# Journals of the Senate

**No. 119**

**Monday, 12 October 2015**

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MEETING OF SENATE

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

DOCUMENTS

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

[Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated]

Auditor-General—Audit report no. 4 of 2015-16—Performance audit—Confidentiality in government contracts: Senate order for departmental and entity contracts (calendar year 2014 compliance): Across entities. [Received 30 September 2015]


Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2015.


Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2015-16—Letter of advice pursuant to the order of the Senate of 24 June 2008—Employment portfolio. [Received 8 October 2015]

Immigration and Border Protection portfolio. [Received 25 September 2015]

Departmental and agency grants—Budget (Supplementary) estimates 2015-16—Letter of advice pursuant to the order of the Senate of 24 June 2008—Immigration and Border Protection portfolio. [Received 25 September 2015]

Entity contracts for 2014-15—Letter of advice pursuant to the order of the Senate of 20 June 2001, as amended—Health portfolio. [Received 25 September 2015]

Estimates hearings—Unanswered questions on notice—Additional estimates 2014-15—Statement pursuant to the order of the Senate of 25 June 2014—Environment portfolio. [Received 18 September 2015]

Final budget outcome 2014-15—Report by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann).

Indexed lists of departmental and agency files for the period 1 January to 30 June 2015—Statement of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Treasury portfolio. [Received 18 September 2015]


Annual reports for 2014-15—
Subsection 12G(2),
Subsection 54(2).

Quarterly reports for the period 1 April to 30 June 2015—
Subsection 12G(1),
Subsection 54(1).
The following documents were tabled by the Clerk pursuant to statute:

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

**A New Tax System (Goods and Services Tax) Act 1999**—

Goods and Services Tax: Application of Agency Arrangements to the Multi-Media Industry Determination (No. 33) 2015 [F2015L01579].

Goods and Services Tax: Choosing to Account on a Cash Basis Determination (No. 39) 2015 – representatives of incapacitated entities [F2015L01570].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 14) 2015 [F2015L01567].

Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 15) 2015 [F2015L01588].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 17) 2015 [F2015L01594].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 18) 2015 [F2015L01596].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 19) 2015 [F2015L01597].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 20) 2015 [F2015L01560].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 21) 2015 [F2015L01563].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 22) 2015 [F2015L01566].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 23) 2015 [F2015L01571].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 24) 2015 [F2015L01581].


Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 26) 2015 [F2015L01573].

Goods and Services Tax: Goods and Services Tax: Classes of Recipient Created Tax Invoice Determination (No. 27) 2015 [F2015L01564].


Goods and Services Tax: Margin Scheme Valuation Requirements Determination MSV (No. 53) 2015 [F2015L01584].

Goods and Services Tax: Particular Attribution Rules for supplies and acquisitions relating to the operation of a Collecting Society under the Copyright Act Determination (No. 34) 2015 [F2015L01583].

GST-free Supply (Drugs and Medicinal Preparations) Determination 2015 [F2015L01466].
Rules for Applying Subdivision 66-B Determination (No. 31) 2015 [F2015L01575].
Simplified GST Accounting Method Determination (No. 29) 2015 [F2015L01587].
Simplified GST Accounting Methods Determination (No. 28) 2015 [F2015L01578].
Telecommunication Supplies Determination (No. 38) 2015 [F2015L01574].
Waiver of Tax Invoice Requirement Determination (No. 30) 2015 [F2015L01569].


Aged Care Act 1997—Aged Care (Subsidy, Fees and Payments) Amendment (September 2015 Indexation) Determination 2015 [F2015L01454].
Aged Care (Transitional Provisions) Act 1997—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2015 Indexation) Determination 2015 [F2015L01453].


Australian Film, Television and Radio School Act 1973—Determination of Degrees, Diplomas and Certificates No. 2015/2 [F2015L01517].


Australian Passports (Application Fees) Act 2005—Australian Passports (Application Fees) Amendment Determination 2015 (No. 1) [F2015L01629].

Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination—No. 17 of 2015 [F2015L01551].

Australian Research Council Act 2001—
Funding Rules for schemes under the Discovery Programme (2015 edition) [F2015L01468].
Funding Rules for schemes under the Linkage Programme (2015 edition) [F2015L01467].
Banking Act 1959—Banking (restricted word or expression) No. 2 of 2015 — Consent regarding “Offshore Banking Unit” [F2015L01473].

Broadcasting Services Act 1992—Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2015 (No. 2) [F2015L01535].

Charter of the United Nations Act 1945—


Civil Aviation Act 1988—
Civil Aviation Regulations 1988—Authorisation and permission — helicopter winching operations (CHC Helicopters)—CASA 139/15 [F2015L01445].
Civil Aviation Safety Regulations 1998—
Approval — alternate means of compliance issued by a foreign State of Design for an airworthiness directive issued by the foreign State of Design—CASA 136/15 [F2015L01458].
Exemption — from holding an air traffic control licence—CASA EX158/15 [F2015L01492].
Exemption — from requirement to carry serviceable ADS-B transmitting equipment when operating in defined airspace—CASA EX155/15 [F2015L01631].
Main Rotor Mast Cracking—AD/OH-58/8 Amdt 1 [F2015L01496].
Prescription — type ratings for CASR Part 142 flight training (Edition 2) Amendment Instrument 2015 (No. 1) [F2015L01625].
Repeal of Airworthiness Directive—CASA ADCX 014/15 [F2015L01472].


Commissioner of Taxation—Public Rulings—
Class Rulings—
Product Rulings—
No. 119—12 October 2015

Taxation Determinations—
TD 2015/17.

Corporations Act 2001—
Accounting Standard AASB 1 First-time Adoption of Australian Accounting Standards – July 2015 [F2015L01628].
Accounting Standard AASB 3 Business Combinations – August 2015 [F2015L01592].
Accounting Standard AASB 4 Insurance Contracts – August 2015 [F2015L01623].
Accounting Standard AASB 5 Non-current Assets Held for Sale and Discontinued Operations – August 2015 [F2015L01614].
Accounting Standard AASB 6 Exploration for and Evaluation of Mineral Resources – August 2015 [F2015L01608].
Accounting Standard AASB 7 Financial Instruments: Disclosures – August 2015 [F2015L01610].
Accounting Standard AASB 8 Operating Segments – August 2015 [F2015L01606].
Accounting Standard AASB 12 Disclosure of Interests in Other Entities – August 2015 [F2015L01536].
Accounting Standard AASB 13 Fair Value Measurement – August 2015 [F2015L01613].
Accounting Standard AASB 110 Events after the Reporting Period – August 2015 [F2015L01553].
Accounting Standard AASB 112 Income Taxes – August 2015 [F2015L01601].
Accounting Standard AASB 116 Property, Plant and Equipment – August 2015 [F2015L01572].
Accounting Standard AASB 117 Leases – August 2015 [F2015L01562].
Accounting Standard AASB 119 Employee Benefits – August 2015 [F2015L01612].
Accounting Standard AASB 120 Accounting for Government Grants and Disclosure of Government Assistance – August 2015 [F2015L01576].
Accounting Standard AASB 121 The Effects of Changes in Foreign Exchange Rates – August 2015 [F2015L01580].
Accounting Standard AASB 123 Borrowing Costs – August 2015 [F2015L01586].
Accounting Standard AASB 127 Separate Financial Statements – August 2015 [F2015L01544].
Accounting Standard AASB 128 Investments in Associates and Joint Ventures – August 2015 [F2015L01543].
Accounting Standard AASB 132 Financial Instruments: Presentation – August 2015 [F2015L01605].
Accounting Standard AASB 133 Earnings per Share – August 2015 [F2015L01616].
Accounting Standard AASB 134 Interim Financial Reporting – August 2015 [F2015L01557].
Accounting Standard AASB 136 Impairment of Assets – August 2015 [F2015L01622].
Accounting Standard AASB 137 Provisions, Contingent Liabilities and Contingent Assets – August 2015 [F2015L01607].
Accounting Standard AASB 138 Intangible Assets – August 2015 [F2015L01558].
Accounting Standard AASB 139 Financial Instruments: Recognition and Measurement – August 2015 [F2015L01609].
Accounting Standard AASB 140 Investment Property – August 2015 [F2015L01611].
Accounting Standard AASB 141 Agriculture – August 2015 [F2015L01615].
Accounting Standard AASB 1048 Interpretation of Standards – August 2015 [F2015L01618].
ASIC Corporations (Amendment and Repeal) Instrument 2015/843 [F2015L01555].
ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844 [F2015L01530].
ASIC Corporations (Exempt Proprietary Companies) Instrument 2015/840 [F2015L01545].
ASIC Corporations (Managed investment product consideration) Instrument 2015/847 [F2015L01561].
ASIC Corporations (Non-Reporting Entities) Instrument 2015 [F2015L01546].
ASIC Corporations (Post Balance Date Reporting) Instrument 201/842 [F2015L01552].
ASIC Corporations (Related Scheme Reports) Instrument 2015/839 [F2015L01549].
ASIC Corporations (Repeal) Instrument 2015/846 [F2015L01559].
ASIC Corporations (Repeal) Instrument 2015/859 [F2015L01531].
ASIC Corporations (Stapled Group Reports) Instrument 2015/838 [F2015L01548].
Corporations Amendment (Financial Services Information Lodgement Periods) Regulation 2015—Select Legislative Instrument 2015 No. 135 [F2015L01270]—Revised explanatory statement.

