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1 MEETING OF SENATE
The Senate met at 12.30 pm. 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—
Civil Aviation Order 95.32 (Exemption from the provisions of the Civil Aviation Regulations 1988 — weight shift controlled aeroplanes and powered parachutes) Instrument 2015 [F2015L01278].
Civil Aviation Order 95.55 Amendment Instrument 2015 (No. 1) [F2015L01276].

Defence Act 1903—
Section 58B—
Section 58H—Salaries — Trainees — Amendment—Defence Force Remuneration Tribunal Determination No. 8 of 2015.


Parliamentary Contributory Superannuation Act 1948—
Parliamentary Superannuation Age Factors (Surcharge) Determination 2015 (No. 1) [F2015L01272].
Parliamentary Superannuation Age Factors (Surcharge) Determination 2015 (No. 2) [F2015L01273].


Veterans’ Entitlements Act 1986—
Veterans’ Children Education Scheme—2015 No. R43 [F2015L01280].
The following document was tabled by the Clerk pursuant to the order of the Senate of 25 June 2014:


3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

Committees were authorised to meet during the sittings of the Senate, as follows:

Community Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 19 August 2015, from 9.35 am, for the committee’s inquiry into out of home care.

Health—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1.30 pm.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—public meeting on Thursday, 20 August 2015, from 3.30 pm.

Treaties—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 19 August 2015, from 9.30 am.

4 AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY AMENDMENT BILL 2015

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill, taken as a whole by leave, debated.

Senator Day moved the following amendment:

Schedule 1, page 3 (before line 4), before item 1, insert:

1A Section 10

Repeal the section.

Debate ensued.

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

Bill agreed to.

Bill to be reported without amendment.
The Acting Deputy President (Senator Gallacher) resumed the chair and the Temporary Chair of Committees reported accordingly. On the motion of the Assistant Minister for Health (Senator Nash) the report from the committee was adopted and the bill read a third time.

5 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—AUSTRALIAN SMALL BUSINESS AND FAMILY ENTERPRISE OMBUDSMAN BILL 2015 AND RELATED BILL**

Pursuant to order, Senator Fawcett, at the request of 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 Fawcett.

6 **AUSTRALIAN SMALL BUSINESS AND FAMILY ENTERPRISE OMBUDSMAN BILL 2015**

Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan)—That these bills be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted.

7 **QUESTIONS**

Questions without notice were answered.

8 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Collins moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) and the Minister for Employment (Senator Abetz) to questions without notice asked by Opposition senators today relating to the Commissioner of the Royal Commission into Trade Union Governance and Corruption and to meetings of the Cabinet.

Debate ensued.

Question put and passed.

Senator Siewert moved—That the Senate take note of the answer given by the Assistant Minister for Social Services (Senator Fifield) to a question without notice asked by Senator Siewert today relating to the National Disability Insurance Scheme.

Question put and passed.

9 **PETITION**

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

From 626 petitioners, relating to the management of Australia Post and requesting that the Senate oppose changes to Australia Post’s pricing and delivery arrangements.
10 Notices

Senators Xenophon, Sterle, Whish-Wilson, Madigan, Lambie and Lazarus: To move on the next day of sitting—That the Senate—

(a) notes:

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

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

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

the following recommendation:

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

(b) calls on the Government to take urgent action to introduce a compulsory country of origin labelling regime for seafood sold for immediate consumption within no later than the next 12 months. (general business notice of motion no. 814)

Senators Rice, Lazarus, Leyonhjelm, Lambie, Muir and Xenophon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to require a plebiscite on marriage equality, and for related purposes. Marriage Equality Plebiscite Bill 2015. (general business notice of motion no. 815)

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—

(1) That the following Address to His Excellency, the Governor-General be agreed to:

To His Excellency the Governor-General, General the Honourable Sir Peter Cosgrove, AK, MC (Retd)

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, respectfully submit that the Honourable John Dyson Heydon AC QC, whom Your Excellency requested to make inquiry into and report upon the governance arrangements of separate entities established by employee associations or their officers (Royal Commission into Trade Union Governance and Corruption), by his conduct in accepting an invitation to speak at a function raising campaign funds for the Liberal Party of Australia (New South Wales Division) has failed to uphold the standards of impartiality expected of a holder of the office of Royal Commissioner.
Accordingly we respectfully request Your Excellency to revoke the Letters Patent issued to the Honourable John Dyson Heydon AC QC.

(2) That so much of standing order 172 be suspended as would prevent the President transmitting the Address to His Excellency in writing only. (general business notice of motion no. 816)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate notes:

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

(b) that the Minister for Agriculture (Mr Joyce):
   (i) has only supported, in principle, two of the seven recommendations, and
   (ii) has rejected the primary recommendation, being the establishment of a legislated producer-owned body;

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

(d) that claims by the Liberal and National parties that they are supporters of the Australian beef industry are undermined by the failure of the Minister for Agriculture to support the united voice of beef producers. (general business notice of motion no. 817)

Senator Moore: To move on the next day of sitting—That there be laid on the table by the Attorney-General, no later than noon on Thursday, 20 August 2015, all documents related to the proposed attendance of Commissioner Dyson Heydon at a Liberal Party function on 26 August 2015, including:

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

(b) any communication or record of communication between:
   (i) the Attorney-General or his office, the Attorney-General’s Department, the Prime Minister or his office, or the Department of the Prime Minister and Cabinet, and
   (ii) Commissioner Dyson Heydon, the Royal Commission into Trade Union Governance and Corruption, or the organisers of the Liberal Party’s 2015 Sir Garfield Barwick Lecture;

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

(d) any communication or record of communication between the Attorney-General’s Department and the Department of the Prime Minister and Cabinet. (general business notice of motion no. 818)

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

(a) notes that:
   (i) the Australian sugar industry directly employs approximately 16 000 people across the growing, harvesting and transport sectors,
   (ii) 95 per cent of the sugar produced in Australia is grown in Queensland with the balance grown in New South Wales,
(iii) the sugar cane industry is one of Australia’s largest and most important rural industries, and sugar has been identified as Queensland’s most important rural crop,

(iv) the Rural and Regional Affairs and Transport References Committee in its report *Current and future arrangements for the marketing of Australian sugar* recommended the development and implementation of a mandatory sugar industry code of conduct, and

(v) sugar cane growers are urgently seeking the assistance of the Government to support them in ensuring the long-term viability and health of the Australian sugar industry; and

(b) calls on the Government to act on the Committee’s recommendation by working with stakeholders across the Australian sugar industry to develop an industry code of conduct, and to ensure that sugar cane growers have the flexibility to engage any party to undertake marketing and establish an independent arbitrator to undertake pre-contractual commercial arbitration. *(general business notice of motion no. 819)*

11 POSTPONEMENT

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for today, proposing a reference to the Education and Employment References Committee, postponed till 15 September 2015.

12 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:

Community Affairs References Committee—Out of home care, extended to 19 August 2015.

Environment and Communications References Committee—Fin-fish aquaculture industry in Tasmania, extended to 21 August 2015.

Legal and Constitutional Affairs References Committee—Arts programs and funding, extended to 26 November 2015.


13 DEFENCE—WILLIAM KIBBY VC VETERANS’ SHED

Senator Wright, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 810—

That the Senate—

(a) notes that:

(i) 18 August is Vietnam Veterans Day, and

(ii) some of those who have served or trained in the Australian Defence Force (ADF) overseas and in Australia have experienced trauma (including abuse), health and mental health challenges in the course of their service or training;

(b) acknowledges the importance of the William Kibby VC Veterans’ Shed in Glenelg North for providing a safe space for South Australian veterans to discuss past trauma, health issues and welfare issues with peers and other veterans; and
acknowledges and welcomes the ongoing work of Mr Barry Heffernan OAM in his role as Shed Coordinator at the William Kibby VC Veterans’ Shed and as leader in the ongoing battle for justice for those who experienced abuse while members of the ADF.

Question put and passed.

