THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 109

WEDNESDAY, 19 AUGUST 2015

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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.

DOCUMENTS

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


Land Sector Carbon and Biodiversity Board—Explanatory statement, in place of an annual report for 2013-14 and all subsequent years.

Port of Gladstone—Independent reviews—
   Bund Wall at the Port of Gladstone—Report on findings, dated April 2014.
   Government response to the Port of Gladstone and the Bund Wall at the Port of Gladstone reports on findings, dated August 2015.
   Supplementary report, dated October 2013.


The following document was tabled by the Clerk pursuant to statute:


The following document was tabled by the Clerk pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2015—Statement of compliance—Finance portfolio.

COMMITTEES—LEAVE TO MEET DURING Sittings

Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

Education and Employment References Committee—Thursday, 20 August 2015, from 11 am, for the committee’s inquiry into students with disability and the schools system.

Finance and Public Administration Legislation Committee—today, from 1.45 pm, for the committee’s inquiry into the Australian Government Boards (Gender Balanced Representation) Bill 2015.
Legal and Constitutional Affairs References Committee—today, from 6 pm, for the committee’s inquiry into the circumstances surrounding a letter sent to the Attorney-General.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—today, from 1 pm.

4 QUESTION TIME—CONDUCT OF SENATORS—STATEMENT BY PRESIDENT
The President made a statement relating to remarks made during question time on 18 August 2015 and the conduct of senators.

5 ACTS AND INSTRUMENTS (FRAMEWORK REFORM) (CONSEQUENTIAL PROVISIONS) 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 Social Services (Senator Fifield) 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 Fifield moved—That this bill be now read a second time.

Debate ensued.

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 Parliamentary Secretary to the Attorney-General (Senator Fierravanti-Wells) the bill was read a third time.

6 OMNIBUS REPEAL DAY (SPRING 2014) BILL 2014
Order of the day read for the consideration of message no. 334 from the House of Representatives in committee of the whole (see entry no. 37, 26 March 2015).

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED

(1) Schedule 3, Parts 1 and 2, page 16 (line 2) to page 17 (line 19), omit the Parts.
(2) Schedule 3, items 9 to 23, page 18 (line 3) to page 20 (line 10), omit the items.
(3) Schedule 3, item 25, page 20 (line 14) to page 21 (line 2), omit subitems (1) to (4).
(4) Schedule 3, item 25, page 21 (lines 6 to 22), omit subitems (6) and (7).
(5) Schedule 3, items 28 to 37, page 22 (line 12) to page 24 (line 30), omit the items.
(6) Schedule 3, item 41, page 25 (lines 6 to 24), omit subitems (1) to (5).
(7) Page 25 (after line 29), after Schedule 3, insert:

**Schedule 3A—Finance**

*Public Governance, Performance and Accountability Act 2013*

1 **At the end of Division 2 of Part 4-1A**

Add:

**105BA Future submarine project tender process**

(1) This section applies if the Commonwealth (including a Minister on behalf of the Commonwealth) proposes to enter into a contract (a *submarine design and building contract*) for the design and building of a submarine, or a substantial part of a submarine, as part of the future submarine project.

Note 1: The future submarine project is designated SEA 1000 in the Defence Capability Plan as in force on 1 December 2014.

Note 2: This section does not apply to contracts for research, concept or preliminary design, planning or other preparatory work that does not involve the building of a submarine or a substantial part of a submarine.

(2) The submarine design and building contract must not be entered into other than as the result of a limited tender process conducted in accordance with the Defence Procurement Policy Manual as in force on 1 December 2014, subject to this section.

*Tender process*

(3) At least 4 bidders must be invited to participate in the limited tender.

(4) The future submarine project is taken not to be an exempt procurement for the purposes of the Defence Procurement Policy Manual.

(5) A request for tender must invite the bidders to give the Commonwealth a project definition study and preliminary design that meets top level requirements specified by the Commonwealth, sufficient to allow mainly fixed pricing and 10 vessel years of post-commissioning integrated logistics support.

(6) The Commonwealth must consider the Australian Industry Capability Program, the Defence and Industry Policy Statement and the impact on the strategically vital Australian submarine and shipbuilding industry when deciding whether to enter into a submarine building design and contract in relation to the future submarine project.