Customs Act 1901—
Comptroller-General of Customs Declaration of Places No. 1 of 2015 [F2015L01500].
Comptroller-General of Customs Instruments of Approval—
   No. 2 of 2015 [F2015L01501].
   No. 3 of 2015 [F2015L01502].
   No. 4 of 2015 [F2015L01503].
   No. 5 of 2015 [F2015L01505].
   No. 6 of 2015 [F2015L01506].
   No. 7 of 2015 [F2015L01507].
   No. 8 of 2015 [F2015L01509].
   No. 9 of 2015 [F2015L01512].
   No. 10 of 2015 [F2015L01513].
   No. 11 of 2015 [F2015L01514].
   No. 12 of 2015 [F2015L01541].
   No. 13 of 2015 [F2015L01494].
   No. 14 of 2015 [F2015L01529].
   No. 15 of 2015 [F2015L01532].
   No. 16 of 2015 [F2015L01533].
   No. 17 of 2015 [F2015L01493].
   No. 18 of 2015 [F2015L01495].
   No. 19 of 2015 [F2015L01497].
   No. 20 of 2015 [F2015L01498].
   No. 21 of 2015 [F2015L01499].

Customs (Australian Trusted Trader Programme) Rule 2015 [F2015L01478].


Environment Protection and Biodiversity Conservation Act 1999—
   Amendment of List of Exempt Native Specimens – Northern Territory Offshore Net and Line Fishery (18 September 2015)—EPBC303DC/SFS/2015/26 [F2015L01485].
   Amendment of List of Exempt Native Specimens – Queensland East Coast Inshore Fin Fish Fishery (30 September 2015)—EPBC303DC/SFS/2015/31 [F2015L01595].
   Amendment of List of Exempt Native Specimens – South Australian Marine Scalefish Fishery (18 September 2015)—EPBC303DC/SFS/2015/27 [F2015L01487].
Amendment to the lists of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (180) (17 September 2015) [F2015L01481].

Conservation Management Plan for the Blue Whale [F2015L01633].


Fair Work (Building Industry) Act 2012—Building Code (Fitness for Work/Alcohol and Other Drugs in the Workplace) Amendment Instrument 2015 [F2015L01462].


Higher Education Support Act 2003—
List of grants under Division 41 for 2016 in relation to the Indigenous Support Programme [F2015L01482].
Revocation of Approval as a Higher Education Provider (Harvest West Bible College Inc) [F2015L01479].
Revocation of approval as a VET Provider (Harvest West Bible College Inc) [F2015L01480].
VET Provider Approval—No. 17 of 2015 [F2015L01459].

Legislative Instruments Act 2003—
Legislation (Exemptions and Other Matters) Regulation 2015—Select Legislative Instrument 2015 No. 158 [F2015L01475].
Legislation (General) Regulation 2015—Select Legislative Instrument 2015 No. 159 [F2015L01476].
Legislative Instruments (Deferral of Sunsetting—Public Lending Right Scheme Instruments) Certificate 2015 [F2015L01598].
Legislative Instruments (Hearing Services Administration Instruments) Sunset-altering Declaration 2015 [F2015L01516].

Migration Act 1958—
Determination of the Fixed Maximum Number of Specified Skilled Visas That May be Granted in the 2015-2016 Financial Year 2015—IMMI 15/112 [F2015L01455].
Direction under section 499—Order of consideration – certain skilled migration visas—No. 67.
Migration Amendment (Conversion of Protection Visa Applications) Regulation 2015—Select Legislative Instrument 2015 No. 164 [F2015L01461].
Migration Regulations 1994—
Arrangements for Temporary Work (Short Stay Activity) (Subclass 400) Visa Applications 2015—IMMI 15/121 [F2015L01447].
Arrangements for Visitor Visa Applications 2015—IMMI 15/123 [F2015L01448].
Specification of Regional Area 2015—IMMI 15/122 [F2015L01635].
Specified Place to Provide a Personal Identifier 2015—IMMI 15/125 [F2015L01504].

Military Superannuation and Benefits Act 1991—
Military Superannuation and Benefits Amendment (Trust Deed—ADF Super Consequential) Instrument 2015 [F2015L01526].
Military Superannuation and Benefits (Eligible Members) Declaration 2015 [F2015L01527].

National Greenhouse and Energy Reporting Act 2007—
National Greenhouse and Energy Reporting (Audit) Amendment Determination 2015 (No. 1) [F2015L01638].
National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 [F2015L01637].

National Health Act 1953—
National Health Determination under paragraph 98C(1)(b) Amendment 2015 (No. 9)—PB 92 of 2015 [F2015L01539].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2015 (No. 9)—PB 95 of 2015 [F2015L01604].
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2015 (No. 10)—PB 94 of 2015 [F2015L01619].
National Health (Listed drugs on F1 or F2) Amendment Determination 2015 (No. 8)—PB 98 of 2015 [F2015L01599].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2015 (No. 9)—PB 90 of 2015 [F2015L01520].
National Health (Originator Brand) Determination 2015—PB 100 of 2015 [F2015L01525].
National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2015 (No. 2)—PB 97 of 2015 [F2015L01602].
National Health (Price and Special Patient Contribution) Amendment Determination 2015 (No. 7)—PB 91 of 2015 [F2015L01537].
National Health (Weighted average disclosed price – October 2015 reduction day) Amendment Determination 2015 (No. 1)—PB 88 of 2015 [F2015L01452].

Norfolk Island Act 1979—
Norfolk Island Continued Laws Amendment (Standard Time) Ordinance 2015 [F2015L01491].
Norfolk Island Standard Time Ordinance 2015 [F2015L01483].

*Parliamentary Entitlements Act 1990—*

*Personal Property Securities Amendment (Deregulatory Measures) Act 2015—*
Personal Property Securities Amendment (Deregulatory Measures) Commencement Proclamation 2015 [F2015L01471].

*Private Health Insurance Act 2007—*
Private Health Insurance (Benefit Requirements) Amendment Rules 2015 (No. 4) [F2015L01451].
Private Health Insurance (Complying Product) Amendment Rules 2015 (No. 3) [F2015L01449].


*Quarantine Act 1908—* Quarantine Amendment (Quarantine Stations) Proclamation 2015 [F2015L01465].