14 INDUSTRY—PACIFIC PATROL BOATS TENDER

Senator Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 812—That the Senate—

(a) recognises that Prince of Wales Bay in Hobart was declared a Defence precinct by the previous Labor Government;

(b) notes that:

(i) the Tasmania Maritime Network, representing over 30 businesses, has an international reputation for building boats and has the skills to fit out boats, insulate them and provide communications and build modular units for significant and sophisticated vessels such as Australia’s Air Warfare Destroyers,

(ii) the network has partnered with a German firm and submitted a bid as part of the Pacific Patrol Boat Replacement Project, and

(iii) if successful, the bid would demonstrate the enormous capability of Tasmanian businesses and bring enormous social and economic benefits to Tasmania; and

(c) calls on the Minister for Defence (Mr Andrews) to confirm that the Pacific Patrol Boats will proceed as scheduled and be a fair and open process for all Australian yards and companies.

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

Question put and passed.

15 HEALTH—POST-TRAUMATIC STRESS DISORDER

Senator Wang, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 811—That the Senate—

(a) notes:

(i) a newly-formed Western Australian initiative ‘Alongside’ is responding to the urgent educational, counselling and coping skill needs of families (partners and children), of first responders and Australian Defence Force (ADF) current and past service members all suffering from post-traumatic stress disorder (PTSD) – these families of our protective service members implicitly sacrifice some quality of life knowing the daily risks faced by their family members,

(ii) that an ABC 720 Perth interview with the organisation leader in February 2015 introduced the PTSD factors impacting Western Australia’s police families, resulting in a flood of enquiries from the broader group covered by this motion, including over 20,000 tweets, more than 100 direct enquiries, and over 800 individuals who connected via Facebook, from across Australia,
(iii) the National Coronial Information System (NCIS) Intentional Self-Harm fact sheet shows that, between 2000 and 2012, one member of our emergency service personnel committed suicide every 6 weeks, a figure which the NCIS acknowledges largely underrepresents the scale of the problem, and that true data is only inferred from the tip of this iceberg – official reports of fatalities which include 62 police officers, 22 firefighters and 26 ambulance officers,

(iv) the 2010 ADF Mental Health Prevalence and Wellbeing Study reported that approximately 22 per cent (11,000) of the ADF population experienced a mental disorder in 2009-10, and around 7 per cent had co-morbid health diagnoses, with PTSD the most common, and

(v) that children of a parent with PTSD are significantly more likely to have a mental health diagnosis due to intergenerational transmission of trauma, but accurate data on the broader impact of PTSD is elusive, with a distinct paucity of credible research on the effect from, implications of, and early to longer-term care options for, the families of PTSD first line sufferers – effectively these are people who are invisible to most of us, who are motivated to help the PTSD sufferer, and who endure a host of risks and threats to their wellbeing, without sufficient recognition or qualified support; and

(b) calls on the Government and this Parliament:

(i) to invest in a more focused yet holistic examination of the societal impact and consequences of our failure to adequately address the circumstances surrounding PTSD fallout as described in this motion, and

(ii) to seriously and urgently consider how Australia’s intellectual and physical resources can best be employed to bring about both a greater public awareness and sense of responsibility for protecting those who protect us, while investing in accredited remedial help in support of these families.

Question put and passed.

16 INDUSTRY—NEW SOUTH WALES—PORT KEMBLA STEELWORKS

Senator Rhiannon amended general business notice of motion no. 813 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) more than 10,000 jobs are directly dependent on BlueScope Steel’s operations in Port Kembla,

(ii) over 20 per cent of young people in the Wollongong region between 15 and 24 years of age are unemployed, and many more are under employed,

(iii) the Port Kembla steelworks have been the backbone of the Illawarra economy for more than 80 years, and

(iv) the ‘New Steel Deal’ proposed by the South Coast Labour Council and the Australian Workers’ Union Port Kembla, and supported by many other stakeholders in the Illawarra, includes a public procurement framework mandating at least 50 per cent of Australian made steel in all federal and state infrastructure projects; and
(b) calls on the Government to consider policy options, such as the New Steel Deal, and to commence discussions on the future of the Port Kembla steelworks with unions, BlueScope Steel management, the New South Wales State Government and other relevant stakeholders with a view to saving the steel industry in Port Kembla.

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

Question put and passed.

17 INDUSTRIAL RELATIONS—WORKERS’ RIGHTS
Senator Bushby, at the request of Senator O’Sullivan and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 809—That the Senate notes that:

(a) it is the right of every Australian worker to be employed in an environment that is free of the threat of coercion or violence regardless of the industry in which they work;
(b) corruption, blackmail or thuggery has no place in the modern Australian workplace; and
(c) all political parties commit to protecting the rights of workers by eliminating any organisations that promote or undertake such behaviour in an Australian workplace.

Statement by leave: Senator Moore, by leave, made a statement relating to the motion.

Question put and passed.

18 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LAW AND JUSTICE—ROYAL COMMISSIONS—IMPARTIALITY OF COMMISSIONERS
The President informed the Senate that Senator Moore had proposed that the following matter of public importance be submitted to the Senate for discussion:

The need for a Royal Commissioner to appear to be unprejudiced and impartial.

The proposal was supported by four senators and the matter was discussed.

19 ENVIRONMENT—WESTERN AUSTRALIA, QUEENSLAND AND NEW SOUTH WALES—SHARK CULL—DOCUMENT
Senator Siewert, by leave, tabled the following document:

Environment—Western Australia, Queensland and New South Wales—Shark cull—Petitioning document from 1,594 signatories requesting that the Senate take action to end lethal shark control methods, including drum-lines and beach meshing programs.

20 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)
The Chair of the Community Affairs References Committee (Senator Siewert) tabled the following document:

Community Affairs References Committee—Report—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Corrigendum.

Document ordered to be printed on the motion of Senator Siewert.
The Chair of the Parliamentary Standing Committee on Public Works (Senator Smith) tabled the following report:


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

Question put and passed.

The Chair of the Economics References Committee (Senator Dastyari) tabled the following report:

Economics References Committee—Corporate tax avoidance – Part 1: You cannot tax what you cannot see—Report, dated August 2015.

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

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

Debate ensued.

Question put and passed.

The Minister for Indigenous Affairs (Senator Scullion) tabled the following documents:

Foreign Affairs, Defence and Trade Legislation Committee—Implementation of the Defence Trade Controls Act 2012—

Progress report no. 2—Government response, dated August 2015.

Progress report no. 3—Government response, dated August 2015.

21 TRANSPORT—WESTERN AUSTRALIA—ROE 8 EXTENSION AND PERTH FREIGHT LINK—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Minister for Indigenous Affairs (Senator Scullion) tabled the following document:

Transport—Western Australia—Roe 8 Extension and Perth Freight Link—Letter to the President of the Senate from the Assistant Minister for Education and Training (Senator Birmingham), dated 17 August 2015, responding to the order of the Senate of 11 August 2015, and raising a public interest immunity claim.

22 TREASURY LEGISLATION AMENDMENT (SMALL BUSINESS AND UNFAIR CONTRACT TERMS) BILL 2015

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

Message no. 431, dated 18 August 2015—A Bill for an Act to amend legislation to extend unfair contract protections to small business contracts, and for other purposes.

The Minister for Indigenous Affairs (Senator Scullion) 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 Scullion 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, 14 September 2015.

23 Trade and Investment Growth—Joint Select Committee—Appointment—Variation
A message from the House of Representatives was reported as follows:
Message no. 430, dated 17 August 2015—Joint Select Committee on Trade and Investment Growth, and transmitting for the concurrence of the Senate the following resolution:
That paragraph (2) of the resolution of appointment of the Joint Select Committee on Trade and Investment Growth be amended to read:
(2) That the committee deliver its final report and recommendations on or before 15 October 2015;
The Minister for Indigenous Affairs (Senator Scullion), by leave, moved—That the Senate concurs with the resolution of the House of Representatives relating to the variation of appointment of the Joint Select Committee on Trade and Investment Growth.
Question put and passed.

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.

25 Australian Small Business and Family Enterprise Ombudsman Bill 2015
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Education and Training (Senator Ryan)—That these bills be now read a second time.
Debate resumed.
Question 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 the Minister for Finance (Senator Cormann) the bills were read a third time.
26 CRIMES LEGISLATION AMENDMENT (POWERS, OFFENCES AND OTHER MEASURES) BILL 2015
Order of the day read for the adjourned debate on the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck)—That this bill be now read a second time.
Debate resumed.
At 7.20 pm: Debate was interrupted while Senator Ruston was speaking.

27 ADJOURNMENT
The Acting Deputy President (Senator Peris) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.35 pm till Wednesday, 19 August 2015 at 9.30 am.

28 ATTENDANCE
Present, all senators.

ROSEMARY LAING
Clerk of the Senate