JOURNALS OF THE SENATE

No. 81

WEDNESDAY, 4 MARCH 2015

Contents

1 Meeting of Senate ............................................. 2237
2 Documents........................................................... 2237
3 Export Finance and Insurance Corporation Amendment (Direct Lending and
Other Measures) Bill 2014........................................ 2237
4 Enhancing Online Safety for Children Bill 2014
Enhancing Online Safety for Children (Consequential Amendments)
Bill 2014.......................................................... 2238
5 Building and Construction Industry (Improving Productivity) Bill 2013
Building and Construction Industry (Consequential and Transitional
Provisions) Bill 2013............................................ 2240
6 Senators' Statements................................................ 2240
7 Questions.............................................................. 2241
8 Motions to Take Note of Answers................................ 2241
9 Notices................................................................. 2241
10 Primary Industries—Forestry Tasmania.......................... 2243
11 Immigration—Detention Centres—Allegations of Abuse........ 2243
12 Landholders' Right to Refuse (Gas and Coal) Bill 2015 ............... 2244
13 Defence Legislation Amendment (Parliamentary Approval of Overseas
Service) Bill 2015.................................................. 2244
14 Competition and Consumer (Industry Code—Port Terminal Access (Bulk
Wheat)) Regulation—Disallowance Motion—Consideration.............. 2245
15 Finance and Public Administration References Committee—Reference...... 2245
16 Consideration of Legislation........................................... 2246
17 Employment—Unemployment in Regional New South Wales ............ 2246
18 Economics—Budget Surpluses ....................................... 2247
19 Industrial Relations—Minimum Wage and Penalty Rates—Productivity
Commission Inquiry.................................................. 2247
20 Politics—Political Donations—Australian Southern Bluefin Tuna Fisheries
Association.......................................................... 2248
21 Discussion of Matter of Public Importance—Education—Higher Education
Reforms............................................................... 2248
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Documents—Consideration</td>
</tr>
<tr>
<td>23</td>
<td>Committee Reports and Government Responses—Tabling and Consideration Pursuant to Standing Order 62(4)</td>
</tr>
<tr>
<td>25</td>
<td>Committee Membership</td>
</tr>
<tr>
<td>26</td>
<td>Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Bill 2014</td>
</tr>
<tr>
<td></td>
<td>Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Designated Coastal Waters) Bill 2014</td>
</tr>
<tr>
<td>27</td>
<td>Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015</td>
</tr>
<tr>
<td></td>
<td>Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015</td>
</tr>
<tr>
<td>28</td>
<td>Australian River Co. Limited Bill 2015</td>
</tr>
<tr>
<td>29</td>
<td>Defence Trade Controls Amendment Bill 2015</td>
</tr>
<tr>
<td>30</td>
<td>Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation—Proposed Disallowance</td>
</tr>
<tr>
<td>31</td>
<td>Building and Construction Industry (Improving Productivity) Bill 2013</td>
</tr>
<tr>
<td></td>
<td>Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013</td>
</tr>
<tr>
<td>32</td>
<td>Adjournment</td>
</tr>
<tr>
<td>32</td>
<td>Attendance</td>
</tr>
</tbody>
</table>
1  **MEETING OF SENATE**

The Senate met at 9.30 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

2  **DOCUMENTS**

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

- Department of Finance—Campaign advertising by Australian government departments and agencies—Report for 2013-14—Replacement pages [4].
- Foreign affairs—Indonesia—Mr Myuran Sukumaran and Mr Andrew Chan—Letter to the President of the Senate from the Ambassador of the Republic of Indonesia (Mr Riphat Kesoema), dated 26 February 2015, responding to the resolution of the Senate of 10 February 2015.
- Government response to Ombudsman’s reports, dated 24 February 2015.
- Western Australian Fisheries Joint Authority—

The following documents were tabled by the Clerk pursuant to order:

- Departmental and agency contracts for 2014—Letter of advice pursuant to the order of the Senate of 20 June 2001, as amended—Social Services portfolio.
- Indexed lists of departmental and agency files for the period 1 July to 31 December 2014—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—
  - Comcare.
  - Department of Employment.
  - Department of Social Services.
  - Seafarers Safety, Rehabilitation and Compensation Authority.