(7) This section ceases to have effect at the end of 30 June 2020.

The Minister for Employment (Senator Abetz) moved—That the committee does not insist on its amendments to which the House has disagreed.

The question was divided at the request of Senator Conroy—

Question—That the committee does not insist on amendments nos 1 to 6—debated.

Question put.
The committee divided—

AYES, 34

Senators—

Abetz
Bernardi
Birmingham
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Day

Edwards
Fierravanti-Wells
Fife
Heffernan
Johnston
Leyonhjelm
Lindgren
Macdonald
Madigan

McGrath
McKenzie
Muir
Nash
O'Sullivan
Parry
Payne
Reynolds
Ruston
Ryan
Scullion
Seselja
Sinodinos
Smith
Williams

NOES, 36

Senators—

Bilyk
Brown
Bullock
Carr
Collins
Conroy
Dastyari
Di Natale
Gallacher
Gallagher
Hanson-Young
Ketter
Lambie
Lazarus
Lines
Ludlam
Ludwig
Marshall

McAllister
McEwen (Teller)
McLucas
Moore
O'Neil
Peris
Polley
Rhiannon
Rice

Singh
Sterle
Urquhart
Wang
Waters
Whish-Wilson
Wright
Xenophon

Question negatived.

Question—That the committee does not insist on amendment no. 7—

Senator Conroy moved the following amendment:

At the end of the motion, add “but agrees to the following amendment in place of that amendment:

Page 25 (after line 29), after Schedule 3, insert:

Schedule 3A—Finance

Public Governance, Performance and Accountability Act 2013

1 At the end of Division 2 of Part 4-1A

Add:

105BA Future submarine project tender process

(1) This section applies if the Commonwealth (including a Minister on behalf of the Commonwealth) proposes to enter into a contract (a submarine design and building contract) for the design and building of a submarine, or a substantial part of a submarine, as part of the future submarine project.

Note 1: The future submarine project is designated SEA 1000 in the Defence Capability Plan as in force on 1 December 2014.

Note 2: This section does not apply to contracts for research, concept or preliminary design, planning or other preparatory work that does not involve the building of a submarine or a substantial part of a submarine.
(2) The submarine design and building contract must not be entered into other than as the result of a limited tender process conducted in accordance with the Defence Procurement Policy Manual as in force on 1 December 2014, subject to this section.

Tender process

(3) The future submarine project is taken not to be an exempt procurement for the purposes of the Defence Procurement Policy Manual.

(4) A person or body is not eligible to bid for the tender unless the person or body gives the Commonwealth an undertaking that the submarine building, maintenance and sustainment will take place in Australia.

(5) The Commonwealth must not enter into a submarine design and building contract in relation to the future submarine project unless the Commonwealth is satisfied that the contract includes guarantees that:

(a) the majority of work on the submarine build will be undertaken by Australian labour; and

(b) the majority of the materials used in the submarine build will be sourced from Australian suppliers.

(6) This section ceases to have effect at the end of 30 June 2020.”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 34

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NOES, 30

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Question agreed to.

Main question, as amended, put and passed.

Resolution to be reported.
The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported that the committee had considered message no. 334 from the House of Representatives relating to the Omnibus Repeal Day (Spring 2014) Bill 2014 and:

(a) had resolved to insist on amendments nos 1 to 6 made by the Senate to which the House had disagreed; and

(b) had resolved not to insist on amendment no. 7 made by the Senate to which the House had disagreed, but had agreed to an amendment in place of that amendment.

On the motion of Senator Abetz the report from the committee was adopted.

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

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

_________

**In the committee**

Bill taken as a whole by leave.

Question—That the bill stand as printed—divided, at the request of Senator Wright, in respect of Schedule 5.

Schedule 5 debated.

Question—That Schedule 5 stand as printed—put.

The committee divided—

AYES, 30

[Senators' names listed]
NOES, 31

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Senator Lazarus moved the following amendment:

Schedule 6, items 1 to 3, page 11 (lines 5 to 23), omit the items, substitute:

1 **Subsection 360.3(1) (penalty)**

Repeal the penalty, substitute:

Penalty: Imprisonment for 20 years or a fine of 5,000 penalty units, or both.