*Radiocommunications Act 1992—*
Radiocommunications (Communication with Space Object) Class Licence 2015 [F2015L01486].
Radiocommunications (Communication with Space Object) Class Licence Consequential Amendments Instrument 2015 [F2015L01488].
Radiocommunications Licence Conditions (Broadcasting Licence) Determination 2015 [F2015L01489].
Radiocommunications (Radionavigation-Satellite Service) Class Licence 2015 [F2015L01510].


*Social Security Act 1991—*
Social Security (Class of Visas – Newly Arrived Resident’s Waiting Period for Special Benefit) Determination 2015 (No. 2) [F2015L01547].
Social Security (Class of Visas – Qualification for Special Benefit) Determination 2015 (No. 2) [F2015L01542].
Social Security (Declaration of Visa in a Class of Visas – Special Benefit Activity Test) Determination 2015 (No. 2) [F2015L01554].
The following documents were tabled by the Clerk pursuant to order:

- Departmental and agency grants—Budget (Supplementary) estimates 2015-16—Letter of advice pursuant to the order of the Senate of 24 June 2008—Department of Employment.
- Tourism Australia.

3 **COMMITTEE REPORTS PRESENTED SINCE LAST SITTING OF SENATE**

The following reports and documents were presented and authorised for publication on the dates indicated pursuant to standing order 38(7)(a):

- Environment and Communications Legislation Committee—Landholders’ Right to Refuse (Gas and Coal) Bill 2015—Report, dated September 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 30 September 2015]
- Foreign Affairs, Defence and Trade Legislation Committee—Schedule 2 of the Veterans’ Affairs Legislation Amendment (2015 Budget Measures) Bill 2015—Report, dated September 2015, Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 25 September 2015]
- Health—Select Committee—Mental health: a consensus for action—Fourth interim report, dated October 2015. [Received 8 October 2015]
Legal and Constitutional Affairs References Committee—Report—Matter of a popular vote, in the form of a plebiscite or referendum, on the matter of marriage in Australia—Corrigenda [2]. [Received 21 September and 8 October 2015]

4 COMMITTEES—LEAVE TO MEET DURING SITTINGS

Committees were authorised to hold public meetings during the sittings of the Senate, as follows:

Foreign Affairs, Defence and Trade—Joint Standing Committee—
   Tuesday, 13 October 2015, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty.
   Wednesday, 14 October 2015, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationships with countries of the Middle East.

Migration—Joint Standing Committee—Wednesday, 14 October 2015, from 9.45 am, to take evidence for the committee’s inquiry into the Seasonal Worker Programme.

5 VACANCY IN THE REPRESENTATION OF SOUTH AUSTRALIA—CHOICE OF ROBERT ANDREW SIMMS

The President informed the Senate that he had received, through the Administrator of the Commonwealth of Australia, from the Administrator of the Government of the state of South Australia, the certificate of the choice by the Parliament of South Australia of Robert Andrew Simms to fill the vacancy caused by the resignation of Senator Wright.

The President tabled the certificate as follows:

   Government House
   Adelaide
   Thursday 24th September 2015
   Your Excellency

   I have the honour to inform Your Excellency that the President of the Legislative Council in this State has advised that, in accordance with Section 15 of the Constitution of the Commonwealth of Australia, a Joint Sitting of the Houses of Parliament was held on Tuesday 22nd September 2015, and Mr Robert Andrew Simms was duly chosen to be a Senator to fill the vacancy in the representation of South Australia in the Senate of the Commonwealth caused by the resignation of Senator Penny Wright.

   The Honourable Chief Justice Christopher Kourakis QC
   ADMINISTRATOR OF THE GOVERNMENT OF THE STATE OF SOUTH AUSTRALIA

   His Excellency Hieu Van Le AO
   Administrator of the Government of the Commonwealth of Australia
   Government House Canberra
   Dunrossil Drive
   YARRALUMLA ACT 2600.

   Senator sworn: Senator Simms, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the affirmation of allegiance at the table.
6 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.

Question put.

The Senate divided—

AYES, 34

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Question agreed to.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

Senator Rice moved the following amendments together by leave:

Clause 2, page 2 (table items 2 to 9), omit the items, substitute:

2. Schedule 1 The day after this Act receives the Royal Assent.

Schedule 1, page 4 (line 1) to page 28 (line 24), omit the Schedule, substitute:

Schedule 1—Amendments

Fair Work Act 2009

1 After paragraph 5(8)(a)

Insert:

(aa) provided by a secure employment order (see Part 2-7A); and
2 Section 12
Insert:

*rolling contract basis*: see section 21A.

3 Section 12
Insert:

*rolling contract employee*: see section 21A.

4 Section 12
Insert:

*secure employment arrangement* means ongoing employment on a part-time or full-time basis.

5 Section 12
Insert:

*secure employment order*: see subsection 306E(1).

6 Section 12
Insert:

*small business exempt casual employee*: a casual employee is a *small business exempt casual employee* if:

(a) the employer is a small business employer; and

(b) the employee is not a long term casual employee.

7 After section 21
Insert:

21A Meaning of rolling contract employee and rolling contract basis

(1) An employee who is employed on a rolling contract basis is a *rolling contract employee*.

(2) An employee is employed by an employer on a *rolling contract basis* if:

(a) the contract of employment ends on a specified date or at the end of a specified period; and

(b) the employee has previously been employed by the employer under such a contract; and

(c) the current and previous contracts relate to the same kind of work.

(3) For the purposes of paragraph (2)(a), a contract may end on a specified date or at the end of a specified period even if a term of the contract has the effect that the contract might be terminated before that date or before the end of that period.

8 After subparagraph 43(2)(a)(i)
Insert:

(i) a secure employment order (see Part 2-7A); or
9 After paragraph 172(1)(c)
   Insert:
   (ca) matters pertaining to secure employment arrangements, including moving from casual employment, or from employment on a rolling contract basis, to secure employment arrangements;

10 After Part 2-7
   Insert:
   Part 2-7A—Secure employment arrangements
   Division 1—Introduction
   306A Guide to this Part

This Part provides for transition to, and maintenance of, secure employment arrangements.

Division 1 deals with preliminary matters.

Division 2 deals with requests for secure employment arrangements. These include the following:

(a) requests to change from casual employment to secure employment arrangements;

(b) requests to change from employment on a rolling contract basis to secure employment arrangements.

Division 3 provides for the making of secure employment orders by FWC for employees or prospective employees.

306B Meanings of employee and employer
   In this Part, employee means a national system employee, and employer means a national system employer.

Division 2—Requests for secure employment arrangements
   306C Requests to change from casual employment to secure employment arrangements

   (1) A casual employee may request the employer, in writing, for a secure employment arrangement.

   (2) An employee organisation that is entitled to represent casual employees may, if asked to do so by one or more of the employees, request the employer, in writing, for a secure employment arrangement for that employee or those employees.

   (3) The employer must give the employee or organisation a written response to the request within 21 days, stating whether the employer grants or refuses the request.

   (4) If the employer refuses the request, the employer’s written response must include details of the reasons for the refusal.
(5) This section does not apply in relation to a small business exempt casual employee.

306D Requests to change from employment on rolling contract basis to secure employment arrangements

(1) A rolling contract employee may request the employer, in writing, for a secure employment arrangement.

(2) An employee organisation that is entitled to represent rolling contract employees may, if asked to do so by one or more of the employees, request the employer, in writing, for a secure employment arrangement for that employee or those employees.

(3) The employer must give the employee or organisation a written response to the request within 21 days, stating whether the employer grants or refuses the request.

(4) If the employer refuses the request, the employer’s written response must include details of the reasons for the refusal.

Division 3—Secure employment orders

306E FWC may make secure employment order

(1) FWC may, on application in accordance with section 306F, make any order (a secure employment order) it considers appropriate to provide, or to maintain, secure employment arrangements for the person or persons to whom the order will apply.