3  **EXPORT FINANCE AND INSURANCE CORPORATION AMENDMENT (DIRECT LENDING AND OTHER MEASURES) BILL 2014**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Social Services (Senator Fifield)—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 Minister for Human Services (Senator Payne) the bill was read a third time.

4 Enhancing Online Safety for Children Bill 2014

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

Debate resumed.

Question put and passed.

Bills read a second time.

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

In the committee

Bills taken together and as a whole by leave.

The Assistant Minister for Social Services (Senator Fifield) moved the following amendments in respect of the Enhancing Online Safety for Children Bill 2014 together by leave:

Clause 50, page 37 (line 13), omit “sector.”, substitute “sector;”.

Clause 50, page 37 (after line 13), at the end of subclause (2), add:

(g) child welfare or child wellbeing.

Explanatory memorandum: Senator Fifield tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the Enhancing Online Safety for Children Bill 2014.

Debate ensued.

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

Senator Xenophon moved the following amendment in respect of the Enhancing Online Safety for Children (Consequential Amendments) Bill 2014:

Schedule 2, page 11 (after line 24), after item 14, insert:

14A At the end of Division 474 of the Criminal Code

Add:

Subdivision H—Offences relating to use of carriage service with intention of misrepresenting age

474.40 Misrepresenting age to a person under 16 years of age

(1) A person (the sender) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the recipient); and
(b) the sender does this with the intention of misrepresenting his or her age; and

(c) the sender does this for the purpose of encouraging the recipient to meet physically with the sender (or any other person); and

(d) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(e) the sender is at least 18 years of age.

Penalty: Imprisonment for 5 years.

(2) A person (the *sender*) commits an offence if:

(a) the sender uses a carriage service to transmit a communication to another person (the *recipient*); and

(b) the sender does this with the intention of misrepresenting his or her age; and

(c) the sender does this with the intention of committing an offence, other than an offence under this section; and

(d) the recipient is someone who is, or who the sender believes to be, under 16 years of age; and

(e) the sender is at least 18 years of age.

Penalty: Imprisonment for 8 years.

474.41 Provisions relating to offences against section 474.40

Age-related issues

(1) For the purposes of section 474.40, evidence that the recipient was represented to the sender as being under or of a particular age is, in the absence of evidence to the contrary, proof that the sender believed the recipient to be under or of that age.

(2) In determining for the purposes of section 474.40 how old a person is or was at a particular time, a jury or court may treat any of the following as admissible evidence:

(a) the person’s appearance;

(b) medical or other scientific opinion;

(c) a document that is or appears to be an official or medical record, whether created in Australia or in a country outside Australia;

(d) a document that is or appears to be a copy of such a record.

(3) Subsection (2) does not make any other kind of evidence inadmissible, and does not affect a prosecutor’s duty to do all he or she can to adduce the best possible evidence for determining the question.

(4) If, on a trial for an offence against section 474.40, evidence may be treated as admissible because of subsection (2), the court must warn the jury (if any) that it must be satisfied beyond reasonable doubt in determining the question.

Fictitious recipient

(5) For the purposes of section 474.40, it does not matter that the recipient to whom the sender believes the sender is transmitting the communication is a fictitious person represented to the sender as a real person.
474.42 Defences to offences against section 474.40

(1) It is a defence to a prosecution for an offence against section 474.40 if the defendant believed at the time the communication was transmitted that the recipient was not under 18 years of age.

Note: A defendant bears an evidential burden in relation to the matter in this section, see subsection 13.3(3).

(2) In determining whether the defendant had the belief referred to in subsection (1), the trier of fact may take into account whether the alleged belief was reasonable in the circumstances.

(3) A person is not criminally responsible for an offence against section 474.40 if:
   (a) the person is, at the time of the offence, a law enforcement officer, or an intelligence or security officer, acting in the course of his or her duties; and
   (b) the conduct of the person is reasonable in the circumstances for the purpose of performing that duty.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see subsection 13.3(3).

Debate ensued.

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


The Enhancing Online Safety for Children Bill 2014 to be reported with amendments and the Enhancing Online Safety for Children (Consequential Amendments) Bill 2014 to be reported without amendments.

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

On the motion of Senator Fifield the report from the committee was adopted and the bills read a third time.

5 Building and Construction Industry (Improving Productivity) Bill 2013

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

Debate resumed.

At 12:45 pm: Debate was interrupted while Senator Cameron was speaking.

6 Senators’ Statements

Senators made statements.
At 2 pm—

7 QUESTIONS
Questions without notice were answered.

Documents: Senator Wang, by leave, tabled the following documents:

Environment—Water resources—Watermark Coal Project—
Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development—Final advice to decision maker on coal mining project, dated 27 May 2013.
Letter from the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to the Chair of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (Ms Corbyn), dated 12 March 2013.
Request for advice approved by the Minister for the Environment (Mr Hunt), dated 26 February 2015.

Further questions without notice were answered.

8 MOTIONS TO TAKE NOTE OF ANSWERS
Senator O’Neill moved—That the Senate take note of the answer given by the Assistant Minister for Education and Training (Senator Birmingham) to a question without notice asked by Senator Carr today relating to higher education reforms.
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 ‘earn or learn’ policy.
Question put and passed.

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

(a) recognises and applauds the Federal Government’s move to introduce better country of origin labelling rules to give Australians a clearer understanding of where their food originates; and

(b) further recognises that the Minister for Agriculture (Mr Joyce) and the Minister for Industry and Science (Mr Macfarlane) have been tasked with developing a new country of origin labelling framework that will improve clarity for consumers. (general business notice of motion no. 633)
Senator Waters: To move on the next day of sitting—That the Senate—
(a) notes that:

(i) the Victorian National Party announced in February 2015 that they ‘support landowners having the right to say no to coal seam gas extraction activity on their land’,

(ii) the National, Liberal and Labor parties voted down the Greens’ Landholders’ Right to Refuse (Gas and Coal) Bill 2013 in March 2014, a bill which would have given landholders the right to say no to coal seam gas extraction activity on their land, and

(iii) the Greens re-introduced the Landholders’ Right to Refuse (Gas and Coal) Bill on 4 March 2015; and

(b) agrees that landowners anywhere in Australia should have the right to say no to coal seam gas extraction activity on their land. (*general business notice of motion no. 634*)

Senator Rhiannon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to promote gender equality in the provision of international aid by the Commonwealth, and for related purposes, *International Aid (Promoting Gender Equality) Bill 2015*. (*general business notice of motion no. 635*)

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

(a) that the Australian Broadcasting Corporation’s *Four Corners* program, ‘Making a Killing’, aired on 16 February 2015, exposed the abhorrent cruelty in parts of the greyhound industry and the horrific use of terrified live animals as live bait to ‘blood’ greyhounds in training;

(b) the extensive work of Animals Australia, Animal Liberation Queensland, and many others on this program;

(c) that the entire board and the CEO of Greyhound Racing New South Wales have been stood down;

(d) that the Tasmanian Parliament will shortly vote on a joint house parliamentary inquiry into Tasmania’s greyhound industry;

(e) that if the provisions of the Criminal Code Amendment (Animal Protection) Bill 2015 were enacted the program ‘Making a Killing’ could not have been made; and

(f) that self-regulation of the industry is clearly not working. (*general business notice of motion no. 636*)

Senators Day, Leyonhjelm and Muir, the Leader of the Palmer United Party in the Senate (Senator Lazarus) and Senator Wang: To move on the next day of sitting—That the Senate welcomes the diversity of voices represented by minor parties and independents in the Senate. (*general business notice of motion no. 637*)

