THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 134

THURSDAY, 3 DECEMBER 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.]

- **Civil Aviation Act 1988**—Civil Aviation Safety Regulations 1998—Exemption—side-facing seats on aircraft not occupied for take-off or landing—CASA EX186/15 [F2015L01906].
- **Fair Work Act 2009**—Direction to Inspectors (19 November 2015) [F2015L01907].
- **Food Standards Australia New Zealand Act 1991**—Australia New Zealand Food Standards Code – Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 10, 2015 [F2015L01897].
- **Foreign Judgments Act 1991**—Foreign Judgments Amendment (Miscellaneous) Regulation 2015—Select Legislative Instrument 2015 No. 207 [F2015L01892].
- **National Health Act 1953**—
  - National Health (Australian Community Pharmacy Authority Rules) Amendment Determination 2015 (No. 2) [F2015L01901].
  - National Health Determination under paragraph 98C(1)(b) Amendment 2015 (No. 10)—PB 109 of 2015 [F2015L01894].
  - National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2015 (No. 11)—PB 112 of 2015 [F2015L01898].
  - National Health (Growth Hormone Program) Special Arrangement Amendment Instrument 2015 (No. 1)—PB 96 of 2015 [F2015L01904].
  - National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2015 (No. 12)—PB 96 of 2015 [F2015L01904].
  - National Health (Listed drugs on F1 or F2) Amendment Determination 2015 (No. 10)—PB 113 of 2015 [F2015L01902].
  - National Health (Originator Brand) Amendment Determination 2015 (No. 1)—PB 114 of 2015 [F2015L01905].
  - National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2015 (No. 3)—PB 116 of 2015 [F2015L01893].
3 COMMITTEE—LEAVE TO MEET DURING SITTING
A committee was authorised to meet during the sitting of the Senate, as follows:

Unconventional Gas Mining—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 12:45 pm.

4 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION
Leave refused: The Minister for Communications (Senator Fifield) sought leave to move a motion relating to the hours of meeting and routine of business for today.

An objection was raised and leave was not granted.

Suspension of standing orders: Senator Fifield, at the request of the Leader of the Government in the Senate (Senator Brandis) and pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent a minister moving a motion to provide for the consideration of a matter, namely a motion to provide that a motion relating to the hours of meeting and routine of business for today may be moved immediately and determined without amendment or debate.

Debate ensued.

Question put.
The Senate divided—

AYES, 44

Senators—

Abetz
Bernardi
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Day
Di Natale
Edwards

Fawcett
Fierravanti-Wells
Fifield
Hanson-Young
Heffernan
Johnston
Lindgren
Ludlam
Macdonald
Madigan
McGrath

McKenzie
McKim
Muir
McKenzie-Wells
Muir
Payne
Reynolds
Rhiannon
Rice
Ronaldson
Ruston

Ryan
Scullion
Seselja
Siewert
Simms
Sinodinos
Smith
Wang
Williams
Xenophon

NOES, 23

Senators—

Bilyk
Brown
Bullock
Cameron
Carr
Conroy

Dastyari
Gallagher
Ketter
Lambie
Leyonhjelm
Lines

Ludwig
Marshall
McAllister
McLucas
O’Neill
Peris

Polley
Singh
Sterle
Urquhart (Teller)
Williams
Xenophon

Question agreed to.

Senator Fifield moved—That a motion to vary the hours of meeting and routine of business for today may be moved immediately and determined without amendment or debate.

Question put.

The Senate divided—

AYES, 44

Senators—

Abetz
Bernardi
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Day
Di Natale
Edwards

Fawcett
Fierravanti-Wells
Fifield
Hanson-Young
Heffernan
Johnston
Lindgren
Ludlam
Macdonald
Madigan
McGrath

McKenzie
McKim
Muir
McKenzie-Wells
Muir
Payne
Reynolds
Rhiannon
Rice
Ronaldson
Ruston