Debate ensued.

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

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Wright, in respect of Schedule 6.

Schedule 6 debated.

At 12.45 pm: The Acting Deputy President (Senator Smith) resumed the chair and the Chair of Committees (Senator Marshall) reported progress.

8 **SENATORS’ STATEMENTS**

Senators made statements.

At 2 pm—

9 **QUESTIONS**

Questions without notice were answered.

10 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Collins moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Senators Collins and Conroy today relating to the Commissioner of the Royal Commission into Trade Union Governance and Corruption.

Debate ensued.

Question put and passed.
Senator Whish-Wilson moved—That the Senate take note of the answers given by the Minister for Human Services (Senator Payne) to questions without notice asked by Senator Bushby and the Leader of the Opposition in the Senate (Senator Wong) today relating to the China-Australia Free Trade Agreement.

Question put and passed.

11 PETITION

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

From 478 petitioners, requesting that the Senate oppose cuts to the Paid Parental Leave Scheme.

12 NOTICES

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher): To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by the last sitting day in March 2016:

The capability of Defence’s physical science and engineering (PSE) workforce, with particular reference to:

(a) the importance of the PSE workforce to Defence projects;
(b) the current PSE capability within Defence, the Defence Materiel Organisation (DMO) and the Defence Science and Technology Organisation (DSTO);
(c) the potential risks of a skills shortage in the PSE workforce and a decline in Defence’s PSE capability;
(d) the ability of Defence to have relevant PSE capabilities to meet future technological needs;
(e) the ability of new technologies discovered by the PSE workforce to be incorporated into Australia’s defence capability planning;
(f) the effect of project outsourcing on Defence’s PSE capability;
(g) the ability to attract and retain a highly skilled PSE workforce in Defence, DMO and DSTO; and
(h) any other related matters.

The Deputy Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Back): To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 3 December 2015:

Australia’s relationship with Mexico, with particular reference to:

(a) Mexico’s continued elevation in the global geo-political and economic order and its implications for Australia;
(b) opportunities for enhanced relations, including the potential for increased bilateral engagement and also through jointly held memberships such as the G20, APEC, OECD and MIKTA;
(c) potential opportunities for enhanced trade and investment ties, in particular those emanating from the proposed Trans-Pacific Partnership (TPP);
(d) the scope for increased collaboration in the education sector and the potential for extending scholarship programs to Mexico;
(e) the scope for increased trade and commercial exchange in the resources sectors with particular reference to hard rock mining and the oil and gas sector in the Gulf of Mexico;
(f) the scope for cross investment and joint ventures in Australian and Mexican infrastructure projects; and
(g) any other related matters.

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

(a) notes the hard work of the Lyme Disease Association of Australia in its ongoing work to raise awareness and funds to provide ongoing advocacy for people living with Lyme disease;
(b) recognises that Lyme disease can be debilitating and have a devastating impact on the lives of people living with it; and
(c) calls on the Government to continue to work with the Lyme Disease Association of Australia to accept Lyme disease as a disease, undertake research, develop a national plan to collect statistics, and develop treatments for people living with Lyme disease. (general business notice of motion no. 820)

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

(a) notes that:
   (i) Type 1 Diabetes Mellitus is an autoimmune (not lifestyle) condition which affects over 120,000 Australians,
   (ii) people diagnosed with Type 1 Diabetes require insulin to manage their diabetes for life,
   (iii) Type 1 Diabetes is one of the most common chronic diseases affecting children in Australia, and
   (iv) Type 1 Diabetes creates a significant financial and emotional burden for its patients, families and the community; and
(b) acknowledges the importance of access to optical medical management for people with Type 1 Diabetes regardless of geographic location or social status. (general business notice of motion no. 821)

