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30 Adjournment

31 Attendance
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 pursuant to standing order 61(1)(b):

  Government response to Ombudsman’s reports, dated 4 November 2015.
- *National Health Reform Act 2011*—Report for 2014-15 on reports released by the National Health Performance Authority.

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

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

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**In the committee**

Consideration resumed of the bill, as amended.
Bill, as amended, further debated.

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**At 10.15 am—**

*Suspension of sitting:* Pursuant to order, the sitting of the committee was suspended till 11.45 am to enable senators to attend Remembrance Day services.

The sitting of the committee resumed.
Bill, as amended, further debated.

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**At 12.45 pm:** The Acting Deputy President (Senator Reynolds) resumed the chair and the Temporary Chair of Committees reported progress.
4 Senators’ Statements
Senators made statements.

At 2 pm—

5 Questions
Questions without notice were answered.

6 Motions to Take Note of Answers
Senator McAllister 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 Whish-Wilson moved—that the Senate take note of the answer given by the Cabinet Secretary (Senator Sinodinos) to a question without notice asked by Senator Whish-Wilson today relating to the Trans-Pacific Partnership Agreement.
Question put and passed.
Senator Day moved—that the Senate take note of the answer given by the Minister for Defence (Senator Payne) to a question without notice asked by Senator Leyonhjelm today relating to defence manufacturing in Australia.
Question put and passed.

7 Notices
Senators Abetz, Day, Leyonhjelm, Madigan and Wang: To move on the next day of sitting—that the Senate, while not expressing a view on the contents of the booklet issued by the Australian Catholic Bishops Conference entitled Don’t mess with Marriage, fully supports the rights of members of the Catholic Church, including Archbishop Julian Porteous, to distribute it. (general business notice of motion no. 930)

Senator Bilyk: To move on the next day of sitting—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.
Senator Carr: To move on the next day of sitting—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. (general business notice of motion no. 931)


(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. (general business notice of motion no. 932)

The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to counter-terrorism, and for related purposes. Counter-Terrorism Legislation Amendment Bill (No. 1) 2015.

Senator Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Interactive Gambling Act 2001, and for related purposes. Interactive Gambling Amendment (Sports Betting Reform) Bill 2015. (general business notice of motion no. 933)

Senator Ludlam: To move on the next day of sitting—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]. (general business notice of motion no. 934)

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

(a) notes:

(i) the fact that coal-fired power stations exacerbate global warming and pollute local air and water,

(ii) the fact that subsidies from the Organisation for Economic Co-operation and Development (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

(iii) reports that the Turnbull Government is set to block a proposal from the United States of America (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. (general business notice of motion no. 935)

Senator Siewert: To move on the next day of sitting—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. (general business notice of motion no. 936)

Senator Lazarus: To move on the next day of sitting—

(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; and

(i) 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. (general business notice of motion no. 937)

Senator Lines: To move on the next day of sitting—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. (general business notice of motion no. 938)

Senators Madigan, Wang, Leyonhjelm and Day: To move on the next day of sitting—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.
Senator Rice: To move on the next day of sitting—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. (general business notice of motion no. 939)

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 2 standing in his name for 7 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].

8 LEAVE OF ABSENCE
Senator Bushby, by leave, moved—That leave of absence be granted to Senator Cormann for 11 and 12 November 2015, on account of parliamentary business.
Question put and passed.
Senator Urquhart, by leave, moved—That leave of absence be granted to Senator O’Neill for 12 November 2015, for personal reasons.
Question put and passed.

9 POSTPONEMENT
Business was postponed as follows:
   General business notice of motion no. 929 standing in the name of Senator Siewert for today, relating to the New South Wales Custody Notification Service, postponed till 23 November 2015.

10 COMMITTEE—EXTENSION OF TIME TO REPORT
The following committee was granted an extension of time to report:
   Community Affairs References Committee—Treatment of people with disability in institutional and residential settings, extended to 25 November 2015.
11 **VETERANS’ ENTITLEMENTS AMENDMENT (EXPANDED GOLD CARD ACCESS) BILL 2015**

Senator Lambie, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 925—That the following bill be introduced:

A Bill for an Act to amend the Veterans’ Entitlements Act 1986 to provide medical and other treatment for all Defence Force members who have served in war or war-like operations, and for related purposes.

Question put and passed.

