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Building and Construction Industry (Improving Productivity) Bill 2013

Fair Work (Registered Organisations) Amendment Bill 2014

Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016
Treasury Laws Amendment (Working Holiday Maker Reform) Bill 2016
Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2016
Passenger Movement Charge Amendment Bill 2016

VET Student Loans Bill 2016
VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016
VET Student Loans (Charges) Bill 2016

Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016

Committee Membership
Governor-General’s Message—Assent to Laws

Environment and Communications Legislation Committee—Report—
Broadcasting Legislation Amendment (Media Reform) Bill 2016


Legal and Constitutional Affairs Legislation Committee—Report—
Criminal Code Amendment (Firearms Trafficking) Bill 2016

Community Affairs Legislation Committee—Report—Social Services Legislation Amendment (Simplifying Student Payments) Bill 2016

Education and Employment Legislation Committee—Report—VET Student Loans Bill 2016 and Related Bills

Qualification of Senator Culleton—Reference to Court of Disputed Returns
Plebiscite (Same-Sex Marriage) Bill 2016

Appropriation (Parliamentary Departments) Bill (No. 1) 2016-2017
Appropriation Bill (No. 1) 2016-2017
Appropriation Bill (No. 2) 2016-2017
Adjournment
Attendance
1 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.

2 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

Airservices Australia—Report for 2015-16, including report of the Aircraft Noise Ombudsman.


ASC Pty Ltd—Report for 2015-16. [Received 28 October 2016]

Auditing and Assurance Standards Board—Report for 2015-16. [Received 28 October 2016]

Auditor-General—Audit reports for 2016-17—
   No. 20—Performance audit—The management, administration and monitoring of the Indemnity Insurance Fund: Department of Health; Department of Human Services.
   No. 21—Performance audit—Reforming the disposal of specialist military equipment: Department of Defence.
   No. 23—Performance audit—National rental affordability scheme – Administration of allocations and incentives: Department of Social Services.

Australia Business Arts Foundation Limited (Creative Partnerships Australia)—Report for 2015-16. [Received 25 October 2016]

Australia Council for the Arts (Australia Council)—Report for 2015-16.

Australian Accounting Standards Board—Report for 2015-16. [Received 28 October 2016]

Australian Broadcasting Corporation (ABC)—Report for 2015-16. [Received 31 October 2016]

Australian Centre for International Agricultural Research (ACIAR)—Report for 2015-16. [Received 28 October 2016]

Australian Charities and Not-for-profits Commission (ACNC)—Report for 2015-16. [Received 27 October 2016]

Australian Commission for Law Enforcement Integrity—Report for 2015-16.

Australian Commission on Safety and Quality in Health Care—Report for 2015-16.

Australian Communications and Media Authority (ACMA) and the Office of the Children’s eSafety Commissioner—Reports for 2015-16.

Australian Competition and Consumer Commission (ACCC)—Report for 2015-16, including report of the Australian Energy Regulator (AER).


Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2015-16. [Received 26 October 2016]
Australian Electoral Commission (AEC)—Report for 2015-16. [Received 24 October 2016]

Australian Federal Police (AFP)—Report for 2015-16, including reports on assumed identities, the National Witness Protection Program and unexplained wealth investigations and proceedings. [Received 14 October 2016]

Australian Film, Television and Radio School (AFTRS)—Report for 2015-16. [Received 28 October 2016]

Australian Financial Security Authority (AFSA)—Report for 2015-16, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009. [Received 28 October 2016]

Australian Fisheries Management Authority—Report for 2015-16.

Australian Human Rights Commission—Report for 2015-16. [Received 3 November 2016]

Australian Information Commissioner—Report for 2015-16. [Received 31 October 2016]

Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2015-16. [Received 25 October 2016]

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)—Report for 2015-16. [Received 28 October 2016]

Australian Institute of Criminology—Report for 2015-16.

Australian Institute of Family Studies—Report for 2015-16. [Received 31 October 2016]

Australian Institute of Health and Welfare—Report for 2015-16. [Received 27 October 2016]

Australian Institute of Marine Science (AIMS)—Report for 2015-16.


Australian National Maritime Museum—Report for 2015-16. [Received 28 October 2016]

Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2015-16. [Received 31 October 2016]

Australian Office of Financial Management (AOFM)—Report for 2015-16. [Received 25 October 2016]

Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2015-16. [Received 28 October 2016]

Australian Postal Corporation (Australia Post)—Diversity and inclusion—Report for 2015-16.

Australian Prudential Regulation Authority (APRA)—Report for 2015-16. [Received 27 October 2016]

Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2015-16, including report of the Merit Protection Commissioner. [Received 14 October 2016]
Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)—Report for 2015-16. [Received 31 October 2016]

Australian Rail Track Corporation Limited (ARTC)—Report for 2015-16. [Received 31 October 2016]

Australian Reinsurance Pool Corporation (ARPC)—Report for 2015-16.

Australian Renewable Energy Agency (ARENA)—Report for 2015-16. [Received 28 October 2016]

Australian Research Council (ARC)—Report for 2015-16. [Received 25 October 2016]

Australian Securities and Investments Commission (ASIC)—Report for 2015-16. [Received 31 October 2016]


Australian Skills Quality Authority (ASQA)—Report for 2015-16. [Received 28 October 2016]

Australian Sports Anti-Doping Authority—Report for 2015-16. [Received 31 October 2016]

Australian Sports Commission—Report for 2015-16. [Received 28 October 2016]

Australian Sports Foundation Limited—Report for 2015-16. [Received 26 October 2016]

Australian Taxation Office (ATO)—Report of the Commissioner of Taxation for 2015-16 (2 volumes). [Received 27 October 2016]


Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2015-16.

Australian Transport Safety Bureau (ATSB)—Report for 2015-16.

Australian War Memorial—Report for 2015-16. [Received 26 October 2016]

Bundanon Trust Limited—Report for 2015-16. [Received 14 October 2016]

Bureau of Meteorology—Report for 2015-16. [Received 24 October 2016]

Cancer Australia—Report for 2015-16. [Received 25 October 2016]


Civil Aviation Safety Authority (CASA)—Report for 2015-16.

Clean Energy Finance Corporation (CEFC)—Report for 2015-16. [Received 31 October 2016]


Climate Change Authority—Report for 2015-16. [Received 27 October 2016]

Climate Change Authority Act 2011—Towards a climate policy toolkit: Special review on Australia’s climate goals and policies—Report, dated August 2016. [Received 4 November 2016]

Coal Mining Industry (Long Service Leave Funding) Corporation—Report for 2015-16. [Received 31 October 2016]

Comcare and Safety, Rehabilitation and Compensation Commission—Reports for 2015-16.