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

(a) the Senate notes that:
   (i) National Science Week is an important annual event, celebrating the achievements of Australian science and engaging young people with the wonder of science,
   (ii) the Minister for Industry and Science (Mr Macfarlane) made a ministerial statement in the House of Representatives chamber on Monday, 17 August 2015, in recognition of National Science Week, and
   (iii) contrary to usual custom and practice, the ministerial statement, ‘Science and innovation: Building Australia’s industries of the future’ has not been tabled in the Senate; and
(b) there be laid on the table by the Minister representing the Minister for Industry and Science, no later than 3.30 pm on Thursday, 20 August 2015, a copy of that ministerial statement. (general business notice of motion no. 822)
Senator Rice: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 16 September 2015:

The matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia, with particular reference to:

(a) an assessment of the content and implications of a question to be put to electors;

(b) an examination of the resources required to enact such an activity, including the question of the contribution of Commonwealth funding to the ‘yes’ and ‘no’ campaigns;

(c) an assessment of the impact of the timing of such an activity, including the opportunity for it to coincide with a general election;

(d) whether such an activity is an appropriate method to address matters of equality and human rights;

(e) the terms of the Marriage Equality Plebiscite Bill 2015 currently before the Senate; and

(f) any other related matters.

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

(a) notes:

(i) the ongoing political crisis in Afghanistan,

(ii) that the costs of this political crisis fall disproportionately on the rights and wellbeing of Afghan women, and

(iii) that the Support Association for the Women of Afghanistan (SAWA)—Australia was established in 2004, and that SAWA—Australia (South Australia) was set up in 2010 as its first state branch;

(b) acknowledges the valuable work of these organisations, dedicated to raising funds and awareness for human rights, education, nutrition, health, safety and improving the self-esteem of Afghanistan’s women and children; and

(c) acknowledges and welcomes the ongoing work of Mr Matthias Tomczak in his role as convenor of SAWA—Australia (South Australia) and as a leader in promoting the rights and wellbeing of women in Afghanistan. (general business notice of motion no. 823)

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

(a) the importance of the Galilee Basin and Abbot Point to the future development of northern Australia;

(b) the ongoing support of the Queensland and the Australian governments for the responsible and sustainable development of the Galilee Basin and Abbot Point;

(c) the actions of anti-coal activists which have delayed billions of dollars in investment and thousands of much needed jobs; and

(d) the importance of maintaining the reputation of Queensland and Australia as a mining and resource hub by removing legal loopholes that allow for the hijacking of approval processes for political purposes. (general business notice of motion no. 824)
Senator Rhiannon: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Federal Government will give over $2.6 billion in grants to local governments in 2015-16, and this amount is frozen until at least 2017-18, cutting $287 million from local councils’ budgets,

(ii) the New South Wales State Government is proposing to dramatically reduce the number of councils through amalgamations in its ‘Fit for the Future’ process,

(iii) the New South Wales Office of Local Government has not produced any evidence to support the notion that amalgamations produce lower council rates, and

(iv) local councils are closest to the community and are in the best position to identify and respond to the needs of the community, and in each jurisdiction where forced amalgamations have been imposed on communities, residents have faced significant rate increases and diminished local representation; and

(b) calls on the Federal Government to write to the New South Wales State Government demanding it abandon the ‘Fit for the Future’ process and support the right of communities to determine the future of their own local councils through municipal-wide referendums. (general business notice of motion no. 825)

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

(a) notes:

(i) that National Science Week 2015 runs from 15 to 23 August 2015,

(ii) the importance of inspiring and supporting young Australians to study and pursue careers in science, technology, engineering and mathematics, and

(iii) that science and research are critical to building the jobs of the future;

(b) congratulates the organisers of the 1 500 National Science Week events around the nation, aimed at engaging Australians of all ages with the wonders of science; and

(c) condemns:

(i) the short-sighted cuts to science and research in the Government’s first two budgets, totalling more than $1 billion,

(ii) the Government’s attempts to undermine Australia’s publicly-funded research agencies, by slashing funding and jobs, including overseeing the largest job losses at the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in the organisation’s history,

(iii) the complete failure of the Government to understand and advocate for basic research, which delivers new knowledge and underpins technological innovation, and

(iv) the total lack of vision or commitment on the part of the Government when it comes to creating and sustaining the jobs of the future. (general business notice of motion no. 826)

