2013-15

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 117

WEDNESDAY, 16 SEPTEMBER 2015

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

2 DOCUMENTS
The following documents were tabled pursuant to standing order 61(1)(b):
Offshore Petroleum and Greenhouse Gas Storage Act 2006—

The following document was tabled by the Clerk pursuant to statute:
Defence Act 1903—Section 58B—Post indexes—amendment—Defence Determination 2015/34.

3 COMMITTEE—LEAVE TO MEET DURING SITTING
A committee was authorised to meet during the sitting of the Senate, as follows:
Health—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3 pm.

4 TAX AND SUPERANNUATION LAWS AMENDMENT (2015 MEASURES NO. 4) 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.
Question—That the bill stand as printed—divided, at the request of Senator Rhiannon, in respect of Schedule 2.
Schedule 2 debated.
Question—That Schedule 2 stand as printed—put.
The committee divided—

**AYES, 33**

Senators—

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**NOES, 9**

Senators—

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Schedule agreed to.

Bill agreed to.

Bill to be reported without amendment.

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

On the motion of the Attorney-General (Senator Brandis) the report from the committee was adopted and the bill read a third time.

**5 FAIR WORK AMENDMENT BILL 2014**

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

Debate resumed.

*At 12.45 pm*: Debate was interrupted while Senator Ketter was speaking.

**6 SENATORS’ STATEMENTS**

Senators made statements.

*At 2 pm—*

**7 MINISTRY AND MINISTERIAL ARRANGEMENTS—DOCUMENT**

The Leader of the Government in the Senate (Senator Abetz) tabled a document showing all members of the Turnbull Ministry and ministerial representation, dated 15 September 2015.

*Statement by leave*: The Leader of the Opposition in the Senate (Senator Wong), by leave, made a statement relating to the matter.

**8 QUESTIONS**

Questions without notice were answered.
9 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Sterle moved—That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Finance (Senator Cormann) to questions without notice asked by Opposition senators today.
Debate ensued.
Question put and passed.
Senator Siewert moved—That the Senate take note of the answer given by the Assistant Minister for Health (Senator Nash) to a question without notice asked by Senator Canavan today relating to Indigenous eye health.
Question put and passed.

10 PETITIONS
The following 2 petitions, lodged with the Clerk by the senators indicated, were received:
Senator Bullock, from 250 petitioners, requesting that the Senate oppose any redefinition of marriage to admit relationships to which it does not naturally or historically apply.
Senator Urquhart, from 1 784 petitioners, requesting that the Senate disallow regulations relating to Australia Post services and charges.

11 NOTICES
Senator Lines: To move on the next day of sitting—That the Senate acknowledges the Federal Government’s Family and Domestic Violence Strategy, but notes that:
(a) adequate supply of affordable housing options is critical in enabling women to escape domestic violence; and
(b) the Commonwealth has an integral role to play in the provision of affordable housing options. (general business notice of motion no. 864)
Senator Conroy: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Communications (Senator Fifield) and/or the Minister for Finance (Senator Cormann), by 3.30 pm on Monday, 12 October 2015, the following documents in relation to NBN Co Limited:
(a) the ‘Operating Plan’ referred to in its Corporate Plan 2016;
(b) financial and deployment forecasts for the multi-technology mix from FY2015 to FY2022, as included in the Operating Plan;
(c) the most recent ‘12 Quarter Integrated Deployment Plan’ referred to in its Corporate Plan 2016;
(d) the high level desktop analysis of an all-FTTP fixed line deployment scenario referred to in its Corporate Plan 2016; and
(e) the letter from shareholder ministers to NBN Co Limited requesting that it prepare the high level desktop analysis of an all-FTTP fixed line deployment scenario. (general business notice of motion no. 865)
Senator Rhiannon: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Environment Protection and Biodiversity Conservation Act 1999, and for related purposes. Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015. (general business notice of motion no. 866)
Senator Canavan and Williams: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the importance of education as part of the campaign to combat the dangers of ‘ice’ in Australian society, particularly amongst vulnerable youths, and

(ii) the success of the most recent phase of the national drugs campaign ‘Ice Destroys Lives’, with feedback reporting that 94 per cent of youths who saw the campaign stating that they had taken some action as a result, either by talking to peers or to their parents, or by changing their thinking about ‘ice’, and 51 per cent of at-risk youth who had seen these advertisements stating that they would now avoid using ‘ice’; and

(b) condemns those who downplay the dangers of ‘ice’ by calling for the legalisation of a hazardous and toxic substance that destroys brain function, mental wellbeing, general health, employment, relationships, lives and families. (general business notice of motion no. 867)

Senator Muir: To move on the next day of sitting—That the Senate notes the economic, social and other benefits of motorsport in Australia. (general business notice of motion no. 868)

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

No. 1—That the Corporations Amendment (Financial Advice) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 108 and made under the Corporations Act 2001, be disallowed [F2015L00969].