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

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

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

12 **TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Bushby, at the request of Senator Fawcett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 926—That the Joint Standing Committee on Treaties be authorised to hold public meetings during the sittings of the Senate from 11 am to 1 pm, as follows:

(a) Monday, 22 February 2016; and

(b) Monday, 29 February 2016.

Question put and passed.

13 **WOMEN—PREVENTION OF FAMILY AND DOMESTIC VIOLENCE**

Senator Moore, also on behalf of Senator Waters and the Minister for Women (Senator Cash), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 928—That the Senate—

(a) welcomes the release of Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia, jointly produced by VicHealth, Our Watch and Anrows;

(b) notes the commitment by governments and communities to a shared response to the horror of family violence, and the need for a deep and lasting cultural change;

(c) acknowledges that ‘Change the Story’ details a national approach to preventing violence against women and children through:

(i) identifying what drives and contributes to violence against women,

(ii) providing evidence-based guidance to government and communities on how to strategically and effectively lead, coordinate, resource and support prevention efforts across Australia, and
(iii) informing and supporting the development of policy and legislation, prevention strategies, programming and advocacy that targets and seeks to reduce the drivers of violence against women;

(d) recognises the need for effective independent evaluation to achieve the best possible results in the reduction of violence and harm of violence against women and children; and

(e) acknowledges the need for a cross-party approach to enforcing a long-term strategy for ending the scourge of family and domestic violence.

Question put and passed.

14 HISTORICAL EVENTS—DISMISSAL OF WHITLAM GOVERNMENT—40TH ANNIVERSARY

The Leader of the Opposition in the Senate (Senator Wong), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 922—That the Senate—

(a) notes that Wednesday, 11 November 2015, marks 40 years since the dismissal of the Whitlam Government by the Governor-General, Sir John Kerr;

(b) recognises the significant contribution made by the Whitlam Government to the creation of modern Australia, inspiring and transforming the nation, including through:

(i) ending conscription,

(ii) establishing universal healthcare through Medibank, the precursor to Medicare,

(iii) implementing education reforms like needs-based funding for schools and free vocational and university education, and introducing the Tertiary Education Assistance Scheme,

(iv) ending the last legal vestiges of White Australia,

(v) slashing tariff barriers by 25 per cent,

(vi) establishing diplomatic and trade relations with the People’s Republic of China,

(vii) replacing Australia’s adversarial divorce laws with a new, no-fault system,

(viii) introducing Australia’s first federal legislation on human rights, the environment and heritage,

(ix) introducing sweeping electoral reforms – the vote for 18-year-olds, Senate representation for the territories, and “one vote, one value”,

(x) establishing the Australian National Parks and Wildlife Service, the Law Reform Commission, the Australian Film Commission, the Australian Heritage Commission, and the Technical and Further Education Commission, a national employment and training program,

(xi) launching construction of the National Gallery of Australia, making the Australia Council a statutory authority, and vigorously promoting the arts,

(xii) improving the position of women and our Indigenous population through reforms such as laws banning discrimination on the grounds of race and sex, equal pay for women in the Public Service and the creation of a separate ministry responsible for Aboriginal affairs and instituting Indigenous land rights,
(xiii) creating a single Department of Defence rather than separate departments for Army, Navy and Air Force,
(xiv) establishing the Royal Commission on Human Relationships,
(xv) changing the national anthem to Advance Australia Fair,
(xvi) replacing the British Honours system with the Order of Australia,
(xvii) abolishing appeals to the Privy Council,
(xviii) replacing the Postmaster-General’s Department with Telecom and Australia Post, and
(xix) establishing the Legal Aid Office, the National Film and Television School, the Australian Development Assistance Agency, the Prices Justification Tribunal and the Trade Practices Commission;
(c) affirms the principle that the Senate should not withhold supply;
(d) supports the view of the Prime Minister that letters between Sir John Kerr and Her Majesty The Queen concerning the dismissal are official records written by the Governor-General in discharge of his duty and should be released under the existing 30-year disclosure rule applying to such records; and
(e) calls on the Government to act to facilitate the release of the correspondence.
Question put and passed.