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

(a) congratulates the Australian Netball Diamonds on their achievement in claiming a record 11th world title;
(b) recognises the wonderful success of Australia in hosting the world’s top 16 netball nations over 10 days and 64 matches for the 14th edition of the Netball World Cup, an event estimated to have contributed more than $6 million in visitor expenditure, with an ever larger cumulative impact to the economy from around 4 000 domestic and international visitors, culminating in a final before a new world record crowd of 16 752 spectators; and

(c) notes that:

(i) the Australian Sports Diplomacy Strategy 2015-18 has been developed to take full advantage of partnerships between the Australian Government and sporting organisations in hosting major sporting events, establishing and maximising people-to-people links, development, cultural, trade, investment, education and tourism opportunities, and

(ii) the Netball World Cup, Sydney 2015, has joined the AFC Asian Cup and the ICC Cricket World Cup as showcases of Australia’s excellence in hosting major sporting events on the global stage. (general business notice of motion no. 827)

The Chair of the Legal and Constitutional Affairs References Committee (Senator Lazarus): To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by the last sitting day in June 2016:

The establishment of a national registration system for Australian paramedics to improve and ensure patient and community safety, with particular reference to:

(a) the role and contribution made by those in the paramedic profession, including the circumstances in which they are required to operate;

(b) the comparative frameworks that exist to regulate the following professions, including training and qualification requirements and continuing professional development:

(i) paramedics,

(ii) doctors, and

(iii) registered nurses;

(c) the comparative duties of paramedics, doctors and registered nurses;

(d) whether a system of accreditation should exist nationally and, if so, whether the Australian Health Practitioners Regulation Agency is an appropriate body to do so;

(e) the viability and appropriateness of a national register to enable national registration for the paramedic profession to support and enable the seamless and unrestricted movement of paramedic officers across the country for employment purposes; and

(f) any other related matters.

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

(a) notes:

(i) the importance of trade with China to the Australian economy,

(ii) that on 17 June 2015, Australia’s Minister for Trade and Investment (Mr Robb) and China’s Minister of Commerce (Mr Gao Hucheng) signed the China-Australia Free Trade Agreement (ChAFTA),
(iii) that Article 10.4 of ChAFTA, in combination with other provisions, removes the requirement for Chinese companies operating in Australia to carry out ‘labour market testing’, ‘economic needs testing’ or ‘other procedures of similar effect’ before nominating foreign workers on temporary 457 work visas,

(iv) that a letter from the Minister for Trade and Investment to Mr Hucheng, dated 17 June 2015, which is stated to form part of ChAFTA, removes requirements for mandatory skills assessments for Chinese nationals entering Australia on certain types of temporary 457 work visas for ten occupations, including automotive electricians, general electricians and motor mechanics,

(v) that Chapter 9 of ChAFTA includes Investor State Dispute Settlement provisions of the type that have been utilised by foreign companies to bring claims against governments for legislative changes made for legitimate public purposes, such as the current claim by Phillip Morris against the Australian Government seeking compensation in relation to tobacco plain packaging legislation, and

(vi) that these aspects of ChAFTA are contrary to the national interest as they will cost Australian jobs, undermine the regulatory framework that ensures the safety of Australian worksites, and constrain the legislative process; and

(b) calls on the Government to renegotiate ChAFTA so as to remove these aspects of the agreement, or, alternatively, to abandon the agreement by not ratifying it.

( general business notice of motion no. 828)

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

(a) notes:

(i) that it has been 6 years since the Montara oil spill, and

(ii) the recent report from the Australian Lawyers Alliance, After the spill, investigating the impact of Australia’s Montara oil disaster in Indonesia, which finds that local economies in the East Nusa Tenggara region of Indonesia have lost billions of Australian dollars, and reported widespread sickness and health conditions which they believe were caused by the oil spill; and

(b) calls on the Federal Government to negotiate with Indonesia for a full investigation, that can pinpoint the cause of economic and environmental devastation experienced by seaside communities in Indonesia following the worst offshore oil spill in Australia’s history. ( general business notice of motion no. 829)

13 POSTPONEMENTS

Business was postponed as follows:

General business notice of motion no. 674 standing in the names of Senators Rice and Wright for today, proposing the introduction of the Automotive Transformation Scheme Amendment (Sustainable Jobs in the Auto Component Industry) Bill 2015, postponed till 13 October 2015.