Senator Siewert: To move on the next day of sitting—That the Senate calls on the Minister for Social Services (Mr Morrison) to give some certainty to young people and their families, and the Department of Social Services, by announcing that the Government’s earn or learn measure that would see young people denied social security payments for 6 months of the year is dead, buried and cremated. (*general business notice of motion no. 638*)

Senator Rice: To move on the next day of sitting—That the Senate—
(a) notes:

(i) the tragic death of a cyclist in Melbourne on Friday, 27 February 2015 involving a ‘car dooring’ incident,
the work of Australian cycling advocates in hosting the Australian Bicycle Summit at Parliament House, in the week beginning 1 March 2015, calling for infrastructure, safety and health measures that will increase the number of Australians cycling,

(iii) the importance of cycling as a healthy, clean and efficient mode of transport for Australians of all ages, and

(iv) the National Cycling Strategy endorsed by ministers in 2010, which aims to double the rate of participation in cycling between 2011 and 2016; and

(b) calls on the Government to follow the lead of the United Kingdom Government which recently adopted a national walking and cycling investment strategy, including specific time-bound objectives and funding allocated to achieve those objectives. (general business notice of motion no. 639)

10 PRIMARY INDUSTRIES—FORESTRY TASMANIA

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 625—That the Senate—

(a) recognises and commends Forestry Tasmania’s pre-season fuel reduction burn strategy across 3 500 hectares of forestry assets, such as plantations, as well as community assets in high risk areas of the state’s north; and

(b) recognises that Forestry Tasmania:

(i) staff are trained to be able to support the Tasmania Fire Service when needed while normally being employed in forestry roles, and that this approach expands the state’s firefighting capability in a cost effective way, and

(ii) is part of the Inter-Agency Fire Management protocol, along with the Tasmania Fire Service and the Parks and Wildlife Service Tasmania, a protocol unique among Australian fire management agencies providing for streamlined communications and a high degree of cooperation between the three organisations.

Question put and passed.

11 IMMIGRATION—DETENTION CENTRES—ALLEGATIONS OF ABUSE

The Leader of the Palmer United Party in the Senate (Senator Lazarus), also on behalf of Senators Wang and Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 627—That the Senate—

(a) recognises that Australia has an obligation to protect the health, safety and welfare of people placed in detention by the Federal Government regardless of the location of the detention centres;

(b) notes that the jurisdictional issues involving detention centres, especially those located offshore, lead to allegations of abuse in these centres being referred to local police in relevant states or territories or in the countries in which the detention centres are located; and

(c) calls on the Federal Government to urgently ensure that all allegations of abuse involving children in detention are referred to the Australian Federal Police and investigated on an individual basis.

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

Question put and passed.
12 LANDHOLDERS’ RIGHT TO REFUSE (GAS AND COAL) BILL 2015

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 628—That the following bill be introduced:

A Bill for an Act to provide Australian landholders the right to refuse the undertaking of gas and coal mining activities on their land without prior written authorisation, to ban hydraulic fracturing, and for related purposes.

Question put and passed.
Senator Waters presented the bill and moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
Senator Waters moved—That this bill be now read a second time.

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

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

13 DEFENCE LEGISLATION AMENDMENT (PARLIAMENTARY APPROVAL OF OVERSEAS SERVICE) BILL 2015

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 629—That the following bill be introduced:

A Bill for an Act to amend the law relating to defence to provide for parliamentary approval of overseas service by members of the Defence Force, and for related purposes.

Question put and passed.
Senator Ludlam presented the bill and moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
Senator Ludlam moved—That this bill be now read a second time.

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

Debate adjourned till the next day of sitting, Senator Ludlam in continuation.
14 **COMPETITION AND CONSUMER (INDUSTRY CODE—PORT TERMINAL ACCESS (BULK WHEAT)) REGULATION—DISALLOWANCE MOTION—CONSIDERATION**

*Motion determined as not formal:* The Assistant Minister for Social Services (Senator Fifield) requested that government business notice of motion no. 1 standing in his name for today, relating to the consideration of a disallowance motion, be taken as formal.