(2) A secure employment order may apply to:
   (a) any one of the following persons (a relevant person):
      (i) a casual employee;
      (ii) a rolling contract employee;
      (iii) a prospective employee who, if employed at the time the application for the order was made, would be a casual employee or rolling contract employee;
      (iv) an employee who already has a secure employment arrangement;
      (v) a prospective employee who, if employed at the time the application for the order was made, would have a secure employment arrangement; or
   (b) two or more relevant persons; or
   (c) a class of relevant persons.

(3) Without limiting paragraph (2)(c), the class may be described by reference to one or more of the following:
   (a) a particular industry or part of an industry;
   (b) a particular kind of work;
   (c) a particular type of employment;
   (d) a particular employer.

(4) A secure employment order must specify the employer or employers who are required to comply with the order, being the employer or employers of the relevant person, relevant persons or class of relevant persons to whom the order applies.

(5) Despite subsection (2), a secure employment order cannot apply to a small business exempt casual employee.
306F Application for secure employment order

(1) Application for a secure employment order in relation to a request refused under section 306C or 306D may be made by:
(a) if the employee made the request—any of the following:
   (i) the employee;
   (ii) an organisation that is entitled to represent the interests of the employee, if asked by the employee to make the application;
   (iii) the Age Discrimination Commissioner, the Disability Discrimination Commissioner or the Sex Discrimination Commissioner; or
(b) if an organisation made the request—the organisation.

(2) Application for a secure employment order otherwise than in relation to a request refused under section 306C or 306D may be made by:
(a) an organisation that is (or, for prospective employees, that would be) entitled to represent the interests of the relevant person, relevant persons or class of relevant persons to whom the order will apply; or
(b) an employer organisation that is entitled to represent the industrial interests of an employer of a relevant person, relevant persons or class of relevant persons to whom the order will apply.

306G Matters for FWC to consider

In deciding whether, or the terms on which, to make a secure employment order, FWC must have regard to the following:
(a) the needs of employees to have secure jobs and stable employment;
(b) an employer’s capacity to use arrangements that are not secure employment arrangements in cases where this is genuinely appropriate having regard to the needs of the business;
(c) the size of the employer or employers to whom the order will apply;
(d) if the application was made under subsection 306F(2)—whether the order should apply to the same employees and prospective employees, and require the same employers to comply with it, as are covered by a relevant modern award;
(e) any other matter FWC considers relevant.

306H Content of orders affecting more than one person

(1) Orders providing or maintaining secure employment arrangements for more than one relevant person may include one or more of the following:
(a) an order requiring that all the relevant persons who are long term casual employees be offered a secure employment arrangement;
(b) an order providing for a process by which all the relevant persons who have been employed by the employer for a certain period of time can elect to have a secure employment arrangement;
(c) an order specifying the terms of secure employment arrangements under which casual loadings would be phased out over a period of time so as to avoid a sharp drop in employee remuneration;

(d) an order implementing secure employment arrangements in such stages (as provided in the order) as FWC thinks appropriate;

(e) an order requiring the employer to provide information to FWC for the purposes of monitoring the staged implementation of secure employment arrangements;

(f) an order regulating the engagement of prospective employees on a casual basis, a rolling contract basis or a secure employment basis;

(g) an order regulating the employer’s use of arrangements that are not secure work arrangements in circumstances in which secure work arrangements could be used.

(2) Subsection (1) does not limit the orders that FWC may make under this section.

306J Implementation of secure employment order in stages

A secure employment order may provide for secure employment arrangements in such stages as FWC thinks appropriate.

306K Contravening a secure employment order

An employer must not contravene a secure employment order.

Note: This section is a civil remedy provision (see Part 4-1).

306L Inconsistency with modern awards and enterprise agreements

A term of a modern award or an enterprise agreement has no effect in relation to an employee to the extent that it is less beneficial to the employee than a term of a secure employment order that applies to the employee.

11 Subsection 539(2) (after table item 9)

Insert:

<table>
<thead>
<tr>
<th>9A</th>
<th>306K</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) a person to whom a secure employment order applies;</td>
<td>(a) the Federal Court;</td>
</tr>
<tr>
<td>(b) an organisation entitled to represent a person to whom a secure employment order applies</td>
<td>(b) the Federal Circuit Court;</td>
</tr>
<tr>
<td></td>
<td>(c) an eligible State or Territory court</td>
</tr>
</tbody>
</table>

60 penalty units

12 After paragraph 557(2)(f)

Insert:

(fa) section 306K (which deals with contraventions of working arrangements orders);
13 After paragraph 576(1)(f)
Insert:
(fa) secure employment arrangements (Part 2-7A);

14 After paragraph 653(1)(c)
Insert:
(ca) conduct research into the operation of Part 2-7A in relation to requests for secure employment arrangements; and

15 Subparagraph 653(1)(d)(i)
Repeal the subparagraph, substitute:
(i) the circumstances in which such requests are made; and

16 After paragraph 675(2)(e)
Insert:
(ea) a secure employment order;

17 At the end of subsection 716(1)
Add:
; (g) a term of a secure employment order.

Clause 2, page 2 (at the end of the table), add:

10. Schedule 3 The day after this Act receives the Royal Assent.

Page 32 (after line 18), at the end of the bill, add:

Schedule 3—Better work/life balance

Fair Work Act 2009

1 Before paragraph 5(8)(b)
Insert:
(ba) provided by a flexible working arrangements order (see Part 2-7B); and

2 Section 12
Insert:
flexible working arrangements order: see subsection 306S(1).

3 Before subparagraph 43(2)(a)(ii)
Insert:
(ib) a flexible working arrangements order (see Part 2-7B); or

4 Subsection 44(2)
Omit “65(5) or”.

5 Subsection 44(2) (note 1)
Repeal the note, substitute:

Note 1: Subsection 76(4) states that an employer may refuse an application to extend unpaid parental leave only on reasonable business grounds.

6 Subsection 44(2) (note 2)
Omit “65(5) or”.
7 Division 4 of Part 2-2
Repeal the Division.

8 Section 146 (note)
Omit “65(5) or”.

9 Before paragraph 172(1)(d)
Insert:
   (cb) matters pertaining to flexible working arrangements;

10 Subsection 186(6) (notes 1 and 2)
Omit “65(5) or”.

11 Before Part 2-8
Insert:

Part 2-7B—Flexible working arrangements
Division 1—Introduction

306M Guide to this Part

This Part provides processes for changing working arrangements.
Division 1 deals with preliminary matters.
Division 2 deals with requests for flexible working arrangements,
including flexible working arrangements for employees who are carers.
Division 3 provides for the making of flexible working arrangements
orders by FWC to ensure that employers comply with this Part.

306N Meanings of employee and employer
In this Part, employee means a national system employee, and
employer means a national system employer.

306P State and Territory laws that are not excluded
(1) This Act is not intended to apply to the exclusion of laws of a State or
Territory that provide employee entitlements in relation to flexible
working arrangements, to the extent that those entitlements are more
beneficial to employees than the entitlements under this Part.
(2) However, a law of a State or Territory has no effect in relation to an
employee to the extent that it provides an employee entitlement in
relation to flexible working arrangements that is inconsistent with a
term of an enterprise agreement that applies to the employee.
Division 2—Requests for flexible working arrangements

306Q Requests for flexible working arrangements

Employee or organisation may request change

(1) An employee, or an employee organisation that is entitled to represent the employee, may request the employer to change the employee’s working arrangements.

Note: Examples of changes in working arrangements include changes in hours of work, changes in patterns of work and changes in location of work.

(2) Neither the employee, nor the organisation, is entitled to make the request unless:
   (a) for an employee other than a casual employee—the employee has completed at least 12 months of continuous service with the employer immediately before making the request; or
   (b) for a casual employee—the employee:
      (i) is a long term casual employee of the employer immediately before making the request; and
      (ii) has a reasonable expectation of continuing employment by the employer on a regular and systematic basis.

Formal requirements

(3) The request must:
   (a) be in writing; and
   (b) set out details of the change sought and of the reasons for the change.

Responding to the request

(4) The employer must give the employee, or the employee organisation (as the case requires), a written response to the request within 21 days, stating whether the employer grants or refuses the request.

(5) The employer may refuse the request only on reasonable business grounds.

(6) If the employer refuses the request, the written response under subsection (4) must include details of the reasons for the refusal.

306R Requests for flexible working arrangements—carers

Request for change for employee who is a carer

(1) An employee who has responsibility for the care of another person, or an employee organisation that is entitled to represent the employee, may request the employer to change the employee’s working arrangements to assist the employee to care for the other person.

Note: Examples of changes in working arrangements include changes in hours of work, changes in patterns of work and changes in location of work.

(2) Neither the employee, nor the organisation, is entitled to make the request unless:
   (a) for an employee other than a casual employee—the employee has completed at least 12 months of continuous service with the employer immediately before making the request; or
(b) for a casual employee—the employee:
   (i) is a long term casual employee of the employer immediately before making the request; and
   (ii) has a reasonable expectation of continuing employment by the employer on a regular and systematic basis.

Formal requirements

(3) The request must:
   (a) be in writing; and
   (b) set out details of the change sought and of the reasons for the change.

Responding to the request

(4) The employer must give the employee, or the employee organisation (as the case requires), a written response to the request within 21 days, stating whether the employer grants or refuses the request.

(5) The employer may refuse the request only on serious countervailing business grounds.

(6) If the employer refuses the request, the written response under subsection (4) must include details of the reasons for the refusal.

Division 3—Flexible working arrangements orders

306S FWC may make flexible working arrangements order

Power to make flexible working arrangements order

(1) FWC may make any order (the flexible working arrangements order) it considers appropriate to ensure that an employer complies with section 306Q or 306R.

Who may apply for flexible working arrangements order

(2) FWC may make a flexible working arrangements order only on application by any of the following:
   (a) an employee or organisation whose request under subsection 306Q(1) or 306R(1) for a change in working arrangements has been refused;
   (b) an employee organisation that is entitled to represent an employee covered by paragraph (a);
   (c) the Age Discrimination Commissioner, the Disability Discrimination Commissioner or the Sex Discrimination Commissioner.

306T Implementation of flexible working arrangements in stages

A flexible working arrangements order may provide for changed working arrangements in such stages as FWC thinks appropriate.

306U Contravening a working arrangements order

An employer must not contravene a term of a flexible working arrangements order.

Note: This section is a civil remedy provision (see Part 4-1).
Inconsistency with modern awards and enterprise agreements

(1) A term of a modern award has no effect in relation to an employee to the extent that it is less beneficial to the employee than a term of a flexible working arrangements order that applies to the employee.

(2) A term of a flexible working arrangements order has no effect in relation to an employee to the extent that it is inconsistent with a term of an enterprise agreement that applies to the employee.

12 Subsection 539(2) (before table item 10)

Insert:

Part 2-7B—Flexible working arrangements

| 9B | 306U | (a) a person to whom a flexible working arrangements order relates; | (a) the Federal Court; | 60 penalty units |
|    |      | (b) an organisation entitled to represent a person to whom a flexible working arrangements order relates | (b) the Federal Circuit Court; | |
|    |      | (c) an eligible State or Territory court | (c) an eligible State or Territory court | |

13 Subsection 545(1) (note 4)

Omit “65(5),”.

14 Before paragraph 557(2)(g)

Insert:

(fb) section 306U (which deals with contraventions of flexible working arrangements orders);

15 Before paragraph 576(1)(g)

Insert:

(fb) flexible working arrangements (Part 2-7B);

16 Paragraph 653(1)(c)

Repeal the paragraph, substitute:

(c) conduct research into the operation of the provisions of the National Employment Standards relating to requests for extensions of unpaid parental leave under subsection 76(1); and

17 Before paragraph 653(1)(d)

Insert:

(cb) conduct research into the operation of Part 2-7B in relation to requests for changed working arrangements; and

18 Before paragraph 675(2)(f)

Insert:

(eb) a flexible working arrangements order;
19 At the end of subsection 716(1)
Add:
; (h) a term of a flexible working arrangements order.

20 Subsection 739(2)
Omit “65(5) or”.

21 Subsection 739(2) (note)
Omit “65(5) or”.

22 Subsection 740(2)
Omit “65(5) or”.

23 Subsection 740(2) (note)
Omit “65(5) or”.

Debate ensued.

Question—That the amendments be agreed to—put.
The committee divided—

AYES, 10

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

NOES, 38

Senators—
Back Gallagher McGrath Ronaldson
Bullock Lazarus McKenzie Ruston
Bushby Leyonhjelm McLucas Singh
Cameron Lindgren Moore Smith
Canavan Lines Muir Sterle
Cash Ludwig O’Neill Urquhart (Teller)
Day Macdonald Peris Wang
Edwards Madigan Polley Williams
Fawcett Marshall Reynolds Xenophon
Gallacher McAllister

Question negatived.

Question—That the bill stand as printed—divided, at the request of Senator Rice, in respect of Schedule 2.

Schedule 2 agreed to.

Question—That the bill stand as printed—divided, at the request of Senator Leyonhjelm, in respect of Schedule 1, Part 1; and Schedule 2, item 1, clause 2.

Schedule 1, Part 1; and Schedule 2, item 1, clause 2 debated.

At 2 pm: The President resumed the chair and the Chair of Committees (Senator Marshall) reported progress.
7 Ministry and Ministerial Arrangements—Document
Senator Brandis, by leave, informed the Senate of his appointment as Leader of the Government in the Senate, the appointment of Senator Cormann as Deputy Leader of the Government in the Senate, and of Senator Ryan as Deputy Manager of Government Business.

Document: Senator Brandis tabled a document showing all members of the Turnbull Ministry and ministerial representation, dated 30 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 Gallacher moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by the Leader of the Opposition in the Senate (Senator Wong) today relating to the allocation of ministerial responsibility for water.
Debate ensued.
Question put and passed.

The Leader of the Australian Greens (Senator Di Natale) moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Di Natale today relating to asylum seeker children.
Question put and passed.

10 Death of Former Member Robert (Bob) Bruce Whan, AM
The President informed the Senate of the death, on 4 October 2015, of Robert (Bob) Bruce Whan, AM, a member of the House of Representatives for the division of Eden-Monaro from 1972 to 1975.

11 Proposed Matters of Privilege—Statement by President
The President made a statement relating to matters of privilege raised by Senators McKenzie, Peris, Siewert and Edwards concerning the unauthorised disclosure of draft committee reports of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples and the Economics References Committee.

In relation to the report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, the President informed the Senate that, in light of the resolutions of the Senate of 20 June 1996 and 17 September 2007, he had asked the Committee of Privileges whether it would agree to undertake the preliminary investigations envisaged by the resolutions, and form a conclusion about whether the matter was one that warranted being raised as a matter of privilege.
The President tabled the following report and document:

Privileges—Standing Committee—Possible unauthorised disclosure of report of joint select committee—

Letter to the President from the Chair of the Standing Committee of Privileges (Senator Collins), dated 16 September 2015.

In relation to the report of the Economics References Committee, the President indicated that as the Economics References Committee had not yet undertaken the preliminary inquiries required by the resolutions he had determined that he should not at this stage give precedence to a motion to refer the matter to the Committee of Privileges.

_Statements by leave:_ The Chair of the Standing Committee of Privileges (Senator Collins) and Senator Macdonald, by leave, made statements relating to the matter.