15 Administration—Procurement of Recycled Paper

Senator Rice, also on behalf of Senator Muir, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 920—That the Senate—

(a) notes that:

(i) in July 2015, the Government withdrew from a longstanding commitment to supply 100 per cent recycled paper to government departments, as outlined in the Australian Government ICT Sustainability Plan 2010-2015,

(ii) industry and environment groups, including the Victorian Association of Forest Industries, the Australian Forest Products Association, the Construction, Forestry, Mining and Energy Union and the Wilderness Society, support the commitment of government purchase of 100 per cent recycled paper,

(iii) Australian Paper opened a new $90 million recycling plant in Maryvale in May 2015, which was supported with a $9.5 million grant from the Federal Government, and which was positioned to supply recycled paper to federal government departments, and

(iv) using Australian recycled paper will boost the Australian manufacturing sector, reduce expensive and unnecessary imports, and reduce the Government’s ecological footprint, carbon emissions and resource waste; and

(b) calls on the Government to immediately reinstate an ongoing commitment to procuring 100 per cent recycled paper.

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

Question put and passed.
16 **EDUCATION—TECHNICAL AND FURTHER EDUCATION—CROWS NEST CAMPUS**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 923—That the Senate—

(a) notes that:
   (i) Crows Nest TAFE is to be closed down and the Cammeraygal High School is to be expanded onto the site,
   (ii) the New South Wales Government is planning to sell or partially sell 27 campuses in addition to Crows Nest TAFE,
   (iii) increasing privatisation of technical and further education (TAFE) funding and the consequent increase in fees has been linked to a substantial drop in enrolments,
   (iv) the closure of Crows Nest TAFE is a consequence of how the New South Wales Government has implemented the 2012 National Agreement for Skills and Workforce Development, and
   (v) while the development of new high school capacity in North Sydney is urgently needed and the creation of a new school campus welcome, it is not in the interests of the North Sydney community to trade off education sectors against each other; and

(b) calls on:
   (i) the Federal and New South Wales governments to restore secure funding for TAFEs in New South Wales,
   (ii) the New South Wales Government to reopen a TAFE institution in the Crows Nest area, and
   (iii) the Turnbull Government and the Labor Opposition to revisit the 2012 National Agreement for Skills and Workforce Development to ensure that public institutions remain the core of education in Australia.

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

Question put and passed.

17 **LAW AND JUSTICE—STANDING UNDER ENVIRONMENTAL LAWS**

Senator Canavan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 921—That the Senate—

(a) notes:
   (i) the importance of a robust and clear legal system that allows for timely judicial review and certainty for investors and the community alike,
   (ii) that the latest legal challenge brought by the Melbourne-based Australian Conservation Foundation to the development of the Galilee Basin is another cynical attempt to abuse due process,
   (iii) that ongoing green law-fare is holding Queensland families to ransom, and jeopardising Australia’s reputation as a place to do business, and
   (iv) that rather than protecting the environment, the replacement of the Galilee Basin’s lower-emission coal by higher-emission coal from other countries could instead cause an increase in global emissions; and

(b) calls on the Australian Labor Party to support legislative amendments to close legal loopholes being exploited by green groups.
Statements by leave: Senators Waters and Canavan, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 29

Senators—


NOES, 31

Senators—

Brown, Bullock, Cameron, Carr, Collins, Conroy, Dastyari, Di Natale, Gallacher, Gallacher, Hanson-Young, Ketter, Lambie, Lazarus, Lines, Ludwig, Marshall, McAllister, McKim, Moore, Peris, Rhiannon, Rice, Siewert, Marshall, McAllister, McKim, Moore, Peris, Rhiannon, Rice, Siewert

Question negatived.

18 COMMUNICATIONS—FREE-TO-AIR TELEVISION SERVICES

Senator Wang amended general business notice of motion no. 919 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate notes that:

(a) free-to-air television (FTA TV) provides a vital service to regional communities;
(b) access to nationally significant sporting events on FTA TV is important to the community;
(c) FTA TV provides local news content and community announcements essential to the fabric of regional communities; and
(d) existing media rules are being made redundant by disruptive technologies.

Question put and passed.

19 LAW AND JUSTICE—MARRIAGE EQUALITY

Senator Simms, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 924—That the Senate—

(a) notes that the Legal and Constitutional Affairs References Committee has found that:

(i) the Parliament has the authority to amend the Marriage Act 1961 without recourse to a plebiscite or referendum,
(ii) a plebiscite has the potential to facilitate and justify homophobic and transphobic hate speech, and
(iii) a plebiscite would cost an estimated $158.4 million if held outside of a general election; and

(b) calls on the Prime Minister (Mr Turnbull) to allow a free vote on marriage equality before the end of 2015.

Question put and passed.

20 WOMEN—GENDER PAY GAP—DOCUMENT

Senator Waters, by leave, tabled the following document:

Women—Gender pay gap—Petitioning document from 901 signatories calling on the Minister for Women (Senator Cash) to take action to make public the gender pay gaps of organisations.

21 DOCUMENTS—CONSIDERATION

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

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

Senator Urquhart, 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—
Alert Digest No. 12 of 2015, dated 11 November 2015.

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

———

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


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:


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.

———
The Assistant Minister to the Prime Minister (Senator McGrath) tabled the following documents:

- Treaties—Joint Standing Committee—Government responses, dated November 2015—
  - 149th report—Treaty tabled on 10 February 2015.

**23 COMMITTEE MEMBERSHIP**

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

The Assistant Minister to the Prime Minister (Senator McGrath), by leave, moved—That Senator Rice replace Senator Simms on the Education and Employment References Committee for the committee’s inquiry into long service standards, and Senator Simms be appointed as a participating member.

Question put and passed.

**24 MIGRATION AMENDMENT (CHARGING FOR A MIGRATION OUTCOME) BILL 2015**

**MIGRATION AND MARITIME POWERS AMENDMENT BILL (NO. 1) 2015**

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

- Message no. 490, dated 10 November 2015—A Bill for an Act to amend the *Migration Act 1958*, and for other purposes.

The Assistant Minister to the Prime Minister (Senator McGrath) 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 McGrath moved—That these bills be now read a second time.

On the motion of Senator McGrath the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

*Consideration of legislation*: Senator McGrath moved—That the bills be listed on the *Notice Paper* as separate orders of the day.

Question put and passed.

**25 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—SOCIAL SERVICES LEGISLATION AMENDMENT (NO JAB, NO PAY) BILL 2015**

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


Report ordered to be printed on the motion of Senator Canavan.
26 **PROCEDURE—STANDING COMMITTEE—THIRD REPORT OF 2015—CONSIDERATION**

Order of the day read for the consideration of the Procedure Committee’s third report of 2015.

Senator Urquhart, at the request of the Chair of the Procedure Committee (Senator Marshall) moved—that the Senate adopt the recommendations of the third report of 2015 of the Procedure Committee.

Question put and passed.

Accordingly standing order 22(3)(a) was amended and a temporary order was adopted as follows:

Standing order 22(3)(a), omit “printing.”.

Standing order 169 (amendment to operate as a temporary order for the remainder of the Parliament), at the end of the standing order, add:

(3) If a ministerial statement is presented to or tabled in the Senate other than in accordance with standing order 61, it shall be in order for a senator to move a motion without notice to take note of the statement. On any such motion, a senator may speak for not more than 10 minutes and paragraph (2) applies to the total time limit for individual or successive motions.

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

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

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In the committee

Consideration resumed of the bill, as amended.

Bill, as amended, further debated.

Senator Whish-Wilson moved the following amendments together by leave:

Page 2, clause 2 (table item 1), omit the table item, substitute:

1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table

| Schedule 1 to 4 | The day this Act receives the Royal Assent. |
| Schedule 5, Parts 1 and 2 | The day the Tax and Superannuation Laws Amendment (Better Targeting the Income Tax Transparency Laws) Act 2015 receives the Royal Assent. |
| Schedule 5, Part 3 | The day after this Act receives the Royal Assent. |
Page 17 (after line 3), at the end of the bill, add:

Schedule 5—Reporting of information about corporate tax entities

Part 1—Repeal of Act

Tax and Superannuation Laws Amendment (Better Targeting the Income Tax Transparency Laws) Act 2015

1 The whole of the Act

Repeal the Act.

Part 2—Application

2 Application

(1) This item applies if the Tax and Superannuation Laws Amendment (Better Targeting the Income Tax Transparency Laws) Act 2015 receives the Royal Assent before this Schedule commences.

(2) Despite section 7 of the Acts Interpretation Act 1901, the Taxation Administration Act 1953 as in force immediately before that Royal Assent continues to apply, by force of this item, as if the amendments made by the Tax and Superannuation Laws Amendment (Better Targeting the Income Tax Transparency Laws) Act 2015 had never been made.

Part 3—Reporting of information

Taxation Administration Act 1953

3 Subsection 3C(2)

Omit “The Commissioner”, substitute “Subject to subsection (2A), the Commissioner”.

4 After subsection 3C(2)

Insert:

(2A) If:

(a) an entity applies to the Commissioner in writing; and

(b) at the end of the income year the entity is an Australian resident that is a private company for the income year that neither:

(i) is a member of a wholly-owned group that has a foreign resident ultimate holding company; or

(ii) has a foreign shareholding percentage of 50% or greater; and

(c) the Commissioner is satisfied that to make the information publicly available may be significantly prejudicial to any of the entity’s current or future commercial negotiations;

the Commissioner may determine that subsection (2) does not apply in relation to the entity. An expression used in this subsection that is also used in the Income Tax Assessment Act 1997 has the same meaning as in that Act.

(2B) A determination under subsection (2A) is not a legislative instrument.
5 After subsection 3C(3)

Insert:

(3A) The Commissioner must ensure that the information made publicly available under subsection (2) includes:

(a) a statement to the effect that:
   (i) the information may not reflect the full financial position of the entity; and
   (ii) more comprehensive information may be available from the Australian Securities and Investments Commission; and

(b) the address for the part of the Australian Securities and Investments Commission’s website via which the information referred to in subparagraph (a)(ii) may be found.

6 Application of amendments

The amendments made by this Schedule apply in relation to an entity for the 2013-14 income year and each later income year unless the Commissioner has, before the commencement of this Schedule, made publicly available information about the entity for the income year under subsection 3C(2) of the Taxation Administration Act 1953.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 32

Senators—

Bilyk
Brown
Bullock
Cameron
Collins
Conroy
Dastyari
Di Natale

Gallacher
Gallagher
Hanson-Young
Ketter
Lambie
Lazarus
Lines
Ludwig

Marshall
McAllister
McKim
Moore
Muir
Peris
Polley
Rhiannon

Rice
Siewert
Simms
Urquhart (Teller)
Waters
Whish-Wilson

NOES, 29

Senators—

Abetz
Back
Bernardi
Birmingham
Brashby
Canavan (Teller)
Cash
Colbeck

Day
Edwards
Fawcett
Ferravanti-Wells
Fifield
Heffernan
Johnston

Leyonhjelm
Lindgren
Macdonald
McGrath
McKenzie
Parry
Payne

Reynolds
Ronaldson
Ruston
Ryan
Sinodinos
Wang
Williams

Question agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.
The Acting Deputy President (Senator Bernardi) resumed the chair and the Chair of Committees (Senator Marshall) reported accordingly.

On the motion of the Assistant Minister to the Prime Minister (Senator McGrath) the report from the committee was adopted and the bill read a third time.

28 FOREIGN ACQUISITIONS AND TAKEOVERS LEGISLATION AMENDMENT BILL 2015
FOREIGN ACQUISITIONS AND TAKEOVERS FEES IMPOSITION BILL 2015
REGISTER OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND BILL 2015

Order of the day read for the adjourned debate on the motion of the Minister for Communications (Senator Fifield)—That these bills be now read a second time.

Debate resumed.

The question for the second reading was divided at the request of the Minister for Indigenous Affairs (Senator Scullion)—

On the motion of Senator Scullion the debate on the Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015 was adjourned and the resumption of the debate made an order of the day for the next day of sitting.

Question—That the Foreign Acquisitions and Takeovers Fees Imposition Bill 2015 and the Register of Foreign Ownership of Agricultural Land Bill 2015 be now read a second time—put and passed.

Bills read a second time.

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

On the motion of Senator Scullion the Foreign Acquisitions and Takeovers Fees Imposition Bill 2015 and the Register of Foreign Ownership of Agricultural Land Bill 2015 were read a third time.

29 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.

At 7.20 pm: Debate was interrupted while Senator Moore was speaking.

30 ADJOURNMENT

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

Debate ensued.

Declaration of interest: Senator Ketter declared an interest in relation to the matter under discussion.

Debate continued.

The Senate adjourned at 7.59 pm till Thursday, 12 November 2015 at 9.30 am.
31 ATTENDANCE

ROSEMARY LAING
Clerk of the Senate