An objection was raised and the motion was not proceeded with as a formal motion.

*Suspension of standing orders:* Senator Fifield, at the request of the Leader of the Government in the Senate (Senator Abetz) 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 give precedence to government business notice of motion no. 1.

Debate ensued.

Question put and passed.

Senator Fifield moved—That government business notice of motion no. 1 may be moved immediately and determined without amendment or debate.

Question put and passed.

Senator Fifield moved—That—

(a) so much of the standing orders be suspended as would prevent the succeeding provisions of this resolution having effect;

(b) on Wednesday, 4 March 2015, the business of the Senate notice of motion proposing the disallowance of the Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation 2014, standing in the names of Senators Leyonhjelm and Day for that day, be called on no later than 6.15 pm; and

(c) if consideration of the motion listed in paragraph (b) is not concluded at 6.30 pm, the questions on the unresolved motion shall then be put.

Question put and passed.

15 **FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE—REFERENCE**

Senator McEwen, at the request of Senator Lines and 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 Finance and Public Administration References Committee for inquiry and report by 10 August 2015:

Aboriginal and Torres Strait Islander experience of law enforcement and justice services, with particular reference to:

(a) the extent to which Aboriginal and Torres Strait Islander Australians have access to legal assistance services;

(b) the adequacy of resources provided to Aboriginal legal assistance services by state, territory and Commonwealth governments;

(c) the benefits provided to Aboriginal and Torres Strait Islander communities by Family Violence Prevention Legal Services;

(d) the consequences of mandatory sentencing regimes on Aboriginal and Torres Strait Islander incarceration rates;

(e) the reasons for the high incarceration rates for Aboriginal and Torres Strait Islander men, women and juveniles;
(f) the adequacy of statistical and other information currently collected and made available by state, territory and Commonwealth governments regarding issues in Aboriginal and Torres Strait Islander justice;
(g) the cost, availability and effectiveness of alternatives to imprisonment for Aboriginal and Torres Strait Islander Australians, including prevention, early intervention, diversionary and rehabilitation measures;
(h) the benefits of, and challenges to, implementing a system of ‘justice targets’; and
(i) any other relevant matters.

Question put and passed.

16 CONSIDERATION OF LEGISLATION
The Assistant Minister for Social Services (Senator Fifield), pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Aboriginal and Torres Strait Islander Peoples Recognition (Sunset Extension) Bill 2015, allowing it to be considered during this period of sittings.

Question put and passed.

17 EMPLOYMENT—UNEMPLOYMENT IN REGIONAL NEW SOUTH WALES
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 626—That the Senate—
(a) notes that:
   (i) the average unemployment rate in regional New South Wales has risen by 2.6 per cent since the Liberal/National Government came to office in New South Wales,
   (ii) unemployment in regional New South Wales is now 8.5 per cent, compared to 5.8 per cent in the greater Sydney area,
   (iii) more than 10 000 jobs have been lost in the Shoalhaven and Southern Highlands area – 16 per cent of the workforce – since the Abbott Government came to office,
   (iv) the positions of the Illawarra Local Employment Coordinator and Employment Project Officer were cut as a result of the Abbott Government’s 2014 federal budget,
   (v) Australian Paper has announced the closure of its Shoalhaven Mill, resulting in the loss of 75 jobs in the Shoalhaven community, and
   (vi) the Construction, Forestry, Mining and Energy Union has estimated that the closure of the mill will lead to the loss of 150 flow-on jobs from Shoalhaven and $20 million in regional household income in the local economy; and
(b) calls on the Government to:
   (i) reinstate the positions of Local Employment Coordinator and Employment Project Officer as a matter of urgency, and
   (ii) commit to maximising paper purchases from local renewable paper producers.

