JOURNALS OF THE SENATE

No. 123

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1 **MEETING OF SENATE**

The Senate met at 10 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):

Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated:

- Administrative Appeals Tribunal—Report for 2014-15. [Received 26 October 2015]
- Airservices Australia—Report for 2014-15. [Received 2 November 2015]
- Army and Air Force Canteen Service (AAFCANS)—Report for 2014-15. [Received 30 October 2015]
- ASC Pty Ltd—Report for 2014-15. [Received 2 November 2015]
- Auditing and Assurance Standards Board—Report for 2014-15. [Received 30 October 2015]
- Auditor-General—Audit reports for 2015-16—
  No. 5—Performance audit—Implementation of audit recommendations: Department of Veterans’ Affairs.
  No. 6—Performance audit—Third follow-up audit into the Australian Electoral Commission’s preparation for and conduct of federal elections: Australian Electoral Commission. [Received 4 November 2015]
- Australia Business Arts Foundation Ltd (Creative Partnerships Australia)—Financial statements for 2014-15. [Received 30 October 2015]
- Australia Council for the Arts (Australia Council)—Report for 2014-15. [Received 30 October 2015]
- Australian Accounting Standards Board—Report for 2014-15. [Received 30 October 2015]
- Australian Aged Care Quality Agency—Report for 2014-15. [Received 2 November 2015]
- Australian Broadcasting Corporation (ABC)—Report for 2014-15. [Received 30 October 2015]
- Australian Centre for International Agricultural Research (ACIAR)—Report for 2014-15. [Received 28 October 2015]
- Australian Charities and Not-for-profits Commission (ACNC)—Report for 2014-15. [Received 28 October 2015]
- Australian Commission on Safety and Quality in Health Care—Report for 2014-15. [Received 30 October 2015]
- Australian Communications and Media Authority (ACMA)—Report for 2014-15. [Received 28 October 2015]
Australian Competition and Consumer Commission (ACCC)—
  Report for 2014-15, including report of the Australian Energy Regulator (AER). [Received 30 October 2015]
  Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2013 to 30 June 2014. [Received 20 October 2015]
  Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2014-15. [Received 2 November 2015]
  Australian Curriculum, Assessment and Reporting Authority Act 2008—Review of the Australian Curriculum, Assessment and Reporting Authority.
  Australian Customs and Border Protection Service—Report for 2014-15 [Final report]. [Received 28 October 2015]
  Australian Electoral Commission (AEC)—Report for 2014-15. [Received 2 November 2015]
  Australian Federal Police (AFP)—Report for 2014-15, including reports on assumed identities and the National Witness Protection Program. [Received 2 November 2015]
  Australian Film, Television and Radio School (AFTRS)—Report for 2014-15. [Received 29 October 2015]
  Australian Financial Security Authority (AFSA)—Report for 2014-15, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009. [Received 29 October 2015]
  Australian Fisheries Management Authority—Report for 2014-15. [Received 23 October 2015]
  Australian Hearing Services (Australian Hearing)—Report for 2014-15. [Received 28 October 2015]
  Australian Human Rights Commission—Reports—
    No. 94—Rahimi (deceased) v Commonwealth of Australia (Department of Immigration and Border Protection).
    No. 95—HG v Commonwealth of Australia (Department of Immigration and Border Protection).
  Australian Information Commissioner—Report for 2014-15. [Received 26 October 2015]
  Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2014-15. [Received 2 November 2015]
  Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2014-15. [Received 30 October 2015]
  Australian Law Reform Commission (ALRC)—Reports—
Australian Maritime Safety Authority—Report for 2014-15. [Received 2 November 2015]

  Report for the period 1 January to 30 June 2015.
  Report for the period 1 January to 30 June 2015—Replacement.
Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2014-15. [Received 27 October 2015]
Australian Office of Financial Management (AOFM)—Report for 2014-15. [Received 23 October 2015]
Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2014-15. [Received 2 November 2015]
Australian Postal Corporation (Australia Post)—
Australian Prudential Regulation Authority (APRA)—Report for 2014-15. [Received 30 October 2015]
Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2014-15, including report of the Merit Protection Commissioner. [Received 30 October 2015]
Australian Radiation Protection and Nuclear Safety Agency (ARPANS)—Report for 2014-15. [Received 29 October 2015]
Australian Rail Track Corporation Limited (ARTC)—Report for 2014-15. [Received 27 October 2015]
Australian Reinsurance Pool Corporation (ARPC)—
  Report for 2014-15—Corrigendum. [Received 4 November 2015]
Australian Renewable Energy Agency (ARENA)—Report for 2014-15. [Received 2 November 2015]
Australian Research Council (ARC)—
  Corporate plan 2015-16 to 2018-19.
  Report for 2014-15. [Received 28 October 2015]
Australian Safeguards and Non-Proliferation Office—Report for 2014-15. [Received 2 November 2015]
Australian Securities and Investments Commission (ASIC)—Report for 2014-15. [Received 30 October 2015]
Australian Sports Anti-Doping Authority—Report for 2014-15. [Received 30 October 2015]
Australian Sports Commission—Report for 2014-15, including report of the Australian Sports Foundation Limited. [Received 30 October 2015]
Australian Strategic Policy Institute Limited (ASPI)—Report for 2014-15. [Received 30 October 2015]
Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2014-15. [Received 2 November 2015]
Australian Transport Safety Bureau (ATSB)—Report for 2014-15. [Received 29 October 2015]
Australian War Memorial—Report for 2014-15. [Received 2 November 2015]
Bundanon Trust Limited—Report for 2014-15. [Received 30 October 2015]
Bureau of Meteorology—Report for 2014-15. [Received 30 October 2015]
Cancer Australia—Report for 2014-15. [Received 28 October 2015]
Classification Board and Classification Review Board—Reports for 2014-15. [Received 30 October 2015]
Clean Energy Finance Corporation (CEFC)—Report for 2014-15. [Received 30 October 2015]
Clean Energy Regulator—Report for 2014-15. [Received 30 October 2015]
Commonwealth Director of Public Prosecutions (CDPP)—Report for 2014-15. [Received 26 October 2015]
Commonwealth Ombudsman—Report for 2014-15. [Received 27 October 2015]
Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2014-15, including report of the Science and Industry Endowment Fund. [Received 23 October 2015]
Commonwealth Superannuation Corporation (CSC)—Report for 2014-15, including financial statements for the Commonwealth Superannuation Scheme, Public Sector Superannuation Scheme, Military Superannuation and Benefits Fund and Public Sector Superannuation Accumulation Plan.
Companies Auditors and Liquidators Disciplinary Board (CALDB)—Report for 2014-15. [Received 29 October 2015]
ComSuper—Report for 2014-15. [Received 2 November 2015]
Crimes Act 1914—Reports for 2014-15—
Australian Commission for Law Enforcement Integrity—
Authorisations for the acquisition and use of assumed identities. Witness identity protection certificates.
Controlled operations. [Received 2 November 2015]
CrimTrac Agency—Report for 2014-15. [Received 29 October 2015]
Defence Housing Australia (DHA)—Report for 2014-15. [Received 2 November 2015]


Department of Defence—Report for 2014-15 (2 volumes), including report of the Defence Materiel Organisation. [Received 30 October 2015]

Department of Education and Training—Report for 2014-15, including reports of the Student Identifiers Office, Trade Support Loans and Tuition Protection Service. [Received 28 October 2015]


Department of Finance—Report for 2014-15. [Received 16 October 2015]

Department of Human Services—Report for 2014-15. [Received 28 October 2015]

Department of Immigration and Border Protection—Report for 2014-15. [Received 28 October 2015]

Department of Infrastructure and Regional Development—Report for 2014-15. [Received 30 October 2015]


Department of the Environment—Report for 2014-15, including reports on the Water for the Environment Special Account, the operation of Acts administered by the department, and financial statements for the National Heritage Trust of Australia. [Received 30 October 2015]

Department of the Prime Minister and Cabinet—Report for 2014-15, including reports of the Aboriginals Benefit Account, Aboriginal and Torres Strait Islander Land Account and the Office of the Registrar of Indigenous Corporations.