Commonwealth Director of Public Prosecutions (CDPP)—Report for 2015-16. [Received 21 October 2016]
Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2015-16, including report of the Science and Industry Endowment Fund. [Received 27 October 2016]
Crimes Act 1914—Controlled operations—Report for 2015-16. [Received 14 October 2016]
Defence Force Discipline Act 1982—Director of Military Prosecutions—Report for 2015. [Received 1 November 2016]
Department of Agriculture and Water Resources—Report for 2015-16, including reports on the operation of the Natural Resources Management (Financial Assistance) Act 1992, National Residue Survey, Water Efficiency Labelling and Standards Scheme, and Water for the Environment Special Account. [Received 31 October 2016]
Department of Communications and the Arts—Report for 2015-16.
Department of Education and Training—Report for 2015-16, including reports of the Student Identifiers Registrar, Trade Support Loans Program and Tuition Protection Service. [Received 26 October 2016]
Department of Finance—Report for 2015-16. [Received 21 October 2016]
Department of Human Services—Report for 2015-16.
Department of Industry, Innovation and Science—Report for 2015-16, including reports of Geoscience Australia and IP Australia. [Received 28 October 2016]
Department of Infrastructure and Regional Development—Report for 2015-16. [Received 31 October 2016]
Department of Social Services—Report for 2015-16.
Department of the Environment and Energy—Report for 2015-16, including reports on the operation of Acts administered by the department, and financial statements for the National Heritage Trust of Australia. [Received 31 October 2016]
Department of the Treasury—Report for 2015-16. [Received 26 October 2016]
Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  Attorney-General’s portfolio. [Received 17 October 2016]
  Foreign Affairs and Trade portfolio. [Received 14 October 2016]
  Health portfolio. [Received 17 October 2016]
Departmental and agency grants—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  Attorney-General’s portfolio. [Received 17 October 2016]
  Cancer Australia. [Received 19 October 2016]
  Foreign Affairs and Trade portfolio. [Received 14 October 2016]
Director of National Parks—Report for 2015-16. [Received 31 October 2016]

Estimates hearings—Unanswered questions on notice—Budget estimates 2016-17—Statement pursuant to the order of the Senate of 25 June 2014—Defence Housing Australia. [Received 19 October 2016]

Export Finance and Insurance Corporation (EFIC)—Report for 2015-16.


Federal Circuit Court of Australia—Report for 2015-16, including financial statements for the Family Court of Australia.

Federal Court of Australia—Report for 2015-16, including report of the National Native Title Tribunal.


Financial Reporting Council (FRC)—Report for 2015-16.

Food Standards Australia New Zealand—Report for 2015-16.


Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2015-16. [Received 27 October 2016]

Gene Technology Regulator—Report for 2015-16. [Received 31 October 2016]

Independent Hospital Pricing Authority (IHPA)—Report for 2015-16, including report of the Clinical Advisory Committee.


Indexed lists of departmental and agency files for the period 1 January to 30 June 2016—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—

   Attorney-General’s portfolio. [Received 17 October 2016]
   Australian Taxation Office. [Received 27 October 2016]
   Department of Veterans’ Affairs. [Received 14 October 2016]
   Environment and Energy portfolio. [Received 14 October 2016]


Infrastructure Australia—Report for 2015-16. [Received 28 October 2016]

Inspector-General of Taxation—Report for 2015-16. [Received 31 October 2016]

Inspector-General of the Australian Defence Force—Report for the period 1 January 2014 to 30 June 2015. [Received 1 November 2016]
Migration Act 1958—Section 486O—Assessment of detention arrangements—


Government response to Ombudsman’s reports, dated 11 October 2016.


Commonwealth Ombudsman’s reports—Report no. 20 of 2016.

Government response to Ombudsman’s reports, dated 17 October 2016.


Commonwealth Ombudsman’s reports—Report no. 21 of 2016.

Government response to Ombudsman’s reports, dated 17 October 2016.

Moorebank Intermodal Company Limited—Report for 2015-16. [Received 31 October 2016]

National Australia Day Council Limited—Report for 2015-16. [Received 27 October 2016]


National Capital Authority—Report for 2015-16. [Received 28 October 2016]

National Competition Council—Report for 2015-16.

National Disability Insurance Scheme Launch Transition Agency (National Disability Insurance Agency)—Report for 2015-16. [Received 28 October 2016]

National Film and Sound Archive of Australia (NFSA)—Report for 2015-16. [Received 31 October 2016]

National Gallery of Australia (NGA)—Report for 2015-16.

National Health and Medical Research Council (NHMRC)—Report for 2015-16. [Received 27 October 2016]
National Health Funding Body—Report for 2015-16. [Received 31 October 2016]
National Health Funding Pool—Report for 2015-16, including financial statements for state and territory State Pool Accounts. [Received 31 October 2016]
National Heavy Vehicle Regulator (NHVR)—Report for 2015-16.
National Library of Australia—Report for 2015-16. [Received 31 October 2016]
National Museum of Australia—Report for 2015-16. [Received 25 October 2016]
National Portrait Gallery of Australia—Report for 2015-16. [Received 31 October 2016]
National Transport Commission (NTC Australia)—Report for 2015-16.
Northern Land Council—Report for 2015-16. [Received 3 November 2016]
Northern Territory Fisheries Joint Authority—Report for 2015-16. [Received 25 October 2016]
Office of Parliamentary Counsel—Report for 2015-16. [Received 31 October 2016]
Office of the Official Secretary to the Governor-General—Report for 2015-16. [Received 31 October 2016]
Old Parliament House (Museum of Australian Democracy)—Report for 2015-16. [Received 28 October 2016]
Parliamentary Service Commissioner—Report for 2015-16, including report of the Parliamentary Service Merit Protection Commissioner. [Certified 14 October 2016]
Professional Services Review—Report for 2015-16. [Received 27 October 2016]
Public Lending Right Committee—Report for 2015-16. [Received 28 October 2016]
Queensland Fisheries Joint Authority—Report for 2015-16. [Received 25 October 2016]
Remuneration Tribunal—Report for 2015-16. [Received 14 October 2016]
Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Reports for 2015-16, including financial statements of the Defence Service Homes Insurance Scheme. [Received 31 October 2016]
Repatriation Medical Authority—Report for 2015-16.
Reserve Bank of Australia—Reports for 2015-16—
  Annual report.
  Equity and diversity.
  Payments System Board.
Royal Australian Mint—Report for 2015-16. [Received 31 October 2016]
Safe Work Australia—Report for 2015-16. [Received 27 October 2016]
Screen Australia—Report for 2015-16. [Received 25 October 2016]
Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)—Report for 2015-16.
Special Broadcasting Service Corporation (SBS)—Report for 2015-16. [Received 31 October 2016]
Superannuation Complaints Tribunal—Report for 2015-16. [Received 26 October 2016]

Annual reports for 2015-16—
Subsection 12G(2).
Subsection 54(2).
Quarterly reports for the period 1 April to 30 June 2016—
Subsection 12G(1).
Subsection 54(1).
Sydney Harbour Federation Trust—Report for 2015-16. [Received 28 October 2016]
Takeovers Panel—Report for 2015-16. [Received 31 October 2016]
Tax Practitioners Board—Report for 2015-16. [Received 27 October 2016]
Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2015-16. [Received 26 October 2016]
Tourism Australia—Report for 2015-16. [Received 31 October 2016]
Transport—Funding of infrastructure projects—Letter to the President of the Senate from the Auditor-General (Mr Hehir), dated 17 October 2016, responding to the resolution of the Senate of 3 February 2016. [Received 17 October 2016]
Treaty—Multilateral—Trans-Pacific Partnership Agreement between the Government of Australia and the Governments of: Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States of America and Vietnam and associated side letters (Auckland, 4 February 2016)—Corrigendum to the national interest analysis.
Veterans’ Review Board—Report for 2015-16. [Received 31 October 2016]
Western Australian Fisheries Joint Authority—Report for 2015-16. [Received 25 October 2016]

Orders for production of documents—Documents: The following documents received on the dates indicated were tabled:

Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2014 to 30 June 2015. [Received 31 October 2016]
Science and technology—Commonwealth Scientific and Industrial Research Organisation review—Letter to the President of the Senate from the Cabinet Secretary (Senator Sinodinos), dated 19 October 2016, responding to the order of the Senate of 10 October 2016, and attachments. [Received 19 October 2016]

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

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


Aged Care Act 1997—Subsidy Amendment (Flexible Care Subsidy and Other Measures) Principles 2016 [F2016L01619].


Australian Citizenship Act 2007—
  Exercise of Ministerial discretion under subsection 22A(1A)—16 September 2016.
  Exercise of Ministerial discretion under subsection 22B(1A)—16 September 2016.


Australian Research Council Act 2001—
  Funding Rules for schemes under the Discovery Programme (2016 edition) [F2016L01611].
  Funding Rules for schemes under the Linkage Programme (2016 edition) [F2016L01610].

Aviation Transport Security Act 2004—
  Aviation Transport Security Amendment (Cargo) Regulation 2016 [F2016L01615].
  Aviation Transport Security Amendment (Screening and Clearance) Regulation 2016 [F2016L01624].


Broadcasting Services Act 1992—

Broadcasting Services (Events) Notice (No. 1) 2010—
Amendment No. 10 of 2016 [F2016L01608].
Amendment No. 11 of 2016 [F2016L01607].
Amendment No. 13 of 2016 [F2016L01700].

Television Licence Area Plan (Regional Queensland) Variation 2016 (No. 1) [F2016L01633].
Television Licence Area Plan (Regional Victoria) Variation 2016 (No. 1) [F2016L01632].

Civil Aviation Act 1988—

Civil Aviation Regulations 1988—Instructions — V.F.R. flights conducted by CGG Aviation (Australia) Pty Ltd—CASA 115/16 [F2016L01662].
Civil Aviation Safety Regulations 1998—
Prescription — type ratings for CASR Part 142 flight training (Edition 4) [F2016L01654].
Repeal of Airworthiness Directives—
CASA ADCX 019/16 [F2016L01630].
CASA ADCX 020/16 [F2016L01631].

Commissioner of Taxation—Public Rulings—


Corporations Act 2001—
ASIC Corporations (Amendment) Instrument 2016/1006 [F2016L01647].
ASIC Corporations (Repeal) Instrument 2016/994 [F2016L01621].
ASIC Corporations (Repeal) Instrument 2016/1005 [F2016L01622].


Crimes Act 1914—Crimes Amendment (Corresponding Laws) Regulation 2016 [F2016L01628].


Defence Act 1903—
Section 58B—
Additional risk insurance and deployment allowance – amendment—Defence Determination 2016/33 [F2016L01648].
Post indexes – amendment—Defence Determination 2016/34 [F2016L01705].

Section 58H—Allowances – Service Allowance – Amendment—Defence Force Remuneration Tribunal Determination No. 6 of 2016.

Woomera Prohibited Area Rule 2014—
Determination of an Exclusion Period for the Green Zone for Financial Year 2016-2017 Amendment No. 2 [F2016L01644].
Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2016-2017 Amendment No. 2 [F2016L01643].

Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens — BioAustralis Plant Library (27 October 2016) [F2016L01699].
Amendment of List of Exempt Native Specimens – Freshwater and Marine Animals (12 October 2016)—EPBC303DC/SFS/2016/30 [F2016L01612].

Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 3 of 2016 – GRS 112.0_G Determination of Capital Base (Level 2 Insurance Group) [F2016L01227]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 4 of 2016 – GRS 112.3_G Related Party Exposures (Level 2 Insurance Group) [F2016L01228]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 5 of 2016 – GRS 114.0_G Asset Risk Charge (Level 2 Insurance Group) [F2016L01229]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 6 of 2016 – GRS 114.1_G Assets by Counterparty Grade (Level 2 Insurance Group) [F2016L01230]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2016 – GRS 114.3_G Off-balance Sheet Business (Level 2 Insurance Group) [F2016L01231]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 8 of 2016 – GRS 115.0_G Outstanding Claims Liabilities – Insurance Risk Charge (Level 2 Insurance Group) [F2016L01222]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 10 of 2016 – GRS 116.0_G Insurance Concentration Risk Charge (Level 2 Insurance Group) [F2016L01216]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 11 of 2016 – GRS 117.0_G Asset Concentration Risk Charge (Level 2 Insurance Group) [F2016L01217]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 12 of 2016 – GRS 118.0_G Operational Risk Charge (Level 2 Insurance Group) [F2016L01218]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 15 of 2016 – GRS 310.0_G Income Statement (Level 2 Insurance Group) [F2016L01221]—Replacement explanatory statement.
Financial Sector (Collection of Data) (reporting standard) determination No. 23 of 2016 – ARS 796.0 Points of Presence [F2016L01687].

Financial Sector (Collection of Data) (reporting standard) determination No. 35 of 2016 – Revocation of reporting standards applying to Discretionary Mutual Funds [F2016L01702].

Financial Sector (Collection of Data) (reporting standard) determination No. 36 of 2016 – Revocation of reporting standards applying to Medical Defence Organisations [F2016L01708].


Health Insurance Act 1973—
Health Insurance Legislation Amendment (2016 Measures No. 2) Regulation 2016 [F2016L01616].
Health Insurance (Optical Coherence Tomography) Determination 2016 [F2016L01691].


Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.

Migration Act 1958—
Migration Legislation Amendment (2016 Measures No. 4) Regulation 2016 [F2016L01696].
Notice under section 501C—12 October 2016.
Regional Processing Arrangements under section 198AJ—Report for 2015-16.


Narcotic Drugs Act 1967—Narcotic Drugs Regulation 2016 [F2016L01613].

National Disability Insurance Scheme Act 2013—

National Health Act 1953—
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 10)—PB 93 of 2016 [F2016L01664].
National Health (IVF Program) Special Arrangement Amendment Instrument 2016 (No. 4)—PB 94 of 2016 [F2016L01661].
National Health (Listed drugs on F1 or F2) Amendment Determination 2016 (No. 10)—PB 95 of 2016 [F2016L01650].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2016 (No. 10)—PB 90 of 2016 [F2016L01689].
National Health (Pharmaceutical benefits – early supply) Amendment Instrument 2016 (No. 9)—PB 92 of 2016 [F2016L01679].
National Health (Price and Special Patient Contribution) Amendment Determination 2016 (No. 8)—PB 91 of 2016 [F2016L01688].
Private Health Insurance Act 2007—
Private Health Insurance (Benefit Requirements) Amendment Rules 2016 (No. 7) [F2016L01665].
Private Health Insurance (Data Provision) Rules 2016 (No. 1) [F2016L01406]—Replacement explanatory statement.
Private Health Insurance (Prostheses) Amendment Rules 2016 (No. 4) [F2016L01627].
Radiocommunications Act 1992—
Radiocommunications (Spectrum Access Charges — 2 GHz Band) Amendment Determination 2016 (No. 1) [F2016L01704].
Radiocommunications (Unacceptable Levels of Interference — 2 GHz Band) Determination 2016 [F2016L01709].
Social Security Act 1991—
Social Security (Declared Overseas Terrorist Act) Declaration 2016—Nice [F2016L01710].

Sydney Airport Curfew Act 1995—
Dispensation Report—06/16.
Sydney Airport Curfew Amendment (Permitted Freight Movements) Regulation 2016 [F2016L01651].

Taxation Administration Act 1953—
PAYG Withholding Variation: Body Corporate [F2016L01640].
PAYG Withholding Variation: Donations to deductible gift recipients [F2016L01641].
PAYG Withholding variation for foreign resident capital gains withholding payments – marriage or relationship breakdowns [F2016L01642].
PAYG Withholding Variation: Performing Artists [F2016L01639].
PAYG Withholding Variation: Variation of amount to be withheld from indigenous artists when an ABN is not provided [F2016L00358]—Replacement explanatory statement.

Therapeutic Goods Act 1989—
Poisons Standard November 2016 [F2016L01638].
Therapeutic Goods Amendment (Advisory Committees and Other Measures) Regulation 2016 [F2016L01614].
Therapeutic Goods (Repeal of Listing Notices) Notice 2016 [F2016L01635].

Veterans’ Entitlements Act 1986—
Amendment Statements of Principles concerning anxiety disorder—
  No. 99 of 2016 [F2016L01697].
  No. 100 of 2016 [F2016L01698].
Amendment Statements of Principles concerning panic disorder—
  No. 101 of 2016 [F2016L01681].
  No. 102 of 2016 [F2016L01668].
Statement of Principles concerning acquired cataract (Balance of Probabilities)—No. 88 of 2016 [F2016L01695].
Statement of Principles concerning acquired cataract (Reasonable Hypothesis)—No. 87 of 2016 [F2016L01694].
Statement of Principles concerning analgesic nephropathy (Balance of Probabilities)—No. 78 of 2016 [F2016L01680].
Statement of Principles concerning analgesic nephropathy (Reasonable Hypothesis)—No. 77 of 2016 [F2016L01667].
Statement of Principles concerning animal envenomation (Balance of Probabilities)—No. 82 of 2016 [F2016L01666].
Statement of Principles concerning animal envenomation (Reasonable Hypothesis)—No. 81 of 2016 [F2016L01663].
Statement of Principles concerning bruxism (Balance of Probabilities)—No. 92 of 2016 [F2016L01671].
Statement of Principles concerning bruxism (Reasonable Hypothesis)—No. 91 of 2016 [F2016L01672].
Statement of Principles concerning complex regional pain syndrome (Balance of Probabilities)—No. 98 of 2016 [F2016L01678].
Statement of Principles concerning complex regional pain syndrome (Reasonable Hypothesis)—No. 97 of 2016 [F2016L01675].
Statement of Principles concerning female sexual dysfunction (Balance of Probabilities)—No. 96 of 2016 [F2016L01684].
Statement of Principles concerning female sexual dysfunction (Reasonable Hypothesis)—No. 95 of 2016 [F2016L01677].
Statement of Principles concerning fibromuscular dysplasia (Balance of Probabilities)—No. 80 of 2016 [F2016L01683].
Statement of Principles concerning fibromuscular dysplasia (Reasonable Hypothesis)—No. 79 of 2016 [F2016L01674].
Statement of Principles concerning malignant neoplasm of the brain (Balance of Probabilities)—No. 86 of 2016 [F2016L01693].
Statement of Principles concerning malignant neoplasm of the brain (Reasonable Hypothesis)—No. 85 of 2016 [F2016L01692].
Statement of Principles concerning schizophrenia (Balance of Probabilities)—No. 84 of 2016 [F2016L01685].
Statement of Principles concerning schizophrenia (Reasonable Hypothesis)—No. 83 of 2016 [F2016L01682].
Statement of Principles concerning smallpox (Balance of Probabilities)—No. 90 of 2016 [F2016L01670].
Statement of Principles concerning smallpox (Reasonable Hypothesis)—No. 89 of 2016 [F2016L01669].
Statement of Principles concerning umbilical hernia (Balance of Probabilities)—No. 94 of 2016 [F2016L01676].
Statement of Principles concerning umbilical hernia (Reasonable Hypothesis)—No. 93 of 2016 [F2016L01673].

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):

Economics References Committee—Non-conforming building products—Interim report, dated 18 October 2016. [Received 18 October 2016]

Education and Employment Legislation Committee—


Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2016 [Provisions] and Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2016 [Provisions]—Corrigendum. [Received 20 October 2016]

Intelligence and Security—Joint Statutory Committee—Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016—Advisory report, dated November 2016. [Received 4 November 2016]
4 COMMITTEES—LEAVE TO MEET DURING SITTINGS
Committees were authorised to meet during the sittings of the Senate, as follows:

Community Affairs References Committee—public meeting on Tuesday, 8 November 2016, from 4.30 pm, to take evidence for the committee’s inquiry into indefinite detention of people with cognitive and psychiatric impairment.

Environment and Communications References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1.50 pm, for the committee’s inquiries into closures of electricity generators, and into oil or gas production in the Great Australian Bight.

Finance and Public Administration References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3 pm, for the committee’s inquiry into gender inequality.

Legal and Constitutional Affairs Legislation Committee—private meetings otherwise than in accordance with standing order 33(1), from 1.30 pm, today and on Tuesday, 8 November 2016.

Legal and Constitutional Affairs References Committee—private meetings otherwise than in accordance with standing order 33(1), today, from 3.10 pm, and on Tuesday, 8 November 2016, from 1.30 pm.

Rural and Regional Affairs and Transport References Committee—
private briefing on Tuesday, 8 November 2016, from 3.15 pm, for the committee’s inquiry into the use of Flag of Convenience shipping in Australia.

public meeting on Thursday, 10 November 2016, from 4 pm, to take evidence for the committee’s inquiry into aspects of road safety in Australia.

5 VACANCY IN THE REPRESENTATION OF VICTORIA—CHOICE OF KIMBERLEY KITCHING
The President informed the Senate that he had received, through the Governor-General, from the Governor of Victoria, a copy of the certificate of the choice by the Parliament of Victoria of Kimberley Kitching to fill the vacancy caused by the resignation of Senator Conroy.

The President tabled the copy of the certificate as follows:
Governor of Victoria
3 November 2016
His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd)
Governor-General of the Commonwealth of Australia
Government House
Dunrossil Drive
CANBERRA ACT 2600

Your Excellency
I wish to advise that following the vacancy in the representation of the State of Victoria in the Senate through the resignation of Senator the Hon. Stephen Conroy on 6 October 2016, I have been informed by the Hon. Bruce Atkinson, MLC, Chair of the Joint Sitting of the Houses of Victorian Parliament, that Ms Kimberley Kitching was chosen to hold the vacant place in the Senate.

Yours sincerely
The Hon. Linda Dessau AM
Governor.
No. 12—7 November 2016

Senator sworn: Senator Kitching, pursuant to the Constitution of the Commonwealth of Australia, then made and subscribed the oath of allegiance at the table.

6 VACANCY IN THE REPRESENTATION OF SOUTH AUSTRALIA

The President announced the resignation, on 1 November 2016, of Senator Day.

Document: The President tabled the following document:

Vacancy in the representation of South Australia—Letter from Senator Day to the President, dated 1 November 2016.

The President advised the Senate that he had notified the Governor of South Australia that there was a vacancy in the representation of that state, but that he was not in a position to advise His Excellency that it was a vacancy to which section 15 of the Constitution applied, and would need to put the matter before the Senate.

Documents: The President tabled the following documents:

Vacancy in the representation of South Australia—Letters from—
- President of the Senate to the Governor of South Australia (His Excellency the Honourable Hieu Van Le, AC), dated 1 November 2016 [copy].
- Governor of South Australia (His Excellency the Honourable Hieu Van Le, AC) to the President of the Senate, dated 1 November 2016.

7 QUALIFICATION OF SENATORS—STATEMENT BY PRESIDENT

The President made a statement relating to two matters regarding the qualification of senators that had been brought to his attention in recent days, one relating to former Senator Day and the other concerning Senator Culleton.

Documents: The President tabled the following documents:

Qualification of Senator Day—Letters to the President of the Senate from—
- Special Minister of State (Senator Ryan), dated 6 November 2016, relating to the validity of former Senator Day’s election, statement of facts and attachments, as follows:
  - Day Family Trust Deed, 19 August 1986.
  - Fullarton Road Trust Deed, 16 December 2013.
  - Correspondence between former Senator Day and the Department of Finance/former Special Minister of State (Senator Ronaldson), 20 March to 15 October 2014.
  - Sale Agreement between B & B Day Pty Ltd and Fullarton Investments Pty Ltd, 24 April 2014.
  - Memorandum of Transfer for 77 Fullarton Road, Kent Town, 4 September 2014.
  - Vendor Finance Agreement between B & B Day Pty Ltd and Fullarton Investments Pty Ltd, 1 December 2014.
Heads of Agreement between the Department of Finance and Fullarton Investments, 18 February 2015.
Fullarton Investments management report for the financial year ended
30 June 2015.
Lease Agreement between the Commonwealth and Fullarton Investments
for 77 Fullarton Road, Kent Town, 1 December 2015.
Fullarton Nominees details, 7 March 2016.
Invoices from Fullarton Investments Pty Ltd, 22 March 2016.
Correspondence between former Senator Day and the Special Minister of
State (Senator Ryan), 4 to 29 August 2016.
ASIC search for B & B Day Pty Ltd, 28 September 2016.
ASIC search for Fullarton Investments Pty Ltd, 28 September 2016.

Former Senator Day, dated 28 October 2016, and attachments as follows:
Email from former Senator Day to the Department of Finance, dated
29 August 2016.
Letter from the Special Minister of State (Senator Ryan) to former Senator
Day relating to Electorate Office accommodation, dated 26 August 2016.
Agreement for the sale of 77 Fullarton Road, Kent Town, dated 24 April
2014.
Fullarton Investments Pty Ltd management report for the financial year
ended 30 June 2015.
Email from former Senator Day to the Special Minister of State (Senator
Ryan) relating to pecuniary interests, dated 7 August 2016.
Email from former Senator Day to the Special Minister of State (Senator
Ryan) relating to electorate office issues, dated 4 August 2016.
Letter from the Minister for Finance (Senator Cormann) to former Senator
Day relating to electorate office arrangements, dated 7 January 2016.
Letter from former Special Minister of State (Senator Ronaldson) to former
Senator Day regarding electorate office arrangements, dated 23 June 2014.
Email from former Senator Day to the former Special Minister of State
(Senator Ronaldson) regarding electorate office arrangements, dated
12 March 2014.

Qualification of Senator Culleton—Letters to the President of the Senate from—
Attorney-General (Senator Brandis), dated 6 November 2016, relating to the
validity of Senator Culleton’s election, and statement of facts.
Senator Culleton, dated 30 October 2016.

Statements by leave: The Leader of the Government in the Senate (Senator Brandis),
by leave, informed the Senate that he intended to seek leave to move motions relating
to the qualification of former Senator Day and Senator Culleton at 12.30 pm today (see
entry no. 9).

The Leader of the Opposition in the Senate (Senator Wong), by leave, made a
statement relating to the matter.
8 Plebiscite (Same-Sex Marriage) Bill 2016
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:

Message no. 46, dated 20 October 2016—A Bill for an Act to provide for a plebiscite in relation to same-sex marriage, and for related purposes.

The Special Minister of State (Senator Ryan) 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 Ryan moved—that this bill be now read a second time.

Debate ensued.

On the motion of the Minister for Communications (Senator Fifield) the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

9 Qualification of Former Senator Day—Reference to Court of Disputed Returns
The Special Minister of State (Senator Ryan), by leave, moved—that, pursuant to section 376 of the Commonwealth Electoral Act 1918, the Senate refers to the Court of Disputed Returns the following questions—

(a) whether, by reason of s 44(v) of the Constitution, or for any other reason, there is a vacancy in the representation of South Australia in the Senate for the place for which Robert John Day was returned;

(b) if the answer to Question (a) is “yes”, by what means and in what manner that vacancy should be filled;

(c) whether, by reason of s 44(v) of the Constitution, or for any other reason, Mr Day was at any time incapable of sitting as a Senator prior to the dissolution of the 44th Parliament and, if so, on what date he became so incapable;

(d) what directions and other orders, if any, should the Court make in order to hear and finally dispose of this reference; and

(e) what, if any, orders should be made as to the costs of these proceedings.

Debate ensued.

Documents: The Minister for Finance (Senator Cormann) tabled the following documents:

Qualification of former Senator Day—Letters from—
Former Senator Day to the Minister for Finance (Senator Cormann), dated 29 December 2015, and attachment.
Minister for Finance (Senator Cormann) to former Senator Day, dated 7 January 2016.

Debate continued.

Question put and passed.
10 QUALIFICATION OF SENATOR CULLETON—DOCUMENTS—PROPOSED REFERENCE TO COURT OF DISPUTED RETURNS

The President tabled the following documents:

Qualification of Senator Culleton—R v Rodney Norman Culleton—Orders of the Local Court of New South Wales, Armidale [3], dated 2 March, 8 August and 25 October 2016.

The Attorney-General (Senator Brandis), by leave, moved—that, pursuant to section 376 of the Commonwealth Electoral Act 1918, the Senate refers to the Court of Disputed Returns the following questions—

(a) whether, by reason of s 44(ii) of the Constitution, or for any other reason, there is a vacancy in the representation of Western Australia in the Senate for the place for which Senator Rodney Norman Culleton was returned;
(b) if the answer to Question (a) is “yes”, by what means and in what manner that vacancy should be filled;
(c) what directions and other orders, if any, should the Court make in order to hear and finally dispose of this reference; and
(d) what, if any, orders should be made as to the costs of these proceedings.

Debate ensued.

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

Qualification of Senator Culleton—

Acknowledgement by the office of the President of the Senate of receipt of letter from Senator Culleton, dated 30 October 2016.

Letter from the Attorney-General (Senator Brandis) to Senator Culleton, dated 29 October 2016, concerning the proceedings Bell v Culleton, and opinion of the Solicitor-General.

Nile v Wood—Copy of decision of High Court of Australia.
Timeline of legal proceedings involving Senator Culleton.

Debate continued.

Document: The Leader of Pauline Hanson’s One Nation (Senator Hanson), by leave, tabled the following document:

Qualification of Senator Culleton—Copy of application for candidate endorsement for Pauline Hanson’s One Nation from Rodney Norman Culleton, dated 13 April 2016.

Debate continued.

At 2 pm: Debate was interrupted while Senator Xenophon was speaking.

11 QUESTIONS

Questions without notice were answered.
12 **MOTION TO TAKE NOTE OF ANSWERS**

Senator Farrell moved—That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today relating to former Senator Day’s electorate office.

Debate ensued.

Question put and passed.

13 **DEATH OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND**

The Leader of the Government in the Senate (Senator Brandis), by leave, moved—That the Senate records its deep regret at the death, on 13 October 2016, of His Majesty King Bhumibol Adulyadej of Thailand, places on record its acknowledgement of his role in the development of his nation and tenders its profound sympathy to the Thai Royal Family and to the people of Thailand.

The motion was supported and all senators present stood in silence—

Question passed.

14 **DEATH OF FORMER MEMBER BRUCE JOHN GOODLUCK**

The President informed the Senate of the death, on 24 October 2016, of Bruce John Goodluck, a member of the House of Representatives for the division of Franklin from 1975 to 1993.

15 **NOTICES**

Senator Cameron: To move on the next day of sitting—That there be laid on the table by the Minister for Education and Training, no later than the end of question time on 10 November 2016, all documents containing information pertaining to the following matters:

(a) the visit by the then Assistant Minister for Education and Training, Senator Birmingham, to the premises of North East Vocational College at St Agnes, South Australia on or about 4 May 2015;

(b) the meeting held between the then Assistant Minister for Education and Training, Senator Birmingham, and former Senator Day on 1 June 2015 in relation to a proposal for a ‘Student Builder’ pilot program to be located at North East Vocational College;

(c) the meeting held between the then Minister for Vocational Education and Skills, the Honourable Luke Hartsuyker MP, and former Senator Day on 14 October 2015 in relation to a proposal for a ‘Student Builder’ pilot program to be located at North East Vocational College;

(d) grants of $2 025 320 made under the Apprenticeship Training – Alternative Delivery Pilots Program to Master Builders Australia, National Electrical Communications Association and North East Development Agency trading as North East Vocational College;

(e) business plans, project proposals, funding contracts, deeds and related documents pertaining to the grants referred to in paragraph (d) above; and

(f) the Recommendation Report of the Apprenticeships Reform Advisory Group (ARAG), including all appendices to the report, meeting papers and minutes of meetings of the ARAG. *(general business notice of motion no. 95)*
The Minister for Communications (Senator Fifield): To move on the next day of sitting—That the days of meeting of the Senate for 2017 be as follows:

**Autumn sittings:**
- Tuesday, 7 February to Thursday, 9 February
- Monday, 13 February to Thursday, 16 February
- Monday, 20 March to Thursday, 23 March
- Monday, 27 March to Thursday, 30 March

**Budget sittings:**
- Tuesday, 9 May to Thursday, 11 May

**Winter sittings:**
- Tuesday, 13 June to Thursday, 15 June
- Monday, 19 June to Thursday, 22 June

**Spring sittings:**
- Tuesday, 8 August to Thursday, 10 August
- Monday, 14 August to Thursday, 17 August
- Monday, 4 September to Thursday, 7 September
- Monday, 11 September to Thursday, 14 September

**Spring sittings (2):**
- Monday, 16 October to Thursday, 19 October

**Spring sittings (3):**
- Monday, 13 November to Thursday, 16 November
- Monday, 27 November to Thursday, 30 November
- Monday, 4 December to Thursday, 7 December.

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

1. That estimates hearings by legislation committees for 2017 be scheduled as follows:
   - **2016-17 additional estimates:**
     - Monday, 27 February and Tuesday, 28 February (Group A)
     - Wednesday, 1 March and Thursday, 2 March (Group B).
   - **2017-18 Budget estimates:**
     - Monday, 22 May to Thursday, 25 May, and, if required, Friday, 26 May (Group A)
     - Monday, 29 May to Thursday, 1 June, and, if required, Friday, 2 June (Group B)
     - Monday, 30 October and Tuesday, 31 October (supplementary hearings—Group A)
     - Wednesday, 1 November and Thursday, 2 November (supplementary hearings—Group B).

2. That, pursuant to the orders of the Senate of 26 August 2008 and 23 June 2015, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 3 March, Friday, 26 May and Friday, 3 November 2017, but not restricted to these days.

3. That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.
(4) That committees meet in the following groups:

**Group A:**
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Education and Employment
- Foreign Affairs, Defence and Trade.

(5) That the committees report to the Senate on the following dates:

(a) Tuesday, 28 March 2017 in respect of the 2016-17 additional estimates; and

(b) Tuesday, 20 June 2017 in respect of the 2017-18 Budget estimates.

The Chair of the Joint Statutory Committee on Public Accounts and Audit (Senator Smith): To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold public meetings during the sittings of the Senate, from 9.30 am, as follows:

(a) Wednesday, 23 November 2016; and

(b) Wednesday, 30 November 2016. *(general business notice of motion no. 96)*

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

(a) notes that:
   (i) since 2013-14, former Senator Day has donated over $500 000 and forgiven a loan of $1.47 million to Family First,
   (ii) an independent auditor’s report in 2013 found Home Australia Group’s liabilities exceeded its assets by nearly $31 million, and
   (iii) over 200 customers have been left with unfinished homes; and

(b) calls on:
   (i) the Family First Party to return all money received from Mr Day and his companies so that money can be used to pay creditors, and
   (ii) the Government to legislate for caps on political donations from individuals. *(general business notice of motion no. 97)*

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That there be laid on the table by the Attorney-General, by no later than 9.30 am on Wednesday, 9 November 2016, the legal advice provided to the Government in relation to the eligibility of former Senator Day to be elected as a senator for South Australia, as referred to in the Senate on Monday, 7 November 2016 by the Special Minister of State (Senator Ryan) and the Minister for Finance (Senator Cormann), and provided by David Jackson, QC, and any related documents that have not already been laid on the table. *(general business notice of motion no. 98)*

16 **PRIVATE SENATORS’ BILLS—CONSIDERATION**

The Assistant Minister to the Prime Minister (Senator McGrath) moved—That general business order of the day no. 36 (Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2016) be considered on Thursday, 10 November 2016 under consideration of private senators’ bills.

Question put and passed.
17 **ECONOMICS REFERENCES COMMITTEE—VARIATION OF REFERENCE**

Senator Urquhart, by leave and at the request of the Chair of the Economics References Committee (Senator Ketter), moved—That the Senate adopt the additional terms of reference contained in the interim report of the Economics References Committee on its inquiry into non-conforming building products, which was presented out of sitting on 18 October 2016.

Question put and passed.

Accordingly, additional terms of reference for the committee’s inquiry into non-conforming building products were adopted, as follows:

The illegal importation of products containing asbestos and its impact on the health and safety of the Australian community, with particular reference to:

(a) the prevalence and sources of illegally imported products containing asbestos;
(b) the effect of illegally imported products containing asbestos on:
   (i) industry supply chains, including importers, manufacturers and fabricators, and
   (ii) workplace and public safety and any associated risks;
(c) possible improvements to the current regulatory frameworks for ensuring products containing asbestos are not illegally imported to Australia, with particular reference to the effectiveness of:
   (i) policing, enforcement, surveillance and screening of imported products, including restrictions and penalties imposed on importers and end users of products containing asbestos,
   (ii) preventing exposure and protecting the health and safety of workers and other people affected by the illegal importation of products containing asbestos,
   (iii) establishing responsibility for remediation of sites where illegally imported products containing asbestos have been found, and
   (iv) coordination between Commonwealth, state and territory governments and the role of the Australian Government in coordinating a strategic approach to preventing the importation of products containing asbestos; and
(d) any other related matters.

18 **LEAVE OF ABSENCE**

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

(a) Senator Di Natale for today, on account of ill health; and
(b) Senator Ludlam for the remainder of 2016, for personal reasons.

Question put and passed.

Senator Bushby, by leave, moved—That leave of absence be granted to Senator Abetz for 7 and 8 November 2016, for personal reasons.

Question put and passed.
19 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, proposing the disallowance of the Legal Services Amendment (Solicitor-General Opinions) Direction 2016, postponed till 10 November 2016.

Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing the disallowance of the Classification Amendment (CHC Domain Scores) Principles 2016, postponed till 9 November 2016.

General business notice of motion no. 92 standing in the name of Senator Farrell for today, proposing the introduction of the Commonwealth Electoral Amendment (Donation Reform and Transparency) Bill 2016, postponed till 10 November 2016.

20 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:


Economics References Committee—
   Future of Australia’s naval shipbuilding industry, extended to 1 December 2017.
   Implications of financial advice reforms, extended to 30 June 2017.

21 INDIGENOUS AUSTRALIANS—NATIONAL CONGRESS OF AUSTRALIA’S FIRST PEOPLES

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 91—That the Senate—

(a) notes that the National Congress of Australia’s First Peoples (National Congress) was formed in 2010 by Aboriginal and Torres Strait Islander leaders after the abolition of the Aboriginal and Torres Strait Islander Commission in 2005;

(b) acknowledges that the National Congress has a board of elected Aboriginal and Torres Strait Islander peoples;

(c) recognises that the National Congress is in a dire financial position; and

(d) calls on the Minister for Indigenous Affairs to fund the National Congress for three years at a cost of $15 million, and establish an interest-bearing sinking fund of $100 million to ensure that the National Congress is able to continue its vital work beyond the three year electoral cycle.

Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.
22 **Environment—United Nations Framework on the Convention of Climate Change—Modelling—Order for Production of Documents**

Senator Waters, at the request of the Leader of the Australian Greens (Senator Di Natale) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 93—That there be laid on the table by the Minister representing the Minister for Foreign Affairs, by no later than 1 December 2016, the modelling referred to by New Zealand in the United Nations Framework on the Convention of Climate Change session SB145(2016) that details the Government’s emission and removals projections for 2030.

*Statement by leave:* The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

23 **Senate Chamber—Photography—Cessation of Order—Variation**

The Leader of Derryn Hinch’s Justice Party (Senator Hinch) amended general business notice of motion no. 94 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the order of the Senate agreed to on 13 October 2016, relating to photography in the chamber, be amended by omitting “28 November 2016”, and substituting “7 November 2016”.

Question put and passed.

24 **Discussion of Matter of Public Importance—Administration—Turnbull Government**

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

> The continuing chaos and dysfunction from the Turnbull Government.

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

25 **Law and Justice—Marriage Equality—Document**

Senator Rice, by leave, tabled the following document:

> Law and justice—Marriage equality—Petitioning document from 92,068 signatories calling on the Prime Minister (Mr Turnbull) and members of Parliament to stop the plebiscite and allow a free vote on marriage equality in Parliament.

26 **Documents—Consideration**

The following documents tabled earlier today (see entry no. 2) were considered:

- Auditor-General—Audit report no. 20 of 2016-17—Performance audit—The management, administration and monitoring of the Indemnity Insurance Fund: Department of Health; Department of Human Services. Motion to take note of document moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

- Auditor-General—Audit report no. 21 of 2016-17—Performance audit—Reforming the disposal of specialist military equipment: Department of Defence. Motion to take note of document moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Auditor-General—Audit report no. 23 of 2016-17—Performance audit—National rental affordability scheme – Administration of allocations and incentives: Department of Social Services. Motion to take note of document moved by Senator Bilyk. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.


Australian Communications and Media Authority (ACMA) and the Office of the Children’s eSafety Commissioner—Reports for 2015-16. Motion to take note of documents moved by Senator Bilyk. Debate adjourned till Thursday at general business, Senator Bilyk in continuation.


Federal Court of Australia—Report for 2015-16, including report of the National Native Title Tribunal. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Federal Circuit Court of Australia—Report for 2015-16, including financial statements for the Family Court of Australia. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Independent Hospital Pricing Authority (IHPA)—Report for 2015-16, including report of the Clinical Advisory Committee. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Migration Act 1958—Section 486O—Assessment of detention arrangements—
Personal identifiers 1001345-O, 1001353-O, 1001506-O, 1001521-O, 1001526-O, 
1001572-O, 1001575-O, 1001583-O, 1001584-O, 1001590-O, 1001821-O, 
1001852-O, 1001882-O, 1001911-O, 1001938-O, 1001942-O, 1002046-O, 
1002088-O, 1002162-O, 1002202-O, 1002220-O, 1002259-O, 1002261-O, 
1002272-O, 1002277-O, 1002285-O, 1002456, 1002543, 1002562, 1002691, 
1002696, 1002908, 1003148, 1003256, 1003269, 1003338, 1003363, 1003369, 
1003374, 1003389, 1003404, 1003409, 1003412, 1003420, 1003424, 1003477, 
1003504, 1003505, 1003515 and 1003520—Government response to 
Ombudsman’s reports. Motion to take note of document moved by Senator Carr. 
Debate adjourned till Thursday at general business, Senator Carr in continuation.

by Mr Philip Moss, AM. Motion to take note of document moved by Senator Carr. 
Debate adjourned till Thursday at general business, Senator Carr in continuation.

Treaty—Multilateral—Trans-Pacific Partnership Agreement between the 
Government of Australia and the Governments of: Brunei Darussalam, Canada, 
Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States 
of America and Vietnam and associated side letters (Auckland, 4 February 2016)— 
Corrigendum to the national interest analysis. Motion to take note of document 
moved by Senator Carr. Debate adjourned till Thursday at general business, 
Senator Carr in continuation.

National Heavy Vehicle Regulator (NHVR)—Report for 2015-16. Motion to take 
note of document moved by Senator Carr. Debate adjourned till Thursday at 
general business, Senator Carr in continuation.

Parliamentary Service Commissioner—Report for 2015-16, including report of the 
Parliamentary Service Merit Protection Commissioner. Motion to take note of 
document moved by Senator Carr. Debate adjourned till Thursday at general 
business, Senator Carr in continuation.

Australian Federal Police (AFP)—Report for 2015-16, including reports on 
assumed identities, the National Witness Protection Program and unexplained 
wealth investigations and proceedings. Motion to take note of document moved by 
Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in 
continuation.

Australian Public Service Commission—Report of the Australian Public Service 
Commissioner for 2015-16, including report of the Merit Protection 
Commissioner. Motion to take note of document moved by Senator Carr. Debate 
adjourned till Thursday at general business, Senator Carr in continuation.

Bundanon Trust Limited—Report for 2015-16. Motion to take note of document 
moved by Senator Carr. Debate adjourned till Thursday at general business, 
Senator Carr in continuation.

Crimes Act 1914—Controlled operations—Report for 2015-16. Motion to take 
note of document moved by Senator Carr. Debate adjourned till Thursday at 
general business, Senator Carr in continuation.

Remuneration Tribunal—Report for 2015-16. Motion to take note of document 
moved by Senator Carr. Debate adjourned till Thursday at general business, 
Senator Carr in continuation.

Commonwealth Director of Public Prosecutions (CDPP)—Report for 2015-16. 
Motion to take note of document moved by Senator Carr. Debate adjourned till 
Thursday at general business, Senator Carr in continuation.


Australian Competition and Consumer Commission—Report to the Australian Senate on anti-competitive and other practices by health insurers and providers in relation to private health insurance for the period 1 July 2014 to 30 June 2015. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


National Health Funding Pool—Report for 2015-16, including financial statements for state and territory State Pool Accounts. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Repatriation Commission, Military Rehabilitation and Compensation Commission and the Department of Veterans’ Affairs—Reports for 2015-16, including financial statements of the Defence Service Homes Insurance Scheme. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


Transport—Funding of infrastructure projects—Letter to the President of the Senate from the Auditor-General (Mr Hehir) responding to the resolution of the Senate of 3 February 2016. Motion to take note of document moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Science and technology—Commonwealth Scientific and Industrial Research Organisation Review—Letter from the Cabinet Secretary (Senator Sinodinos) responding to the order of the Senate of 10 October 2016, and attachments. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Indexed lists of departmental and agency files for the period 1 January to 30 June 2016—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.

Departmental and agency grants—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008. Motion to take note of documents moved by Senator Carr. Debate adjourned till Thursday at general business, Senator Carr in continuation.


27 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Minister for International Development and the Pacific (Senator Fierravanti-Wells), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Education and Employment References Committee**—

- Appointed—
  - Substitute member: Senator Rhiannon to replace Senator Hanson-Young for the committee’s inquiry into corporate avoidance of the *Fair Work Act 2009*
Parliamentary Departments—Joint Standing Committee—
Appointed—Participating member [for the committee’s inquiry into the 2016 election]: Senator Hinch

National Broadband Network—Joint Standing Committee—
Appointed—Participating member: Senator Hinch.

Question put and passed.

28 APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2016-2017
APPROPRIATION BILL (NO. 1) 2016-2017
APPROPRIATION BILL (NO. 2) 2016-2017

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

Message no. 50, dated 20 October 2016—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes.

Message no. 51, dated 20 October 2016—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes.

Message no. 52, dated 20 October 2016—A Bill for an Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes.

The Minister for International Development and the Pacific (Senator Fierravanti-Wells) 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 Fierravanti-Wells moved—That these bills be now read a second time.

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

29 BUILDING AND CONSTRUCTION INDUSTRY (IMPROVING PRODUCTIVITY) BILL 2013
BUILDING AND CONSTRUCTION INDUSTRY (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2013

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

Message no. 45, dated 19 October 2016—A Bill for an Act to re-establish the Australian Building and Construction Commissioner, and for related purposes.


The Minister for International Development and the Pacific (Senator Fierravanti-Wells) 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 Fierravanti-Wells moved—that these bills be now read a second time.

On the motion of Senator Fierravanti-Wells the debate was adjourned till the next day of sitting.

30 **Fair Work (Registered Organisations) Amendment Bill 2014**

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

Message no. 43, dated 19 October 2016—a Bill for an Act to amend the *Fair Work (Registered Organisations) Act 2009*, and for related purposes.

The Minister for International Development and the Pacific (Senator Fierravanti-Wells) 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 Fierravanti-Wells moved—that these bills be now read a second time.

On the motion of Senator Fierravanti-Wells the debate was adjourned till the next day of sitting.

31 **Income Tax Rates Amendment (Working Holiday Maker Reform) Bill 2016**

**Treasury Laws Amendment (Working Holiday Maker Reform) Bill 2016**

**Superannuation (Departing Australia Superannuation Payments Tax) Amendment Bill 2016**

**Passenger Movement Charge Amendment Bill 2016**

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


Message no. 41, dated 18 October 2016—a Bill for an Act to amend the law relating to taxation and migration, and for related purposes.

Message no. 40, dated 18 October 2016—a Bill for an Act to amend the *Superannuation (Departing Australia Superannuation Payments Tax) Act 2007*, and for related purposes.


The Minister for International Development and the Pacific (Senator Fierravanti-Wells) 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 Fierravanti-Wells moved—that these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order for the day fixed for the Economics Legislation Committee to report on the bills, 9 November 2016.
32 **VET Student Loans Bill 2016**

**VET Student Loans (Consequential Amendments and Transitional Provisions) Bill 2016**

**VET Student Loans (Charges) Bill 2016**

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

- Message no. 47, dated 20 October 2016—A Bill for an Act to provide for loans to students for vocational education and training, and for related purposes.
- Message no. 49, dated 20 October 2016—A Bill for an Act to deal with consequential and transitional matters in relation to the enactment of the *VET Student Loans Act 2016*, and for related purposes.
- Message no. 48, dated 20 October 2016—A Bill for an Act to impose approved course provider charge, and for related purposes.

The Minister for International Development and the Pacific (Senator Fierravanti-Wells) 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 Fierravanti-Wells moved—that these bills be now read a second time.

On the motion of Senator Fierravanti-Wells the debate was adjourned till the next day of sitting.

33 **Broadcasting Legislation Amendment (Television and Radio Licence Fees) Bill 2016**

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

- Message no. 53, dated 7 November 2016—A Bill for an Act to amend legislation relating to broadcasting, and for related purposes.

The Minister for International Development and the Pacific (Senator Fierravanti-Wells) 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 Fierravanti-Wells moved—that this bill be now read a second time.

On the motion of Senator Fierravanti-Wells the debate was adjourned till the next day of sitting.

34 **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. 38, dated 17 October 2016—
  - Joint Standing Committee on Foreign Affairs, Defence and Trade, Ms MMH King in place of Mr Danby
  - Joint Standing Committee on the Parliamentary Library, Ms Stanley and Mr Byrne, appointed
  - Joint Committee of Public Accounts and Audit, Ms MMH King, appointed
Joint Standing Committee on Treaties, Mr Danby in place of Ms MMH King.

35 **GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAWS**
A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following laws:

- 20 October 2016—Message No. 27—
  - *International Tax Agreements Amendment Act 2016* (Act No. 64, 2016)
  - *National Cancer Screening Register Act 2016* (Act No. 65, 2016)

36 **ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE—REPORT—BROADCASTING LEGISLATION AMENDMENT (MEDIA REFORM) BILL 2016**
Pursuant to order, Senator Fawcett, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Bushby), tabled the following report and documents:


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

37 **COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—NATIONAL DISABILITY INSURANCE SCHEME SAVINGS FUND SPECIAL ACCOUNT BILL 2016**
Pursuant to order, Senator Fawcett, at the request of the Chair of the Community Affairs Legislation Committee (Senator Duniam), tabled the following report and documents:


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

38 **LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—CRIMINAL CODE AMENDMENT (FIREARMS TRAFFICKING) BILL 2016**
Pursuant to order, Senator Fawcett, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Fawcett.
39 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—SOCIAL SERVICES LEGISLATION AMENDMENT (SIMPLIFYING STUDENT PAYMENTS) BILL 2016

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


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

40 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—REPORT—VET STUDENT LOANS BILL 2016 AND RELATED BILLS

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


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

41 QUALIFICATION OF SENATOR CULLETON—REFERENCE TO COURT OF DISPUTED RETURNS

Order read for the adjourned debate on the motion of the Attorney-General (Senator Brandis) proposing a reference to the Court of Disputed Returns (see entry no. 10).

Debate resumed.

Leave refused: Senator Culleton, having already spoken, sought leave to move an amendment to the motion. An objection was raised and leave was not granted.

Question put and passed.

42 PLEBISCITE (SAME-SEX MARRIAGE) BILL 2016

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

Debate resumed.

Question put.

The Senate divided—

AYES, 29

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Question negatived.

### APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 1) 2016-2017

Order of the day read for the adjourned debate on the motion of the Minister for International Development and the Pacific (Senator Fierravanti-Wells)—That these bills be now read a second time.

Debate resumed.

Senator Leyonhjelm moved the following amendment in respect of Appropriation Bill (No. 1) 2016-2017:

Omit all words after “That”, substitute “noting the resolution of the Senate of 22 June 2010 relating to the ordinary annual services of Government, and the inclusion in Appropriation Bill (No. 1) 2016-2017 of funding for new initiatives (as described in the Budget Papers) relating to Australian international education, the investment approach to welfare and the National Carp Control Plan rather than in Appropriation Bill (No. 2) 2016-17, further consideration of these bills be deferred until the Government provides a commitment to the Senate to cast future appropriation bills in the terms of the 22 June 2010 resolution”.

 Debate ensued.

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

Main question put and passed.

Bills read a second time.

No amendments or requests to the bills were circulated and the bills were not considered in committee.

On the motion of the Minister for Finance (Senator Cormann) the bills were read a third time.

At 9.50 pm—

### ADJOURNMENT

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

Debate ensued.

The Senate adjourned at 10.18 pm till Tuesday, 8 November 2016 at 12.30 pm.
45 ATTENDANCE

Present, all senators except Senators Bernardi*, Di Natale*, Ludlam* and Singh* (*on leave).

ROSEMARY LAING
Clerk of the Senate