12 **NOTICES**

Senator Moore: To move on the next day of sitting—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. (general business notice of motion no. 880)

Senators Moore and Siewert: To move on the next day of sitting—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. (general business notice of motion no. 881)
Senator Moore: To move on the next day of sitting—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. (general business notice of motion no. 882)

Senator Carr: To move on the next day of sitting—That there be laid on the table by the Minister for Education and Training, by no later than 3.30 pm on Wednesday, 14 October 2015:

(a) any reports delivered under the Nous Group contract, ‘Assessment of Stakeholder Views – Higher Education’, listed on the Austender website (contract number CN3277481); and

(b) all other documentation related to the contract, including any correspondence between the Nous Group and the Minister or his department. (general business notice of motion no. 883)

Senator Macdonald: To move on the next day of sitting—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. (general business notice of motion no. 884)

Senator Lazarus: To move on the next day of sitting—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 immediately commit the funds necessary to build 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. (general business notice of motion no. 885)

Senators Rhiannon and Bilyk: To move on the next day of sitting—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. (general business notice of motion no. 887)

Senator McEwen: To move on 15 October 2015—That the Senate—
(a) notes that:
(i) World Food Day 2015, held on 16 October, will mark the 70th anniversary of the establishment of the United Nations Food and Agriculture Organization, and that the theme for the day is ‘Social protection and agriculture: breaking the cycle of rural poverty’,
(ii) malnutrition contributes to 3 million of the 6 million deaths of children under age 5 each year,
(iii) in addition, 162 million children around the world suffer from stunting, which is an indicator of chronic under-nutrition, and affects the physical and mental development of children,
(iv) the estimated economic benefits of action to improve nutrition outweigh the additional costs by up to 18 to 1,
(v) Australia and other international donors invest less than 1 per cent of development assistance in specific nutrition investments, in spite of the toll of malnutrition, and
(vi) achieving Goal 2 of the Sustainable Development Goals, ‘End hunger, achieve food security and improved nutrition and promote sustainable agriculture’, will require increased investment in nutrition;
(b) recognises that:
(i) the Australian Government has included nutrition as a priority investment in its Health for Development Strategy released in June 2015,
(ii) the next global Nutrition for Growth Summit, due to take place in Rio de Janeiro in 2016, is a significant opportunity for international donors, national governments and non-government partners to commit additional resources to reducing malnutrition, and
(iii) the Nutrition for Growth Summit provides an occasion for Australia to back its priority for nutrition to improve health outcomes with a commitment of additional resources; and

(c) calls on the Australian Government to ensure Australia has ministerial level representation and makes a commitment of new funding for nutrition at the Nutrition for Growth Summit in 2016. (general business notice of motion no. 888)

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

(i) puts the needs of the people of Australia first,

(ii) improves the quality, safety, effectiveness and efficiency of taxi and ride-sharing services across Australia,

(iii) 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,

(iv) recognises the financial investment of taxi industry stakeholders, and any potential losses associated with a national approach,

(v) proposes amendments to policy, legislation and administrative instruments and mechanisms across relevant levels and areas of government to facilitate the adoption of the framework,

(vi) is developed in consultation with all taxi industry, ride-sharing service providers and other stakeholders, and

(vii) aims to resolve the issues being experienced across the country, and reduce the tension and concern being felt by many involved. (general business notice of motion no. 889)

The Minister for Communications (Senator Fifield): To move on the next day of sitting—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.

Senator Canavan: To move on the next day of sitting—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. (general business notice of motion no. 890)

Senator Siewert: To move on 14 October 2015—That the Senate—
(a) notes that:
   (i) the week beginning 11 October 2015 is Anti-Poverty Week,
   (ii) the main aims of Anti-Poverty Week are to strengthen public understanding, and encourage research, discussion and action to address these problems, and
   (iii) poverty and severe hardship affect more than a million Australians;
(b) acknowledges the very important work undertaken by a large number of organisations across Australia in providing crucial services, such as food-banks, housing, social services, counselling and legal support, among others, which make an invaluable contribution to Australian society; and
(c) calls on the Government to:
   (i) increase Newstart and Youth Allowance payments by at least $50 a week,
   (ii) provide adequate support to people struggling with poverty, including young people accessing income support,
   (iii) provide appropriate support to service delivery agencies, including stable and adequate funding, and
   (iv) develop a national anti-poverty plan with clear targets and measures to address poverty in Australia. (general business notice of motion no. 891)

Senators Xenophon, Lazarus, Muir and Whish-Wilson: To move on the next day of sitting—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. (general business notice of motion no. 892)
Senator Rice: To move on the next day of sitting—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. (general business notice of motion no. 893)

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. 2 standing in his name for 13 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 1.15(1) and 2.26B(1),
paragraphs 2.72(10)(aa) and 2.72(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 [F2015L01447].

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

13 PRIVATE SENATORS’ BILLS—CONSIDERATION
The Minister for Communications (Senator Fifield) moved—That the following
general business orders of the day be considered on Thursday, 15 October 2015 under
the order relating to the consideration of private senators’ bills:

No. 44 Racial Discrimination Amendment Bill 2014.

Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015,
subject to introduction.

Question put and passed.

14 LEAVE OF ABSENCE
Senator Bushby, by leave, moved—That leave of absence be granted to the following
senators on account of ministerial business:

(a) Senator Cormann for today; and

(b) Senator Payne from 12 to 15 October 2015.

Question put and passed.

Senator McEwen, by leave, moved—That leave of absence be granted to the
following senators:

(a) Senators Bilyk and Brown for today, for personal reasons;

(b) Senator Conroy from 12 to 15 October 2015, on account of parliamentary
business; and
(c) Senator Ketter for 12 and 13 October 2015, for personal reasons. Question put and passed.

15 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Rice for 13 October 2015, proposing a reference to the Education and Employment References Committee, postponed till 15 October 2015.

General business notice of motion no. 674 standing in the name of Senator Rice for 13 October 2015, proposing the introduction of the Automotive Transformation Scheme Amendment (Sustainable Jobs in the Auto Component Industry) Bill 2015, postponed till 15 October 2015.

General business notice of motion no. 876 standing in the name of Senator Dastyari for today, proposing an order for the production of documents by the Minister representing the Treasurer, postponed till 13 October 2015.

16 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:

- Environment and Communications Legislation Committee—Environment Protection and Biodiversity Conservation Amendment (Standing) Bill 2015 [Provisions], extended to the second last sitting day in February 2016.

The Deputy Clerk informed the Senate that, pursuant to standing order 67, a notice had been received proposing that the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Shipping Legislation Amendment Bill 2015 be extended to 19 October 2015.

Statement by leave: Senator Sterle, by leave, made a statement relating to the matter. Senator Sterle requested that the question be put to the Senate for determination.

Question—That the extension of time for the committee to report be agreed to—put. The Senate divided—

AYES, 30

Senators—

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NOES, 32

Senators—

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

Question negatived.

17 Environment—Marine Protection

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 879—That the Senate—

(a) notes:

(i) the release of the World Wide Fund for Nature report *Living Blue Planet Report: Species, habitats and human well-being*,

(ii) that the report found that:

(A) 29 per cent of marine fisheries are overfished and that marine species are under increasing threat around the globe, including around one in four species of sharks, rays and skates which are threatened with extinction,

(B) key habitats, including coral reefs, sea grasses and mangroves, are declining, and

(C) by increasing the marine protected area coverage to 30 per cent, up to US$920 billion could be generated between 2015 and 2050, and

(iii) the Government’s suspension of the marine protected areas with the ‘redevelopment’ of marine protected area management plans; and

(b) calls on the Government to:

(i) re-instate the marine protected areas management plans and marine protected areas, and

(ii) consider the solutions outlined in the report.

Statements by leave: The Minister for Communications (Senator Fifield) and Senator Siewert, by leave, made statements relating to the motion.

The Deputy President (Senator Marshall) reminded senators of the Procedure Committee’s second report of 2011 and its consideration of standing order 66 relating to procedures for dealing with formal motions and in particular, statements being made by leave which may amount to *de facto* debate.

Question put and passed.
18 TRANSPORT—WESTERN AUSTRALIA—PERTH FREIGHT LINK

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 878—That the Senate—

(a) notes:

(i) that a Supreme Court action was lodged on Thursday, 10 September 2015, against the approval given by the Western Australian Minister for Environment (Mr Jacob) to the Roe 8 extension Stage 1 of the Perth Freight Link, and includes significant new revelations of bias and conflict of interest on the Environment Protection Authority board, potentially tainting the entire assessment process;

(ii) the opposition to this project by over 30 separate residents’ and community groups, at least 3 local councils, and almost 15 000 individuals via petitions since 2008,

(iii) the well-documented flaws in the federal environmental assessment process, including flawed surveys of the iconic Black Cockatoo, and

(iv) the failure of the Government to release key documents to inform public evaluation of this project; and

(b) calls on the Minister representing the Minister for Infrastructure and Regional Development:

(i) to reprioritise $925 million in federal funding allocated to this project to actual solutions to Perth’s freight task, including investment in freight rail and the Outer Harbour, and

(ii) to urgently request that the federal assessment be delayed until such time as the judicial review in the Supreme Court has been completed.

Statements by leave: Senator Ludlam and the Minister for Communications (Senator Fifield), by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 30

Senators—

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

NOES, 30

Senators—

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

The ayes and noes were equal and so the question was negatived.
19 TRADE—CHINA—TARIFFS ON COAL
Senator Canavan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 877—that the Senate notes that:
(a) Australia’s export of coal to China is worth approximately $9.3 billion per year;
(b) China currently imposes a tariff of 3 per cent on these coking coal exports and a 6 per cent tariff on thermal coal exports;
(c) the signing of the China-Australia Free Trade Agreement will eliminate the 3 per cent coking coal tariff immediately, and the 6 per cent tariff on thermal coal within 2 years;
(d) the elimination of these tariffs will save Australia’s coal industry around $380 million per year leading to more jobs for Australians in an industry which already directly employs 54,000 people; and
(e) the displacement of poorer quality coal from other countries with Australian coal will reduce global emissions significantly.

Question put and passed.

20 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE
Senator Hanson-Young, also on behalf of Senator Gallacher, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—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.

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

Question put.
The Senate divided—

**AYES, 28**

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| Rice           | 331  |
| McGim          | 419  |
| McKim          | 135  |
| McLucas        | 280  |
| Simms          | 244  |
| Moore          | 268  |
| Sterle         | 331  |
| O’Neill        | 419  |
| Pers           | 156  |
| Waters         | 244  |
| Polley         | 156  |
| Whish-Wilson   | 419  |

**NOES, 26**

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| Colbeck                   | 119  |
| Day                       | 3200 |
| Edwards                   | 246  |
| Fawcett                   | 335  |
| Fieravanti-Wells          | 300  |
| Fifield                   | 263  |
| Hefferman                 | 278  |
| Johnston                  | 287  |

| Leyonhjelm                | 119  |
| Lindgren                  | 3200 |
| Macdonald                 | 246  |
| MacGrath                  | 335  |
| Muir                      | 300  |
| Nash                      | 263  |
| Nash                      | 278  |

| Reynolds                  | 119  |
| Ronaldson                 | 3200 |
| Ruston                    | 246  |
| Siewert                   | 335  |
| Simms                     | 300  |
| Sterle                    | 263  |
| Siewert                   | 278  |
| Simms                     | 287  |

**Question agreed to.**

*Statements by leave:* Senator Muir, by leave, made a statement relating to the motion, and Senator Fifield, by leave, made a statement relating to the vote on the motion.

Leave was granted for the question to be put again.

**Question—That the motion be agreed to—put.**

The Senate divided—

**AYES, 32**

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| Simms                     | 300  |
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| Siewert                   | 278  |
| Simms                     | 287  |

**Question agreed to.**
21 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS—PENALTY RATES**

The Deputy President (Senator Marshall) informed the Senate that Senator Moore had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Turnbull Liberal Government’s attack on penalty rates.

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

22 **DOCUMENTS—CONSIDERATION**

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

23 **COMMUNICATIONS—NBN CO LIMITED—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS**

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) tabled the following documents:

Communications—NBN Co Limited—Letter from the Minister for Communications (Senator Fifield) to the Clerk of the Senate (Dr Laing), dated 9 October 2015, responding to the order of the Senate of 17 September 2015 and raising a public interest immunity claim, and attachment.

24 **DEFENCE—DEPARTMENT OF VETERANS’ AFFAIRS—2014 CLIENT SERVICES SURVEY—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) tabled the following document:

Defence—Department of Veterans’ Affairs—2014 Client Services Survey—Letter to the President of the Senate from the Minister for Veterans’ Affairs (Mr Robert) responding to the order of the Senate of 17 September 2015.

25 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—REVIEW OF THE RE-LISTING OF AL-SHABAAB, HAMAS’ IZZ AL-DIN AL-QASSAM BRIGADES, KURDISTAN WORKERS PARTY (PKK), LASHKAR-E-TAYYIBA AND PALESTINIAN ISLAMIC JIHAD AS TERRORIST ORGANISATIONS**

Senator Fawcett, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:


Senator Fawcett, by leave, moved—that the Senate take note of the report.

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

26 **INTELLIGENCE AND SECURITY—JOINT STATUTORY COMMITTEE—REPORT—ANNUAL REPORT OF COMMITTEE ACTIVITIES 2014-15**

Senator Fawcett, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report:

Senator Fawcett, by leave, moved—That the Senate take note of the report. Debate adjourned till the next day of sitting, Senator Fawcett in continuation.

27 REGULATIONS AND ORDINANCES—STANDING COMMITTEE—DOCUMENT
Senator Fawcett, 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 Fawcett.

28 COMMITTEE MEMBERSHIP
The Acting Deputy President (Senator Gallacher) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston), by leave, moved—That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation and References Committees—
Discharged—Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—Participating members: Senators Abetz, Reynolds, Ronaldson and Simms

Economics Legislation Committee—
Discharged—Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—Participating members: Senators Abetz, Bernardi, Ronaldson and Simms

Economics References Committee—
Discharged—Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—Participating members: Senators Abetz, Ronaldson and Simms

Education and Employment Legislation Committee—
Discharged—
Senator Sinodinos
Participating member: Senator McGrath
Appointed—
Senator Reynolds
Substitute member: Senator Siewert to replace Senator Rhiannon for the committee’s inquiry into the provisions of the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015
Participating members: Senators Abetz, O’Sullivan, Rhiannon, Ronaldson and Smith

Education and Employment References Committee—
Discharged—
Senator Sinodinos
Participating member: Senator McGrath
Appointed—
Senator Reynolds
Substitute member: Senator Siewert to replace Senator Rhiannon for the committee’s inquiry into students with disability and the schools system
Participating members: Senators Abetz, Rhiannon and Ronaldson

Electoral Matters—Joint Standing Committee—
Discharged—Senator McGrath
Appointed—Senator Reynolds

Environment and Communications Legislation Committee—
Discharged—Senators McGrath, Ruston and Sinodinos
Appointed—
Senators Back, Reynolds and Ronaldson
Participating members: Senators Abetz, Canavan and Simms

Environment and Communications References Committee—
Discharged—
Senators McGrath and Ruston
Participating member: Senator Sinodinos
Appointed—
Senators Back and Reynolds
Participating members: Senators Abetz, Ronaldson and Simms

Finance and Public Administration Legislation and References Committees—
Discharged—Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—Participating members: Senators Abetz, Ronaldson and Simms

Foreign Affairs, Defence and Trade Legislation Committee—
Discharged—
Senator McGrath
Participating members: Senators Ruston and Sinodinos
Appointed—
Senator Ronaldson
Participating members: Senators Abetz and Simms

Foreign Affairs, Defence and Trade References Committee—
Discharged—Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—Participating members: Senators Abetz, Ronaldson and Simms

Health—Select Committee—
Discharged—Participating members: Senators Fifield, McGrath and Ruston
Appointed—Participating members: Senators Abetz, Johnston, Lindgren, Ronaldson and Simms