Ryan
Scullion
Seselja
Siewert
Simms
Sinodinos
Smith
Wang
Williams
Xenophon

NOES, 23

Senators—

Bilyk
Brown
Bullock
Cameron
Carr
Conroy

Dastyari
Gallagher
Ketter
Lambie
Leyonhjelm
Lines

Ludwig
Marshall
McAllister
McLucas
O’Neill
Peris

Polley
Singh
Sterle
Urquhart (Teller)
Williams
Xenophon

Question agreed to.
Senator Fifield moved—That, on Thursday, 3 December 2015:
(a) the hours of meeting shall be 9.30 am to adjournment;
(b) consideration of private senators’ bills under standing order 57(1)(d)(i) shall not be proceeded with, that government business shall have precedence over all other business for 2 hours and 20 minutes and that the following government business orders of the day shall be considered:
   No. 6  Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015
   No. 1  Australian Citizenship Amendment (Allegiance to Australia) Bill 2015
   No. 2  Labor 2013-14 Budget Savings (Measures No. 2) Bill 2015;
(c) from not later than 12.45 pm, the government business order of the day relating to the Export Control Amendment (Quotas) Bill 2015 shall be considered;
(d) government business shall be called on after consideration of the bill listed in paragraph (c) and considered till not later than 2 pm; and
(e) if by 2 pm the following bills have not been finally considered:
   Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015
   Australian Citizenship Amendment (Allegiance to Australia) Bill 2015
   Export Control Amendment (Quotas) Bill 2015
   Labor 2013-14 Budget Savings (Measures No. 2) Bill 2015, then:
   (i) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with,
   (ii) the routine of business from not later than 4.30 pm shall be government business only,
   (iii) divisions may take place after 4.30 pm, and
   (iv) the question for the adjournment of the Senate shall be proposed after it has finally considered the bills listed above, or a motion for the adjournment is moved by a minister, whichever is the earlier.

Leave refused: The Leader of the Opposition in the Senate (Senator Wong) sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Wong moved—That so much of the standing orders be suspended as would prevent her moving an amendment to the motion.

Debate ensued.

Question put.

The Senate divided—

AYES, 23
Question negatived.

Leave refused: Senator Wong sought leave to move a motion to adjourn consideration of the motion to a later hour.

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Wong moved—that so much of the standing orders be suspended as would prevent her moving a motion to adjourn consideration of the motion to a later hour.

Ruling of Acting Deputy President: The Acting Deputy President (Senator Williams) ruled that he could not receive any further motions for the suspension of standing orders. The majority of the Senate having determined that the motion to vary the hours of meeting and routine of business should be moved immediately and determined without amendment or debate and having declined to suspend standing orders to depart from this in its earlier votes, he was obliged to put the question on that motion. This is in accordance with the rationale of rulings made by Presidents Hogg, Calvert and Sibraa.

Main question put.

The Senate divided—

**AYES, 39**

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<thead>
<tr>
<th>Senators</th>
<th>Ayes</th>
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**NOES, 22**

<table>
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<tr>
<th>Senators</th>
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Question agreed to.
### Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015

Order of the day read for the consideration of message no. 494 from the House of Representatives in committee of the whole (see entry no. 33, 12 November 2015).

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**In the committee**

**Schedule of the Amendments Made by the Senate to Which the House of Representatives Has Disagreed**

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

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
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<tbody>
<tr>
<td>1.</td>
<td>Sections 1 to 3 and anything in this Act not elsewhere covered by this table The day this Act receives the Royal Assent.</td>
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<tr>
<td>2.</td>
<td>Schedules 1 to 4 The day after this Act receives the Royal Assent.</td>
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<tr>
<td>4.</td>
<td>Schedule 5, Part 3 The day after this Act receives the Royal Assent.</td>
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</tbody>
</table>

2. **Schedule 1, page 7 (before line 10)**, before item 5, insert:

**4A After section 3C**

Insert:

**3D Reporting of information about significant global entities**

1. This section applies to a corporate tax entity for an income year if the entity is a significant global entity (within the meaning of the Income Tax Assessment Act 1997) for the income year.

2. The entity must, as soon as practicable after the end of the income year, give the Commissioner a general purpose financial report for the income year.

3. For the purposes of this section, a general purpose financial report must be prepared and audited in relation to the entity in accordance with:

   (a) accounting principles and auditing principles; or
   (b) if such principles do not apply—commercially accepted principles, relating to accounting and auditing, that ensure the statements give a true and fair view of the financial position and performance of that entity (or that entity and the other entities on a consolidated basis).

   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.

4. The Commissioner must give a copy of the report to the Australian Securities and Investments Commission.
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.