Department of the Treasury—Report for 2014-15. [Received 30 October 2015]

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

Attorney-General’s portfolio. [Received 16 October 2015]

Health portfolio. [Received 16 October 2015]

Indigenous Affairs. [Received 16 October 2015]

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

Attorney-General’s portfolio. [Received 16 October 2015]

Australian Organ and Tissue Donation and Transplantation Authority. [Received 6 November 2015]

Cancer Australia. [Received 16 October 2015]

Department of Health. [Received 16 October 2015]

Indigenous Affairs. [Received 16 October 2015]

Industry, Innovation and Science portfolio. [Received 20 October 2015]

National Health and Medical Research Council. [Received 19 October 2015]

Director of National Parks—Report for 2014-15. [Received 30 October 2015]

Environment—

Climate Change Authority—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 13 October 2015, responding to the resolution of the Senate of 10 September 2015.
Marine protection—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 20 October 2015, responding to the resolution of the Senate of 12 October 2015.

South Australia—Renewable energy in Port Augusta—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 16 October 2015, responding to the resolution of the Senate of 16 June 2015.

Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16—Statements pursuant to the order of the Senate of 25 June 2014—Health portfolio. [Received 21 October 2015]

Office of National Assessments. [Received 23 October 2015]


Fair Work Commission—Report for 2014-15. [Received 28 October 2015]


Family Court of Australia—Report for 2014-15, including financial statements for the Federal Circuit Court of Australia.


Federal Circuit Court of Australia—Report for 2014-15, including financial statements for the Family Court of Australia. [Received 26 October 2015]

Federal Court of Australia—Report for 2014-15, including report of the National Native Title Tribunal.


Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2014-15. [Received 29 October 2015]

Gene Technology Regulator—Quarterly report for the period 1 April to 30 June 2015. [Received 6 November 2015]

Gene Technology Regulator—Report for 2014-15. [Received 30 October 2015]

Great Barrier Reef Marine Park Authority—Report for 2014-15. [Received 30 October 2015]


Independent Hospital Pricing Authority (IHPA)—Report for 2014-15, including report of the Clinical Advisory Committee. [Received 26 October 2015]

Infrastructure Australia—Report for the period 1 September 2014 to 30 June 2015. [Received 2 November 2015]

Inspector-General of Taxation—Report for 2014-15. [Received 23 October 2015]


Migration Act 1958—Section 486O—Assessment of detention arrangements—
Personal identifiers 1001969, 1002005, 1002006, 1002038, 1002076, 1002077, 1002116, 1002119, 1002122, 1002146, 1002198, 1002245, 1002247, 1002276, 1002277, 1002296, 1002316, 1002344, 1002352, 1002361, 1002373, 1002399, 1002510, 1002577, 1002586, 1002612, 1002629, 1002692, 1002700, 1002706, 1002708, 1002709, 1002711, 1002713, 1002714, 1002716, 1002717, 1002718, 1002720, 1002721, 1002722, 1002729, 1002736, 1002739, 1002740, 1002741, 1002767, 1002778, 1002796, 1002797, 1002798, 1002799, 1002800, 1002809, 1002833, 1002840, 1002848, 1002852, 1002855, 1002870, 1002892, 1002926, 1002937, 1002973, 1003007, 1003011, 1003014, 1003026, 1003091, 1003155 and 1003333—

Commonwealth Ombudsman’s reports, dated 21 October 2015.

Government response to Ombudsman’s reports, dated 16 October 2015.

Migration Review Tribunal and Refugee Review Tribunal—Reports for 2014-15 [Final reports]. [Received 26 October 2015]

Moorebank Intermodal Company Limited—Report for 2014-15. [Received 27 October 2015]


National Australia Day Council Limited—Report for 2014-15. [Received 27 October 2015]


National Competition Council—Report for 2014-15. [Received 30 October 2015]


National Gallery of Australia—Report for 2014-15. [Received 23 October 2015]

National Health and Medical Research Council (NHMRC)—Report for 2014-15. [Received 27 October 2015]

National Health Funding Body—Report for 2014-15. [Received 28 October 2015]

National Health Funding Pool—Report for 2014-15, including financial statements for state and territory State Pool Accounts. [Received 28 October 2015]

National Health Performance Authority (NHPA)—Report for 2014-15. [Received 29 October 2015]

National Heavy Vehicle Regulator (NHVR)—Report for 2014-15. [Received 2 November 2015]

National Library of Australia—Report for 2014-15. [Received 28 October 2015]


National Museum of Australia—Report for 2014-15. [Received 30 October 2015]

National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)—Report for 2014-15. [Received 30 October 2015]
National Portrait Gallery of Australia—Report for 2014-15. [Received 28 October 2015]

National Rural Advisory Council (NRAC)—Report for 2014-15 [Final report]. [Received 23 October 2015]

National Transport Commission (NTC Australia)—Report for 2014-15. [Received 26 October 2015]

Office of the Official Secretary to the Governor-General—Report for 2014-15. [Received 26 October 2015]


Parliamentary Service Commissioner—Report for 2014-15, including report of the Parliamentary Service Merit Protection Commissioner. [Received 29 October 2015]


Private Health Insurance Administration Council—Report for 2014-15 [Final report]. [Received 30 October 2015]

Private Health Insurance Ombudsman—Report for 2014-15 [Final report]. [Received 27 October 2015]

Productivity Commission—Report for 2014-15. [Received 23 October 2015]

Professional Services Review—Report for 2014-15. [Received 2 November 2015]

Public Lending Right Committee—Report for 2014-15. [Received 30 October 2015]

Regional Telecommunications Independent Review Committee—Regional telecommunications review 2015—Unlocking the potential in regional Australia.


Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Reports for 2014-15, including financial statements of the Defence Service Homes Insurance Scheme. [Received 30 October 2015]

Repatriation Medical Authority—Report for 2014-15. [Received 29 October 2015]

Reserve Bank of Australia—Reports for 2014-15—

Annual report.

Equity and diversity.

Payments System Board.


Royal Australian Mint—Report for 2014-15. [Received 26 October 2015]

Royal Australian Navy Central Canteens Board (Navy Canteens)—Report for 2014-15. [Received 30 October 2015]

Safe Work Australia—Report for 2014-15. [Received 27 October 2015]

Screen Australia—Report for 2014-15. [Received 29 October 2015]

Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)—Report for 2014-15. [Received 29 October 2015]
Services Trust Funds—Royal Australian Navy Relief Trust Fund, Australian Military Forces Relief Trust Fund and Royal Australian Air Force Welfare Trust Fund—Reports for 2014-15. [Received 30 October 2015]

Social Security Appeals Tribunal—Report for 2014-15 [Final report]. [Received 26 October 2015]

Special Broadcasting Service Corporation (SBS)—Report for 2014-15. [Received 23 October 2015]


Sydney Harbour Federation Trust—Report for 2014-15. [Received 2 November 2015]

Takeovers Panel—Report for 2014-15. [Received 29 October 2015]

Tax Practitioners Board—Report for 2014-15. [Received 28 October 2015]


Tourism Australia—Report for 2014-15. [Received 30 October 2015]

Transport—New South Wales—Newcastle heavy rail line—Letter to the President of the Senate from the New South Wales Minister for Transport and Infrastructure (Mr Constance), dated 16 October 2015, responding to the resolution of the Senate of 15 September 2015.

Veterans’ Review Board—Report for 2014-15. [Received 30 October 2015]

Women—

Domestic violence—Letter to the President of the Senate from the Premier of Tasmania (Mr Hodgman), dated 26 October 2015, responding to the resolution of the Senate of 15 September 2015.

Parramatta Female Factory Precinct—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt), dated 22 October 2015, responding to the resolution of the Senate of 16 September 2015.

Orders for production of documents—Documents: The following documents received on the dates indicated were tabled:

Education—Nous Group contract—Letter to the President of the Senate from the Minister for Education and Training (Senator Birmingham), dated 21 October 2015, responding to the order of the Senate of 15 October 2015, and attachments. [Received 21 October 2015]

Health—Food Standards Australia New Zealand—Letter to the President of the Senate from the Minister for Rural Health (Senator Nash), dated 22 October 2015, responding to the order of the Senate of 15 October 2015, and attachments. [Received 22 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.]

Acts Interpretation Act 1901—Subsection 34C(6)—Statements relating to extension of time for presentation of periodic reports—


Agricultural and Veterinary Chemicals Code Act 1994—

Agricultural and Veterinary Chemicals Code Instrument No. 4 (MRL Standard) Amendment Instrument 2015 (No. 10) [F2015L01741].

Agricultural and Veterinary Chemicals Code (Pre-application Assistance Fee) Instrument 2015 [F2015L01752].


Australian Research Council Act 2001—

Approval of ARC Discovery Projects Proposals for funding commencing in 2016—Determination No. 141.

Special Research Initiatives Funding Rules for funding commencing in 2008-2009 or 2009-2010 Variation (No. 1) 2014 [F2015L01690].


Broadcasting Services Act 1992—Broadcasting Services (Events) Notice (No. 1) 2010—

Amendment No. 9 of 2015 [F2015L01692].

Amendment No. 10 of 2015 [F2015L01750].


Civil Aviation Act 1988—

Civil Aviation Regulations 1988—Direction — number of cabin attendants for Fokker F70 and Fokker F100 aircraft (Alliance Airlines)—CASA 144/15 [F2015L01700].

Civil Aviation Safety Regulations 1998—

Exemption — English language proficiency assessments—CASA EX146/15 [F2015L01718].
Exemption — extended diversion time operation requirements (Qantas B747 and A380)—CASA EX177/15 [F2015L01655].
Exemption — from welding training for grant of aircraft welding authority—CASA EX174/15 [F2015L01699].
Exemption — validation of RNP AR APCH (ICAO) procedure – Virgin Australia Airlines—CASA EX164/15 [F2015L01677].
Exemption — validation of RNP AR APCH (ICAO) procedure – Virgin Australia International Airlines—CASA EX165/15 [F2015L01683].

Repeal of Airworthiness Directives—
- CASA ADCX 016/15 [F2015L01654].
- CASA ADCX 017/15 [F2015L01698].
- CASA ADCX 018/15 [F2015L01751].

Commissioner of Taxation—Public Rulings—

Class Rulings—


Miscellaneous Taxation Ruling—Addendum—MT 2012/3.

Taxation Determination—Addendum—TD 2014/7.

Taxation Ruling—Notice of Withdrawal—TR 98/23.

Corporations Act 2001—

ASIC Corporations (Amendment) Instrument 2015/943 [F2015L01691].
ASIC Corporations (Amendment) Instrument 2015/991 [F2015L01740].
ASIC Market Integrity Rules (ASX Market) Amendment 2015 (No. 2) [F2015L01695].
ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2015 (No. 2) [F2015L01696].
ASIC Market Integrity Rules (Competition in Exchange Markets) Amendment 2015 (No. 1) [F2015L01694].

Customs Act 1901—

Comptroller of the Indian Ocean Territories Customs Service Instrument of Approval No. 1 of 2015 [F2015L01724].
Customs (Extensions of Time and Non-cooperation) Direction 2015 [F2015L01736].
Customs (Preliminary Affirmative Determinations) Direction 2015 [F2015L01738].

Customs Amendment (Anti-dumping Measures) Act (No. 1) 2015—Customs Amendment (Anti-dumping Measures) Commencement Proclamation 2015 [F2015L01719].


Defence Act 1903—

Section 58B—
Additional risk insurance and deployment allowance – amendment—Defence Determination 2015/42.
Christmas stand-down and approved overseas club – amendment—Defence Determination 2015/43.
Paratrooper allowance – amendment—Defence Determination 2015/44.
Travel to and from overseas posting location – amendment—Defence Determination 2015/41.

Section 58H—
ADF Allowances—Special Forces – Amendment—Defence Force Remuneration Tribunal Determination No. 11 of 2015.
Salaries—Special Forces – Amendment—Defence Force Remuneration Tribunal Determination No. 10 of 2015.

Woomera Prohibited Area Rule 2014—
Determination of an Exclusion Period for the Green Zone Amendment No. 1 [F2015L01705].
Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2015-2016 Amendment No. 2 [F2015L01707].

Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens – New South Wales Abalone Fishery (12 October 2015)—EPBC303DC/SFS/2015/30 [F2015L01684].
Amendment of List of Exempt Native Specimens – Queensland River and Inshore (Beam) Trawl Fishery (30 September 2015)—EPBC303DC/SFS/2015/29 [F2015L01656].
Amendment of List of Exempt Native Specimens – Small Pelagic Fishery (26 October 2015)—EPBC303DC/SFS/2015/37 [F2015L01709].
Amendment of List of Exempt Native Specimens – Spencer Gulf Prawn Fishery, Gulf St Vincent Prawn Fishery and the West Coast Prawn Fishery (23 October 2015)—EPBC303DC/SFS/2015/39 [F2015L01708].
Amendment of List of Exempt Native Specimens – Torres Strait Trochus Fishery (12 October 2015)—EPBC303DC/SFS/2015/33 [F2015L01657].
Amendment to the List of CITES species (182) (29 October 2015) [F2015L01746].
Amendment to the lists of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (182) (14 October 2015) [F2015L01669].
Amendment to the lists of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (183) (27 October 2015) [F2015L01725].
Amendment to the lists of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (186) (27 October 2015) [F2015L01726].

Excise Act 1901—
Excise (Mass of CNG) Determination 2015 (No. 1) [F2015L01733].
Excise (Volume of Liquid Fuels – Temperature Correction) Determination 2015 (No. 1) [F2015L01732].
Excise (Volume of LPG – Temperature and Pressure Correction) Determination 2015 (No. 1) [F2015L01745].


Food Standards Australia New Zealand Act 1991—
Australia New Zealand Food Standards Code – Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 9, 2015 [F2015L01742].
Food Standards (Proposal M1012 – Amendments to Standard 1.4.2) Variation [F2015L01668].

Health Insurance Act 1973—
Health Insurance (Midwife and Nurse Practitioner) Amendment Determination (No. 2) 2015 [F2015L01702].
Health Insurance (Midwife and Nurse Practitioner) Determination 2015 [F2015L01660].

Higher Education Support Act 2003—
Higher Education Provider Approval—No. 1 of 2015 [F2015L01749].
VET Provider Approvals—
No. 18 of 2015 [F2015L01697].
No. 20 of 2015 [F2015L01754].
No. 22 of 2015 [F2015L01748].


Marriage Act 1961—Marriage (Recognised Denominations) Amendment (New Denominations and Other Name Changes) Proclamation 2015 [F2015L01744].

Migration Act 1958—
Migration Amendment (Special Category Visas and Special Return Criterion 5001) Regulation 2015—Select Legislative Instrument 2015 No. 169 [F2015L01661].
Migration Regulations 1994—
Required Medical Assessment—IMMI 15/119 [F2015L01747].
Specified Place to Provide a Personal Identifier 2015—IMMI 15/134 [F2015L01682].

National Consumer Credit Protection Act 2009—ASIC Credit (Financial Counselling Agencies) Instrument 2015/992 [F2015L01743].

National Health Act 1953—
National Health (Australian Community Pharmacy Authority Rules) Amendment Determination 2015 (No. 1)—PB 89 of 2015 [F2015L01689].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2015 (No. 10)—PB 105 of 2015 [F2015L01715].
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2015 (No. 11)—PB 104 of 2015 [F2015L01723].
National Health (Immunisation Program – Designated Vaccines) Variation Determination 2015 (No. 2) [F2015L01713].
National Health (Listed drugs on F1 or F2) Amendment Determination 2015 (No. 9)—PB 106 of 2015 [F2015L01717].
National Health (Price and Special Patient Contribution) Amendment Determination 2015 (No. 8)—PB 102 of 2015 [F2015L01703].

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989—Grant of exemptions under section 40—
DG Thomson Pty Ltd—No. S40E56872688.
Execujet Australia Pty Limited—No. S40E76141737.

Private Health Insurance Act 2007—Private Health Insurance (Benefit Requirements) Amendment Rules 2015 (No. 5) [F2015L01711].


Public Governance, Performance and Accountability Act 2013—
Commonwealth has acquired shares in NBN Co Limited—13 October 2015 [2].
Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2014–2015 (No. 2) [F2015L01731].
Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2015-2016 [F2015L01730].

Radiocommunications Act 1992—
Radiocommunications (Field Trial by Corrective Services NSW of PMTS Jamming Devices at Lithgow Correctional Centre) Exemption Determination 2015 [F2015L01662].
Radiocommunications (Spectrum Access Charges — 3.4 GHz Band) Determination 2015 (No. 2) [F2015L01659].

Safety, Rehabilitation and Compensation Act 1988—
Safety, Rehabilitation and Compensation (Definition of Employee) Amendment Notice 2015 [F2015L01665].


Veterans’ Entitlements Act 1986—
Amendment Statements of Principles concerning chronic obstructive pulmonary disease—
No. 128 of 2015 [F2015L01687].
No. 129 of 2015 [F2015L01688].
Statement of Principles concerning dental caries (Balance of Probabilities)—No. 123 of 2015 [F2015L01676].
Statement of Principles concerning dental caries (Reasonable Hypothesis)—No. 122 of 2015 [F2015L01675].
Statement of Principles concerning discoid lupus erythematosus (Balance of Probabilities)—No. 127 of 2015 [F2015L01681].
Statement of Principles concerning discoid lupus erythematosus (Reasonable Hypothesis)—No. 126 of 2015 [F2015L01680].
Statement of Principles concerning loss of teeth (Balance of Probabilities)—No. 125 of 2015 [F2015L01679].
Statement of Principles concerning loss of teeth (Reasonable Hypothesis)—No. 124 of 2015 [F2015L01678].
Statement of Principles concerning malignant neoplasm of the oesophagus (Balance of Probabilities)—No. 121 of 2015 [F2015L01686].
Statement of Principles concerning malignant neoplasm of the oesophagus (Reasonable Hypothesis)—No. 120 of 2015 [F2015L01685].
Statement of Principles concerning pinguecula (Balance of Probabilities)—No. 119 of 2015 [F2015L01672].
Statement of Principles concerning pinguecula (Reasonable Hypothesis)—No. 118 of 2015 [F2015L01670].
Statement of Principles concerning pterygium (Balance of Probabilities)—No. 117 of 2015 [F2015L01674].
Statement of Principles concerning pterygium (Reasonable Hypothesis)—No. 116 of 2015 [F2015L01671].

3 COMMITTEE REPORTS PRESENTED SINCE LAST SITTING OF SENATE

The following reports and documents were presented and authorised for publication on the dates indicated pursuant to standing order 38(7)(a):

- Environment and Communications Legislation Committee—Motor Vehicle Standards (Cheaper Transport) Bill 2014—Interim report, dated 23 October 2015. [Received 23 October 2015]
- Foreign Affairs, Defence and Trade References Committee—China-Australia Free Trade Agreement—Report, dated November 2015, additional information and submissions. [Received 6 November 2015]

4 COMMITTEES—LEAVE TO MEET DURING Sittings

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

- Economics References Committee—public meeting today, from 11 am, to take evidence for the committee’s inquiry into credit card interest rates.
- Rural and Regional Affairs and Transport Legislation Committee—private briefing on Monday, 23 November 2015, from 3.30 pm. public meeting on Tuesday, 24 November 2015, from 3.30 pm, for the committee’s consideration of the 2015-16 supplementary Budget estimates.

5 CUSTOMS AMENDMENT (CHINA-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2015
CUSTOMS TARIFF AMENDMENT (CHINA-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2015

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

- Message no. 484, dated 22 October 2015—A Bill for an Act to amend the Customs Act 1901, and for related purposes.

The Assistant Cabinet Secretary (Senator Ryan) moved—That these bills may proceed without formalities, may be taken together and be now read a first time. Question put and passed.

Bills read a first time.

Senator Ryan moved—That these bills be now read a second time. Debate ensued.
Document: The Leader of the Opposition in the Senate (Senator Wong), by leave, tabled the following document:

Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015 and related bill—Letter from the Minister for Trade and Investment (Mr Robb) to the Leader of the Opposition in the Senate (Senator Wong), dated 20 October 2015.

Debate continued.

Senator Whish-Wilson moved the following amendment in respect of the Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015:

At the end of the motion, add “but the Senate calls on the Government to negotiate any future articles relating to Minimum Standard Treatment and Expropriation in the China-Australia Free Trade Agreement:

(a) within the terms of current international law;
(b) to exclude investor losses due to changes in government policy or regulation; and
(c) to ensure that governments can change policy and regulate in Australia’s public interest, without legal recourse from another party”.

Debate ensued.

Question—That the amendment be agreed to—put and passed.

Main question, as amended, put.

The Senate divided—

AYES, 37

Senators—

Back
Birmingham
Bullock
Bushby
Cameron
Canavan
Cash
Collins
Cormann
Day

Edwards
Fawcett (Teller)
Ferravanti-Wells
Gallacher
Gallacher
Gallagher
Johnston
Ketter
Leyonhjelm
Lindgren

Ludwig
Macdonald
McAllister
McGrath
McKenzie
Moore
Muir
Peris
Reynolds

Ronaldson
Ruston
Ryan
Singh
Sinodinos
Sterle
Urquhart
Waig
Wong

NOES, 10

Senators—

Di Natale
Hanson-Young
Lambie

McKim
Rhiannon
Rice

Siewert (Teller)
Simms

Waters
Whish-Wilson

Question agreed to.

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.

At 2 pm: The President resumed the chair and the Chair of Committees (Senator Marshall) reported progress.

6 QUESTIONS
Questions without notice were answered.

7 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Cameron 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 Hanson-Young moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Hanson-Young today relating to events at the immigration detention centre on Christmas Island.
Question put and passed.

8 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCES
The President made a statement relating to matters of privilege raised by the Leader of the Australian Greens (Senator Di Natale) and Senator Gallacher concerning several instances of possibly false or misleading evidence given to the former Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru.
The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that motions relating to the matters may have precedence of all other business on the day for which the notices are given.

Documents: The President tabled the following documents:
Privileges—Standing Committee—Proposed references—Letters to the President from—
Leader of the Australian Greens (Senator Di Natale), dated 27 October 2015, and attachments.
Senator Gallacher, dated September 2015, and attachments.
Notices of motion:
Senator Di Natale gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Committee of Privileges for inquiry and report:

(a) whether any false or misleading evidence was given to the former Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru in relation to the apparent surveillance of a senator while on a visit to Nauru in December 2013; and

(b) if so, whether any contempt was committed in that regard.

Senator Gallacher gave a notice of motion as follows: To move on the next day of sitting—That the following matters be referred to the Committee of Privileges for inquiry and report:

(a) whether any false or misleading evidence was given to the former Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru in relation to a disturbance at the centre on 19 July 2013; and

(b) if so, whether any contempt was committed in that regard.

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

(a) notes that:

(i) there is a political stalemate between the Federal Government and the Victorian State Government in relation to the East West Link,

(ii) there is approximately $1.5 billion in unspent allocations to the East West Link,

(iii) evidence presented to the Rural and Regional Affairs and Transport References Committee inquiry into aspects of road safety in Australia by the National Rural Health Alliance demonstrated that those who live outside the major cities make up 30 per cent of the population and 52 per cent of deaths due to land transport accidents,

(iv) rural roads play a vital role in putting food on city tables and bringing resources to urban areas,

(v) the annual economic cost of road crashes in Australia is enormous – estimated at $27 billion per annum – and the social impacts are devastating,

(vi) many rural roads are in dangerously poor condition and in desperate need of repair,

(vii) some local councils in Victoria do not have the necessary funding to fully maintain the extensive road networks in their electorate due to proposed rate caps and the federal freeze in financial assistance grants,

(viii) a life in rural and regional Australia is just as important as a life in urban Australia,

(ix) until there is a change of Victorian State Government or a change in Federal Government, a resolution to the East West Link is unlikely, and

(x) there is a strong need in Victoria to invest in rail and road infrastructure in order to ease congestion and improve productivity into the future; and
calls on the Government to withdraw the allocation of federal funding set aside for the East West Link and to reallocate this funding to projects to improve rural road infrastructure. (general business notice of motion no. 914)

Senator McEwen: To move on 23 November 2015—That the Senate—

(a) notes that regional and community:
   (i) newspapers service 36 per cent of, or over 8 million, Australians who do not live in a capital city,
   (ii) newspaper media continue to be a trusted source of local information in country communities, and
   (iii) media is frequently overlooked for Federal Government advertising campaigns;
(b) calls on the Government to ensure that federal media advertising campaigns extend to regional Australia; and
(c) calls on the Government to ensure that regional and community media receive its fair share of campaign advertising from the Federal Government. (general business notice of motion no. 915)

The Minister for Communications (Senator Fifield): To move on the next day of sitting—That the days of meeting of the Senate for 2016 be as follows:

Autumn sittings:
   Tuesday, 2 February to Thursday, 4 February
   Monday, 22 February to Thursday, 25 February
   Monday, 29 February to Thursday, 3 March
   Tuesday, 15 March to Thursday, 17 March

Budget sittings:
   Tuesday, 10 May to Thursday, 12 May

Winter sittings:
   Monday, 20 June to Thursday, 23 June
   Monday, 27 June to Thursday, 30 June

Spring sittings:
   Tuesday, 23 August to Thursday, 25 August
   Monday, 29 August to Thursday, 1 September
   Monday, 19 September to Thursday, 22 September
   Monday, 10 October to Thursday, 13 October

Spring sittings (2):
   Monday, 7 November to Thursday, 10 November
   Monday, 21 November to Thursday, 24 November
   Monday, 28 November to Thursday, 1 December.

The Minister for Communications (Senator Fifield): To move on the next day of sitting—

(1) That estimates hearings by legislation committees for 2016 be scheduled as follows:

2015-16 additional estimates:
   Monday, 8 February and Tuesday, 9 February (Group A)
   Wednesday, 10 February and Thursday, 11 February (Group B).

2016-17 Budget estimates:
   Monday, 23 May to Thursday, 26 May, and, if required, Friday, 27 May (Group A)
   Monday, 30 May to Thursday, 2 June, and, if required, Friday, 3 June (Group B)
Monday, 17 October and Tuesday, 18 October (supplementary hearings—Group A)
Wednesday, 19 October and Thursday, 20 October (supplementary hearings—Group B).

(2) That pursuant to the orders of the Senate of 26 August 2008 and 23 June 2015, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 12 February, Friday, 27 May and Friday, 21 October, but not restricted to these days.

(3) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(4) That committees meet in the following groups:

**Group A:**
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Education and Employment
- Foreign Affairs, Defence and Trade.

(5) That the committees report to the Senate on the following dates:
   (a) Tuesday, 1 March 2016 in respect of the 2015-16 additional estimates; and
   (b) Tuesday, 28 June 2016 in respect of the 2016-17 Budget estimates.

The Minister for Communications (Senator Fifield): To move on the next day of sitting—That on Wednesday, 11 November 2015:
   (a) the sitting of the Senate shall be suspended at 10.15 am till 11.45 am to enable senators to attend Remembrance Day services; and
   (b) any proposal pursuant to standing order 75 shall not be proceeded with.

Senator Waters: To move on the next day of sitting—That the Senate—
   (a) notes that:
      (i) 2015 marks 40 years since the foundation of Women’s House in Brisbane by members of the community, and
      (ii) Women’s House is Queensland’s oldest women’s shelter, and is now Australia’s oldest independent women’s shelter; and
   (b) commends the work of Women’s House over the past 40 years, and the work of women’s shelters across Australia who help thousands of women escaping domestic violence every year. *(general business notice of motion no. 916)*

Senator Lazarus: To move on the next day of sitting—That the Senate—
   (a) notes that:
      (i) Spinal Cord Injury Awareness Week is being held in Australia from 8 to 15 November 2015,
      (ii) the week is an initiative of the Australian Spinal Injury Alliance, which represents eight of the country’s largest spinal cord injury organisations, and is a national campaign to raise awareness about spinal cord injuries, to encourage injury prevention, and to create a more inclusive and accessible community for everyone,
(iii) approximately 350 to 400 people sustain a spinal cord injury each year in Australia, and that almost 12 000 Australians are living with a spinal cord injury, and

(iv) the campaign also raises awareness that people who have a spinal cord injury are involved in all aspects of life and are contributing to the community in many different ways, and asks all Australians to consider how they can make their community more inclusive; and

(b) calls on the Federal Government to work with organisations and stakeholders in the spinal injury sector to develop and deliver a National Spinal Cord Injury Strategy that will provide a foundation for better outcomes, both social and economic, for all Australians affected by a spinal cord injury. (general business notice of motion no. 917)

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

(a) notes that:

(i) Shenhua Australia Holdings is seeking to develop a 35 square kilometre coal mine on the Liverpool Plains in north west New South Wales,

(ii) the Liverpool Plains is one of the most productive agricultural regions in the nation, with productivity 40 per cent above the national average,

(iii) the proposed mine threatens the most significant underground water resources in the Murray-Darling Basin, and farmers are dependent on access to these water resources for their survival,

(iv) if the mine proceeds it would:

(A) comprise three open-cut pits, plus associated infrastructure, to mine up to 10 million tonnes of coal per year for 30 years, and rail infrastructure to take the coal to the Port of Newcastle for export, and

(B) destroy significant areas of local Indigenous heritage, including grinding grooves that were used by Gomeroi warriors to sharpen spears,

(v) the proposal to relocate Indigenous artefacts does not acknowledge connections to land and country,

(vi) as the price of coal is in structural decline it is irresponsible to risk valuable farming land for a coal mine when renewable energy is commercially viable, and

(vii) more than 750 people attended the Harvest Festival to support the call for no mining on the Liverpool Plains; and

(b) calls on:

(i) the Prime Minister, Mr Turnbull, to reverse the Federal Government’s approval of the Shenhua Watermark coal mine, and

(ii) the New South Wales Government not to grant a mining licence for the Shenhua Watermark coal mine. (general business notice of motion no. 918)

Notice of motion withdrawn: Senator Rice withdrew business of the Senate notice of motion no. 1 standing in her name for the next day of sitting, proposing a reference to the Education and Employment References Committee.
10 **PRIVATE SENATORS’ BILLS—CONSIDERATION**

The Minister for Communications (Senator Fifield) moved—That general business order of the day no. 16 (Marriage Equality Amendment Bill 2013) be considered on Thursday, 12 November 2015 under the order relating to consideration of private senators’ bills.

Question put and passed.

11 **LEAVE OF ABSENCE**

Senator Bushby, by leave, moved—That leave of absence be granted to the following senators:

(a) Senator Colbeck for 9 and 10 November 2015, on account of ministerial business;
(b) Senator Nash for 9 and 10 November 2015, for personal reasons; and
(c) Senator Smith from 9 to 11 November 2015, on account of parliamentary business.

Question put and passed.

Senator Urquhart, by leave, moved—That leave of absence be granted to the following senators from 9 to 12 November 2015:

(a) Senator McEwen, on account of parliamentary business; and
(b) Senator McLucas, for personal reasons.

Question put and passed.

Senator Siewert, by leave, moved—That leave of absence be granted to Senator Ludlam from 9 to 11 November 2015, on account of parliamentary business.

Question put and passed.

12 **POSTPONEMENTS**

Business was postponed as follows:

General business notice of motion no. 898 standing in the names of Senators Ludlam and Singh for today, relating to the bombing of a Médecins Sans Frontières hospital in Afghanistan, postponed till 12 November 2015.


General business notice of motion no. 911 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration Amendment (Free the Children) Bill 2015, postponed till 23 November 2015.

13 **COMMITTEES—EXTENSIONS OF TIME TO REPORT**

The following committees were granted extensions of time to report:


Economics References Committee—Australia’s automotive industry, extended to 1 December 2015.
Finance and Public Administration References Committee—Aboriginal and Torres Strait Islander experience of law enforcement and justice services, extended to 3 December 2015.
Indigenous Advancement Strategy tendering processes, extended to the last day in the first sitting week in March 2016.

14 **ENVIRONMENT—MARINE RESERVES**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 912—That the Senate—
(a) notes that Australia has:
   (i) some of the world’s greatest marine natural resources, with rich biodiversity and unique species, and
   (ii) the potential for a world-leading system of marine reserves;
(b) recognises that scientific analysis predicts that marine food chains are at risk of collapse due to global warming, overfishing and pollution; and
(c) calls on the Turnbull Government to reinstate Australia’s system of marine reserves.

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

Question put and passed.

15 **EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—REFERENCE**

Senator Rice, also on behalf of the Chair of the Education and Employment References Committee (Senator Lines) and Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—That the following matter be referred to the Education and Employment References Committee for inquiry and report by the third sitting day in February 2016:

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

(f) any other related matters.

Question put and passed.

16 HEALTH—ERADICATION OF POLIO

Senator Singh, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 910—That the Senate—

(a) notes that:

(i) Saturday, 24 October 2015, is World Polio Day,

(ii) the world is now very close to eradicating polio completely, and

(iii) in 1988 there were 350,000 cases of polio worldwide while in 2015 there have been just 44;

(b) welcomes the fact that:

(i) for the first time ever, the African continent no longer has any polio endemic countries, and

(ii) by the end of this decade polio can be eradicated, making it only the second disease ever to be eradicated;

(c) supports the efforts of the Global Polio Eradication Initiative which has immunised 3 billion children globally since 1988, and spared 10 million children paralysis and deformity; and

(d) calls on the Australian Government to continue its guarantee of the Global Polio Eradication Initiative that is critical to finishing the job of ending polio.

Question put and passed.

17 NOTICE OF MOTION WITHDRAWN

Senator Urquhart, at the request of Senator Dastyari, withdrew general business notice of motion no. 876 standing in the name of Senator Dastyari for today, proposing an order for the production of a document by the Minister representing the Treasurer.

18 FINANCE—TASMANIA—HEALTH AND EDUCATION FUNDING

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 908—That the Senate—

(a) condemns Tasmania’s Liberal members and senators for failing to stand up for Tasmania in the face of savage cuts and broken promises by the Federal Liberal Government;

(b) notes the previous statement by the Tasmanian Treasurer, Mr Peter Gutwein, calling for the return of the funds, ‘We want our money back! We want our money back, $2.1 billion was taken from the state in last year’s Federal Budget’; and

(c) condemns the Federal Liberal Government for slashing $2.1 billion in funding for health and education to Tasmania.

Question put.
The Senate divided—

AYES, 30

Senators—

Bilyk
Brown
Bullock
Cameron
Carr
Collins
Conroy
Di Natale

Gallacher
Hanson-Young
Ketter
Lambie
Lazarus
Lines
Ludwig
McAllister

McKim
Moore
O’Neill
Peris
Polley
Rhiannon
Rice
Whish-Wilson

Siewert
Simms
Singh
Sterle
Urquhart (Teller)
Waters

NOES, 29

Senators—

Abetz
Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Day

Edwards
Fawcett
Ferravanti-Wells
Fifield
Heffernan
Johnston
Leyonhjelm

Lindgren
Macdonald
McGrath
McKenzie
Payne
Reynolds
Ronaldson

Ruston
Ryan
Scullion
Seselja
Sinodinos
Wang
Williams

Question agreed to.

19 Law and Justice—Freedom of Speech

Senator Canavan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 913—That the Senate notes:

(a) the important role freedom of speech plays in the exercise of public debate;
(b) that informed public debate requires the expression of different views, even if you disagree with them;
(c) that this nation has fought wars for democracy, for freedom of speech and for the right to protest; and
(d) that attempts by the Australian Greens and their supporters to introduce legislation banning peaceful protest from public areas is an attack on a fundamental right and should be opposed.

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

Question put.

The Senate divided—

AYES, 29

Senators—

Abetz
Back
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Day

Edwards
Fawcett
Ferravanti-Wells
Fifield
Heffernan
Johnston
Leyonhjelm

Lindgren
Macdonald
Madigan
McGrath
McKenzie
Payne
Reynolds

Ruston
Ryan
Rushton
Scullion
Sinodinos
Wang
Ronaldson
Williams
The ayes and noes were equal and so the question was negatived.

20 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAXATION—GOODS AND SERVICES TAX
The Deputy President (Senator Marshall) informed the Senate that Senator Moore had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Abbott/Turnbull Government’s plan to impose a 15 per cent GST.

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

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

Environment—Marine protection—Letter to the President of the Senate from the Minister for the Environment (Mr Hunt) responding to the resolution of the Senate of 12 October 2015. Motion to take note of document moved by Senator Siewert, debated and agreed to.


22 EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT (STREAMLINING REGULATION) BILL 2015
EDUCATION SERVICES FOR OVERSEAS STUDENTS (REGISTRATION CHARGES) AMENDMENT (STREAMLINING REGULATION) BILL 2015
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:

Message no. 478, dated 20 October 2015—A Bill for an Act to amend the law relating to education services for overseas students, and for other purposes.

Message no. 479, dated 20 October 2015—A Bill for an Act to amend the Education Services for Overseas Students (Registration Charges) Act 1997, and for other purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) moved—That these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.

Bills read a first time.
Senator Ruston moved—That these bills be now read a second time.

_Consideration of legislation:_ Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Education and Employment Legislation Committee to report on the bills, 30 November 2015.

23 **SOCIAL SERVICES LEGISLATION AMENDMENT (NO JAB, NO PAY) BILL 2015**

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

Message no. 483, dated 21 October 2015—A Bill for an Act to amend the law relating to family assistance, and for related purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—that this bill be now read a second time.

_Consideration of legislation:_ Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Community Affairs Legislation Committee to report on the bill, 11 November 2015.

24 **SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE GOVERNANCE) BILL 2015**

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


The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—that this bill be now read a second time.

On the motion of Senator Ruston the debate was adjourned till the next day of sitting.

25 **TAX LAWS AMENDMENT (COMBATING MULTINATIONAL TAX AVOIDANCE) BILL 2015**

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

Message no. 477, dated 20 October 2015—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—that this bill be now read a second time.

On the motion of Senator Ruston the debate was adjourned and the resumption of the debate made an order of the day for a later hour.
26 **TREASURY LEGISLATION AMENDMENT (SMALL BUSINESS AND UNFAIR CONTRACT TERMS) BILL 2015**

A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:


27 **COMMITTEE MEMBERSHIP**

Messages from the House of Representatives were reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 476, dated 22 October 2015—
Joint Standing Committee on Foreign Affairs, Defence and Trade, Mr Baldwin and Mr Pitt, appointed.
Joint Standing Committee on Migration, Mr KJ Andrews, appointed.
Joint Standing Committee on the National Disability Insurance Scheme, Mr Matheson, appointed.
Joint Standing Committee on Treaties, Mrs Wicks in place of Dr Jensen.
Joint Select Committee on Trade and Investment Growth, Ms TM Butler in place of Dr Chalmers.
Parliamentary Joint Committee on Human Rights, Mr Sukkar in place of Mr Pasin.
Joint Committee of Public Accounts and Audit, Dr Gillespie, appointed.

Message no. 480, dated 21 October 2015—Joint Select Committee on Trade and Investment Growth, Mr Taylor, discharged.

28 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—SOCIAL SERVICES LEGISLATION AMENDMENT (MORE GENEROUS MEANS TESTING FOR YOUTH PAYMENTS) BILL 2015**

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


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

29 **ECONOMICS LEGISLATION COMMITTEE—REPORT—SUPERANNUATION LEGISLATION AMENDMENT (TRUSTEE GOVERNANCE) BILL 2015**

Pursuant to order, Senator Fawcett, 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 Fawcett.

Pursuant to order, Senator Fawcett, 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 Fawcett.

31 Community Affairs Legislation Committee—Report—Health Legislation Amendment (eHealth) Bill 2015

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


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

32 Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015

Order read for the further consideration of the bills in committee of the whole.

In the committee

Consideration resumed of the bills.

Bills further debated.

Senator Whish-Wilson moved the following amendments in respect of the Customs Amendment (China-Australia Free Trade Agreement Implementation) Bill 2015 together by leave:

Title, page 1 (line 1), after “Customs Act 1901”, insert “, the Migration Act 1958 and the Migration Regulations 1994”.

Clause 1, page 1 (line 5), after “Customs”, insert “and Migration”.

Clause 3, page 3 (line 2), before “Legislation”, insert “(1)”.

Clause 3, page 3 (after line 5), at the end of the clause, add:

(2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.
Part 2A—Labour market testing

Migration Act 1958

2A After section 38B

Insert:

38C Temporary Work (Short Stay Activity) visas

(1) This section applies in relation to an applicant for a visa referred to in the regulations as a Subclass 400 (Temporary Work (Short Stay Activity)) visa if:

(a) the applicant is applying for the visa on the basis that he or she will be engaged to undertake work that is highly specialised; and

(b) the applicant will be engaged to undertake work as an installer or servicer of equipment or machinery that was supplied on the condition that it be installed or serviced by persons engaged by the person for whom the applicant is undertaking the work; and

(c) it would not be inconsistent with any international trade obligation of Australia determined under subsection 140GBA(2) to require the person for whom the applicant will undertake the work to perform testing of the Australian labour market, and give evidence and information to the Minister, in relation to the work as set out in paragraph (2)(a).

(2) It is a criterion for the visa that:

(a) the person proposing to engage the applicant to perform the work has:

(i) performed testing of the Australian labour market, in accordance with the regulations, to demonstrate whether a suitably qualified and experienced Australian citizen or Australian permanent resident is readily available to undertake the work; and

(ii) given the Minister the evidence in relation to that labour market testing, and the information about redundancies or retrenchments in a business or associated entity of the person, that is prescribed by the regulations, and

(b) having regard to that evidence, and information (if any), the Minister is satisfied that:

(i) a suitably qualified and experienced Australian citizen or Australian permanent resident is not readily available to undertake the work; and

(ii) a suitably qualified and experienced eligible temporary visa holder is not readily available to undertake the work.

(3) The Minister may, by legislative instrument, exempt applicants in a specified class from the operation of subsection (2) in relation to specified work if:

(a) the Minister is satisfied that:

(i) an event has occurred in Australia, whether naturally or otherwise, that has such a significant impact on individuals that a government response is required; and
(ii) the exemption is necessary or desirable in order to assist disaster relief or recovery; or
(b) the Minister is satisfied that:
   (i) either or both a qualification prescribed by the regulations, or experience of a kind and for a period prescribed by the regulations, is required to undertake the specified work; and
   (ii) the work is of a kind prescribed by the regulations.

(4) The Minister must ensure that, as soon as reasonably practicable after the commencement of this subsection, and at all later times, there are in force regulations for the purposes of subparagraphs (2)(a)(i) and (ii).

(5) Words and expressions used in this section have the same meanings as in section 140GBA.

2B Paragraph 140GBA(1)(a)
Repeal the paragraph, substitute:
   (a) the approved sponsor is:
      (i) a standard business sponsor (within the meaning of the regulations); or
      (ii) in a class of sponsors prescribed by the regulations; or
      (iii) a person (other than a Minister) who is a party to a work agreement that is entered into on or after the commencement of this subparagraph; and

Schedule 1, page 17 (after line 17), after proposed item 2B, insert:

Migration Regulations 1994

2C After paragraph 457.223(2)(d) of Schedule 2
Insert:
   (da) if the applicant would be required to hold a licence, registration or membership that is mandatory to perform the occupation in Australia—either:
      (i) the applicant holds that licence, registration or membership, and has given the Minister a copy of the licence, registration or membership; or
      (ii) the applicant demonstrates that he or she can meet the requirements to obtain that licence, registration or membership; and

2D After paragraph 457.223(4)(e) of Schedule 2
Insert:
   (eaa) if the applicant would be required to hold a licence, registration or membership that is mandatory to perform the occupation in Australia—either:
      (i) the applicant holds that licence, registration or membership, and has given the Minister a copy of the licence, registration or membership; or
      (ii) the applicant demonstrates that he or she can meet the requirements to obtain that licence, registration or membership; and
2E Paragraph 8107(3)(c) of Schedule 8

Repeal the paragraph, substitute:

(c) if the holder is required to hold a licence, registration or membership that is mandatory to perform the occupation nominated in relation to the holder, in the location where the holder’s position is situated—the holder:

(i) must not perform the occupation until the holder holds the licence, registration or membership; and

(ii) must hold the licence, registration or membership within 60 days after the holder’s arrival in Australia; and

(iii) before the holder performs the occupation—must give the Department documentation of the licence, registration or membership, including any conditions or requirements to which the licence, registration or membership is subject; and

(iv) must comply with each condition or requirement to which the licence, registration or membership is subject; and

(v) must not engage in work that is inconsistent with the licence, registration or membership, including any conditions or requirements to which the licence, registration or membership is subject; and

(vi) must notify the Department, in writing, as soon as practicable of any changes to the licence, registration or membership, including any conditions or requirements to which the licence, registration or membership is subject.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

Di Natale
Hanson-Young
Lambie

Madigan
McKim
Rhannon

Rice
Stewart (Teller)
Simms

Waters
Whish-Wilson

NOES, 36

Senators—

Abetz
Back
Bernardi
Bilyk
Brown
Bullock
Bushby
Cameron
Canavan

Day
Edwards
Fawcett
Gallacher
Gallagher
Ketter
Leyonhjelm
Lindgren
Lines

Ludwig
Macdonald
McAllister
McGrath
McKenzie
Moore
Muir
O’Neill
Peris

Polley
Reynolds
Ronaldson
Ruston
Sterle
Urquhart (Teller)
Wang
Williams
Wong

Question negatived.

Bills agreed to.

Bills to be reported without amendments.
The Acting Deputy President (Senator Back) resumed the chair and the Temporary Chair of Committees reported accordingly.

On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the report from the committee was adopted.

Senator Ruston moved—That these bills be now read a third time.

Question put.

The Senate divided—

**AYES, 35**

Abetz  Day  Ludwig  Polley
Back  Edwards  Macdonald  Reynolds
Bernardi  Fawcett (Teller)  McAllister  Ronaldson
Bilyk  Gallagher  McGrath  Ruston
Brown  Gallagher  McKenzie  Sterle
Bullock  Ketter  Moore  Wang
Bushby  Leyonhjelm  Muir  Williams
Canavan  Lindgren  O'Neil  Wong
Dastyari  Lines  Peris

**NOES, 11**

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

Question agreed to.

Bills read a third time.

**33 EDUCATION LEGISLATION AMENDMENT (OVERSEAS DEBT RECOVERY) BILL 2015 STUDENT LOANS (OVERSEAS DEBTORS REPAYMENT LEVY) 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 these bills be now read a second time.

Debate resumed.

Senator Simms moved the following amendment in respect of the Education Legislation Amendment (Overseas Debt Recovery) Bill 2015:

At the end of the motion, add “but the Senate calls on the Government to use existing mutual taxation agreements to assist in the identification of foreign residents and overseas travellers required to repay Higher Education Loan Program or Trade Support Loan debt, rather than require those residents and travellers to comply with changes in Australian law”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 9**

Di Natale  Rhiannon  Siewert (Teller)  Waters
Hanson-Young  Rice  Simms  Whish-Wilson
McKim
Senators—

NOES, 33

Abetz
Back
Bilyk (Teller)
Birmingham
Bullock
Bushby
Cameron
Canavan
Carr

Collins
Dastyari
Edwards
Fawcett
Gallacher
Gallagher
Ketter
Lazarus

Leyonhjelm
Lindgren
Lines
Ludwig
Madigan
McAllister
McGrath
McKenzie

Moore
Peris
Reynolds
Ruston
Seselja
Wang
Williams

Question negatived.
Main 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 Simms moved the following amendments in respect of the Education Legislation Amendment (Overseas Debt Recovery) Bill 2015 together by leave:

Clause 2, page 3 (table item 6), omit “items 6 to 10”, substitute “items 6 to 12”.
Schedule 1, item 11, page 8 (lines 5 to 21), omit the item, substitute:

11 Application of section 154-18

Section 154-18 of the Higher Education Support Act 2003, as inserted by this Act, applies to persons who leave Australia after the commencement of this item.

12 Application of amendments—pre-commencement debt

(1) If:

(a) immediately before commencement a person is a foreign resident for an income year (the first income year); and
(b) immediately before commencement the person has an accumulated HELP debt or otherwise has a HELP debt that has not been discharged; and
(c) the person does not incur any additional HELP debt after commencement for the first income year or any later income year (other than any additional debt that arises as a result of indexation of the person’s accumulated HELP debt or other HELP debt);

the amendments made by this Schedule to the Higher Education Support Act 2003 do not apply in relation to the person:

(d) for the first income year; and
(e) if the person continues to be a foreign resident for one or more later income years—each later income year for which the person continues to be a foreign resident.

(2) In this item:

commencement means the day on which this item commences.
13 Application of amendments—pre and post-commencement debt

(1) If:
   
(a) immediately before commencement a person is a foreign resident for an income year; and
(b) immediately before commencement the person has an accumulated HELP debt or otherwise has a HELP debt that has not been discharged \( (pre\text{-}commencement\ debt) \) for the income year; and
(c) the person incurs additional HELP debt after commencement for an income year (other than any additional debt that arises as a result of indexation of the person’s accumulated HELP debt or other HELP debt) \( (post\text{-}commencement\ debt) \);

then:

(d) the amendments made by this Schedule to the *Higher Education Support Act 2003* apply in relation to any post-commencement debt (including any indexation of that debt); and
(e) section 154-16 of that Act, as inserted by this Schedule, does not apply in relation to the pre-commencement debt.

Note: Paragraph (1)(e) only relates to the levy under section 154-16 (which is imposed under the *Student Loans (Overseas Debtors Repayment Levy) Act 2015*), it does not affect any other liability for payment under the *Higher Education Support Act 2003*.

(2) In this item:

*commencement* means the day on which this item commences.

Schedule 2, item 10, page 13 (lines 5 to 21), omit the item, substitute:

10 Application of section 47C

Section 47C of the *Trade Support Loans Act 2014*, as inserted by this Act, applies to persons who leave Australia after the commencement of this item.

11 Application of amendments—pre-commencement debt

(1) If:

(a) immediately before commencement a person is a foreign resident for an income year (the *first income year*); and
(b) immediately before commencement the person has an accumulated TSL debt or otherwise has a TSL debt that has not been discharged; and
(c) the person does not incur any additional TSL debt after commencement for the first income year or any later income year (other than any additional debt that arises as a result of indexation of the person’s accumulated TSL debt or other TSL debt);

the amendments made by this Schedule to the *Trade Support Loans Act 2014* do not apply in relation to the person:

(d) for the first income year; and
(e) if the person continues to be a foreign resident for one or more later income years—each later income year for which the person continues to be a foreign resident.
In this item:

\textit{commencement} means the day on which this item commences.

12 Application of amendments—pre and post-commencement debt

(1) If:

(a) immediately before commencement a person is a foreign resident for an income year; and
(b) immediately before commencement the person has an accumulated TSL debt or otherwise has a TSL debt that has not been discharged (\textit{pre-commencement debt}) for the income year; and
(c) the person incurs additional TSL debt after commencement for an income year (other than any additional debt that arises as a result of indexation of the person’s accumulated TSL debt or other TSL debt) (\textit{post-commencement debt});

then:

(d) the amendments made by this Schedule to the \textit{Trade Support Loans Act 2014} apply in relation to any post-commencement debt (including any indexation of that debt); and
(e) section 47A of that Act, as inserted by this Schedule, does not apply in relation to the pre-commencement debt.

Note: Paragraph (1)(e) only relates to the levy under section 47A (which is imposed under the \textit{Student Loans (Overseas Debtors Repayment Levy) Act 2015}), it does not affect any other liability for payment under the \textit{Trade Support Loans Act 2014}.

(2) In this item:

\textit{commencement} means the day on which this item commences.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

\textbf{AYES}, 9

\begin{itemize}
\item Di Natale
\item Hansom-Young
\item McKim
\item Rhiannon
\item Rice
\item Siewert (Teller)
\item Simms
\item Waters
\item Whish-Wilson
\end{itemize}

\textbf{NOES}, 32

\begin{itemize}
\item Birmingham
\item Bullock
\item Bushby
\item Cameron
\item Canavan
\item Carr
\item Dastyari
\item Edwards
\item Fawcett
\item Gallagher
\item Gallagher
\item Ketter
\item Lazarus
\item Leyonhjelm
\item Lindgren
\item Lines
\item Ludwig
\item Madigan
\item McAllister
\item McGrath
\item McKenzie
\item Moore
\item Muir
\item O’Neill
\item Peris
\item Polley
\item Reynolds
\item Ronaldson
\item Ruston
\item Sterle
\item Urquhart (Teller)
\item Wang
\end{itemize}

Question negatived.

Bills agreed to.
The Education Legislation Amendment (Overseas Debt Recovery) Bill 2015 to be reported without amendments and the Student Loans (Overseas Debtors Repayment Levy) Bill 2015 to be reported without requests for amendments.

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

On the motion of the Minister for Education and Training (Senator Birmingham) the report from the committee was adopted.

Senator Birmingham moved—that these bills be now read a third time.

Question put.

The Senate divided—

**AYES, 31**

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**NOES, 9**

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Question agreed to.

Bills read a third time.

**34 TAX LAWS AMENDMENT (COMBATING MULTINATIONAL TAX AVOIDANCE) BILL 2015**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston)—That this bill be now read a second time.

Debate resumed.

*At 9.50 pm:* Debate was interrupted while Senator O’Neill was speaking.

**35 ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 10.16 pm till Tuesday, 10 November 2015 at 12.30 pm.
36 ATTENDANCE

ROSEMARY LAING
Clerk of the Senate