No. 120

TUESDAY, 13 OCTOBER 2015

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| 35  | Adjournment |
| 36  | Attendance |
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 pursuant to standing order 61(1)(b):


Treaties—Text, together with national interest analysis—


Multilateral—Amendments of 2014 to the Maritime Labour Convention, 2006 Approved by the Conference at its One Hundred and Third Session (Geneva, 11 June 2014).

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

[Legislatwe instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—Exemption— carriage of child (Regional Express)—CASA EX178/15 [F2015L01641].

Commissioner of Taxation—Public Rulings—

Goods and Services Tax Determinations—

Erratum—GSTD 2012/2.

GSTD 2015/2.

Taxation Determinations TD 2015/18 and TD 2015/19.


Legislative Instruments Act 2003—List of legislative instruments due to sunset on 1 April 2017.

Navigation Act 2012—

Marine Order 31 (Vessel surveys and certification) Amendment 2015 (No. 1)—AMSA MO 2015/5 [F2015L01645].

Marine Order 58 (Safe management of vessels) 2015—AMSA MO 2015/4 [F2015L01644].


Therapeutic Goods Act 1989—Therapeutic Goods (Listing) Notice 2015 (No. 6) [F2015L01640].
The following documents were tabled by the Clerk pursuant to order:

Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  Communications portfolio.
  Defence portfolio.
  Department of Human Services.
  Department of Veterans’ Affairs.
  Education and Training portfolio.
  Environment portfolio.
  Finance portfolio.
  Foreign Affairs and Trade portfolio.
  Industry, Innovation and Science portfolio.
  Infrastructure and Regional Development portfolio.
  Office for Women.
  Social Services portfolio.

Departmental and agency grants—Budget (Supplementary) estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  Communications portfolio.
  Defence portfolio.
  Department of Education and Training.
  Department of Human Services.
  Department of Infrastructure and Regional Development.
  Department of Veterans’ Affairs.
  Environment portfolio.
  Finance portfolio.
  Foreign Affairs and Trade portfolio.
  Office for Women.
  Social Services portfolio.

Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16—Statements pursuant to the order of the Senate of 25 June 2014—
  Australian Centre for International Agricultural Research.
  Defence Housing Australia.
  Department of Defence.
  Department of Human Services.
  Department of Infrastructure and Regional Development.
  Department of Social Services.
  Department of Veterans’ Affairs.
  Treasury portfolio.

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

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

Corporations and Financial Services—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 7 pm, for the committee’s inquiry into impairment of customer loans.
Economics References Committee—public meeting on Wednesday, 14 October 2015, from 4.30 pm, to take evidence for the committee’s inquiry into forestry managed investment schemes.

Northern Australia—Joint Select Committee—public meeting today, from 6.15 pm.

4 ROUTINE OF BUSINESS—VARIATION—FIRST SPEECH

The Minister for Communications (Senator Fifield), pursuant to notice, moved government business notice of motion no. 1—That consideration of the business before the Senate on Tuesday, 13 October 2015 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Simms to make his first speech without any question before the chair. Question put and passed.

5 FAIR WORK AMENDMENT BILL 2014

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

In the committee

Consideration resumed of Schedule 1, items 28 and 30 to 39.

Debate resumed.

Question—That Schedule 1, items 28 and 30 to 39 stand as printed—put.

The committee divided—

AYES, 33

Senators—
Abetz
Back
Bernardi
Birmingham
Bushby
Canavan (Teller)
Cash
Colbeck
Day

Edwards
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Lazarus
Leyonhjelm
Lindgren

Macdonald
Madigan
McGrath
McKenzie
Muir
Nash
Parry
Reynolds

Ronaldson
Ryan
Scullion
Seselja
Smith
Wang
Williams
Xenophon

NOES, 29

Senators—
Brown
Bullock
Cameron
Carr
Collins
Dastyari
Di Natale
Gallacher

Hanson-Young
Lambie
Lines
Ludlam
Ludwig
Marshall
McAllister

McEwen
McKim
McLucas
Moore
O’Neill
Polley
Rhiannon

Rice
Stewart
Simms
Singh
Urquhart (Teller)
Waters
Whish-Wilson

Items agreed to.
Senator Day moved the following amendments together by leave:

Schedule 1, item 33, page 14 (lines 23 and 24), omit “the prevailing pay and conditions within the relevant industry for equivalent work”, substitute “the pay and conditions for work performed in similar circumstances, but takes into account the particular circumstances and needs of the employees and the employers who will be covered by the agreement and the enterprise to which the agreement relates”.