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

Question put and passed.
18 ECONOMICS—BUDGET SURPLUSES

Senator Leyonhjelm, also on behalf of Senators Day and Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 630—that the Senate recognises that:

(a) the Commonwealth Government’s net worth is negative (that is, negative $229 billion in 2014-15, according to the Mid-Year Economic and Fiscal Outlook), indicating that the value of liabilities being left for future generations exceeds the value of assets;

(b) budget surpluses improve the Commonwealth Government’s net worth;

(c) it is prudent to achieve budget surpluses on average over the medium term; and

(d) based on the expectations for economic growth and commodity prices set out in the Mid-Year Economic and Fiscal Outlook, it would be prudent to achieve budget surpluses at least by 2019-20.

Question put.

The Senate divided—

AYES, 32

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

NOES, 31

Bilyk
Bullock
Cameron
Carr
Collins
Dastyari
Di Natale
Gallacher
Hanson-Young
Ketter
Lazarus
Lines
Ludlam
Ludwig
Marshall
McEwen (Teller)
McLucas
Milne
Moore
O’Neill
Peris
Polley
Rhiannon
Rice
Siewert
Singh
Urquhart
Wang
Waters
Whish-Wilson
Wright

Question agreed to.

19 INDUSTRIAL RELATIONS—MINIMUM WAGE AND PENALTY RATES—PRODUCTIVITY COMMISSION INQUIRY

Senator Rice, also on behalf of Senator Cameron, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 631—that the Senate—

(a) notes that:

(i) the Productivity Commission has indicated it would examine penalty rates and the minimum wage in its inquiry into the workplace relations framework, and

(ii) the Minister for Employment has:

(A) expressed surprise at the Productivity Commission examining penalty rates and the minimum wage and has ruled out any changes even if the inquiry recommends them, and
(B) at estimates subsequently refused to rule out a review of penalty rates; and

(b) calls on the Government to provide certainty to workers and businesses by directing the Productivity Commission to exclude the minimum wage and penalty rates from its inquiry into the workplace relations framework.

Question put and passed.

20 POLITICS—POLITICAL DONATIONS—AUSTRALIAN SOUTHERN BLUEFIN TUNA FISHERIES ASSOCIATION

Senator Whish-Wilson amended general business notice of motion no. 632 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the Australian Southern Bluefin Tuna Fisheries Association (ASBTA) recently donated $320 000 to the federal branch of the South Australian Liberal Party, $250 000 of which was donated before the 2013 federal election,

(ii) Fairfax Media reported on 24 February 2015 that ASBTA Chief Executive, Mr Brian Jeffriess, said these donations were decided in 2010 after the then Labor Government reduced the tuna quota in 2010, and

(iii) during the 2014-15 additional estimates hearing of the Rural and Regional Affairs and Transport Legislation Committee on 23 February 2015, the Parliamentary Secretary for Agriculture (Senator Colbeck) gave evidence that fisheries quotas used to be set politically, but are now set by an independent commission, the Australian Fisheries Management Authority, based on science; and

(b) calls on the Liberal Party to return the $320 000 donation to ASBTA as an act of good faith to demonstrate that the fisheries quota system is independent, science based and beyond the reach of political donations.

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

Question put and negatived.

21 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION—HIGHER EDUCATION REFORMS

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 Abbott Government’s plan for $100 000 degrees and a new student tax.

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

22 DOCUMENTS—CONSIDERATION

The following document tabled earlier today (see entry no. 2) was considered:

Foreign affairs—Indonesia—Mr Myuran Sukumaran and Mr Andrew Chan—Letter to the President of the Senate from the Ambassador of the Republic of Indonesia (Mr Riphat Kesoema) responding to the resolution of the Senate of 10 February 2015. Motion to take note of document moved by Senator Singh. Debate adjourned till Thursday at general business, Senator Singh in continuation.
23 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLEING AND
CONSIDERATION PURSUANT TO STANDING ORDER 62(4)
Senator Bilyk, at the request of the Chair of the Standing Committee for the Scrutiny
of Bills (Senator Polley), tabled the following report and document:
   Scrutiny of Bills—Standing Committee—
   Alert Digest No. 2 of 2015, dated 4 March 2015.
Report ordered to be printed on the motion of Senator Bilyk.

Senator Back, at the request of the Chair of the Standing Committee on
Regulations and Ordinances (Senator Williams), tabled the following document:
   Regulations and Ordinances—Standing Committee—Delegated legislation monitor
   no. 2 of 2015, dated 4 March 2015.
Document ordered to be printed on the motion of Senator Back.

24 HEALTH—NATIONAL MENTAL HEALTH COMMISSION—MENTAL HEALTH
REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The Assistant Minister for Immigration and Border Protection (Senator Cash) 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),
   dated 3 February 2015, responding to the order of the Senate of 3 March 2014.
Senator McLucas, by leave, moved—that the Senate take note of the document.
Question put and passed.

25 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Williams) informed the Senate that the
President had received letters requesting changes in the membership of committees.
The Assistant Minister for Immigration and Border Protection (Senator Cash), by
leave, moved—that senators be discharged from and appointed to committees as
follows:
   Health—Select Committee—
   Appointed—
   Substitute member: Senator Ketter to replace Senator McLucas on
   11 March 2015
   Participating member: Senator McLucas
   National Broadband Network—Select Committee—
   Appointed—
   Substitute member: Senator McEwen to replace Senator Bilyk on 12 March
   2015
   Participating member: Senator Bilyk
   Public Works—Joint Statutory Committee—
   Discharged—Senator Heffernan
   Appointed—Senator Canavan.
Question put and passed.
26 **Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Measures) Bill 2014**
**Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Designated Coastal Waters) Bill 2014**

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


The Assistant Minister for Immigration and Border Protection (Senator Cash) 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 Cash moved—That these bills be now read a second time.

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

27 **Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015**
**Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015**

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


The Assistant Minister for Immigration and Border Protection (Senator Cash) 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 Cash moved—That these bills 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 first day in the next period of sittings, 11 May 2015.

28 **Australian River Co. Limited Bill 2015**
**Defence Trade Controls Amendment Bill 2015**

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

Message no. 318, dated 4 March 2015—A Bill for an Act to deal with matters relating to Australian River Co. Limited, and for related purposes.

The Assistant Minister for Immigration and Border Protection (Senator Cash) 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 Cash moved—That these bills 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 first day in the next period of sittings, 11 May 2015.

Senator Cash moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

29 COMPETITION AND CONSUMER (INDUSTRY CODE—PORT TERMINAL ACCESS (BULK WHEAT)) REGULATION—PROPOSED DISALLOWANCE

Senator Leyonhjelm, also on behalf of Senator Day, pursuant to notice, moved business of the Senate notice of motion no. 1—That the provisions of subclauses 5(1), 5(4) and 5(5) of the Competition and Consumer (Industry Code—Port Terminal Access (Bulk Wheat)) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 136 and made under the Competition and Consumer Act 2010, be disallowed.

Debate ensued.

Question put.

The Senate divided—

AYES, 2

Senators—

Day (Teller) Leyonhjelm

NOES, 42

Senators—

Bilyk (Teller) Hanson-Young McKenzie Seselja

Bullock Ketter McLucas Siewert

Bushby Lambie Milne Singh

Cameron Lazarus Muir Sterle

Canavan Lines O’Neill Wang

Cash Ludlam O’Sullivan Waters

Di Natale Ludwig Peris Whish-Wilson

Edwards Macdonald Rhiannon Williams

Fawcett Madigan Rice Wright

Fifield McEwen Ruston Xenophon

Gallacher McGrath

Question negatived.
30 Building and Construction Industry (Improving Productivity) Bill 2013

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

Debate resumed.

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

31 Adjournment

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

Debate ensued.

The Senate adjourned at 7.53 pm till Thursday, 5 March 2015 at 9.30 am.

32 Attendance

Present, all senators except Senator Brown (on leave).

Rosemary Laing
Clerk of the Senate