The Minister for Finance (Senator Cormann) 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 Dastyari—Question—That the committee does not insist on amendment no. 1—debated.

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

6 EXPORT CONTROL AMENDMENT (QUOTAS) 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.

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 Minister to the Prime Minister (Senator McGrath) the bill was read a third time.

At 2 pm—

7 QUESTIONS

Questions without notice were answered.
8 **ADMINISTRATION—MINISTERIAL STANDARDS—SPECIAL MINISTER OF STATE—ANSWER TO QUESTION**

The Attorney-General (Senator Brandis) provided a further answer to a question without notice asked by the Leader of the Opposition in the Senate (Senator Wong) on 1 December 2015 relating to the execution of a search warrant on the home of the Special Minister of State (Mr Brough).

*Statements by leave:* Senators Wong and Brandis, by leave, made statements relating to the matter.

9 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Collins moved—that the Senate take note of the answers given by the Attorney-General (Senator Brandis), the Minister for Finance (Senator Cormann) and the Minister for Rural Health (Senator Nash) to questions without notice asked by Senators Cameron, Collins and Gallagher today relating to the Special Minister of State (Mr Brough) and to mental health policy.

Debate ensued.

Question put and passed.

Senator Rice moved—that the Senate take note of the answer given by the Minister for Tourism and International Education (Senator Colbeck) to a question without notice asked by Senator Rice today relating to jobs in the shipping industry.

Question put and passed.

10 **DEFENCE—AUSTRALIAN DEFENCE FORCE—DOCUMENT**

Senator Lambie, by leave, tabled the following document:

Defence—Australian Defence Force—Petitioning document from approximately 5,500 signatories calling for justice for Trooper Evan Donaldson.

*Statement by leave:* Senator Lambie, by leave, made a statement relating to the matter.

11 **OFFICIAL VISIT TO NEW ZEALAND—DOCUMENT**

The Deputy President (Senator Marshall) tabled the following document:

Official visit to New Zealand—Report on the visit by the President of the Senate, 21 to 24 September 2015.

12 **HIGHER EDUCATION SUPPORT AMENDMENT (VET FEE-HELP REFORM) BILL 2015**

A message from the House of Representatives was reported indicating that the House had made the amendment requested by the Senate to the following bill:


On the motion of the Minister for Tourism and International Education (Senator Colbeck) the bill was read a third time.
13 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 Tourism and International Education (Senator Colbeck), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs References Committee—
Appointed—
  Substitute member: Senator Polley to replace Senator Brown for the committee’s inquiry into the future of Australia’s aged care sector workforce
  Participating member: Senator Brown

Murray-Darling Basin Plan—Select Committee—
Appointed—Participating member: Senator Xenophon

Unconventional Gas Mining—Select Committee—
Appointed—Senator McEwen.

Question put and passed.

14 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLE AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

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

Additional estimates 2014-15—Legal and Constitutional Affairs Legislation Committee—Additional information received between 14 May and 20 October 2015—Attorney-General’s portfolio.

Budget estimates 2015-16—
  Environment and Communications Legislation Committee—Additional information received between 25 May and 9 October 2015—Environment portfolio.
  Legal and Constitutional Affairs Legislation Committee—Additional information received between—
    3 July and 21 October 2015—Attorney-General’s portfolio.
    13 and 22 July 2015—Immigration and Border Protection portfolio.

Budget estimates 2015-16 (Supplementary)—
  Economics Legislation Committee—Additional information received between 12 November and 2 December 2015—Treasury portfolio.
  Environment and Communications Legislation Committee—
    Additional information received—
      Between 19 October and 13 November 2015—Environment portfolio.
      On 20 October 2015—Communications and the Arts portfolio.
  Hansard record of proceedings.
  Finance and Public Administration Legislation Committee—Additional information received between 11 November and 1 December 2015—
    Finance portfolio.
    Parliamentary departments.
    Prime Minister and Cabinet portfolio.
Senator Fawcett, at the request of the Chair of the Standing Committee on Publications (Senator Reynolds), tabled the following report:

**PUBLICATIONS COMMITTEE**

**20TH 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 12 November 2015, recommends that the following be printed:

- Australian Human Rights Commission—
  - Report no. 96—LA and LB v Commonwealth of Australia (Department of Immigration and Border Protection).
  - Report no. 97—AV v DIAL-AN-ANGEL Pty Ltd.