No. 2—That the Specification of Occupations, a Person or Body, a Country or Countries 2015, made under regulation 1.03, subregulations 1.15I(1) and 2.26B(1), paragraphs 2.72(10)(aa) and 2.72I(5)(ba), sub-subparagraph 5.19(4)(h)(i)(A), item 4(a) of the table in subitem 1137(4), item 4(a) of the table in subitem 1138(4) and item 4(a) of the table in subitem 1230(4), paragraph 1229(3)(k) and paragraph 186.234(2)(a) of the Migration Regulations 1994, be disallowed [F2015L01147].

No. 3—That the Pay as you go withholding – PAYG Withholding Variation: Allowances – Legislative Instrument, made under the Taxation Administration Act 1953, be disallowed [F2015L01047].

Senators Moore, Peris, McKenzie and Waters: To move on the next day of sitting—That the Senate—

(a) notes the achievements of the Australian Women’s Cricket Team, the Southern Stars, and congratulates the team on its success in the recent Ashes series in England, the first win in England since 2001;

(b) acknowledges that the Southern Stars are currently ranked number one in the world in test, one day and T20 cricket, a feat they also achieved in early 2013;

(c) congratulates Cricket Australia on its efforts to improve the payment scheme for women cricketers, and to continue closing the gender gap in sport with the 2015 investment and restructure of women’s cricket at the domestic level which will progress the plan to increase participation of girls and women in the sport; and

(d) encourages increased media coverage of women’s cricket, building on the community interest and the skill and professionalism of the cricketers. (general business notice of motion no. 869)
Senators Xenophon and Conroy: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the 2009 and 2013 Defence White Papers both state a national security requirement for the procurement of 12 new submarines,

(ii) on 20 February 2015, the Minister for Defence announced the acquisition strategy for Australia’s Future Submarine Program, including details of the competitive evaluation process to be undertaken by the Department of Defence, advising that the department would seek proposals from potential partners on ‘options for design and build overseas, in Australia, and/or a hybrid approach’;

(iii) all tier one navies have their warships and submarines built locally,

(iv) submarine builders DCNS and TKMS:

(A) have expressed a view to a Senate inquiry that the total life cycle costs (from design through construction through operation) will be no more expensive if our future submarines are built in Australia, and

(B) along with submarine builder ASC, have agreed to a proposition put to them at a Senate inquiry that participation in the design and construction of a submarine makes through-life maintenance easier,

(v) building submarines in Australia would:

(A) contribute to Australia’s defence self-reliance, and

(B) provide valuable economic and skills stimulus to Australia’s manufacturing industry, and

(vi) both the Collins class submarines and ANZAC frigates were built with greater than 70 per cent local content (by value); and

(b) calls on the Government to:

(i) commit to the procurement of 12 submarines,

(ii) commit to its pre-election promise to a local build of submarines and withdraw the stipulated options for ‘design and build overseas’ and a ‘hybrid approach’ on Australia’s future submarines, and

(iii) set a submarine build benchmark of at least 70 per cent Australian local content (by value). (general business notice of motion no. 870)

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That there be laid on the table by the Minister representing the Prime Minister, by no later than 3.30 pm on Thursday, 17 September 2015, the Coalition Agreement, and related side letter between the Prime Minister and the Deputy Prime Minister, signed on Tuesday, 15 September 2015, outlining the relationship between the Liberal and National parties in government. (general business notice of motion no. 871)

Senator Waters: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes. Fair Work Amendment (Gender Pay Gap) Bill 2015. (general business notice of motion no. 872)

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

(a) notes the second Sunday of September is Australia’s National Bilby Day;
(b) acknowledges the long-term commitment of conservationist, Mr Frank Manthey, to address the plight of the bilby and his efforts to raise community awareness of the need to secure the future of the bilby, and other endangered Australian fauna; and

(c) congratulates the Mayor of Ipswich, Mr Paul Pisasale, and the Ipswich community on the organisation of the inaugural community National Bilby Day celebrations on Sunday, 13 September 2015. (general business notice of motion no. 873)

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 to 3 standing in his name for 8 sitting days after today for the disallowance of the following instruments:


Private Health Insurance (Registration) Amendment Rules 2015 (No. 1), made under item 7 of the table in section 333-20 of the Private Health Insurance Act 2007 [F2015L00765].