General business notice of motion no. 816 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, proposing an address to the Governor-General, postponed till 7 September 2015.
14 **HEALTH—FOOD LABELLING STANDARDS—SEAFOOD**

Senator Xenophon, also on behalf of Senators Sterle, Whish-Wilson, Madigan, Lambie, Lazarus and Wang, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 814—That the Senate—

(a) notes:

(i) the current compulsory country of origin labelling regime in the Northern Territory for seafood sold for immediate consumption, and the benefits it has provided to consumers, retailers and the fishing and aquaculture industries, and

(ii) the findings of the Rural and Regional Affairs and Transport References Committee report *Current requirements for labelling of seafood and seafood products*, and particularly in relation to the economic benefits of extending such a mandatory scheme across Australia, including:

‘3.61 The committee holds the view that mandating country of origin labelling in relation to fish products sold in restaurants and other cooked seafood outlets comprises an effective, simple and cost-effective means of achieving a level playing field for Australian and overseas seafood producers. To this end, the committee recommends the immediate removal of the exemption under Standard 1.2.11 of the Code’, and

the following recommendation:

‘3.63 The committee recommends that the exemption regarding country of origin labelling under Standard 1.2.11 of the Australia New Zealand Food Standards Code for cooked or pre-prepared seafood sold by the food services sector be removed, subject to a transition period of no more than 12 months’; and

(b) calls on the Government to take urgent action to introduce a compulsory country of origin labelling regime for seafood sold for immediate consumption.

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

Question put and passed.

15 **MARRIAGE EQUALITY PLEBISCITE BILL 2015**

Senator Rice, also on behalf of Senators Lazarus, Leyonhjelm, Lambie, Muir and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 815—That the following bill be introduced:

A Bill for an Act to require a plebiscite on marriage equality, and for related purposes.

Question put and passed.

Senator Rice 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 Rice moved—That this bill be now read a second time.
Explanatory memorandum: Senator Rice, by leave, tabled an explanatory memorandum relating to the bill.

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

16 LAW AND JUSTICE—ROYAL COMMISSION INTO TRADE UNION GOVERNANCE AND CORRUPTION—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 818—That there be laid on the table by the Attorney-General, no later than noon on Thursday, 20 August 2015, all documents related to the proposed attendance of Commissioner Dyson Heydon at a Liberal Party function on 26 August 2015, including:

(a) documents held by Commissioner Dyson Heydon, and the Royal Commission into Trade Union Governance and Corruption, including any communication or record of communication with organisers of the Liberal Party’s 2015 Sir Garfield Barwick Lecture;

(b) any communication or record of communication between:

(i) the Attorney-General or his office, the Attorney-General’s Department, the Prime Minister or his office, or the Department of the Prime Minister and Cabinet, and

(ii) Commissioner Dyson Heydon, the Royal Commission into Trade Union Governance and Corruption, or the organisers of the Liberal Party’s 2015 Sir Garfield Barwick Lecture;

(c) any communication or record of communication between the Attorney-General or his office and the Prime Minister or his office; and

(d) any communication or record of communication between the Attorney-General’s Department and the Department of the Prime Minister and Cabinet.

Question put.
The Senate divided—

AYES, 33

Senators—

Brown          Gallacher          McAllister          Siewert
Bullock       Hanson-Young       McEwen (Teller)     Singh
Cameron       Ketter            McLucas            Sterle
Carr          Lambie            Moore              Urquhart
Collins       Lazarus           O’Neill            Waters
Conroy        Lines             Peris              Whish-Wilson
Dastyari      Ludlam            Rhiannon          Wright
Di Natale     Ludwig            Rice              Xenophon
Gallacher
NOES, 33

Senators—

Back
Bernardi
Birmingham
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Day