Senator Reynolds
Chair
3 December 2015.

Senator Fawcett moved—that the report be adopted.

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.

Debate ensued.

Question put and passed.
Senator McEwen, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bilyk), tabled the following document:

Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations of interests lodged between 25 June and 1 December 2015, dated December 2015.

Senator McEwen, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:


Senator McEwen moved—That the Senate take note of the report.

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

Senator Carr, at the request of the Chair of the Economics References Committee (Senator Ketter), tabled the following report and documents:

Economics References Committee—Australia’s innovation system—Report, dated December 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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.

Pursuant to order, Senator Cameron, at the request of the Chair of the Economics References Committee (Senator Ketter), tabled the following report and documents:

Economics References Committee—‘I just want to be paid’: Insolvency in the Australian construction industry—Report, dated December 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Cameron moved—That the Senate take note of the report.

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

15 TAX LAWS AMENDMENT (COMBATING MULTINATIONAL TAX AVOIDANCE) BILL 2015

Order read for the further consideration of message no. 494 from the House of Representatives in committee of the whole (see entry no. 5).

In the committee

Consideration resumed of the message—and of the motion moved by the Minister for Finance (Senator Cormann)—That the committee does not insist on its amendments to which the House has disagreed.
Debate resumed on the question—that the committee does not insist on amendment
no. 1.
Amendment further debated.
Question put and passed.

The Leader of the Australian Greens (Senator Di Natale) moved the following
amendment:

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

Schedule 1, page 7 (before line 10), before item 5 (after proposed item 4A), insert:

4B After section 3C

Insert:

3CA Reporting of information by significant global entities

(1) This section applies to a corporate tax entity for an income year if:
(a) the entity is a significant global entity for the income year; and
(b) at the end of the income year, the entity is:
   (i) an Australian resident; or
   (ii) a foreign resident who operates an Australian permanent
        establishment (within the meaning of Part IVA of the
        Income Tax Assessment Act 1936); and
   (c) the entity does not lodge a general purpose financial statement
        for the financial year most closely corresponding to the income
        year:
        (i) with the Australian Securities and Investments
            Commission; and
        (ii) within the time provided under subsection 319(3) of the
            Corporations Act 2001 for lodgement of a report for that
            financial year.

(2) A corporate tax entity to which this section applies for an income year
must, on or before the day by which the entity is required to lodge its
income tax return for the income year with the Commissioner, give to
the Commissioner a general purpose financial statement for the
financial year most closely corresponding to the income year.

Note: Section 286-75 in Schedule 1 provides an administrative penalty for
breach of this subsection.

(3) The Commissioner must give a copy of the statement to the Australian
Securities and Investments Commission.

(4) The giving of the copy to the Australian Securities and Investments
Commission under subsection (3) is taken, for the purposes of the
Corporations Act 2001, to be lodgement of the document with the
Australian Securities and Investments Commission.

Note: Under section 1274 of the Corporations Act 2001, a person may
inspect, and require to be given a copy or extract of, any document
lodged with the Australian Securities and Investments Commission.
(5) For the purposes of this section, a general purpose financial statement in relation to an entity:

(a) must be prepared in accordance with:

(i) the accounting principles; or

(ii) if accounting principles do not apply in relation to the entity—commercially accepted principles relating to accounting; and

(b) if the entity is a member of a group of entities that are consolidated for accounting purposes as a single group—must relate to:

(i) the entity; or

(ii) the entity and some or all of the other members of the group.

(6) An expression used in this section that is also used in the *Income Tax Assessment Act 1997* has the same meaning as in that Act.

Schedule 1, page 7 (after line 21), at the end of the Schedule (after proposed item 6), add:

**7 Application of amendment—Item 4B**

The amendment made by item 4B of this Schedule applies in relation to income years commencing on or after 1 July 2016.”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 36**

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**NOES, 25**

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Question agreed to.

Main question, as amended, put and passed.
Question—That the committee does not insist on amendment no. 3—

Senator Dastyari moved the following amendment:
At the end of the motion, add “but agrees to the following amendment in place of that amendment:
Page 17 (after line 3), at the end of the bill, add:

**Schedule 5—Reporting of information about corporate tax entities**

**Taxation Administration Act 1953**

1 **Subsection 3C(1)**

Repeal the subsection, substitute:

(1) This section applies to an entity if:

(a) the entity is a corporate tax entity (within the meaning of the *Income Tax Assessment Act 1997*); and

(b) the entity has total income equal to or exceeding $100 million for an income year, according to information reported to the Commissioner in the entity’s income tax return (within the meaning of that Act) for the income year.