Jervis Bay Territory Emergency Management Ordinance 2015, made under the Jervis Bay Territory Acceptance Act 1915 [F2015L00774].

Senator Williams, by leave, made a statement relating to the notice of intention.

12 INDIGENOUS AUSTRALIANS—EYE HEALTH

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 863—That the Senate—

(a) notes:
   (i) the release of the University of Melbourne and PriceWaterhouseCoopers report, *The value of Indigenous sight: An economic analysis*, and
   (ii) that currently for every $1 invested in eye care the return is $0.90, however, if the recommendations in the report *The Roadmap to Close the Gap for Vision* are implemented it is anticipated that there will be a return of $2.50 for every additional $1 spent; therefore the elimination of unnecessary vision loss for Indigenous Australians will generate an estimated return of $1.60 for every $1 spent on eye care;

(b) acknowledges that:
   (i) 94 per cent of the vision loss experienced by Indigenous Australians is preventable or treatable, and
   (ii) if Australia implements the ‘roadmap’, in addition to the provision of current eye care services and programs, it will be able to restore sight or avoid future vision loss for 34 000 Indigenous Australians, closing the gap for Indigenous eye health; and

(c) urges the Federal Government to:
   (i) review the report and provide national leadership on eye health, and
   (ii) address the gap between Aboriginal and non-Aboriginal eye health as a matter of priority.

Question put and passed.
13 **WOMEN—PARRAMATTA FEMALE FACTORY PRECINCT**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 862—That the Senate—

(a) notes that:

(i) the green bans movement led by the New South Wales Builders Labourers’ Federation, the forerunner of the Construction, Forestry, Mining and Energy Union (CFMEU), saved key heritage precincts in Sydney, including The Rocks and Victoria Street at Kings Cross,

(ii) the CFMEU New South Wales Branch has placed a ‘green ban’ on the iconic Parramatta Female Factory Precinct,

(iii) the Hobart Female Factory gained World Heritage status despite the fact that it is not as extensive, well-preserved, significant or as old as the Parramatta Female Factory Precinct, and

(iv) the proposed 30 storey, 3,900 unit development at North Parramatta would negatively impact the heritage listing of the Parramatta Female Factory Precinct; and

(b) calls on the Minister for the Environment to:

(i) acknowledge the national and world heritage value of this site, and

(ii) urgently approve the Precinct’s National Heritage Listing.

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

Question put and passed.

14 **MINING—MINING EXPORTS**

Senator Canavan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 858—That the Senate notes that:

(a) the Australian mining industry generates $138 billion per annum in exports to Australia’s economy;

(b) Australia’s mining industry exports include: copper, gold, silver, indium tin oxide, alumina, silica, cobalt, carbon, aluminium, nickel and magnesium;

(c) every smartphone depends on the mining of these resources; and

(d) opposition to Australia’s mining industry would restrict the supply of these mineral resources, and opponents of Australia’s mining industry should therefore refrain from using these smartphones and tablets.

Question put.

The Senate divided—

**AYES, 34**

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Senators—

Bilyk             Gallagher            McAllister            Rhiannon
Brown             Hanson-Young         McEwen (Teller)       Rice
Bullock           Ketter             McKim                Siewert
Cameron           Lazarus           McLucas               Sterle
Conroy            Lines             Moore                 Urquhart
Dastyari           Ludlam          O’Neill               Waters
Di Natale           Ludwig         Peris                  Whish-Wilson
Gallacher         Marshall

Question agreed to.

15 Notice

Senator Macdonald, by leave, gave a notice of motion as follows: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the super colony hazards of yellow crazy ants in the Wet Tropics, which is distinctly different to the presence of yellow crazy ants in other areas of Queensland, and

(ii) with concern the damage to the natural ecology, to agriculture and to human beings from the yellow crazy ants caused by the formation of super colonies in the Wet Tropics region;

(b) acknowledges the work being done by the Wet Tropics Management Authority, the Cairns Regional Council, the Commonwealth Government’s Green Army and individual landowners and volunteers who are to date achieving strong results in containing and locally eradicating the infestation;

(c) calls on the relevant local and Queensland governments to at least match Commonwealth funding to fight the infestation; and

(d) urges the Federal and state governments to commit to eradication of the yellow crazy ants in the Wet Tropics. (general business notice of motion no. 874)

16 Discussion of Matter of Public Importance—Defence—Australian Defence Force Pay

The President informed the Senate that Senator Lambie had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Coalition Government’s failure to debate in the House of Representatives private members’ legislation that has been passed by the Senate guaranteeing future pay rises for members of our Australian Defence Force are linked to the pay rises of members of Parliament or Consumer Price Index, whichever is highest.