Edwards
Fawcett
Ferravanti-Wells
Fifield
Heffernan
Johnston
Leyonhjelm
Lindgren

Macdonald
Madigan
McGrath
McKenzie
Muir
Nash
O’Sullivan
Parry

Payne
Reynolds
Ronaldson
Ruston
Ryan
Smith
Wang
Williams

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

17 PRIMARY INDUSTRIES—GRASS-FED CATTLE LEVIES

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 817—That the Senate notes:

(a) the seven recommendations of the Rural and Regional Affairs and Transport References Committee’s inquiry into industry structures and systems governing levies on grass-fed cattle;

(b) that the Minister for Agriculture (Mr Joyce):

(i) has only supported, in principle, two of the seven recommendations, and

(ii) has rejected the primary recommendation, being the establishment of a legislated producer-owned body;

(c) that the Australian Beef Association, the Cattle Council of Australia, the Australian Meat Producers Group and concerned beef producers have presented a united voice to the Minister for Agriculture in support of the primary recommendation to establish a legislated producer-owned body; and

(d) that claims by the Liberal and National parties that they are supporters of the Australian beef industry are undermined by the failure of the Minister for Agriculture to support the united voice of beef producers.

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

Question put and negatived (but see entry no. 19).

18 PRIMARY INDUSTRIES—AUSTRALIAN SUGAR INDUSTRY

Senator Lazarus, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 819—That the Senate—

(a) notes that:

(i) the Australian sugar industry directly employs approximately 16 000 people across the growing, harvesting and transport sectors,

(ii) 95 per cent of the sugar produced in Australia is grown in Queensland with the balance grown in New South Wales,

(iii) the sugar cane industry is one of Australia’s largest and most important rural industries, and sugar has been identified as Queensland’s most important rural crop,

(iv) the Rural and Regional Affairs and Transport References Committee in its report Current and future arrangements for the marketing of Australian sugar recommended the development and implementation of a mandatory sugar industry code of conduct, and
(v) sugar cane growers are urgently seeking the assistance of the Government to support them in ensuring the long-term viability and health of the Australian sugar industry; and

(b) calls on the Government to act on the Committee’s recommendation by working with stakeholders across the Australian sugar industry to develop an industry code of conduct, and to ensure that sugar cane growers have the flexibility to engage any party to undertake marketing and establish an independent arbitrator to undertake pre-contractual commercial arbitration.

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

Question put.

The Senate divided—

AYES, 34

Senators—

Brown Gallaher McEwen (Teller) Singh
Bullock Hanson-Young McLucas Sterle
Cameron Ketter Moore Urquhart
Carr Lambie O’Neill Wang
Collins Lazarus Peris Waters
Conroy Lines Rhiannon Whish-Wilson
Dastyari Ludlam Rice Wright
Di Natale Ludwig Siewert Xenophon
Gallacher McAllister

NOES, 32

Senators—

Back Day Lindgren Parry
Bernardi Edwards Macdonald Payne
Birmingham Fawcett Madigan Reynolds
Brandis Ferravanti-Wells McGrath Ronaldson
Bushby (Teller) Fifield McKenzie Ruston
Canavan Heffernan Muir Ryan
Cash Johnston Nash Smith
Colbeck Leyonhjelm O’Sullivan Williams

Question agreed to.

19 PRIMARY INDUSTRIES—GRASS-FED CATTLE LEVIES

Senator Siewert asked that the question on general business notice of motion no. 817 be put again (see entry no. 17).

Leave was granted for the question to be put again.

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

20 DOCUMENTS—CONSIDERATION

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.
21 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

Senator McEwen, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

- Scrutiny of Bills—Standing Committee—
  8th report of 2015, dated 19 August 2015.
  Alert Digest No. 8 of 2015, dated 19 August 2015.

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

Senator Bushby, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:

- Regulations and Ordinances—Standing Committee—Delegated legislation monitor no. 9 of 2015, dated 19 August 2015.

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

Senator Bushby, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:

- Human Rights—Joint Statutory Committee—26th report of 44th Parliament—
  Human rights scrutiny report, dated 18 August 2015.

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

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

Question put and passed.

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


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

Question put and passed.

Senator Fawcett, on behalf of the Parliamentary Joint Committee on Intelligence and Security, provided an oral report concerning the committee’s inquiry into the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015.