Schedule 1, item 33, page 14 (lines 25 to 27), omit the note.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 3

Senators—

Day (Teller) Leyonhjelm Wang

NOES, 41

Senators—

Back Hanson-Young McKenzie Ryan
Brown Lazarus McKm Simms
Bullock Lindgren Moore Sinodinos
Bushby Lines Muir Smith
Cameron Ludlam Nash Urquhart (Teller)
Canavan Ludwig O’Neill
Cash Macdonald Poliey Waters
Colbeck Madigan Reynolds Whish-Wilson
Dr Natale Marshall Rhiannon Williams
Fifield McGrath Rice Xenophon
Gallacher

Question negatived.

Senator Cameron moved the following amendment:

Schedule 1, page 16 (after line 15), after item 48, insert:

48A After subsection 240(3)

Insert:

FWC may deal with greenfields agreement dispute

(3A) The FWC may deal with a dispute about a proposed single-enterprise agreement that is a greenfields agreement on its own initiative if the FWC is satisfied that it is in the public interest to do so.

48B Before subsection 240(4)

Insert:

Bargaining representatives may agree that FWC can arbitrate

Debate ensued.

Question—That the amendment be agreed to—put and negatived.
On the motion of Senator Lazarus the following amendment was debated and agreed to:

Page 3 (after line 11), after clause 3, insert:

4 Review of the operation of amendments

(1) The Minister must cause an independent review of the operation of the amendments made by Part 5 of Schedule 1 to be undertaken and completed within 2 years after the commencement of that Part.

(2) The review must consider:
   (a) the effect of the amendments made by Part 5 of Schedule 1; and
   (b) any other related matter that the Minister specifies.

(3) The person who undertakes the review must give the Minister a written report of the review.

(4) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sittings days of receiving it.

Senator Cameron moved the following amendment:

Schedule 1, item 50, page 17 (lines 5 to 14), omit paragraph 255A(1)(d), substitute:

(d) the following provisions do not apply in relation to the agreement at any time after the end of the notified negotiation period:
   (i) sections 229 and 230 (which deal with bargaining orders);
   (ii) sections 234 and 235 (which deal with serious breach declarations); and

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

Senator Cameron moved the following amendments together by leave:

Schedule 1, Part 5, page 17 (after line 33), at the end of the Part, add:

52A After Division 4 of Part 2-5

Insert:

Division 4A—Greenfields workplace determinations

271B Applications for greenfields workplace determination

Application of this section

(1) This section applies if:
   (a) a proposed single-enterprise agreement is a greenfields agreement; and
   (b) there has been a notified negotiation period for the agreement; and
   (c) the notified negotiation period ends; and
   (d) one or more of the bargaining representatives for the agreement are unable to reach agreement on the terms that should be included in the agreement.
Bargaining representative may apply for greenfields workplace determination

(2) A bargaining representative for the agreement may apply to the FWC for a determination (a greenfields workplace determination).

(3) An application for a greenfields workplace determination must specify the following:
   (a) the terms that the bargaining representatives concerned have, at the time of the application, agreed should be included in the agreement;
   (b) the matters at issue at the time of the application;
   (c) the employers that will be covered by the determination;
   (d) the employees who will be covered by the determination;
   (e) each employee organisation that is a bargaining representative of those employees.

