsorship-related offence”, substitute “migration outcome-related offence”.

Schedule 1, item 6, page 7 (line 20), omit “sponsorship-related offence”, substitute “migration outcome-related offence”.

Schedule 1, item 6, page 7 (line 24), omit “sponsorship-related offence”, substitute “migration outcome-related offence”.

Schedule 1, item 6, page 7 (lines 32 and 33), omit “sponsorship-related offence”, substitute “migration outcome-related offence”.

Schedule 1, item 6, page 8 (lines 4 and 5), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 8 (line 8), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 8 (line 11), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 8 (line 13), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 8 (line 24), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.
Schedule 1, item 6, page 8 (lines 32 and 33), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 9 (line 4), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 9 (line 8), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 9 (line 12), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 6, page 9 (line 14), omit “sponsorship-related contravention”, substitute “migration outcome-related contravention”.

Schedule 1, item 9, page 14 (line 22), omit “sponsorship-related offence”, substitute “migration outcome-related offence”.

Schedule 1, item 10, page 14 (line 26), omit “sponsorship-related provision”, substitute “migration outcome-related provision”.

Schedule 1, page 14 (after line 27), after item 10, insert:

10A Section 487A

Insert:

migration outcome-related offence means:
(a) an offence against Subdivision D of Division 12 of Part 2; or
(b) an offence against section 6 of the Crimes Act 1914 that relates to an offence against that Subdivision; or
(c) an ancillary offence (within the meaning of the Criminal Code) that is, or relates to, an offence against that Subdivision.

migration outcome-related provision means a civil penalty provision in Subdivision D of Division 12 of Part 2.

Schedule 1, item 11, page 14 (line 31) to page 15 (line 1), omit paragraphs (a) and (b) of the definition of related provision, substitute:

(a) a migration outcome-related offence; or
(b) a migration outcome-related provision; or

Schedule 1, item 13, page 15 (lines 17 to 19), omit paragraphs 487B(1)(a) and (b), substitute:

(a) a possible migration outcome-related offence; or
(b) a possible contravention of a migration outcome-related provision; or

Schedule 1, item 15, page 15 (line 25), omit “sponsorship-related provision”, substitute “migration outcome-related provision”.

Schedule 1, item 16, page 15 (lines 29 to 31), omit subparagraphs 4872(3)(a)(i) and (ii), substitute:

(i) a migration outcome-related offence has been committed; or
(ii) a migration outcome-related provision has been contravened; or

Schedule 1, item 17, page 16 (lines 5 and 6), omit subparagraphs 4872C(a)(i) and (ii), substitute:

(i) the migration outcome-related offence or offences; or
(ii) the migration outcome-related provision or provisions; or
Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 28**

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Question negatived.

Question—That the bill stand as printed—divided, at the request of Senator Carr, in respect of Schedule 1, item 12.

Schedule 1, item 12 agreed to.

Senator Carr moved the following amendments together by leave:

Schedule 1, item 6, page 6 (line 12), omit “2 years or 360 penalty units”, substitute “4 years or 720 penalty units”.

Schedule 1, item 6, page 6 (line 16), omit “240 penalty units”, substitute “480 penalty units”.

Schedule 1, item 6, page 6 (line 29), omit “240 penalty units”, substitute “480 penalty units”.

Schedule 1, item 6, page 7 (line 21), omit “360 penalty units”, substitute “720 penalty units”.

Schedule 1, item 6, page 8 (line 20), omit “240 penalty units”, substitute “480 penalty units”.

Debate ensued.

Question—That the amendments be agreed to—put.
The committee divided—

AYES, 30

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Question negatived.

Bill debated.

Senator Carr moved the following amendments together by leave:


Schedule 1, page 3 (before line 3), before the heading specifying Migration Act 1958, insert:

**A New Tax System (Australian Business Number) Act 1999**

1AA After subsection 8(1)

Insert:

(1A) Despite subsection (1), "you are not entitled to have an Australian Business Number ("ABN") if:

(a) you hold either of the following visas granted under the Migration Act 1958:

(i) a student visa (within the meaning of that Act);

(ii) a temporary visa referred to in regulations made under that Act as a Subclass 417 (Working Holiday) visa or a Subclass 462 (Work and Holiday) visa; and

(b) you were not registered in the "Australian Business Register before the commencement of Schedule 1 to the Migration Amendment (Charging for a Migration Outcome) Act 2015.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.
Senator Carr moved the following amendments together by leave:

Schedule 1, page 3 (before line 4), before item 1, insert:

**1AB Subsection 5(1) (definition of civil penalty order)**

Omit “486R(4)”, substitute “486R(2)”.