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

- Community Affairs References Committee—Out of home care—Report, dated August 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Siewert.
Senator Siewert moved—That the Senate take note of the report. 
Debate ensued. 
Debate adjourned till the next day of sitting, Senator Lindgren in continuation.

Senator Carr, at the request of the Chair of the Economics References Committee (Senator Dastyari), tabled the following report: 
Economics References Committee—Future of Australia’s automotive industry—Interim report, dated August 2015. 
Report ordered to be printed on the motion of Senator Carr. 
Senator Carr moved—That the Senate take note of the report. 
Debate adjourned till the next day of sitting, Senator Carr in continuation.

Senator Carr, at the request of the Chair of the Economics References Committee (Senator Dastyari), tabled the following report: 
Economics References Committee—Australia’s innovation system—Interim report, dated August 2015. 
Extension of time to report: Senator Carr, at the request of the Chair of the Economics References Committee (Senator Dastyari), moved—that the Senate adopt the recommendation contained in the interim report that the time for the presentation of the report of the Economics References Committee on Australia’s innovation system be extended to 25 November 2015. 
Question put and passed. 
Senator Carr moved—that the Senate take note of the report. 
Debate ensued. 
Debate adjourned till the next day of sitting, Senator Ketter in continuation.

22 EDUCATION—HIGHER EDUCATION REFORMS—MODELLING AND COSTINGS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT 
The Attorney-General (Senator Brandis) tabled the following document: 
Education—Higher education reforms—Modelling and costings—Letter to the President of the Senate from the Assistant Minister for Education and Training (Senator Birmingham) responding to the order of the Senate of 12 August 2015, and raising a public interest immunity claim.

23 AUSTRALIAN DEFENCE FORCE SUPERANNUATION BILL 2015 
AUSTRALIAN DEFENCE FORCE COVER BILL 2015 
DEFENCE LEGISLATION AMENDMENT (SUPERANNUATION AND ADF COVER) BILL 2015 
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills: 
Message no. 433, dated 19 August 2015—A Bill for an Act relating to the Australian Defence Force Superannuation Scheme, and for related purposes.
Message no. 434, dated 19 August 2015—A Bill for an Act to provide benefits for incapacity or death suffered by certain members of the Australian Defence Force, and for related purposes.

Message no. 435, dated 19 August 2015—A Bill for an Act to amend the law relating to defence and superannuation, and for related purposes.

The Attorney-General (Senator Brandis) 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 Brandis moved—That these bills be now read a second time.

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

24 **TAX AND SUPERANNUATION LAWS AMENDMENT (2015 MEASURES NO. 2) BILL 2015**

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

Message no. 436, dated 19 August 2015—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Attorney-General (Senator Brandis) 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.

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

25 **GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAW**

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


At 5 pm—

26 **VALEDICTORY STATEMENTS**

Pursuant to order (see entry no. 14, 11 August 2015), senators made statements relating to the retirement of Senator Wright.

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

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

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In the committee

Consideration resumed of Schedule 6.

Debate resumed.

Question—That Schedule 6 stand as printed—put.
The committee divided—

AYES, 30

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NOES, 34

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Schedule negatived.
Bill, as amended, agreed to.
Bill to be reported with amendments.

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

On the motion of the Parliamentary Secretary to the Attorney-General (Senator Ferravanti-Wells) the report from the committee was adopted and the bill read a third time.

28 MIGRATION AMENDMENT (MAINTAINING THE GOOD ORDER OF IMMIGRATION DETENTION FACILITIES) BILL 2015

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

Debate resumed.

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

29 SCIENCE AND TECHNOLOGY—SCIENCE AND INNOVATION—MINISTERIAL STATEMENT—DOCUMENT

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

Science and technology—Science and innovation: Building Australia’s industries of the future—Ministerial statement by the Minister for Industry and Science (Mr Macfarlane), dated 17 August 2015.
At 7.20 pm—

30 ADJOURNMENT
The Acting Deputy President (Senator Dastyari) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.57 pm till Thursday, 20 August 2015 at 9.30 am.

31 ATTENDANCE
Present, all senators.

ROSEMARY LAING
Clerk of the Senate