271C When the FWC must make a greenfields workplace determination

(1) If:
   (a) an application for a greenfields workplace determination has been made; and
   (b) the FWC is satisfied that:
      (i) the bargaining representatives for the proposed agreement are genuinely unable to reach agreement on the terms that should be included in the agreement; and
      (ii) there is no reasonable prospect of agreement being reached; and
      (iii) the bargaining representative who made the application has met, or is meeting, the good faith bargaining requirements; and
      (iv) the bargaining representatives that are employee organisations that (taken as a group) are entitled to represent the industrial interests of a majority of the employees who will be covered by the agreement, in relation to work to be performed under the agreement; and
      (v) the bargaining representative who made the application has exhausted all other reasonable alternatives to reach agreement on the terms that should be included in the agreement; and
      (vi) it is in the public interest to make the determination;
   the FWC must make a greenfields workplace determination as quickly as possible.

Note: The FWC must be constituted by a Full Bench to make a greenfields workplace determination (see subsection 616(4)).

(2) In deciding whether or not the bargaining representatives have exhausted all other reasonable alternatives to reach agreement on the terms that should be included in the agreement, the FWC may take into account any matter the FWC considers relevant, including whether the FWC has provided assistance under section 240 in relation to the agreement.
271D Terms etc. of a greenfields workplace determination

Basic rule

(1) A greenfields workplace determination must comply with subsection (4) and include:
(a) the terms set out in subsections (2) and (3); and
(b) the core terms set out in section 272; and
(c) the mandatory terms set out in section 273.

Note: For the factors that the FWC must take into account in deciding the terms of the determination, see section 275.

Agreed terms

(2) The determination must include the agreed terms (see subsection 274(4)) for the determination.

Terms dealing with the matters at issue

(3) The determination must include the terms that the FWC considers deal with the matters that were still at issue at the end of the notified negotiation period.

Coverage

(4) The determination must be expressed to cover:
(a) each employer that would have been covered by the proposed single-enterprise agreement that is a greenfields agreement; and
(b) the employees who would have been covered by that agreement; and
(c) each employee organisation (if any) that was a bargaining representative of those employees.

271E No other terms

A greenfields workplace determination must not include any terms other than those required by subsection 271D(1).

52B Subsection 272(2)

Repeal the subsection, substitute:

(2) The determination must include a term specifying a date as the determination’s nominal expiry date, which must not be more than:
(a) for a greenfields workplace determination—2 years after the date on which the determination comes into operation; or
(b) for a workplace determination other than a greenfields workplace determination—4 years after the date on which the determination comes into operation.

52C At the end of section 274

Add:

Agreed term for a greenfields workplace determination

(4) An agreed term for a greenfields workplace determination is a term that the bargaining representatives for the proposed single-enterprise agreement that is a greenfields agreement had, at the end of the notified negotiation period, agreed should be included in the agreement.

Note: The determination must include an agreed term (see subsection 271D(2)).
52D Paragraph 275(b)
After “low-paid workplace determination”, insert “or a greenfields workplace determination”.

52E Paragraph 275(c)
Omit “other than a low-paid workplace determination”, substitute “other than a determination covered by paragraph (b)”.

52F After paragraph 275(c)
Insert:

(ca) for a greenfields workplace determination—whether the determination, on an overall basis, provides for pay and conditions that are consistent with the prevailing pay and conditions within the relevant industry for equivalent work;

52G Paragraph 275(e)
Repeal the paragraph, substitute:

(e) for a greenfields workplace determination—how productivity might be maximised in the enterprise concerned;

(ea) for a workplace determination other than a greenfields workplace determination—how productivity might be improved in the enterprise or enterprises concerned;

Schedule 1, page 11 (after line 6), after item 20, insert:

20A Section 12
Insert:

greenfields workplace determination: see subsection 271B(2).

Schedule 1, page 11 (after line 10), after item 21, insert:

21A Section 12 (paragraph (c) of the definition of workplace determination)
Omit “determination.”, substitute “determination; or”.

21B Section 12 (definition of workplace determination)
At the end of the definition, add:

(d) a greenfields workplace determination.

21C At the end of section 171
Add:

Note: A greenfields workplace determination may be made in specified circumstances under Division 4A of Part 2-5 if the bargaining representatives for a proposed enterprise agreement that is a greenfields agreement are unable to reach agreement.

Schedule 1, page 17 (after line 18), after item 50, insert:

50A Section 258
After:

(b) after the end of the post-declaration negotiating period, the bargaining representatives for the agreement have not settled the matters that were at issue during bargaining for the agreement.
Division 4A deals with greenfields workplace determinations. Bargaining representatives for a proposed single-enterprise agreement that is a greenfields agreement may apply to the FWC for such a determination if they are unable to reach agreement on the terms that should be included in the agreement.

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

Question—That the bill, as amended, be agreed to—put.

The committee divided—

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<td>Brown</td>
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<td>McAllister</td>
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Question agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Employment (Senator Cash) the report from the committee was adopted.

Senator Cash moved—that this bill be now read a third time.

Question put.
The Senate divided—

AYS, 33

Senators—

Abetz
Back
Bernardi
Bushby
Canavan
Cash
Colbeck
Day
Edwards

Fawcett (Teller)
Fieravanti-Wells
Fifield
Heffernan
Johnston
Lazarus
Leyonhjelm
Lindgren

Macdonald
Madigan
McGrath
McKenzie
Muir
Nash
Reynolds
Ronaldson

Ryan
Scullion
Seselja
Sinodinos
Smith
Wang
Williams
Xenophon

NOES, 30

Senators—

Brown
Bullock
Cameron
Carr
Collins
Dastyari
Di Natale
Gallacher

Gallagher
Hanson-Young
Lambie
Ludlam
Ludwig
Marshall
McAllister
McEwen (Teller)

McKim
McLucas
Moore
O’Neill
Peris
Polley
Rhiannon

Rice
Stewart
Simms
Singh
Urquhart
Waters
Whish-Wilson

Question agreed to.
Bill read a third time.

6 SOCIAL SECURITY LEGISLATION AMENDMENT (DEBIT CARD TRIAL) BILL 2015

Order of the day read for the adjourned debate on the motion of the Minister for Rural Health (Senator Nash)—That this bill be now read a second time.
Debate resumed.
At 2 pm: Debate was interrupted while Senator Moore was speaking.

7 GOVERNMENT DEPUTY WHIP—APPOINTMENT

The Leader of the Government in the Senate (Senator Brandis), by leave, informed the Senate of the appointment of Senator Smith as Government Deputy Whip.

8 SHADOW MINISTRY—DOCUMENT

The Leader of the Opposition in the Senate (Senator Wong), by leave, tabled a document showing the Opposition shadow ministry, dated 13 October 2015.

9 QUESTIONS

Questions without notice were answered.

10 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Lines moved—That the Senate take note of the answers given by the Minister for Employment (Senator Cash) to questions without notice asked by Opposition senators today.
Debate ensued.
Question put and passed.
Senator Lambie moved—that the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Lambie today relating to political donations from China. Question put and passed.

11 PETITIONS
The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Bullock, from 11 petitioners, requesting that the Senate oppose any redefinition of marriage to admit relationships to which it does not naturally or historically apply.

Senator Siewert, from 288 petitioners, requesting that the Senate oppose the Social Security Legislation Amendment (Debit Card Trial) Bill 2015.

12 NOTICES
The Attorney-General (Senator Brandis): To move on the next day of sitting—that the following bill be introduced: A Bill for an Act to amend legislation relating to defence, and for related purposes. 

Defence Legislation Amendment (First Principles) Bill 2015.

Senator Wang: To move on the next day of sitting—that the Senate—

(a) notes the volatility of commodity prices and how badly this has impacted on Western Australia; and

(b) calls on the Government and the Parliament to show leadership in promoting mature and considered discussion to ensure the distribution of GST returns is fair and in the best interests of the nation. (general business notice of motion no. 894)

Senator Waters: To move on the next day of sitting—that the Senate—

(a) notes the crucial work done by community legal centres across Australia in assisting victims and survivors of domestic violence;

(b) acknowledges recent commitments to addressing domestic violence from the Queensland and Federal governments;

(c) notes the fact that regardless of those commitments:

(i) Queensland community legal centres helped 50 000 people in 2014-15, but were forced to turn away more than 80 000 people, and

(ii) community legal centres face a funding cut of $12 million in 2017 under the National Partnership Agreement on Legal Assistance Services;

(d) notes the emergency meeting on Tuesday, 13 October 2015, in Brisbane, attempting to find solutions to the funding crisis for community legal centres;

(e) supports the Productivity Commission’s 2014 recommendation for an immediate $200 million funding boost for civil and family law assistance; and

(f) calls on the Federal Government to abandon the funding cuts planned for 2017, and work with state governments to increase funding to community legal centres. (general business notice of motion no. 895)

Senator Canavan: To move on the next day of sitting—that the Senate notes:

(a) that the Commonwealth Government is investing $50 billion in infrastructure;
(b) that as part of the Government’s investment in infrastructure, it has committed to providing up to $95 million to support the completion of the Gold Coast Light Rail Stage Two project prior to the 2018 Gold Coast Commonwealth Games; and

(c) the importance of significant funding proposals being accompanied by detailed business cases and subject to a full assessment process, including by Infrastructure Australia, if $100 million or more of Commonwealth funding is sought, to ensure value for taxpayers’ money. (general business notice of motion no. 896)

Notice of motion withdrawn: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to notice of intention given on 12 October 2015, withdrew business of the Senate notice of motion no. 2 standing in his name for 12 sitting days after today for the disallowance of 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 [F2015L01147].

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 notice of motion no. 1 standing in his name for the next day of sitting for the disallowance of the Financial Framework (Supplementary Powers) Amendment (2015 Measures No. 3) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 45 and made under the Financial Framework (Supplementary Powers) Act 1997 [F2015L00572].

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

13 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—that leave of absence be granted to the following senators from 13 to 15 October 2015:

(a) Senator Bilyk, for personal reasons; and

(b) Senator Sterle, on account of parliamentary business.

Question put and passed.

14 POSTPONEMENT

Business was postponed as follows:

General business notice of motion no. 876 standing in the name of Senator Dastyari for today, proposing an order for the production of a document by the Minister representing the Treasurer, postponed till 14 October 2015.

15 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:

Education and Employment References Committee—Private vocational education and training providers, extended to 15 October 2015.

Environment and Communications References Committee—Stormwater management, extended to 2 December 2015.
Legal and Constitutional Affairs References Committee—Commonwealth payments relating to asylum seeker boat turn backs, extended to 4 February 2016.

16 **WOMEN—DAY OF THE GIRL**

Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 880—That the Senate—

(a) notes that:
   (i) Sunday, 11 October 2015, is internationally recognised as the Day of the Girl,
   (ii) Day of the Girl has worked to assist girls all over the world in issues such as sexual assault, child marriage and education, and
   (iii) in 2015 the Day of the Girl’s theme was adolescent girls;

(b) congratulates all those involved in bringing awareness to the needs of women and girls by launching and maintaining this movement; and

(c) acknowledges the need for the ongoing development and support of women and girls in all areas across the world.

Question put and passed.

17 **FAMILY AND COMMUNITY SERVICES—NATIONAL CARERS WEEK**

Senator Moore, also on behalf of Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 881—That the Senate—

(a) notes that:
   (i) National Carers Week 2015 will run from Sunday, 11 October, until Saturday, 17 October, to recognise and celebrate the outstanding contribution unpaid carers make to our nation,
   (ii) carers in Australia make an enormous contribution to our communities and our national economy,
   (iii) in 2015, it is estimated that nearly 2.9 million Australians will provide more than 1.9 billion hours of informal care and unpaid care, and
   (iv) the replacement value of informal care would be $60.3 billion, equivalent to 3.8 per cent of gross domestic product and 60 per cent of the health and social work industry; and

(b) congratulates Carers Australia for its strong advocacy and support for those providing care and support to family members and friends who have a disability, mental illness, chronic condition, terminal illness, and alcohol or other drug issue, or who are frail and aged.

Question put and passed.

18 **HEALTH—ROYAL QUEENSLAND BUSH CHILDREN’S HEALTH SCHEME**

Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 882—That the Senate—

(a) notes that:
   (i) BUSHkids is the Royal Queensland Bush Children’s Health Scheme, which has provided, and continues to provide, the children of rural Queensland with physical and mental health assistance since 1935, and
   (ii) Thursday, 22 October 2015 is BUSHkids Thanksgiving, and celebrates 80 years of the BUSHkids service; and
(b) congratulates BUSHkids for the dedication and commitment of the many people involved who provide to families across regional Queensland through this pioneering health scheme.

Question put and passed.

19 SPORT—RUGBY LEAGUE—NORTH QUEENSLAND COWBOYS

Senator Macdonald, also on behalf of Senator McLucas, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 884—That the Senate—

(a) notes that the North Queensland Cowboys rugby league team won its first ever National Rugby League Grand Final;
(b) congratulates Cowboys co-captain Johnathan Thurston on:
   (i) his leadership,
   (ii) his award of a record fourth Dally M Player of the Year Medal, and
   (iii) winning the Clive Churchill Player of the Grand Final Medal and the
        Provan Summons fans choice medal as the best player of the year; and
(c) urges the Government to continue to support excellence in sport and the identification of role models.

Question put and passed.

Senator Lazarus amended general business notice of motion no. 885 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) congratulates the North Queensland Cowboys on winning the 2015 National Rugby League Grand Final and Johnathan Thurston on winning the 2015 Clive Churchill Medal;
(b) recognises the positive impact of the win for the North Queensland region which is being impacted by drought and other social and economic challenges;
(c) acknowledges the important work of the North Queensland Cowboys in supporting and promoting the region; and
(d) calls on the Government to consider funding the construction of a new multi-purpose sporting venue in Townsville to accommodate North Queensland Cowboys home games and other local, state, national and international sporting and recreational events.

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

Question put and passed.

20 COMMONWEALTH GRANTS COMMISSION AMENDMENT (GST DISTRIBUTION) BILL 2015

Senator Wang, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 886—That the following bill be introduced:


Question put and passed.

Senator Wang 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 Wang moved—That this bill be now read a second time.

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

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

21 FOREIGN AFFAIRS—SUSTAINABLE DEVELOPMENT GOALS

Senator Rhiannon, also on behalf of Senator Bilyk, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 887—That the Senate—

(a) notes that:

(i) the United Nations (UN) summit for the adoption of the post-2015 development agenda took place from 25 to 27 September 2015,

(ii) the Sustainable Development Goals build on the achievements of the Millennium Development Goals, which have:

(A) reduced the number of people in absolute poverty,

(B) reduced child mortality,

(C) increased the number of children in school, and

(D) increased access to clean water and sanitation, and

(iii) the Sustainable Development Goals were endorsed by all members of the UN as objectives for all countries to meet, and achieving these will require policy and financial commitments from all countries; and

(b) calls on the Government to:

(i) endorse the Sustainable Development Goals as a blueprint to end extreme poverty, and

(ii) adopt the Sustainable Development Goals as a framework for Australia’s aid program, and work with other countries to support these goals, which includes contributing Australia’s fair share internationally to achieve their targets.

Question put and passed.

22 TRANSPORT—TAXI AND RIDE-SHARING SERVICES

Senator Lazarus, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 889—That the Senate—

(a) notes the range of issues currently being experienced across the country in relation to the operation of UBER, including allegations of acts of violence and intimidation against UBER drivers by members of the taxi industry in Queensland;

(b) acknowledges the important role of competition, change and disruption in forging new industries and creating new services;
(c) further notes the impact of UBER and other ride-sharing services on the viability of the taxi industry and the stakeholders involved in the taxi industry, including owners, administrators, drivers and others directly and indirectly employed by the industry;

(d) urges the Government to consider the opportunity for all transport services, including the taxi industry and ride-sharing services, to have a legitimate and legal role in Australia; and

(e) calls on the Government to show leadership and urgently address the taxi and ride-sharing issue by working with state and territory governments to develop a national approach which:

1. puts the needs of the people of Australia first,
2. improves the quality, safety, effectiveness and efficiency of taxi and ride-sharing services across Australia,
3. creates a framework to enable the operation of taxi and ride-sharing services on a level playing field basis, including regulation, fee introductions and fee modifications,
4. engages with the complex policy questions regarding taxi licences as a financial asset,
5. proposes amendments to policy, legislation and administrative instruments and mechanisms across relevant levels and areas of government to facilitate the adoption of the framework,
6. is developed in consultation with all taxi industry, ride-sharing service providers and other stakeholders, and
7. aims to resolve the issues being experienced across the country, and reduce the tension and concern being felt by many involved.

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

Question put and passed.

23 EDUCATION—NOUS GROUP CONTRACT—PROPOSED ORDER FOR PRODUCTION OF DOCUMENTS

Motion determined as not formal: Senator Carr requested that general business notice of motion no. 883 standing in his name for today, proposing an order for the production of documents by the Minister for Education and Training, be taken as formal.

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

Proposed suspension of standing orders: Senator Carr, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent Senator Wong moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 883.

Debate ensued.

Question put.
The Senate divided—

AYES, 31

Senators—

Brown Hanson-Young McKim Siewert
Bullock Lazarus McLucas Simms
Cameron Lines Moore Singh
Carr Ludlam O’Neill Urquhart
Collins Ludwig Peris Waters
Dastyari Marshall Polley Whish-Wilson
Di Natale McAllister Rhiannon Xenophon
Gallacher McEwen (Teller) Rice

NOES, 32

Senators—

Abetz Day Lindgren Reynolds
Back Edwards Macdonald Ronaldson
Bernardi Fawcett Madigan Ryan
Birmingham Fierravanti-Wells McGrath Scullion
Bushby (Teller) Fifield McKenzie Seselja
Canavan Heffernan Muir Sinodinos
Cash Johnston Nash Smith
Colbeck Leyonhjelm Parry Wang

Question negatived.

24 TRADE—TRANS-PACIFIC PARTNERSHIP AGREEMENT

Senator Xenophon, also on behalf of Senators Lazarus, Muir, Whish-Wilson and Wang, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 892—That the Senate—

(a) notes that:

(i) on 6 October 2015, 12 Pacific-rim countries signed the Trans-Pacific Partnership Agreement,

(ii) to date the text of the Agreement has not been made public, and

(iii) on 24 June 2015, the Productivity Commission released its Trade and Assistance Review 2013-14, which stated ‘the emerging and growing potential for trade preferences to impose net costs on the community presents a compelling case for the final text of an agreement to be rigorously analysed before signing’; and

(b) calls on the Government to refer the text of the Agreement to the Productivity Commission for a full-scale review prior to the Agreement’s implementing legislation being introduced into the House of Representatives and the Senate.

Statement by leave: Senator Whish-Wilson, by leave, made a statement relating to the motion.

Question put.
The Senate divided—

AYES, 33

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NOES, 27

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Question agreed to.

25 TRANSPORT—VICTORIA—EAST WEST LINK

Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 893—That the Senate—

(a) notes that:

(i) Australia suffered a severe underfunding of public transport under the Abbott Government,

(ii) the former Prime Minister, Mr Abbott, labelled the 2014 Victorian election as a ‘referendum on the East West Link’, and that there was a change of government in Victoria because of that election, and

(iii) the Turnbull Government has this week [11 to 17 October 2015] labelled the East West Link toll road as ‘indispensable and inevitable’, and included it in a publicly-released list of their priority infrastructure projects for Victoria; and

(b) calls on the Government to withdraw the allocation of federal funding set aside for the East West Link and to reallocate this funding to the Melbourne Metro Rail project.

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

Question put.
The Senate divided—

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Question negatived.

26 **PRIMARY INDUSTRIES—QUEENSLAND—PORT ALMA LIVE CATTLE EXPORT FACILITY**

Senator Canavan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 890—That the Senate notes:

(a) the approval of Port Alma as a live cattle export facility;
(b) the benefits of providing new export options to producers and the cattle industry in central Queensland;
(c) that, in 2014-15, the live cattle export industry contributed $1.4 billion to Australia’s economy; and
(d) that lowering transport costs, by providing local export options in addition to the highly important processing industry, will deliver better returns to central Queensland cattle producers by giving access to more markets.

*Statements by leave:* Senators Rhiannon and Canavan, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 45

Senators—

Back Fierravanti-Wells Madigan Parry
Bernardi Fifield Marshall Peris
Bullock Gallacher McAllister Polley
Bushby (Teller) Johnston McEwen Reynolds
Cameron Lambie McGrath Ryan
Canavan Lazarus McKenzie Seselja
Cash Leyonhjelm McLucas Singh
Colbeck Lindgren Moore Sinodinos
Collins Lines Muir Smith
Dastyari Ludwig Nash Urquhart
Dwyg Macdonald O’Neill Wang

NOES, 10

Senators—

Di Natale McKim Siewert (Teller) Waters
Hanson-Young Rhiannon Simms Whish-Wilson
Ludlam Rice

Question agreed to.

27 DOCUMENTS—CONSIDERATION

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

28 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

Senator Smith, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following documents:


Senator Smith, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:

Human Rights—Joint Statutory Committee—28th report of 44th Parliament—
Human rights scrutiny report, dated 17 September 2015.

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

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

Question put and passed.

Senator Smith, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:


Document ordered to be printed on the motion of Senator Smith.
Senator McEwen, at the request of the Deputy Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Sterle), tabled the following report:


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

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

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

Senator Rice tabled the following report:


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

Senator Rice moved—that the Senate take note of the report.

Question put and passed.

The following order of the day relating to committee reports and government responses was considered:

Environment and Communications Legislation Committee—Landholders’ Right to Refuse (Gas and Coal) Bill 2015—Report. Motion to take note of report moved by Senator Waters and agreed to.

Orders of the day nos 1, 2 and 4 relating to committee reports and government responses were called on but no motion was moved.

29 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Whish-Wilson) informed the Senate that the President had received a letter requesting changes in the membership of committees.

The Minister for Rural Health (Senator Nash), by leave, moved—that senators be discharged from and appointed to committees as follows:

**Environment and Communications Legislation Committee**—

- Appointed—Substitute member: Senator Dastyari to replace Senator Singh on 20 October 2015

**Legal and Constitutional Affairs References Committee**—

- Appointed—Substitute member: Senator Gallacher to replace Senator Collins for the committee’s inquiry into the regional processing centres in the Republic of Nauru and Papua New Guinea

- Participating member: Senator Collins.

Question put and passed.
30 **AUSTRALIAN IMMUNISATION REGISTER BILL 2015**

**AUSTRALIAN IMMUNISATION REGISTER (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2015**

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

Message no. 461, dated 12 October 2015—A Bill for an Act to establish and provide for an immunisation register, and for related purposes.

Message no. 462, dated 12 October 2015—A Bill for an Act to amend the *Australian Immunisation Register Act 2015* and to deal with consequential and transitional matters arising from the enactment and amendment of that Act, and for related purposes.

The Minister for Rural Health (Senator Nash) 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 Nash moved—that these bills be now read a second time.

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

31 **TRADE AND INVESTMENT GROWTH—JOINT SELECT COMMITTEE—APPOINTMENT—VARIATION**

A message from the House of Representatives was reported as follows:

Message no. 463, dated 13 October 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, as follows:

(2) That the committee deliver its first report and recommendations to the Parliament on or before 15 October 2015, and following presentation of this report, the committee:

(a) consider any relevant issues as may be referred to it by either House of the Parliament or a Minister; and

(b) continue its work until the House of Representatives is dissolved or expires by effluxion of time.

The Minister for Rural Health (Senator Nash), 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.

32 **SOCIAL SECURITY LEGISLATION AMENDMENT (DEBIT CARD TRIAL) BILL 2015**

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

Debate resumed.

*After 5 pm: Debate was interrupted.*
33 **FIRST SPEECH**

Pursuant to the order of the Senate agreed to earlier today *(see entry no. 4)*, Senator Simms made his first speech.

34 **SOCIAL SECURITY LEGISLATION AMENDMENT (DEBIT CARD TRIAL) BILL 2015**

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

Debate resumed.

*At 7.20 pm:* Debate was interrupted.

35 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 9.44 pm till Wednesday, 14 October 2015 at 9.30 am.

36 **ATTENDANCE**


**ROSEMARY LAING**

Clerk of the Senate

Printed by authority of the Senate