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

17 Documents—Consideration

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.
18 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLED AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

Senator Canavan, 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—
10th report of 2015, dated 16 September 2015.
Alert Digest No. 10 of 2015, dated 16 September 2015.

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

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

Legal and Constitutional Affairs References Committee—Matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia—Report, dated September 2015, Hansard record of proceedings, additional information and submissions.

Report ordered to be printed on the motion of Senator Lazarus.
Senator Lazarus moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Brown in continuation.

Pursuant to order, the Chair of the Community Affairs References Committee (Senator Siewert) tabled the following report and documents:

Community Affairs References Committee—Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services—Report, dated September 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Siewert.
Senator Siewert moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Brown in continuation.

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

Legal and Constitutional Affairs References Committee—Handling of a letter sent by Mr Man Haron Monis to the Attorney-General—Report, dated September 2015, Hansard record of proceedings, document presented to the committee and additional information.

Report ordered to be printed on the motion of Senator Lazarus.
Senator Lazarus moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Collins in continuation.
19 NOTICE
Senator Lambie, by leave, gave a notice of motion as follows: To move on the next day of sitting—That there be laid on the table by the Minister for Veterans’ Affairs (Senator Ronaldson), by no later than 3.30 pm on Monday, 12 October 2015, the following information relating to the 2014 Client Services Survey conducted by ORIMA Research for the Department of Veterans’ Affairs (DVA):
(a) any contractual restrictions placed on the Minister releasing the survey methodology by the third party company, ORIMA, which conducted the survey;
(b) all questions asked in the survey;
(c) the sampling methodology;
(d) the format(s) of how the survey and results are stored by DVA;
(e) aggregated results for each question (including in an electronic format);
(f) aggregated results showing which areas of DVA’s performance are regarded as:
   (i) strong,
   (ii) poor, and
   (iii) in need of improvement;
(g) a copy of each set of survey responses with any personal identifiers redacted (including in an electronic format);
(h) a breakdown by age group of all who responded;
(i) a copy of all ‘client commentary’ provided and examples of which are published on the DVA website; and
(j) the criteria used by DVA in selecting the summarised interpretation of the results on the DVA website. (general business notice of motion no. 875)

20 SOCIAL SECURITY LEGISLATION AMENDMENT (DEBIT CARD TRIAL) BILL 2015
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 453, dated 15 September 2015—A Bill for an Act to amend the law relating to social security and family assistance, and for related purposes.
The Assistant Minister for Health (Senator Nash) 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 Nash 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 first day in the next period of sittings, 12 October 2015.

21 FAIR WORK AMENDMENT BILL 2014
Order of the day read for the adjourned debate on the motion of the Minister for Finance (Senator Cormann)—That this bill be now read a second time.
Debate resumed.
At 7.20 pm: Debate was interrupted while Senator Dastyari was speaking.
22 NOTICE

Senators Hanson-Young and Gallacher gave a notice of motion as follows: To move on the next day of sitting—That, noting the sovereignty of the Republic of Nauru and Papua New Guinea, and within the limits of Australia’s sovereignty, the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 31 December 2016:

(a) conditions and treatment of asylum seekers and refugees at the regional processing centres in the Republic of Nauru and Papua New Guinea;
(b) transparency and accountability mechanisms that apply to the regional processing centres in the Republic of Nauru and Papua New Guinea;
(c) implementation of recommendations of the Moss Review in relation to the regional processing centre in the Republic of Nauru;
(d) the extent to which the Australian-funded regional processing centres in the Republic of Nauru and Papua New Guinea are operating in compliance with Australian and international legal obligations;
(e) the extent to which contracts associated with the operation of offshore processing centres are:
   (i) delivering value for money consistent with the definition contained in the Commonwealth procurement rules,
   (ii) meeting the terms of their contracts, and
   (iii) delivering services which meet Australian standards; and
(f) any other related matter.

23 ADJOURNMENT

The Acting Deputy President (Senator Edwards) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.48 pm till Thursday, 17 September 2015 at 9.30 am.

24 ATTENDANCE

Present, all senators except Senators Heffernan, O’Sullivan*, Polley* and Singh* (*on leave).

ROSEMARY LAING

Clerk of the Senate

Printed by authority of the Senate