House—Standing Committee—
Discharged—Senator Ruston
Appointed—Senator Fawcett

Legal and Constitutional Affairs Legislation Committee—
Discharged—
Senator Reynolds
Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—
Senator Smith
Substitute members [for the committee’s inquiries into the provisions of the Migration Amendment (Charging for a Migration Outcome) Bill 2015, and the provisions of the Migration and Maritime Powers Amendment Bill (No. 1) 2015]:

Senator Gallacher to replace Senator Collins
Senator Hanson-Young to replace Senator McKim
Participating members: Senators Abetz, Collins, McKim, Reynolds, Ronaldson and Simms

Legal and Constitutional Affairs References Committee—
Discharged—
Senator Reynolds
Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—
Senator Smith
Participating members: Senators Abetz, Reynolds, Ronaldson and Simms

Murray-Darling Basin Plan—Select Committee—
Discharged—
Senators Rhiannon and Ruston
Participating members: Senators McGrath and Sinodinos
Appointed—
Senators Edwards and Simms
Participating members: Senators Abetz, Hanson-Young, McKim and Ronaldson

National Broadband Network—Select Committee—
Discharged—
Senators Ruston and Sinodinos
Participating member: Senator McGrath
Appointed—
Senators Johnston and Reynolds
Participating members: Senators Abetz, Bernardi and Ronaldson

Northern Australia—Joint Select Committee—
Discharged—Participating members: Senators McGrath and Ruston
Appointed—Participating members: Senators Abetz, Johnston, Lindgren and Ronaldson

Parliamentary Library—Joint Standing Committee—
Discharged—Senator McGrath
Appointed—Senator Lindgren

Privileges—Standing Committee—
Discharged—Senator Ruston
Appointed—Senator Ronaldson

Rural and Regional Affairs and Transport Legislation and References Committees—
Discharged—Participating members: Senators McGrath, Ruston and Sinodinos
Appointed—Participating members: Senators Abetz, Ronaldson and Simms

Scrutiny of Government Budget Measures—Select Committee—
Discharged—Senator McGrath
Appointed—
Senator Edwards
Participating members: Senators McKim and Simms

Selection of Bills—Standing Committee—
Discharged—Senator Ruston

Senators’ Interests—Standing Committee—
Discharged—Senator Ruston
Appointed—Senator Johnston

Trade and Investment Growth—Joint Select Committee—
Discharged—Participating members: Senators McGrath and Ruston
Appointed—Participating members: Senators Abetz, Johnston, Lindgren and Ronaldson

Treaties—Joint Standing Committee—
Discharged—Senator McGrath
Appointed—Senator Johnston.

Question put and passed.

29 AMENDING ACTS 1980 TO 1989 REPEAL BILL 2015
STATUTE LAW REVISION BILL (NO. 2) 2015
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 460, dated 12 October 2015—A Bill for an Act to make various amendments of the statute law of the Commonwealth, to repeal certain obsolete Acts, and for related purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—That these bills be now read a second time.
On the motion of Senator Ruston the debate was adjourned till the next day of sitting.

30 OMNIBUS REPEAL DAY (AUTUMN 2015) BILL 2015
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—that this bill be now read a second time.
On the motion of Senator Ruston the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

31 COMMITTEE MEMBERSHIP
A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:
Message no. 457, dated 12 October 2015—
Joint Standing Committee on Electoral Matters, Mr Hawke, discharged
Joint Standing Committee on Foreign Affairs, Defence and Trade, Mr Hawke and Mr Wyatt Roy, discharged
Parliamentary Joint Committee on Human Rights, Mr Pasin in place of Mr Wyatt
Joint Standing Committee on the National Disability Insurance Scheme, Mr Brough and Mr Irons, discharged
Joint Committee of Public Accounts and Audit, Dr Hendy and Mr Wyatt, discharged
Joint Standing Committee on Treaties, Mr Taylor in place of Mr Wyatt Roy.

32 RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE—REPORT—SHIPPING LEGISLATION AMENDMENT BILL 2015
Pursuant to order, Senator Fawcett, at the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee (Senator Heffernan), tabled the following report and documents:
Report ordered to be printed on the motion of Senator Fawcett.

33 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—SOCIAL SECURITY LEGISLATION AMENDMENT (DEBIT CARD TRIAL) BILL 2015
Pursuant to order, Senator Fawcett, at the request of the Chair of the Community Affairs Legislation Committee (Senator Seselja), tabled the following report and documents:
Report ordered to be printed on the motion of Senator Fawcett.
34 **ECONOMICS LEGISLATION COMMITTEE—REPORT—TAX AND SUPERANNUATION LAWS AMENDMENT (BETTER TARGETING THE INCOME TAX TRANSPARENCY LAWS) BILL 2015**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following report and documents:


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

35 **FAIR WORK AMENDMENT BILL 2014**

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

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*In the committee*

Consideration resumed of Schedule 1, Part 1; and Schedule 2, item 1, clause 2.

Debate resumed.

Schedule 1, Part 1; and Schedule 2, item 1, clause 2 agreed to.

Question—That the bill stand as printed—divided, at the request of Senator Muir, also on behalf of Senators Day, Lazarus and Madigan, in respect of Schedule 1, Parts 2 to 4, 6, 8 and 9; and Schedule 2, item 1, clauses 3 to 8, 10, 12 and 13.

Schedule 1, Parts 2 to 4, 6, 8 and 9; and Schedule 2, item 1, clauses 3 to 8, 10, 12 and 13 debated.

Question—That Schedule 1, Parts 2 to 4, 6, 8 and 9; and Schedule 2, item 1, clauses 3 to 8, 10, 12 and 13 stand as printed—put and negatived.

On the motion of Senator Muir, also on behalf of Senators Day, Lazarus and Madigan, the following amendments, taken together by leave, were agreed to:

Clause 2, page 2 (table item 2), omit “Parts 1, 2 and 3”, substitute “Part 1”.

Clause 2, page 2 (table items 3 and 4), omit the table items.

Clause 2, page 2 (table item 5), omit “Parts 5, 6 and 7”, substitute “Parts 5 and 7”.

Clause 2, page 2 (table items 6 and 7), omit the table items.

On the motion of Senator Muir, also on behalf of Senators Xenophon, Day, Lazarus, Madigan and Wang, the following amendment was debated and agreed to:

Schedule 1, item 27, page 12 (line 31), omit “3 months”, substitute “6 months”.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Cameron, in respect of Schedule 1, Part 7; and Schedule 2, item 1, clause 11.

Schedule 1, Part 7; and Schedule 2, item 1, clause 11 debated.

Question—That Schedule 1, Part 7; and Schedule 2, item 1, clause 11 stand as printed—put.
The committee divided—

**AYES, 33**

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**NOES, 29**

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Part and clause agreed to.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Cameron, in respect of Schedule 1, items 28 and 30 to 39.

Schedule 1, items 28 and 30 to 39 debated.

The Minister for Employment (Senator Cash) moved—That the committee report progress and ask leave to sit again.

Question put and passed.

The Acting Deputy President (Senator Dastyari) resumed the chair and the Temporary Chair of Committees reported that the committee had considered the bill, made progress and asked leave to sit again.

Senator Cash moved—That the committee have leave to sit again at a later hour.

Question put.

The Senate divided—

**AYES, 35**

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Gallagher

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McEwen (Teller)

McKim
McLucas
Moore
Peris
Rhiannon
Rice

Siewert
Simms
Sterle
O'Neill
Whish
Wong

Question agreed to.

36 HOURS OF MEETING—PROPOSED VARIATION

The Minister for Employment (Senator Cash), by leave, moved—that the Senate continue to sit until it has finally considered the Fair Work Amendment Bill 2014, or a motion for the adjournment is moved by a minister, whichever is the earlier.

Debate ensued.

At 9.50 pm: Debate was interrupted while the Leader of the Opposition in the Senate (Senator Wong) was speaking.

37 ADJOURNMENT

The President proposed the question—that the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 10.11 pm till Tuesday, 13 October 2015 at 12.30 pm.

38 ATTENDANCE


ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate