THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 71

MONDAY, 1 DECEMBER 2014

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1 **MEETING OF SENATE**

The Senate met at 10 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2 **DOCUMENTS**

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

- Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice and native title—Reports for 2013-14.
- Auditor-General—Audit report no. 9 of 2014-15—Performance audit—The design and conduct of the third and fourth funding rounds of the Regional Development Australia Fund: Department of Infrastructure and Regional Development.
- Australian Human Rights Commission—Reports—
  - No. 81—TM v Linfox Australia Pty Ltd.
  - No. 82—Alwy Fadhel v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 83—FA, FB, FC and FD v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 84—AQ v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 85—Jafari v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 86—MG v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 87—HA, HB, HC, HD and HE v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 88—AH v Commonwealth of Australia (Department of Immigration and Border Protection).
  - No. 89—PJ v AMP Financial Planning Pty Limited.
  - No. 90—Charlie v Commonwealth of Australia (Department of Immigration and Border Protection).
- Fair Work Commission—Report for 2013-14 [Replacement page 60].
- Health—Ebola—Letter to the President of the Senate from the Minister for Foreign Affairs (Ms Bishop), dated 26 November 2014, responding to the resolution of the Senate of 25 September 2014.

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.]


Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination—No. 16 of 2014 [F2014L01589].

Australian Research Council Act 2001—Approval of ARC Linkage Infrastructure, Equipment and Facilities Proposals for funding commencing in 2015—Determination No. 132.

Approval of Discovery Early Career Researcher Award Proposals for funding commencing in 2015—Determination No. 134.

Approval of Discovery Indigenous Proposals for funding commencing in 2015—Determination No. 131.

Approval of Discovery Project proposals for funding commencing in 2015—Determination No. 133.


Exemption—participation in land and hold short operations (Air New Zealand)—CASA EX151/14 [F2014L01595].


Deployment allowance—amendment—Defence Determination 2014/64.

Reserve employer support payments—amendment—Defence Determination 2014/55.

Woomera conditions of service—Defence Determination 2014/63.

Amendment of List of Exempt Native Specimens – Western Tuna and Billfish Fishery (21 November 2014) (inclusion)—EPBC303DC/SFS/2014/50 [F2014L01593].

Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 31 of 2014 – ARS 221.0 – Large Exposures [F2014L01582].
Financial Sector (Collection of Data) (reporting standard) determination No. 32 of 2014 – ARS 210.0 – Liquidity [F2014L01583].

Fisheries Management Act 1991—Western Tuna and Billfish Fishery Management Plan 2005—Western Tuna and Billfish Fishery Total Allowable Commercial Catch Determination (No. 2) 2014 [F2014L01588].


Radiocommunications Act 1992—
Radiocommunications (Australian Space Objects) Determination 2014 [F2014L01586].
Radiocommunications (Foreign Space Objects) Determination 2014 [F2014L01584].

3 COMMITTEES—LEAVE TO MEET DURING SITTING
Committees were authorised to meet during the sitting of the Senate today, as follows:
Environment and Communications Legislation Committee—public meeting, from 10.10 am, for the consideration of the supplementary Budget estimates 2014-15.
Legal and Constitutional Affairs Legislation Committee—private meeting otherwise than in accordance with standing order 33(1), from 10.10 am, for the committee’s inquiry into the provisions of the Australian Citizenship and Other Legislation Amendment Bill 2014.

4 HIGHER EDUCATION AND RESEARCH REFORM AMENDMENT BILL 2014
Order of the day read for the adjourned debate on the motion of the Minister for Veterans’ Affairs (Senator Ronaldson)—That this bill be now read a second time. Debate resumed.
At 2 pm: Debate was interrupted while Senator Williams was speaking.

5 QUESTIONS
Questions without notice were answered.

Document: The Minister for Employment (Senator Abetz) tabled the following document:
Administration—Australian Public Service (APS)—Median APS wage increases compared to Consumer Price Index increases from 2004 to 2013.

Further questions without notice were answered.
6 Motions to Take Note of Answers

Senator Gallacher moved—that the Senate take note of the answers given by the Minister for Defence (Senator Johnston) to questions without notice asked by Senators Conroy and Lines today relating to the manufacture of the next fleet of Australian submarines and to Australian Defence Force terms and conditions.

Debate ensued.

Question put and passed.

Senator Rice moved—that the Senate take note of the answer given by the Minister for Defence (Senator Johnston) to a question without notice asked by Senator Rice today relating to the East West Link.

Question put and passed.

7 Notices

Senator Smith: To move on the next day of sitting—that the Joint Select Committee on Trade and Investment Growth be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Thursday, 12 February 2015;
(b) Thursday, 5 March 2015;
(c) Thursday, 19 March 2015; and
(d) Thursday, 26 March 2015. (general business notice of motion no. 556)

Senator Smith: To move on the next day of sitting—that the Joint Select Committee on Northern Australia be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Tuesday, 10 February 2015;
(b) Tuesday, 3 March 2015;
(c) Tuesday, 17 March 2015; and
(d) Tuesday, 24 March 2015. (general business notice of motion no. 557)

Senator Xenophon: To move on the next day of sitting—that there be laid on the table by the Minister for Defence, no later than 4 pm on Wednesday, 3 December 2014, the following:

(a) the report on the independent review into the performance of the Hobart Class Air Warfare Destroyer Program conducted by Professor Don Winter and Dr John White;
(b) a statement of reasons as to why any information is commercial-in-confidence and the possible harm it might cause, and where that information has been redacted from the report;
(c) any summary that has been made of the report;
(d) any document that provides the findings, or outlines the findings of the report; and
(e) any document that outlines the reasons for the findings. (general business notice of motion no. 558)
The Leader of the Australian Greens (Senator Milne), the Leader of the Opposition in the Senate (Senator Wong) and the Leader of the Government in the Senate (Senator Abetz): To move on the next day of sitting—That the Senate—

(a) notes:

(i) the fundamental principle of freedom of the press,
(ii) the arrest and protracted detention of Australian journalist, Mr Peter Greste, and his two Al Jazeera colleagues, Mr Mohamed Fahmy and Mr Baher Mohamed,
(iii) that Mr Greste and his colleagues have now been imprisoned in Cairo for 340 days, and
(iv) that an appeal date has now been set for 1 January 2015;
(b) calls on the Egyptian Government to ensure a fair, just and timely resolution to the appeal process;
(c) expresses deep support for Mr Greste and his colleagues, and their role as journalists in reporting the news without fear or favour; and
(d) welcomes the reported comments from President al-Sisi that he is considering a pardon and release in relation to this case. (general business notice of motion no. 559)

Senator Whish-Wilson: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Trade and Investment, no later than noon on 3 December 2014, the substantially-concluded text of the China – Australia Trade Agreement. (general business notice of motion no. 560)

Senator Hanson-Young: To move on 3 December 2014—That there be laid on the table by the Assistant Treasurer, no later than 3 pm on 4 December 2014, a copy of the final report of the Productivity Commission’s inquiry into child care and early childhood learning. (general business notice of motion no. 561)

Senators Siewert and Moore: To move on the next day of sitting—That the Senate—

(a) acknowledges that 3 December is International Day of Persons with Disability;
(b) notes:

(i) that the theme for 2014 is ‘Sustainable Development: The Promise of Technology’, and
(ii) the role of technology as a way to break down barriers for people with disability in participating in all aspects of political, social, economic and cultural life; and
(c) calls on governments to work to harness the power of technology to promote inclusion and accessibility to help realise the full and equal participation of persons with disability in society. (general business notice of motion no. 562)

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

(a) notes:

(i) that the Prime Minister labelled Victoria’s state election a referendum on the former government’s proposed East West Link toll road, and
(ii) the change of government in Victoria which has resulted from that election; and
(b) calls on the Government to redirect the $3 billion in Commonwealth funding allocated for the East West Link to public transport projects in Victoria that have been assessed by Infrastructure Australia and that have demonstrated benefits exceeding costs. (general business notice of motion no. 563)
The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That on Tuesday, 2 December 2014:
(a) the hours of meeting shall be 9.30 am to 10.40 pm;
(b) the routine of business from not later than 7.20 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 10 pm.

Senator Rhiannon: To move on the next day of sitting—That the Senate—
(a) notes that:
(i) the current Member for Warringah stated in 1997, in reference to development on Middle Head in Sydney Harbour, that he had organised a number of protest meetings and campaigned strongly to ensure this piece of heritage was not lost to the people of Sydney and Australia,
(ii) Liberal branches in the Warringah electorate have expressed concerns about the proposed development, including the Mosman Liberal Branch that passed a motion calling on the Government to reject the development and instead work with the community towards a truly adaptive use of the present buildings, and
(iii) a report on fire risk on Middle Head prepared by a former Australian Capital Territory chief fire control officer, Mr Roger Fenwick, noted that the current development proposal does not meet New South Wales fire protection standards for aged care facilities; and
(b) calls on the Minister for the Environment, Mr Hunt, to reverse his approval for the proposed development application, and to not accept any new or amended application for development on the 10 Terminal site at Middle Head. (general business notice of motion no. 564)

Senator Hanson-Young: To move on the next day of sitting—That the Senate calls on the Assistant Minister for Immigration and Border Protection to explain to the Senate the Government’s reasons for detaining two pregnant women, who have been found to be genuine refugees and have been living in the community in Nauru, against their will. (general business notice of motion no. 565)

Notice of motion withdrawn: Senator Ruston, also on behalf of Senator Xenophon, withdrew business of the Senate notice of motion no. 1 standing in their names for today, proposing a reference to the Environment and Communications Legislation Committee.

8 LEAVE OF ABSENCE
Senator Ruston, by leave, moved—That leave of absence be granted to Senators Fawcett and O’Sullivan for today, for personal reasons.
Question put and passed.

9 HEALTH—SELECT COMMITTEE—LEAVE TO MEET DURING SITTING
Senator Urquhart, by leave and at the request of the Chair of the Select Committee on Health (Senator O’Neill), moved—That the Select Committee on Health be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.40 pm.
Question put and passed.
10 **POSTPONEMENTS**

Business was postponed as follows:

Business of the Senate notice of motion no. 3 standing in the name of Senator Di Natale for today, proposing a reference to the Community Affairs References Committee, postponed till 3 December 2014.

General business notices of motion nos 508, 519, 531, 543 and 553 standing in the name of Senator O'Sullivan for today, postponed till 2 December 2014.

11 **COMMITTEE—EXTENSION OF TIME TO REPORT**

The following committee was granted an extension of time to report:


12 **LEAVE OF ABSENCE**

Senator Siewert, by leave, moved—That leave of absence be granted to Senator Di Natale from 1 to 4 December 2014, on account of portfolio business.

Question put and passed.

13 **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—PROPOSED REFERENCE**

The Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 18 June 2015:

The Commonwealth’s treaty-making process, particularly in light of the growing number of bilateral and multilateral trade agreements Australian governments have entered into or are currently negotiating, including:

(a) the role of the Parliament and the Executive in negotiating, approving and reviewing treaties;

(b) the role of parliamentary committees in reviewing and reporting on proposed treaty action and implementation;

(c) the role of other consultative bodies including the Commonwealth-State-Territory Standing Committee on Treaties and the Treaties Council;

(d) development of the national interest analysis and related materials currently presented to Parliament;

(e) the scope for independent assessment and analysis of treaties before ratification;

(f) the scope for government, stakeholder and independent review of treaties after implementation;

(g) the current processes for public and stakeholder consultation and opportunities for greater openness, transparency and accountability in negotiating treaties; and

(h) related matters.
Statements by leave: The Assistant Minister for Social Services (Senator Fifield) and Senators Whish-Wilson and Gallacher, by leave, made statements relating to the motion.

Postponement: Senator Gallacher, by leave, moved—that business of the Senate notice of motion no. 2 be postponed till the next day of sitting.

Question put and passed.

14 **YOUTH—YOUTH CONNECTIONS PROGRAM**

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 550—that the Senate—

(a) notes that:
   (i) the Youth Connections program has assisted hundreds of disengaged young people to reconnect to education, training or employment,
   (ii) funding to the program has been cut by the Federal Government, and will officially end on 31 December 2014,
   (iii) the Government has not allocated any funds to any similar or replacement program,
   (iv) this will be the first time in 20 years that there is no federally-funded program to assist young people to re-engage with pathways to future work and education, and
   (v) young people across Australia, especially those who are disadvantaged, will miss out on vital support provided by the Youth Connections program; and

(b) calls on the Government to reinstate the funding for this effective and necessary program.

Statement by leave: The Parliamentary Secretary to the Minister for Education (Senator Ryan), by leave, made a statement relating to the motion.

Question put and passed.

15 **FAMILY AND COMMUNITY SERVICES—NORTHERN TERRITORY—INCOME MANAGEMENT—ORDER FOR PRODUCTION OF DOCUMENT**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 551—that there be laid on the table by the Minister representing the Minister for Social Services, no later than 5 pm on Wednesday, 3 December 2014, the report into income management in the Northern Territory, *Evaluating new income management in the Northern Territory*, final report.

Question put and passed.

16 **HEALTH—WORLD AIDS DAY**

Senator Singh, also on behalf of Senator Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 549—that the Senate—

(a) notes that:
   (i) 1 December 2014 is World AIDS Day,
   (ii) the aim of World AIDS Day is to:
      (A) encourage all Australians to be aware of HIV,
      (B) take action to reduce the transmission of HIV by promoting safe sex practices, and
(c) ensure that people living with HIV can participate fully in the life of the community, free from stigma and discrimination,

(iii) in July 2014, Australia hosted the AIDS 2014 conference in Melbourne which highlighted that it was possible to end HIV globally by focusing on evidence-based programs, such as increasing access to HIV testing and treatment, improving treatment options and implementing prevention tools like harm reduction, and

(iv) while much has been achieved, the challenge to combat HIV/AIDS remains with new HIV infection rates in Australia being at their highest in 20 years; and

(b) recognises:

(i) Australia’s resolve to work with governments, the business community and civil society across the region to reach the goals that the international community has set — zero new infections, zero AIDS-related deaths and zero discrimination,

(ii) the work of current and previous Australian governments in the development of national strategies to address HIV infection, and

(iii) the release on 7 July 2014 of the 7th National HIV Strategy and its commitment to working towards achieving the virtual elimination of HIV transmission in Australia by 2020, reducing the morbidity and mortality caused by HIV, and minimising the personal and social impact of HIV.

Question put and passed.

17 TRANSPORT—QUEENSLAND—IPSWICH MOTORWAY—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Urquhart, at the request of Senator Ludwig and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 554—That there be laid on the table by the Minister representing the Treasurer (Senator Cormann), by 3.30 pm on Wednesday, 3 December 2014, any documents held in relation to the contents of a letter dated 6 February 2014 from the Honourable Warren Truss MP to the Honourable Scott Emerson MP (QLD ref:MC73750/Federal ref:05543-2013) which details the Australian Government’s commitment to the Ipswich Motorway, Darra to Rocklea, project of $279 million.

Question put and passed.

18 PRIMARY INDUSTRIES—FISHERIES—SUPER TRAWLERS

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 552—That the Senate—

(a) notes:

(i) that the report of the expert panel on a declared commercial fishing activity, Final (Small Pelagic Fishery) Declaration 2012, has been released,

(ii) that the report found a super trawler would negatively impact on protected species such as seals, dolphins and sea birds, and

(iii) the statement by the Prime Minister (Mr Abbott) on 4 March 2014 that ‘the super trawler is banned from Australian waters…it was banned with the support of members on this side of the House. It was banned; it will stay banned’; and
calls on the Government to introduce legislation banning super trawlers from Australian waters.

Statement by leave: The Assistant Minister for Social Services (Senator Fifield) and Senator Whish-Wilson, by leave, made statements relating to the motion.

Question put.

The Senate divided—

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Question negatived.

**19 Urgency Motion—Taxation—Corporate Tax Evasion**

The Deputy President (Senator Marshall) informed the Senate that the President had received a letter from Senator Siewert advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The Treasurer’s failure to tackle corporate tax evasion.

The proposal was supported by four senators.

The Leader of the Australian Greens (Senator Milne), at the request of Senator Siewert, moved the motion.

Debate ensued.

Question put and passed.

**20 Documents—Consideration**

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

- Auditor-General—Audit report no. 9 of 2014-15—Performance audit—The design and conduct of the third and fourth funding rounds of the Regional Development Australia Fund: Department of Infrastructure and Regional Development. Motion to take note of document moved by Senator Bernardi and debated. Debate adjourned till the next day of sitting, Senator Williams in continuation.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice and native title—Reports for 2013-14. Motion to take note of documents moved by Senator Siewert. Debate adjourned till Thursday at general business, Senator Siewert in continuation.


21 NOTICE
Senator Lambie, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to link pay for members of the Defence Force to pay for Parliamentarians or to CPI, and for related purposes. Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. (general business notice of motion no. 566)

22 SOCIAL SECURITY LEGISLATION AMENDMENT (STRENGTHENING THE JOB SEEKER COMPLIANCE FRAMEWORK) BILL 2014—EXPLANATORY MEMORANDUM
The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) tabled a correction to the explanatory memorandum relating to the Social Security Legislation Amendment (Strengthening the Job Seeker Compliance Framework) Bill 2014.

23 HEALTH—NATIONAL MENTAL HEALTH COMMISSION—MENTAL HEALTH REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) tabled the following document:

Health—National Mental Health Commission—Mental Health review—Letter to the President of the Senate from the Assistant Minister for Health (Senator Nash) responding to the order of the Senate of 25 November 2014.

Senator McLucas, by leave, moved—That the Senate take note of the document. Question put and passed.

24 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator O’Neill) informed the Senate that the President had received letters nominating senators to be members of a committee.

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham), by leave, moved—That senators be appointed to the Select Committee on Wind Turbines as follows:

Senator Urquhart


Question put and passed.
25 **CORPORATIONS LEGISLATION AMENDMENT (DEREGULATORY AND OTHER MEASURES) BILL 2014**

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

Message no. 280, dated 27 November 2014—A Bill for an Act to amend the law relating to corporations, and for related purposes.

The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) 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 Birmingham moved—That this bill be now read a second time.

**Consideration of legislation:** Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Economics Legislation Committee to report on the bill, 11 February 2015.

26 **TELECOMMUNICATIONS LEGISLATION AMENDMENT (DEREGULATION) BILL 2014 TELECOMMUNICATIONS (INDUSTRY LEVY) AMENDMENT BILL 2014**

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

Message no. 274, dated 26 November 2014—A Bill for an Act to amend legislation relating to telecommunications, and for other purposes.


The Parliamentary Secretary to the Minister for the Environment (Senator Birmingham) 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 Birmingham moved—That these bills be now read a second time.

**Explanatory memorandum:** Senator Birmingham tabled a revised explanatory memorandum relating to the bills.

**Consideration of legislation:** Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Environment and Communications Legislation Committee to report on the bills, 9 February 2015.
27 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—AUSTRALIAN CITIZENSHIP AND OTHER LEGISLATION AMENDMENT BILL 2014**

Pursuant to order, the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald) tabled the following report and documents:


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

*Statement by leave*: Senator Macdonald, by leave, made a statement relating to the report.

28 **NATIONAL MENTAL HEALTH COMMISSION—MENTAL HEALTH REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS—STATEMENT BY LEAVE**

Senator McLucas, by leave, made a statement relating to the document tabled earlier today (see entry no. 23).

29 **HIGHER EDUCATION AND RESEARCH REFORM AMENDMENT BILL 2014**

Order of the day read for the adjourned debate on the motion of the Minister for Veterans’ Affairs (Senator Ronaldson)—That this bill be now read a second time.

Debate resumed.

On the motion of the Assistant Minister for Health (Senator Nash) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

30 **ORDER OF BUSINESS—REARRANGEMENT**

The Assistant Minister for Health (Senator Nash) moved—that the order of consideration of government business orders of the day for the remainder of today be as follows:

No. 3 Tertiary Education Quality and Standards Agency Amendment Bill 2014.

No. 2 Tax and Superannuation Laws Amendment (2014 Measures No. 6) Bill 2014.

No. 5 Australian Citizenship Amendment (Intercountry Adoption) Bill 2014.

No. 1 Higher Education and Research Reform Amendment Bill 2014.

No. 6 Social Security Legislation Amendment (Strengthening the Job Seeker Compliance Framework) Bill 2014.

No. 4 Parliamentary Entitlements Legislation Amendment Bill 2014.

Senator Conroy moved the following amendment:

Omit all words after “That”, substitute “government business order of the day no. 25 (Omnibus Repeal Day (Spring 2014) Bill 2014) be called on immediately and have precedence over all other government business until determined”.

Debate ensued.

*Closure*: Senator Carr moved—that the question be now put.

Question—that the question be now put—put and passed.

Question—that the amendment be agreed to—put.
The Senate divided—

AYES, 33

Senators—

Bilyk
Bullock
Cameron
Carr
Conroy
Dastyari
Faulkner
Gallacher
Hanson-Young

Ketter
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Lines
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McEwen
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McGrath
McKenzie
Muir
Nash
Parry
Payne
Reynolds

Sterle
Ryan
Wang
Waters
Whish-Wilson
Wong
Weight

Question agreed to.

Main question, as amended, put.

The Senate divided—

AYES, 33

Senators—

Bilyk
Bullock
Cameron
Carr
Conroy
Dastyari
Faulkner
Gallacher
Hanson-Young

Ketter
Lambie
Lines
Ludlam
Ludwig
Marshall
McEwen
McLucas

Milne
Moore
O’Neill
Peris
Polley
Rhiannon
Rice
Siewert
Sterle

NOES, 31

Senators—

Abetz
Back
Bernardi
Birmingham
Canavan
Cash
Colbeck
Day

Edwards
Ferravanti-Wells
Fifield
Heffernan
Leyonhjelm
Macdonald
MacEwen
Mason

McGrath
McKenzie
Muir
Nash
Parry
Payne
Reynolds

Ruston (Teller)
Ryan
Scullion
Seselja
Smith
Williams

Question agreed to.

31 Omnibus Repeal Day (Spring 2014) Bill 2014

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.
Senator Gallacher moved the following amendment:

At the end of the motion, add “but the Senate recognises the importance of a competitive tender for Australia’s future submarines, consistent with the objectives of the *Skilling Australia’s Workforce Act 2005*”.

Debate ensued.
*Closure*: The Assistant Minister for Social Services (Senator Fifield) moved—That the question be now put.

Question—That the question be now put—put and passed.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 35**

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**NOES, 29**

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Question agreed to.
Main question, as amended, 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.
Senator Dastyari moved the following 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) 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.

Debate ensued.

At 9.50 pm: The Acting Deputy President (Senator Lines) resumed the chair and the Temporary Chair of Committees reported progress.
32 ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.20 pm till Tuesday, 2 December 2014 at 12.30 pm.

33 ATTENDANCE

Present, all senators except Senators Di Natale*, Fawcett*, Lazarus* and O’Sullivan* (*on leave).

ROSEMARY LAING

Clerk of the Senate