2 **Subsection 3C(2)**

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

3 **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:

(i) the entity is an Australian resident that is a private company for the income year; or

(ii) the entity is not a member of a wholly-owned group that has a foreign resident ultimate holding company; or

(iii) the percentage of foreign shareholding in the entity is less than 50%; 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.
4 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 Investment Commission; and

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

5 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 amendment be agreed to—put.

The committee divided—

AYES, 21

Senators—

Bilyk
Brown
Bullock
Cameron
Collins
Conroy

Dastyari
Gallagher
Lambie
Lazarus
Lines

Ludwig
Marshall
McAllister
McEwen
Moore

Peris
Singh
Urquhart (Teller)
Wong
Xenophon

NOES, 38

Senators—

Back
Bernardi
Birmingham
Bushby
Canavan
Colbeck
Cormann
Di Natale
Edwards
Fawcett

Fierravanti-Wells
Fifield
Hanson-Young
Heffernan
Johnston
Leyonhjelm
Lindgren
Ludlam
Macdonald
McGrath

McKenzie
McKam
Nash
Parry
Payne
Reynolds
Rhiannon
Rice
Ronaldson

Ruston
Ryan
Scullion
Siewert
Simms
Smith (Teller)
Wang
Whish-Wilson
Williams

Question negatived.
Senator Muir moved the following amendment:

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

Page 17 (after line 3), at the end of the bill, add:

**Schedule 5—Reporting of information about corporate tax entities**

*Taxation Administration Act 1953*

1 Paragraphs 3C(1)(a) and (b)

Repeal the paragraphs, substitute:

(a) the entity has total income equal to or exceeding $100 million for the income year and, at the end of the income year:

(i) the entity is not an Australian resident that is a private company for the income year; or

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

(iii) the percentage of foreign shareholding in the entity is greater than 50%; or

(b) the entity has total income equal to or exceeding $200 million for the income year and, at the end of the income year:

(i) the entity is an Australian resident that is a private company for the income year; and

(ii) the entity is a large proprietary company within the meaning of the *Corporations Act 2001*.

2 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.

3 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*.”.

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

AYES, 7

Senators—

Lambie  Leyonhjelm  Muir (Teller)  Xenophon
Lazarus  Madigan  Wang

NOES, 40

Senators—

Back  Di Natale  Ludwigs  Rice
Bernardi  Edwards  Macdonald  Ronaldson
Braddock  Fawcett  Marshall  Ruston
Bushby  Gallagher  McAllister  Siewert
Cameron  Hanson-Young  McKenzie  Simms
Canavan  Heffernan  McKim  Singh
Colbeck  Johnston  Moore  Smith
Collins  Landgren  Peris  Urquhart (Teller)
Cormann  Lines  Reynolds  Whish-Wilson
Dastyari  Ludlam  Rhiannon  Williams

Question negatived.

Senator Di Natale moved the following amendment:

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

Schedule 1, page 7 (before line 10), before item 5, insert:

4A Paragraphs 3C(1)(a) and (b)

Repeal the paragraphs, substitute:

(a) the entity has total income equal to or exceeding $100 million for the income year and, at the end of the income year:
(i) the entity is not an Australian resident that is a private company for the income year; or
(ii) the entity is a member of a wholly-owned group that has a foreign resident ultimate holding company; or
(iii) the percentage of foreign shareholding in the entity is greater than 50%; or

(b) the entity has total income equal to or exceeding $200 million for the income year and, at the end of the income year, the entity is an Australian resident that is a private company for the income year.

Schedule 1, page 7 (after line 21), at the end of the Schedule, add:

6 Application of amendment—item 4A

The amendment made by item 4A applies in relation to an entity for the 2013-14 income year and each later income year.”.

Debate ensued.

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

**AYES, 36**

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Question agreed to.

Main question, as amended, put and passed.

Senator Muir moved the following amendment:

At the end of the motion, add “and makes the following further amendment to the bill:

Page 17 (after line 3), at the end of the bill, add:

**Schedule 5—Transparency**

**Part 1—Repeal of instrument**

**ASIC Corporations (Exempt Proprietary Companies) Instrument 2015/840**

1 The whole of the instrument

Repeal the instrument.

**Part 2—Grandfathered exemption**

**Corporations Act 2001**

2 Subsection 1408(6) (table item 7)

Repeal the table item.

**Part 3—Application**

3 Application

(1) This item applies to a company if, immediately before the commencement of this item, the company was exempted from complying with subsection 319(1) of the Corporations Act 2001 by the ASIC Corporations (Exempt Proprietary Companies) Instrument 2015/840.

(2) Despite the amendments made by Parts 1 and 2, that exemption continues to apply to the company in relation to the 2015-16 financial year.”.
Debate ensued.
Question—That the amendment be agreed to—put.
The committee divided—

AYES, 25

Bilyk  Gallagher  Madigan  Peris
Brown  Lambie  Marshall  Singh
Bullock  Lazarus  McAllister  Urquhart (Teller)
Cameron  Leyonhjelm  McEwen  Wang
Conroy  Lines  Moore  Wong
Dastyari  Ludwig  Muir  Xenophon
Gallacher

NOES, 36

Back  Fawcett  McGrath  Ronaldson
Bernardi  Fierravanti-Wells  McKenzie  Ruston
Birmingham  Fifield  McKim  Ryan
Brandis  Hanson-Young  Nash  Scullion
Bushby  Heffernan  Parry  Siewert
Canavan  Johnston  Payne  Simms
Colbeck  Lindgren  Reynolds  Smith (Teller)
Di Natale  Ludlam  Rhiannon  Whish-Wilson
Edwards  Macdonald  Rice  Williams

Question negatived.
Resolution to be reported.

The President resumed the chair and the Chair of Committees (Senator Marshall) reported that the committee had considered message no. 494 from the House of Representatives relating to the Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015 and:

(a) had resolved not to insist on amendment no. 1 made by the Senate to which the House of Representatives had disagreed; and
(b) had resolved not to insist on amendments nos 2 and 3 to which the House of Representatives had disagreed, and had made amendments in place of those amendments.

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

16 AUSTRALIAN CITIZENSHIP AMENDMENT (ALLEGIANCE TO AUSTRALIA) BILL 2015

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

In the committee

Consideration resumed of the bill.
Bill further debated.
Senator Leyonhjelm moved the following amendment:
Schedule 1, page 18 (after line 27), after item 7, insert:

7A After section 53

Insert:

53A Sunset provision

(1) Sections 33AA, 35, 35AA, 35AB, 35A, 35B and 36A cease to have effect at the end of 10 years after this section commences.

(2) The regulations may prescribe matters of a transitional nature (including prescribing any saving or application provisions) arising out of the provisions mentioned in subsection (1) ceasing to have effect in accordance with that subsection.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 16

Day
Leyonhjelm (Teller)
Muir
Simms

Di Natale
Ludlam
Rhiannon
Wang

Hanson-Young
Madigan
Rice
Whish-Wilson

Lazarus
McKim
Siewert
Xenophon

NOES, 29

Back
Edwards
Macdonald
Ronaldson

Bernardi
Fawcett
Marshall
Ruston

Brandis
Gallagher
McEwen (Teller)
Singh

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McKenzie
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Bullock
Johnston
Moore
Urquhart

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Canavan
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Collins
Lines

Reynolds

Wong

Question negatived.

Senator Leyonhjelm moved the following amendment:
Schedule 1, item 8, page 19 (lines 21 to 26), omit paragraph (4)(b), substitute:

(b) does not apply in relation to:

(i) a conviction of a person before the commencement of this item; or

(ii) a conviction of a person on or after the commencement of this item in relation to an act or thing that was done wholly before the commencement of this item.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 14

Day
Ludlam
Rhiannon
Simms

Di Natale
Madigan
Rice
Wang

Hanson-Young
McKim
Siewert
Whish-Wilson

Leyonhjelm (Teller)
Muir
Question negatived.
Bill further debated and agreed to.
Bill to be reported without amendment.

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

On the motion of the Attorney-General (Senator Brandis) the report from the committee was adopted.

Senator Brandis moved—That this bill be now read a third time.
Debate ensued.
Question put.
The Senate divided—

AYES, 43

Senators—
Back
Bernardi
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Bushby
Cameron
Canavan
Cash

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Gallacher
Gallagher
Heffernan
Johnston

Lindgren
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Marshall
McAllister
McEwen (Teller)
McKenzie
Moore
Peris

Reynolds
Ronaldson
Ruston
Singh
Smith (Teller)
Sterle
Urquhart
Williams
Wong

NOES, 13

Senators—
Di Natale
Hanson-Young
Leyonhjelm
Ludlam

Madigan
McKim
Muir

Rhiannon
Rice
Siewert (Teller)

Simms
Whish-Wilson
Xenophon

Question agreed to.
Bill read a third time.
17 **LABOR 2013-14 BUDGET SAVINGS (MEASURES NO. 2) BILL 2015**
Order of the day read for the adjourned debate on the motion of the Minister for Employment (Senator Cash)—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.

18 **ROUTINE OF BUSINESS—VARIATION**
The Assistant Cabinet Secretary (Senator Ryan), by leave, moved—That the following business be called on immediately:
(a) tabling and adoption of a report from the Selection of Bills Committee; and
(b) business of the Senate notice of motion no. 1 standing in the name of Senator Hanson-Young for today, proposing the disallowance of the Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015.
Question put and passed.

19 **SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 16 OF 2015**
The Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

```
SELECTION OF BILLS COMMITTEE
REPORT NO. 16 OF 2015

1. The committee met in private session on Wednesday, 2 December 2015 at 7.23 pm.
2. The committee resolved to recommend—That—
   (a) the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 20 June 2016;
   (b) contingent upon its introduction in the House of Representatives, the provisions of the Corporations Amendment (Crowd-sourced Funding) Bill 2015 be referred immediately to the Economics Legislation Committee for inquiry and report by 22 February 2016;
   (c) the Courts Administration Legislation Amendment Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 February 2016;
   (d) the provisions of the Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 3 February 2016;
   (e) the provisions of the Criminal Code Amendment (Firearms Trafficking) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 February 2016;
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contingent upon its introduction in the House of Representatives, the provisions of the Fair Work Amendment (Remaining 2014 Measures) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 4 February 2016;

the provisions of the Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 1 March 2016;

the Family Law Amendment (Financial Agreements and Other Measures) Bill 2015 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 February 2016;

the provisions of the Social Security Legislation Amendment (Community Development Program) Bill 2015 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 29 February 2016;

the provisions of the Social Services Legislation Amendment (Budget Repair) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 4 February 2016;

the provisions of the Social Services Legislation Amendment (Family Measures) Bill 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 22 February 2016;

the provisions of the Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill (No. 2) 2015 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 1 March 2016; and


The committee resolved to recommend—that the following bills not be referred to committees:

Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015
Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015
Labor 2013-14 Budget Savings (Measures No. 2) Bill 2015

The committee recommends accordingly.

The committee deferred consideration of the following bills to its next meeting:

Australian Crime Commission Amendment (National Policing Information) Bill 2015
Australian Crime Commission (National Policing Information Charges) Bill 2015
Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
Broadcasting Legislation Amendment (Digital Radio) Bill 2015
Communications Legislation Amendment (Deregulation and Other Measures) Bill 2015
Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
Competition and Consumer Amendment (Payment Surcharges) Bill 2015
Corporations Amendment (Publish What You Pay) Bill 2014
Income Tax (Attribution Managed Investment Trusts—Offsets) Bill 2015
Income Tax Rates Amendment (Managed Investment Trusts) Bill 2015
Insolvency Law Reform Bill 2015
Medicare Levy Amendment (Attribution Managed Investment Trusts) Bill 2015
Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015
Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015
Tax and Superannuation Laws Amendment (2015 Measures No. 6) Bill 2015
Tax Laws Amendment (Implementation of the Common Reporting Standard) Bill 2015
Tax Laws Amendment (New Tax System for Managed Investment Trusts) Bill 2015
Telecommunications (Numbering Charges) Amendment Bill 2015
Veterans’ Entitlements Amendment (Expanded Gold Card Access) Bill 2015
Water Amendment (Review Implementation and Other Measures) Bill 2015.

David Bushby
Chair
3 December 2015.

Senator Bushby moved—That the report be adopted.

Senator Moore moved the following amendment:

At the end of the motion, add “but, in respect of the Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2015 the Education and Employment Legislation Committee report by 17 March 2016”.

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

Main question, as amended, put and passed.

20 CHILD CARE BENEFIT (CHILDREN IN RESPECT OF WHOM NO-ONE IS ELIGIBLE) DETERMINATION—PROPOSED DISALLOWANCE

Senator Hanson-Young, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Child Care Benefit (Children in respect of whom no-one is eligible) Determination 2015, made under the A New Tax System (Family Assistance) Act 1999, be disallowed [F2015L01404].

Question put.

The Senate divided—

AYES, 9

Senators—
Di Natale
Hanson-Young
Ludlam
McKim
Rhiannon
Rice
Siewert (Teller)
Simms
Whish-Wilson
Question negatived.

21 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

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

**Education and Employment Legislation Committee**—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Simms for the committee’s inquiry into the provisions of the Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2015

Participating member: Senator Simms

**Environment and Communications Legislation Committee**—

Appointed—

Substitute member: Senator Ludlam to replace Senator Waters for the committee’s inquiries into the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015, and into the provisions of the Telecommunications Legislation Amendment (Access Regime and NBN Companies) Bill 2015

Participating member: Senator Waters

**Finance and Public Administration Legislation Committee**—

Appointed—

Substitute member: Senator Siewert to replace Senator Rice for the committee’s inquiry into the Social Security Legislation Amendment (Community Development Program) Bill 2015

Participating member: Senator Rice

**Foreign Affairs, Defence and Trade References Committee**—

Appointed—

Substitute member: Senator Whish-Wilson to replace Senator Ludlam for the committee’s inquiries into the planned acquisition of the Joint Strike Fighter, and into the operations of Defence Housing Australia

Participating member: Senator Ludlam.

Question put and passed.
22 **NEXT MEETING OF SENATE**

The Assistant Cabinet Secretary (Senator Ryan) moved—That the Senate, at its rising, adjourn till Tuesday, 2 February 2016, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator. Question put and passed.

23 **LEAVE OF ABSENCE**

The Assistant Cabinet Secretary (Senator Ryan) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets. Question put and passed.

24 **END OF 2015 SITTINGS—STATEMENTS BY LEAVE**

The Leader of the Government in the Senate (Senator Brandis), the Leader of the Opposition in the Senate (Senator Wong), the Leader of the Australian Greens (Senator Di Natale), Senator Day and the Leader of The Nationals in the Senate (Senator Scullion), by leave, made statements relating to the end of the 2015 sittings. **Statement by President**: The President made a statement relating to the matter.

25 **NOTICES**

The Chair of the Select Committee on the Murray-Darling Basin Plan (Senator Leyonhjelm): To move on the next day of sitting—That the resolution of appointment of the Select Committee on the Murray-Darling Basin Plan be amended by omitting from paragraph (1) “, on or before 26 February 2016,” and substituting “by 17 March 2016”. *(general business notice of motion no. 1002)*

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams): To move 15 sitting days after today—

No. 1—That the Charter of the United Nations (Sanctions—Syria) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 162 and made under the **Charter of the United Nations Act 1945**, be disallowed [F2015L01463].

No. 2—That the Charter of the United Nations (Sanctions—Iraq) Amendment Regulation 2015, as contained in Select Legislative Instrument 2015 No. 161 and made under the **Charter of the United Nations Act 1945**, be disallowed [F2015L01464].

No. 3—That the Christmas Island Marine Traffic and Harbour Facilities Determination 2015, made under section 4 of the **Utilities and Services Ordinance 1996**, be disallowed [F2015L01591].

No. 4—That the Cocos (Keeling) Islands Marine Traffic and Harbour Facilities Determination 2015, made under section 4 of the **Utilities and Services Ordinance 1996**, be disallowed [F2015L01593].

No. 5—That the Removal of Prisoners (Territories) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 165 and made under the **Removal of Prisoners (Territories) Act 1923**, be disallowed [F2015L01524].
26 ADJOURNMENT
Pursuant to order (see entry no. 4), the President proposed the question—That the Senate do now adjourn.
The Senate adjourned at 11.32 pm till Tuesday, 2 February 2016 at 12.30 pm.

27 ATTENDANCE
Present, all senators except Senators O’Sullivan* and Waters* (*on leave).

ROSEMARY LAING
Clerk of the Senate