Schedule 1, page 14 (before line 14), before item 7, insert:

**6A Subsections 486R(1) to (4)**

Repeal the subsections, substitute:

_Eligible court may make civil penalty order_

(1) An eligible court may, on application under subsection (3), order a person to pay a pecuniary penalty that the court determines to be appropriate if the court is satisfied that the person has contravened a civil penalty provision.

_Note:_ Subsection (5) sets out the maximum penalty that the eligible court may order the person to pay.

(2) An order under subsection (1) is a _civil penalty order._

_Application for civil penalty order_

(3) An application for a civil penalty order may be made within 6 years of the alleged contravention by:

(a) the Minister; or

(b) for an alleged contravention of a civil penalty provision in Subdivision C or D of Division 12 of Part 2:

(i) a person affected by the contravention; or

(ii) an industrial association (within the meaning of the _Fair Work Act 2009._)

_Payment of penalty_

(4) The eligible court may order that the pecuniary penalty, or a part of the penalty, be paid to:

(a) the Commonwealth; or

(b) a particular industrial association; or

(c) a particular person.

**6B Subsection 486T(1)**

Repeal the subsection, substitute:

(1) A pecuniary penalty may be recovered as a debt due to the person to whom the penalty is payable.

**6C Subsection 486T(2)**

Omit “The Commonwealth”, substitute “A person to whom a pecuniary penalty is payable”.

Schedule 1, page 16 (after line 16), at the end of the Schedule, add:

**19 Application—civil penalty orders**

Division 1 of Part 8D of the _Migration Act 1958_, as amended by this Schedule, applies in relation to a civil penalty order that is applied for on or after the commencement of this Schedule, whether the contravention or alleged contravention of a civil penalty provision occurs before or after that commencement.
20 Requirement to make regulations—approval of nominations

As soon as practicable after the commencement of this item, the Minister must recommend to the Governor-General the making of regulations under the *Migration Act 1958* to ensure that, if the Minister reasonably believes that an employer of a holder of a visa has contravened Subdivision C or D of Division 12 of Part 2 of that Act, the visa holder is not disadvantaged in connection with the approval by the Minister of nominations by approved sponsors under section 140GB of that Act, as compared with other visa holders.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 29**

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Question negatived.

Senator Carr moved the following amendment:

Schedule 1, item 6, page 14 (after line 13), at the end of Subdivision D, add:

245AZ Reports on operation of this Subdivision

(1) The Minister must, as soon as practicable after 30 June in each year, cause to be laid before each House of the Parliament a report on the operation of this Subdivision, and any other provision of this Act to the extent that it relates to this Subdivision, during the year ending on 30 June.

(2) The report must contain the name of each body corporate:
   (a) convicted of an offence against this Subdivision during the year ending 30 June; or
   (b) against which a civil penalty order was made during the year ending 30 June for contravening a civil penalty provision in this Subdivision.

Debate ensued.
Question—That the amendment be agreed to—put and negatived.

Senator Carr moved the following amendments together by leave:

Schedule 1, item 1, page 3 (line 6), after “(2)”, insert “, (2A)”.

Schedule 1, item 2, page 3 (lines 24 and 25), omit the item, substitute:

2 Subsection 116(2)

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

2A After subsection 116(2)

Insert:

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

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

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

2B Subsection 116(3)

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

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

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

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

(b) the benefit was asked for or received:

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

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

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

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

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

(b) the benefit was offered or provided:

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

Debate ensued.

At 7.20 pm: The Acting Deputy President (Senator O’Neill) resumed the chair and the Temporary Chair of Committees reported progress.

33 NOTICE

Senator Conroy gave a notice of motion as follows: To move on the next day of sitting—that the following matter be referred to the Economics References Committee for inquiry and report by 4 February 2016:

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

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

34 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.12 pm till Wednesday, 25 November 2015 at 9.30 am.

35 ATTENDANCE

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

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate