# Journals of the Senate

**No. 126**

**Thursday, 12 November 2015**

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1 **MEETING OF SENATE**

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

2 **DOCUMENTS**

The following documents were tabled 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.]

*Corporations Act 2001*—
- ASIC Corporations (Amendment) Instrument 2015/963 [F2015L01767].
- ASIC Corporations (Amendment) Instrument 2015/999 [F2015L01772].
- ASIC Corporations (Division 4 Financial Products) Instrument 2015/1030 [F2015L01771].
- ASIC Corporations (Repeal) Instrument 2015/1031 [F2015L01770].

*Currency Act 1965*—Currency (Royal Australian Mint) Determination 2015 (No. 9) [F2015L01766].


*Radiocommunications Act 1992*—
- Radiocommunications (Class of Services) Amendment (Removal of 27 GHz Band) Determination 2015 [F2015L01773].

3 **MARRIAGE EQUALITY AMENDMENT BILL 2013**

Order of the day read for the adjourned debate on the motion of Senator Hanson-Young—That this bill be now read a second time.

Debate resumed.

*Time expired:* The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.

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

4 **NOTICES**

Senator Canavan: To move on the next day of sitting—That the Senate notes that:

(a) it is not the role of government to tell people what to eat, and that individuals have a responsibility for their own health and wellbeing;

(b) a key to improving the health of Australians is by helping them make healthier choices about their food;

(c) actions such as the new Healthy Food Partnership, the voluntary Health Star Rating system, and the Sporting Schools Initiative will tackle obesity and encourage healthy eating through educating consumers about fresh produce and appropriate portion sizes; and
heavy-handed government intervention through taxes and bans will only limit a person’s choice and not improve long-term results through increased individual responsibility. *(general business notice of motion no. 940)*

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

(a) recognises the untapped potential of Australians over the age of 65;
(b) notes that Australia ranks 13th in the Organisation for Economic Co-operation and Development [OECD] for workforce participation of people aged over 65;
(c) acknowledges that raising mature age workforce participation will add tens of billions of dollars to Australia’s gross domestic product; and
(d) in the national interest, calls on the Government to remove the barriers and obstacles to the workforce participation of older Australians. *(general business notice of motion no. 941)*

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

(a) notes that:
   (i) in December 2015, leaders from across the globe will meet in Paris to determine the way forward to address climate change, and
   (ii) People’s Climate Marches are:
      (A) being organised in hundreds of cities around the world on the last weekend of November 2015 to send a message to world leaders that strong action on climate change is necessary and possible, and
      (B) scheduled to take place that weekend in Melbourne, Sydney, Brisbane, Adelaide, Perth, Canberra, Hobart and Cairns;
(b) applauds the organisers and participants of the marches both overseas and in Australia for their commitment and efforts; and
(c) endorses the message that Australia can, and should, do more to address climate change. *(general business notice of motion no. 942)*

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 penalties for white collar crime, with particular reference to:

(a) the adequacy of the current suite of criminal, civil and administrative penalties to act as a deterrent;
(b) the value of monetary penalties, particularly in proportion to the amount of wrongful gains;
(c) the length of imprisonment sentences;
(d) the availability of mechanisms to recover wrongful gains;
(e) the consistency of penalties for comparable offences;
(f) the responsibility of managers and directors for wrongdoing;
(g) barriers to the discovery of wrongdoing, including for whistle-blowers;
(h) Australia in comparison to other Organisation for Economic Co-operation and Development [OECD] nations; and
(i) any other relevant matters.
Notice of motion withdrawn: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to notice of intention given on 11 November 2015, withdrew business of the Senate notice of motion no. 2 standing in his name for 6 sitting days after today for the disallowance of the Pay as you go withholding – PAYG Withholding Variation: Allowances – Legislative Instrument, made under the Taxation Administration Act 1953 [F2015L01047].

5 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 14 OF 2015
The Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 14 OF 2015

1. The committee met in private session on Wednesday, 11 November 2015 at 7.19 pm.

2. The committee resolved to recommend—that—
(a) the Australian Crime Commission Amendment (Criminology Research) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 26 November 2015;
(b) the Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 16 March 2016;
(c) the provisions of the Health Insurance Amendment (Safety Net) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 23 November 2015;
(d) the provisions of the Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 30 November 2015; and
(e) the provisions of the Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 February 2016.

3. The committee resolved to recommend—that the following bills not be referred to committees:
   Counter-Terrorism Legislation Amendment Bill (No. 1) 2015
   Crimes Legislation Amendment (Harming Australians) Bill 2015
   Defence Legislation Amendment (First Principles) Bill 2015
   Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015

   The committee recommends accordingly.

4. The committee considered the Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2015 but was unable to reach agreement.
5. The committee deferred consideration of the following bills to its next meeting:
   - Amending Acts 1990 to 1999 Repeal Bill 2015
   - Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015
   - Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
   - Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
   - Corporations Amendment (Publish What You Pay) Bill 2014
   - Export Control Amendment (Quotas) Bill 2015
   - Omnibus Repeal Day (Spring 2015) Bill 2015
   - Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
   - Statute Law Revision Bill (No. 3) 2015
   - Tax Laws Amendment (Gifts) Bill 2015
   - Treasury Legislation Amendment (Repeal Day 2015) Bill 2015

   David Bushby
   Chair
   12 November 2015.

   Senator Bushby moved—That the report be adopted.

   Senator Moore moved the following amendment:
   At the end of the motion, add “and in respect of the Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2015, the provisions of the bill be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 30 November 2015”.

   Question—That the amendment be agreed to—put and passed.
   Main question, as amended, put and passed.

6 ORDER OF BUSINESS—REARRANGEMENT

   The Minister for Communications (Senator Fifield) moved—That—
   (a) government business order of the day no. 6 (Health Legislation Amendment (eHealth) Bill 2015) be considered from 12.45 pm today; and
   (b) government business be called on after consideration of the bill listed in paragraph (a) and considered till not later than 2 pm today.

   Question put and passed.

   Senator Fifield moved—that the order of general business for consideration today be as follows:
   (a) general business order of the day no. 3 relating to employment; and
   (b) orders of the day relating to documents.

   Question put and passed.
7 **POSTPONEMENT**

Business was postponed as follows:

General business notice of motion no. 933 standing in the name of Senator Xenophon for today, proposing the introduction of the Interactive Gambling Amendment (Sports Betting Reform) Bill 2015, postponed till 23 November 2015.

8 **COMMITTEE—EXTENSIONS OF TIME TO REPORT**

The following committee was granted extensions of time to report:

- Rural and Regional Affairs and Transport References Committee—
  - Airport and aviation security at Australian airports, extended to 19 May 2016.
  - Future role and contribution of regional capitals, extended to 12 May 2016.
  - Perth Freight Link, extended to 25 March 2016.

9 **EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—PROPOSED EXTENSION OF TIME TO REPORT**

Senator Carr, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 931—That the time for the presentation of the report of the Education and Employment Legislation Committee on the provisions of the Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015 and a related bill be extended to 2 February 2016.

*Statement by leave:* The Minister for Tourism and International Education (Senator Colbeck), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

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Question negatived.
10 COUNTER-TERRORISM LEGISLATION AMENDMENT BILL (NO. 1) 2015

The Attorney-General (Senator Brandis), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the law relating to counter-terrorism, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Brandis tabled an explanatory memorandum relating to the bill.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the first day in the next period of sittings, 2 February 2016.

11 INDIGENOUS AUSTRALIANS—ENGAGEMENT WITH THE CRIMINAL JUSTICE SYSTEM

Senator Lines, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 938—That the Senate—

(a) notes, with grave concern, the Western Australian Corruption and Crime Commission report entitled Report on Operation Aviemore: Major Crime Squad investigation into the unlawful killing of Mr Joshua Warneke;

(b) urges the relevant agencies to implement, as a matter of urgency, the recommendations made in the report by the Honourable John McKechnie QC; and

(c) calls on the Government to address the high rates of engagement of Aboriginal and Torres Strait Islander people with the criminal justice system by supporting justice reinvestment and the development of a justice target under the 'Closing the Gap' framework to ensure coordinated action, accountability and progress to reduce the disproportionate incarceration rates of Aboriginal and Torres Strait Islander people.

Question put and passed.

Statement by leave: Senator Lines, by leave, made a statement relating to the motion.
12 SOCIAL ISSUES—NATIONAL ADOPTION AWARENESS WEEK
Senator Seselja, also on behalf of Senators Lindgren, Abetz, Edwards, Bernardi, McKenzie, Bushby, Heffernan, Johnston, Reynolds, Fawcett, Macdonald, Canavan, Williams, Back, Day, Lambie, Lazarus, Leyonhjelm, Madigan, Xenophon, Wang, Bullock and Collins, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 932—that the Senate—
(a) notes that:
(i) the week 8 to 14 November 2015 is National Adoption Awareness Week,
(ii) the number of children adopted in Australia is at an all-time low, declining 76 per cent over 25 years,
(iii) the number of children in the out of home care system continues to increase,
(iv) in 2013-14 there were over 50,000 children in out of home care arrangements, including kinship care, foster care and guardianship,
(v) there are 15,000 children in Australia who have been in out of home care for over 2 years and are not living with relatives or kin,
(vi) only 203 Australian children were adopted in this country in 2014, and
(vii) long-term out of home care arrangements lack stability with an average child experiencing 6 different placements during their time in out of home care; and
(b) calls on the Federal Government to use its leadership of the Council of Australian Governments to work with the states and territories on a national strategy to significantly increase the number of local adoptions in Australia.
Question put and passed.

13 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE
Senator Urquhart, at the request of Senator Bilyk and 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 matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 25 February 2016:
(a) the phenomenon colloquially referred to as ‘revenge porn’, which involves sharing private sexual images and recordings of a person without their consent, with the intention to cause that person harm;
(b) the impact this has on the targets of revenge porn, and in the Australian community more broadly;
(c) potential policy responses to this emerging problem, including civil and criminal remedies;
(d) the response to revenge porn taken by parliaments in other Australian jurisdictions and comparable overseas jurisdictions; and
(e) any other related matters.
Question put and passed.
14 SOCIAL ISSUES—AUSTRALIAN CATHOLIC BISHOPS CONFERENCE BOOKLET

Motion determined as not formal: Senator Abetz, also on behalf of Senators Day, Leyonhjelm, Madigan and Wang, requested that general business notice of motion no. 930 standing in their names for today, relating to a booklet produced by the Australian Catholic Bishops Conference, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senators Moore, Abetz and Simms, by leave, made statements relating to the motion.

Leave refused: Senator Collins sought leave to make a statement relating to the motion.

An objection was raised and leave was not granted.

15 UNCONVENTIONAL GAS MINING—SELECT COMMITTEE—APPOINTMENT

Senator Lazarus amended general business notice of motion no. 937 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That a select committee, to be known as the Select Committee on Unconventional Gas Mining, be established to inquire into and report, on or before 30 June 2016, on the following matter:

The adequacy of Australia’s legislative, regulatory and policy framework for unconventional gas mining including coal seam gas (CSG) and shale gas mining, with reference to:

(a) a national approach to the conduct of unconventional gas mining in Australia;
(b) the health, social, business, agricultural, environmental, landholder and economic impacts of unconventional gas mining;
(c) government and non-government services and assistance for those affected;
(d) compensation and insurance arrangements;
(e) compliance and penalty arrangements;
(f) harmonisation of federal and state/territory government legislation, regulations and policies;
(g) legislative and regulatory frameworks for unconventional gas mining in comparable overseas jurisdictions;
(h) the unconventional gas industry in Australia as an energy provider;
(i) the current royalty and taxation arrangements associated with unconventional gas mining; and
(j) any related matter.

(2) That the committee consist of 5 senators, 1 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens, and Senator Lazarus.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority groups or independent senators;
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That Senator Lazarus is appointed chair.

(7) That the committee elect a member as its deputy chair, who shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That 3 members of the committee constitute a quorum of the committee.

(11) That the committee have power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(12) That 2 members of a subcommittee constitute a quorum of that subcommittee.

(13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(14) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(15) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(16) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Statements by leave: Senators Lazarus and Canavan, by leave, made statements relating to the motion.

Senator Xenophon, by leave, moved the following amendment:

Paragraph 2, omit “5 senators, 1 nominated by the Leader of the Government in the Senate”, substitute “6 senators, 2 nominated by the Leader of the Government in the Senate”.

Question—That the amendment be agreed to—put.
The Senate proceeded to divide—
The call for the division was withdrawn by leave.
Question—That the amendment be agreed to—put and passed.
Main question, as amended, put and passed.

16 COMMUNITY AFFAIRS REFERENCES COMMITTEE—REFERENCE
Senator Madigan, also on behalf of Senators Wang, Leyonhjelm, Day, McKenzie, Lazarus, Muir, Lambie and Xenophon, 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 Community Affairs References Committee for inquiry and report by 20 June 2016:
The growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients, with particular reference to:
(a) the prevalence and geographic distribution of Lyme-like illness in Australia;
(b) methods to reduce the stigma associated with Lyme-like illness for patients, doctors and researchers;
(c) the process for diagnosis of patients with a Lyme-like illness, with a specific focus on the laboratory testing procedures and associated quality assurance processes, including recognition of accredited international laboratory testing;
(d) evidence of investments in contemporary research into Australian pathogens specifically acquired through the bite of a tick and including other potential vectors;
(e) potential investment into research to discover unique local causative agents causing a growing number of Australians debilitating illness;
(f) the signs and symptoms Australians with Lyme-like illness are enduring, and the treatment they receive from medical professionals; and
(g) any other related matters.
Question put and passed.

17 INDIGENOUS AUSTRALIANS—EYE HEALTH
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 936—That the Senate—
(a) notes that:
   (i) 85 per cent of all eye and vision conditions are preventable with regular eye checks, and
   (ii) the Medicare rebate for optometry consultations was reduced by 5 per cent from 1 January 2015;
(b) acknowledges that:
   (i) Aboriginal and Torres Strait Islander peoples are disproportionately affected by the cuts due to the combination of geographical and social disadvantages, and
   (ii) small investments in preventative, first-line eye health will reduce the cost of vision loss to the Australian economy and improve the quality of life of Australia’s most vulnerable; and
(c) urges the Government to:
   (i) review the impacts of cuts on services to eye health in Aboriginal communities, and
(ii) take measures to address the effect of the cuts on Aboriginal and Torres Strait Islander peoples.

Statements by leave: The Minister for Communications (Senator Fifield) and Senator Stewart, by leave, made statements relating to the motion.

Question put and passed.

18 TRANSPORT—VICTORIA—PORT RAIL SHUTTLE PROJECT

Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 939—That the Senate—

(a) notes that:

(i) the Federal Government committed $38 million of Commonwealth funds to the Port Rail Shuttle project in Victoria,
(ii) the Port Rail Shuttle project would create a rail connection between the Port of Melbourne and three inland ports, reducing diesel use and pollution from Victorian containerised freight movements and removing up to 3 500 trucks from residential streets in Melbourne’s west every day,
(iii) the Victorian Government has put this project on indefinite hold citing delays due to potential privatisation of the port, and
(iv) the Port of Melbourne Authority, together with the Victorian Government, are well placed, and have the relevant expertise and independent advice, to progress the Port Rail Shuttle project without delay; and

(b) calls on the Government to urgently seek action from the Victorian Government to proceed with implementing the Port Rail Shuttle project, regardless of the status of the Port of Melbourne ownership or lease arrangements.

Statements by leave: Senator Moore, the Minister for Communications (Senator Fifield) and Senator Rice, by leave, made statements relating to the motion.

Question put and passed.

19 TRANSPORT—WESTERN AUSTRALIA—PERTH FREIGHT LINK—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Ludlam, also on behalf of Senator Sterle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 934—That there be laid on the table by the Minister representing the Minister for Infrastructure and Regional Development, no later than 5 pm on Monday, 23 November 2015, the following documents that underpin the Perth Freight Link project but are not publicly available:

(a) any figures, modelling and forecasts on freight movements to and from the Fremantle Port, including current and projected figures, provided by the Western Australian Government for the Perth Freight Link project;
(b) any evaluation of freight figures or modelling to underpin the Perth Freight Link by the Minister’s department or Infrastructure Australia;
(c) any peer review undertaken of freight figures provided for the Perth Freight Link;
(d) any modelling of air quality, diesel particulates and truck congestion on roads and communities in the vicinity of the Perth Freight Link; and
(e) the modelling for future traffic congestion on Perth metropolitan roads for 2011, 2016 and 2021 that was completed as part of the Western Australian Auditor-General’s report of March 2015 using the new version of the Regional Operations Model [ROM].

Question put.
The Senate divided—

AYER, 34

Senators—
Brown Hanson-Young McKim Simms
Bullock Ketter Moore Singh
Cameron Lamble Muir Sterle
Carr Lazarus Peris Urquhart (Teller)
Collins Leyonhjelm Polley Wang
Conroy Ludlam Rhiannon Waters
Di Natale Ludwig Rice Whish-Wilson
Gallacher Madigan Siewert Xenophon
Gallagher McAllister

NOES, 26

Senators—
Abetz Day Macdonald Ruston
Back Edwards McGrath Ryan
Bernardi Fawcett McKenzie Scullion
Birmingham Fifield Payne Seselja
Bushby (Teller) Heffernan Reynolds Smith
Canavan Johnston Ronaldson Williams
Colbeck Lindgren

Question agreed to.

20 ENVIRONMENT—SUBSIDIES FOR COAL-FIRED POWER STATIONS

Senator Waters amended general business notice of motion no. 935 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate—

(a) notes:

(i) the importance of transitioning to lower polluting forms of energy generation,

(ii) that the United States of America (US) and Japan have agreed to limit Organisation for Economic Co-operation and Development (OECD) subsidies to the most efficient types of coal power plants,

(iii) the fact that subsidies from the OECD export credit agencies to coal-fired power stations in developing nations constitute an obstacle to the transition to clean energy in those nations, and

(iv) reports that the Turnbull Government is set to block a proposal from the US and Japan to remove OECD export credit subsidies for the dirtiest coal-fired power stations in developing nations; and

(b) calls on the Turnbull Government to support the proposal from the US and Japan to exclude the dirtiest coal-fired power stations from receiving OECD export credit subsidies.

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

Question put.
The Senate divided—

**AYES, 30**

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**NOES, 30**

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

**21 FOREIGN AFFAIRS—BOMBING OF MÉDECINS SANS FRONTIÈRES HOSPITAL**

*Motion determined as not formal:* Senator Ludlam, also on behalf of Senator Singh, requested that general business notice of motion no. 898 standing in their names for today, relating to the bombing of a Médecins Sans Frontières hospital in Afghanistan, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

*Statements by leave:* Senator Ludlam, the Minister for Communications (Senator Fifield) and Senator Moore, by leave, made statements relating to the motion.

**22 HEALTH LEGISLATION AMENDMENT (eHEALTH) 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.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Assistant Cabinet Secretary (Senator Ryan) the bill was read a third time.
23 **CRIMES LEGISLATION AMENDMENT (HARMING AUSTRALIANS) BILL 2015**
Order of the day read for the adjourned debate on the motion of the Attorney-General (Senator Brandis)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Brandis the bill was read a third time.

24 **SOCIAL SERVICES LEGISLATION AMENDMENT (MORE GENEROUS MEANS TESTING FOR YOUTH PAYMENTS) BILL 2015**
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.
Debate resumed.
Senator Siewert moved the following amendment:
At the end of the motion, add “but the Senate recommends that the Government establish an independent review of the effect of the measures implemented under this legislation, to be undertaken no later than 2 years after the commencement of this legislation”.
Debate ensued.
Question—That the amendment be agreed to—put and passed.
Main question, as amended, put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Minister for Communications (Senator Fifield) the bill was read a third time.

25 **SOCIAL SERVICES LEGISLATION AMENDMENT (NO JAB, NO PAY) 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 2 pm: Debate was interrupted while Senator Moore was speaking.

26 **QUESTIONS**
Questions without notice were answered.

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*Documents:* The Leader of the Australian Greens (Senator Di Natale), by leave, tabled the following documents:
Finance—A progressive superannuation system—Costing request—Letter from the Parliamentary Budget Officer (Mr Bowen) to the Leader of the Australian Greens (Senator Di Natale), dated 16 October 2015, and attachments.
Further questions without notice were answered.

The President, on repeated occasions, called Senator Conroy to order for interjecting. Senator Conroy continued to interject.

Disorder: Senator Conroy, for persistently and wilfully disregarding the authority of the chair, was reported to the Senate by the President.

Senator Conroy, having been called on in accordance with standing order 203 to make an explanation or apology, apologised to the Senate.

Further questions without notice were answered.

27 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 McKim moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator McKim today relating to proposed amendments to citizenship laws.

Question put and passed.

28 HEALTH—FOOD LABELLING STANDARDS—SEAFOOD—DOCUMENT

Senator Whish-Wilson, by leave, tabled the following document:

Health—Food labelling standards—Seafood—Petitioning document from 46,081 signatories calling on the Parliament to amend legislation to mandate the use of proper fish names and country of origin for all seafood sold in Australia.

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

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

Senator Fawcett, at the request of the chairs of the respective committees, tabled the following documents:

Budget estimates 2015-16—

Finance and Public Administration Legislation Committee—Additional information received between 14 October and 10 November 2015—Finance portfolio.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 16 October and 12 November 2015—Defence portfolio.

Budget estimates 2015-16 (Supplementary)—

Economics Legislation Committee—Hansard record of proceedings and documents presented to the committee.
Senator Fawcett, at the request of the Chair of the Standing Committee on Publications (Senator Reynolds), tabled the following report:

PUBLICATIONS COMMITTEE
19TH REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 15 October 2015, recommends that the following be printed:

Australian Communications and Media Authority (ACMA)—Report for 2014-15.
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2014-15.
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2014-15.
Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2014-15.

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.


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.


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.

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


Infrastructure Australia—Report for the period 1 September 2014 to 30 June 2015.


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


National Health and Medical Research Council (NHMRC)—Report for 2014-15.
National Health Funding Pool—Report for 2014-15, including financial statements for state and territory State Pool Accounts.
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.
Senator Reynolds
Chair
12 November 2015
Senator Fawcett moved—That the report be adopted.
Question put and passed.

Senator Fawcett, at the request of the Chair of the Community Affairs Legislation Committee (Senator Seselja), tabled the following documents:

Pursuant to order, the Deputy Chair of the Joint Standing Committee on the National Disability Insurance Scheme (Senator Gallacher) tabled the following report and documents:
National Disability Insurance Scheme—Joint Standing Committee—Implementation and administration of the National Disability Insurance Scheme—Progress report, dated November 2015, Hansard record of proceedings, additional information and submissions.
Report ordered to be printed on the motion of Senator Gallacher.
Senator Gallacher moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

The Minister for Defence (Senator Payne) tabled the following document:

30 ADMINISTRATION—REGULATORY REFORM—MINISTERIAL STATEMENT—DOCUMENT
The Minister for Defence (Senator Payne) tabled the following document:
Administration—Regulatory reform—A new regulatory reform agenda—Ministerial statement by the Assistant Minister for Productivity (Dr Hendy), dated 12 November 2015.
31 **MIGRATION AMENDMENT (CHARGING FOR A MIGRATION OUTCOME) BILL 2015 AND MIGRATION AND MARITIME POWERS AMENDMENT BILL (NO. 1) 2015—EXPLANATORY MEMORANDA**

The Minister for Defence (Senator Payne) tabled the following documents:
- Migration Amendment (Charging for a Migration Outcome) Bill 2015—Correction to the explanatory memorandum.
- Migration and Maritime Powers Amendment Bill (No. 1) 2015—Addendum to the explanatory memorandum.

32 **COMMITTEE MEMBERSHIP**

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

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

- **Appropriations, Staffing and Security—Standing Committee**—
  Appointed—Senator McEwen

- **Broadcasting of Parliamentary Proceedings—Joint Statutory Committee**—
  Appointed—Senator Moore

- **Community Affairs Legislation and References Committees**—
  Discharged—Senator Peris
  Appointed—
  - Senator Gallagher
  - Participating member: Senator Peris

- **Education and Employment References Committee**—
  Discharged—Senator Peris
  Appointed—
  - Senator Ludwig
  - Participating member: Senator Peris

- **Finance and Public Administration Legislation Committee**—
  Discharged—Senators Gallagher and Ludwig
  Appointed—
  - Senators McAllister and Peris
  - Participating members: Senators Gallagher and Ludwig

- **Finance and Public Administration References Committee**—
  Discharged—Senators Gallagher and Moore
  Appointed—
  - Senators McAllister and Peris
  - Participating members: Senators Gallagher and Moore

- **Public Accounts and Audit—Joint Statutory Committee**—
  Discharged—Senator Gallagher
  Appointed—Senator McAllister

- **Regulations and Ordinances—Standing Committee**—
  Discharged—Senator Dastyari
  Appointed—Senator Moore

- **Scrutiny of Bills—Standing Committee**—
  Discharged—Senator Gallagher
Appointed—Senator Ludwig

Senators’ Interests—Standing Committee—
Appointed—Senator Lines

Unconventional Gas Mining—Select Committee—
Appointed—
Senators Canavan, Lindgren and Ludwig

Question put and passed.

33 Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015
A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:
On the motion of the Minister for Defence (Senator Payne) consideration of the message in committee of the whole was made an order of the day for the next day of sitting.

34 Higher Education Support Amendment (VET Fee-HELP Reform) Bill 2015
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 493, dated 11 November 2015—A Bill for an Act to amend the law relating to higher education, and for related purposes.
The Minister for Defence (Senator Payne) 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 Payne 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 Education and Employment Legislation Committee to report on the bill, 30 November 2015.

35 Fair Work Amendment Bill 2014
A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:
36 **COMMITTEE MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 491, dated 11 November 2015—

Joint Standing Committee on Foreign Affairs, Defence and Trade, Mr ET Jones, discharged

Joint Standing Committee on Treaties, Dr Stone, discharged.

37 **GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAWS**

A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

11 November 2015—Message No. 55—


_General business was called on._

38 **EMPLOYMENT—JOB LOSSES**

Order of the day read for the adjourned debate on the motion of Senator Carr—That the Senate—

(a) condemns:

(i) the failure of the Government to:

(A) articulate a comprehensive innovation policy so that Australia has the high skill, high wage jobs of the future, and

(B) fight for Australian jobs,

(ii) the deliberate and hostile actions of the Government in bringing about the end of Australia’s automotive manufacturing sector threatening a further 50,000 jobs directly reliant and the 200,000 jobs that rely on it indirectly, and

(iii) the cowardice of the Government for blaming job losses on workers to distract from its own inaction and lack of any plan to deal with the crisis facing Australian manufacturing due to the strong dollar; and

(b) calls on the Government to immediately outline:

(i) its plans to support the 50,000 Australian workers who have lost their jobs since the election,

(ii) the industries in which it expects these workers to find new jobs, and

(iii) its plans to attract the billions in new investment, new jobs, new skills and new technologies to replace those lost in the automotive sector.

Debate resumed.

At 6 pm: Debate was interrupted.

39 **DOCUMENTS—ORDERS OF THE DAY—CONSIDERATION**

The following orders of the day relating to documents were considered:

Civil Aviation Safety Authority (CASA)—Report for 2014-15. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Smith the debate was adjourned till Thursday at general business.
Australian Research Council (ARC)—Corporate plan 2015-16 to 2018-19. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Smith the debate was adjourned till Thursday at general business.

General business concluded.

40 COMMITTEE MEMBERSHIP

The Deputy President (Senator Marshall) informed the Senate that the President had received a letter requesting changes in the membership of committees.

The Cabinet Secretary (Senator Sinodinos), by leave, moved—that senators be discharged from and appointed to committees as follows:

**Health—Select Committee—**

- Appointed—
  - Substitute member: Senator Ketter to replace Senator McLucas on 17 November 2015
  - Participating member: Senator McLucas

**National Broadband Network—Select Committee—**

- Discharged—
  - Senator McAllister
- Appointed—
  - Senator McLucas
  - Participating member: Senator McAllister.

Question put and passed.

41 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION

The following orders of the day relating to committee reports and government responses were considered:

- Procedure—Standing Committee—Third report of 2015—Ministerial statements; Publications Committee. Motion of the chair of the committee (Senator Marshall) to take note of report agreed to.
- Education and Employment References Committee—Getting our money’s worth: the operation, regulation and funding of private vocational education and training (VET) providers in Australia—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.
- Trade and Investment Growth—Joint Select Committee—Inquiry into business experience in utilising Australia’s free trade agreements—Report. Motion of Senator Smith to take note of report agreed to.
- Education and Employment References Committee—Australia’s temporary work visa programs—Interim report. Motion of the chair of the committee (Senator Lines) to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.
Community Affairs References Committee—Availability of new, innovative and specialist cancer drugs in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report debated. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Foreign Affairs, Defence and Trade Legislation Committee—International Aid (Promoting Gender Equality) Bill 2015—Report. Motion of Senator Fawcett to take note of report agreed to.

Health—Select Committee—Australian Hearing: too important to privatise—Third interim report. Motion of the chair of the committee (Senator O’Neill) to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia’s regional processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia’s naval shipbuilding industry—Interim report. Motion of Senator Canavan to take note of report called on. On the motion of Senator Smith the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report debated. Debate adjourned till the next day of sitting, Senator Polley in continuation.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia’s naval shipbuilding industry: Part 3—Long-term planning—Report. Motion of Senator McEwen to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia’s treaty-making process—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report debated. Debate adjourned till the next day of sitting, Senator Gallacher in continuation.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

National Broadband Network—Select Committee—Second interim report—Government response. Motion of Senator McEwen to take note of document called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.
Legal and Constitutional Affairs References Committee—Ability of Australian law enforcement authorities to eliminate gun-related violence in the community—Report. Motion to take note of report called on. On the motion of Senator Smith the debate was adjourned till the next day of sitting.

42 ADJOURNMENT

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

Debate ensued.

Documents: Senator McKenzie, by leave, tabled the following documents:

Industrial relations—Construction, Forestry, Mining and Energy Union—Affidavits filed in Federal Circuit Court of Australia proceedings from—

Mr Andrew Quirk, dated 21 September 2015.
Mr Brian Fitzpatrick, dated 18 September 2015.
Mr Brian Miller, dated 18 September 2015.

The Senate adjourned at 7.16 pm till Monday, 23 November 2015 at 10 am.

43 ATTENDANCE


ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate