THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 152

TUESDAY, 3 MAY 2016

Contents

1 Meeting of Senate .............................................................. 4191
2 Documents.............................................................................. 4191
3 Committees—Leave to Meet During Sittings ......................... 4193
4 Supply (Parliamentary Departments) Bill (No. 1) 2016-2017
   Supply Bill (No. 1) 2016-2017
   Supply Bill (No. 2) 2016-2017 ........................................... 4194
5 Tax and Superannuation Laws Amendment (Medicare Levy and Medicare
   Levy Surcharge) Bill 2016 .................................................. 4194
6 Tax Laws Amendment (Tax Incentives for Innovation) Bill 2016 .......... 4194
7 Questions............................................................................. 4194
8 Motions to Take Note of Answers........................................... 4195
9 Notices.................................................................................. 4195
10 Indigenous Australians—Social Ventures Australia—Reports—Order for
    Production of Documents .................................................. 4202
11 Death of Mr Xulhaz Mannan.................................................... 4202
12 Health—Child Dental Benefits Scheme .................................. 4202
13 Health—Victoria—Regional Hospitals Funding—Order for Production of
   Documents................................................................. 4203
14 Health—Remote Area Nurses................................................ 4203
15 Historical Events—Vietnam War ............................................ 4204
16 Health—Bulk-billing Incentives—Diagnostic Imaging and Pathology
   Services—Order for Production of Documents ....................... 4204
17 Additional Estimates 2015-16—Unanswered Questions on Notice—Order
   for Production of Documents .......................................... 4205
18 Industry—Radioactive Waste Storage—Barndioota Station ........... 4205
19 Administration—Australian Renewable Energy Agency—Funding .... 4206
20 Foreign Affairs—West Papua ................................................ 4207
21 Privileges—Standing Committee—Statement by President—Proposed
   Reference......................................................................... 4207
22 Discussion of Matter of Public Importance—Education—Schools Funding.... 4208
23 Documents—Consideration................................................... 4208
<table>
<thead>
<tr>
<th>No.</th>
<th>Committee Reports and Government Responses—Tabling and Consideration Pursuant to Standing Order 62(4)</th>
<th>4208</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Primary Industries—Department of Agriculture—Former Secretary—Order for Production of Documents—Document</td>
<td>4211</td>
</tr>
<tr>
<td>27</td>
<td>Financial System Legislation Amendment (Resilience and Collateral Protection) Bill 2016 National Disability Insurance Scheme Amendment Bill 2016</td>
<td>4211</td>
</tr>
<tr>
<td>28</td>
<td>Northern Australia Infrastructure Facility Bill 2016</td>
<td>4212</td>
</tr>
<tr>
<td>29</td>
<td>Social Security (Administration) (Trial Area – East Kimberley) Determination—Proposed Disallowance</td>
<td>4213</td>
</tr>
<tr>
<td>30</td>
<td>Budget Statement and Documents 2016-17</td>
<td>4213</td>
</tr>
<tr>
<td>31</td>
<td>Particulars of Proposed and Certain Expenditure for 2016-17—Documents—Reference of Estimates to Committees</td>
<td>4213</td>
</tr>
<tr>
<td>32</td>
<td>Estimates of Proposed Expenditure for 2016-17—Portfolio Budget Statements—Parliamentary Departments—Documents</td>
<td>4213</td>
</tr>
<tr>
<td>33</td>
<td>Estimates of Proposed Expenditure for 2016-17—Portfolio Budget Statements—Portfolios and Executive Departments—Documents</td>
<td>4214</td>
</tr>
<tr>
<td>34</td>
<td>Adjournment</td>
<td>4214</td>
</tr>
<tr>
<td>35</td>
<td>Attendance</td>
<td>4214</td>
</tr>
</tbody>
</table>
MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

DOCUMENTS

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

- International Labour Organisation—Submission report on ILO instrument: Transition from the informal to the formal economy recommendation, 2015 (No. 204).

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.]

- Aboriginal Land Grant (Jervis Bay Territory) Act 1986—Aboriginal Land Grant (Jervis Bay Territory) By-Laws 2016 [F2016L00619].
- Civil Aviation Act 1988—
  - Exemption, permission, direction and authorisation — helicopter search and rescue operations and training for such operations (CHC Helicopters)—CASA EX65/16 [F2016L00592].
- Civil Aviation Safety Regulations 1998—
  - Exemption — from holding an aerial application rating for aerial baiting operations and from Part 137 of CASR 1998—CASA EX69/16 [F2016L00596].
  - Manual of Standards Part 66 Amendment Instrument 2016 (No. 4) [F2016L00612].
Corporations Act 2001—

Defence Act 1903—
Section 58B—
Individual payment—Defence Determination 2016/18 [F2016L00609].
Overseas club membership and post indexes—amendment—Defence Determination 2016/17 [F2016L00613].
Woomera Prohibited Area Rule 2014—Determination of Exclusion Periods for the Green Zone for May 2016 [F2016L00591].

Environment Protection and Biodiversity Conservation Act 1999—Amendment to the lists of threatened species, ecological communities and key threatening processes under sections 178, 181 and 183 (190) (14 April 2016) [F2016L00590].

Small Pelagic Fishery Overcatch and Undercatch Determination 2016 [F2016L00597].
Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination 2016 [F2016L00598].


Fuel Indexation (Road Funding) Special Account Act 2015—Fuel Indexation (Road Funding) Special Account Determination 2016 (No. 1) [F2016L00620].

Higher Education Support Act 2003—
Revocation of Approval as a VET Provider (Australian Teachers of Dancing Limited) [F2016L00611].
Revocation of Approval as a VET Provider (Sydneylearning Pty Limited) [F2016L00615].

National Health Act 1953—
Amendment Determination under section 84AH (2016) (No. 2)—PB 36 of 2016 [F2016L00602].
National Health Determination under paragraph 98C(1)(b) Amendment 2016 (No. 3)—PB 31 of 2016 [F2016L00603].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2016 (No. 4)—PB 34 of 2016 [F2016L00605].
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 4)—PB 33 of 2016 [F2016L00607].
National Health (Listed drugs on F1 or F2) Amendment Determination 2016 (No. 4)—PB 37 of 2016 [F2016L00608].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2016 (No. 4)—PB 29 of 2016 [F2016L00604].
National Health (Originator Brand) Amendment Determination 2016 (No. 3)—PB 38 of 2016 [F2016L00606].
National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2016 (No. 2)—PB 35 of 2016 [F2016L00622].
National Health (Pharmaceutical benefits – early supply) Amendment Instrument 2016 (No. 4)—PB 32 of 2016 [F2016L00601].
National Health (Price and Special Patient Contribution) Amendment Determination 2016 (No. 3)—PB 30 of 2016 [F2016L00600].

Private Health Insurance Act 2007—Private Health Insurance (Benefit Requirements) Amendment Rules 2016 (No. 2) [F2016L00589].


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

- Departmental and agency appointments and vacancies—Budget estimates 2016-17—Letter of advice pursuant to the order of the Senate of 24 June 2008—Department of Human Services.
- Environment portfolio.
- Departmental and agency grants—Budget estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—Cancer Australia.
- Department of Employment.
- Department of Human Services.
- Environment portfolio.
- Estimates hearings—Unanswered questions on notice—Additional estimates 2015-16—Statements pursuant to the order of the Senate of 25 June 2014—Environment portfolio.
- Office of National Assessments.
- Prime Minister and Cabinet portfolio.

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

- Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—today, from 4 pm.
- Corporations and Financial Services—Joint Statutory Committee—today, from 3 pm.
- Finance and Public Administration References Committee—today, from 1.45 pm, for the committee’s inquiries into Commonwealth legislative provisions relating to oversight of associated entities of political parties, and into the outcomes of the 42nd meeting of the Council of Australian Governments held on 1 April 2016.
- Foreign Affairs, Defence and Trade References Committee—today, from 4.30 pm.
- Health—Select Committee—today, from 3 pm.
- Legal and Constitutional Affairs References Committee—today, from 3.05 pm, and on Wednesday, 4 May 2016, from 1 pm.
- Unconventional Gas Mining—Select Committee—today, from 5 pm.
Order of the day read for the adjourned debate on the motion of the Minister for Northern Australia (Senator Canavan)—That these bills be now read a second time.

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments 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.

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

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of Senator Canavan the bill was read a third time.

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

Message no. 24, dated 2 May 2016—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Minister for Northern Australia (Senator Canavan) 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 Canavan moved—That this bill be now read a second time.

Debate ensued.

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

Questions without notice were answered.
8 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator Carr moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Dodson today relating to higher education policy.

Debate ensued.

Question put and passed.

Senator Hanson-Young moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Hanson-Young today relating to asylum seekers.

Question put and passed.

9 **NOTICES**

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

(a) notes:

(i) the protection of health facilities and other civilian targets under international law, including the Geneva Conventions of 1949 and their Optional Protocols of 1977;

(ii) that in 2015 alone, 75 Médecins Sans Frontières hospitals and supported hospitals suffered 106 bombing and shell attacks, and

(iii) that in September 2015, the World Health Organization reported that 654 medical personnel had been killed since the beginning of the conflict in Syria, and that almost 60 per cent of hospitals were either partially-functional or completely out of service;

(b) condemns the deadly attacks on hospitals that are occurring at an increasingly alarming rate in conflict around the world, particularly in Syria, Yemen and Afghanistan;

(c) calls on the conflicting parties in conflicts to respect the basic principles of international humanitarian law and refrain from deliberately targeting civilian infrastructures; and

(d) reaffirms the status of health facilities as neutral, protected spaces under international law. *(general business notice of motion no. 1171)*

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

(a) acknowledges that the Australian Christian Lobby does not represent most Christians in this country and are nothing more than a fringe group;

(b) condemns the Treasurer (Mr Morrison) for attending the Australian Christian Lobby National Conference on 23 April 2016; and

(c) calls on the Prime Minister (Mr Turnbull) to reject the Australian Christian Lobby’s request for a temporary suspension to the anti-discrimination laws should a plebiscite campaign on marriage equality eventuate. *(general business notice of motion no. 1172)*

Senators Brown, Bilyk and Moore: To move on the next day of sitting—That the Senate—

(a) notes that National Volunteer Week is celebrated in Australia from 9 to 15 May 2016, and the theme for the 2016 commemoration is ‘Give Happy, Live Happy’;

(b) recognises that volunteering is:

(i) a healthy lifestyle choice; a true community builder, and
(ii) one of the strongest predictors we have of increasing our health and happiness; and

(c) joins with Volunteering Australia and volunteers across the Australian community to:

(i) support the ‘Give Happy, Live Happy’ conversation and to show that volunteers live happier and healthier lives, and

(ii) acknowledge that more than 6 million Australian volunteers are an invaluable resource in helping to make our communities stronger.

*(general business notice of motion no. 1173)*

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

(a) the Senate notes:

(i) the number of veterans who have served overseas in war and warlike circumstances since 1999 is more than 70,000, and is greater than the number of Australian veterans who served in Vietnam,

(ii) the credible and overwhelming evidence from ex-service organisations and individual former Australian Defence Force (ADF) members which indicates that the Australian veterans’ suicide rate since 1999 stands at more than 250 and is rapidly growing,

(iii) that this Government, through the Department of Veterans’ Affairs (DVA), refuses to acknowledge, measure, research or publish the Australian veterans’ suicide rate,

(iv) the credible and overwhelming evidence from ex-service organisations and individual former ADF members which indicates that the complexity of the military compensation schemes, the time taken to make decisions by DVA, and the failure to properly administer compensation claims, has contributed to unnecessary financial hardships, veterans’ families’ breakdowns, homelessness, delays in medical treatment and suicides,

(v) the Australian Military Compensation Arrangements and laws administered by DVA when compared with compensation arrangements for other employees of the Commonwealth deliver less in compensation and entitlements, and therefore discriminate against members of the ADF,

(vi) that this inequality between members of the ADF and other employees of the Commonwealth, particularly those ADF members who die in service after 1 July 2004, creates a serious injustice for their widows and dependent children, and

(vii) that the last comprehensive government review into DVA, *Review of Military Compensation Arrangements*, was undertaken more than 5 years ago in February 2011, and is outdated; and

(b) that the above matters be referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 23 August 2016, with particular reference to:

(i) the reasons why Australian veterans are committing suicide at such high rates,

(ii) previous reviews of military compensation arrangements and their failings,
(iii) the Repatriation Medical Authority’s Statements of Principles, claims administration time limits, claims for detriment caused by defective administration, authorised medical treatment, level of compensation payments, including defence abuse, as contained in all military compensation arrangements,

(iv) the performance of DVA, and

(v) any other related matters.

The Leader of the Glenn Lazarus Team (Senator Lazarus): To move on the next day of sitting—That the Senate—

(a) acknowledges the importance of Australia’s shipping and maritime industry, and its contribution to the Australian economy and national defence capabilities;

(b) notes that some 7 000 people are employed directly in shipbuilding yards across Australia, and a further 24 000 people in associated industries;

(c) recognises that 1 800 shipbuilding jobs have been lost in Australia since 2013, and the need to protect and retain Australian jobs for Australian workers;

(d) understands that the Federal Government has awarded a large Australian Government shipbuilding contract for the build of Defence supply vessels to Spanish company Navantia, which will create some 3 000 jobs in Spain and further decimate the Australian shipbuilding and maritime industry; and

(e) calls on the Federal Government to immediately withdraw from the contract, or immediately halt further negotiations, with the Spanish company and instead work with the Australian shipbuilding and maritime industry to immediately establish the capability to build the ships in Australia, which will provide Australian jobs for Australian workers, and in the event that withdrawal from the contract is not possible, immediately install contract requirements which necessitate the inclusion of Australian content, such as the build of the blocks in Australia. (general business notice of motion no. 1174)

The Leader of the Glenn Lazarus Team (Senator Lazarus): To move on the next day of sitting—That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by the last sitting day in October 2016:

The access of small and medium business (particularly those in rural and regional Australia) to Federal Government contracts, and how this access could be improved, with particular reference to:

(a) any inherent unfairness in tender processes arising from the terms of the Commonwealth’s Procurement Rules 2014 (the rules);

(b) how the rules could effectively and appropriately (without discouraging competition) include improved consideration of tender proposals made by small and medium businesses for Federal Government contracts;

(c) the basis of any assessment of ‘value for money’ that is undertaken in awarding procurement contracts, particularly those for small and medium businesses, including how secondary and social benefits to communities, especially rural, regional and remote communities, can be included in that assessment;
(d) how the rules could effectively and appropriately (without discouraging competition) include improved access to Federal Government contracts by small and medium businesses, and where possible include involvement of multiple contract providers in contracts to enable greater opportunity for participation by rural, regional and remotely located small and medium businesses where providers are only able to service limited regions or locations; and

(e) any other related matter.

The Leader of the Glenn Lazarus Team (Senator Lazarus): To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Australian sugarcane industry is one of Australia’s largest and most important rural industries with sugarcane being Queensland’s largest agricultural crop,

(ii) around 85 per cent of the raw sugar produced in Queensland is exported and generates up to $2 billion in export earnings,

(iii) the majority of mills in Australia are foreign-owned and Australian grower groups are concerned about the monopoly powers of mills to misuse their market power against Australian sugarcane growers, particularly in response to changes to the industry from 2017 which may see large foreign-owned milling companies taking control of the Australian sugar marketing sector, and

(iv) the Rural and Regional Affairs and Transport References Committee report *Current and future arrangements for the marketing of Australian sugar*, tabled in June 2015, recommended the development and implementation of a mandatory sugar industry code of conduct;

(b) acknowledges that Australian sugarcane growers are urgently seeking implementation of a national industry code of conduct to protect them from large-resourced companies exercising monopoly powers to dictate the commercial relationship between millers and growers, the installation of a commercial arbitration facility to support them to resolve issues with mills, and the ability to select a sugar marketing organisation of their choice; and

(c) calls on the Federal Government to support Australian sugarcane growers, to act on the recommendation in the Rural and Regional Affairs and Transport References Committee report, and to work with industry as a matter of urgency to:

(i) develop and implement a code of conduct,

(ii) establish a national commercial arbitration service,

(iii) provide Australian canegrowers with the flexibility to select sugar-marketing organisations of their choice, and

(iv) establish a national support service for Australian canegrowers. *(general business notice of motion no. 1175)*

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

(a) notes:

(i) that 21 April 2016 marked the 90th birthday of Her Majesty Queen Elizabeth II, Queen of Australia,
(ii) that Her Majesty’s reign has now continued through the tenure of 14 Australian Prime Ministers – Menzies, Holt, McEwen, Gorton, McMahon, Whitlam, Fraser, Hawke, Keating, Howard, Rudd, Gillard, Abbott and Turnbull, and

(iii) the vital and enduring role that Her Majesty has played in Australia’s democratic strength and constitutional stability throughout the many years of her reign; and

(b) extends to Her Majesty its warmest wishes on this significant personal milestone, as well as its continued appreciation for the gracious manner in which she fulfils her duties as Queen of Australia. (general business notice of motion no. 1176)

Senators Rhiannon and Dastyari: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Waverley Council, the area of which is contained in the seat of Wentworth, has agreed to a $38 million redevelopment of Bondi Pavilion,

(ii) on 30 April 2016, at a special Waverley Council meeting attended by 300 people, Ms Sally Betts, the Mayor of Waverley Council and electorate officer for the Member for Wentworth (Mr Turnbull), used her casting vote to pass the redevelopment plan,

(iii) there is growing community concern that the Waverley Council redevelopment plans would reduce the current community-to-commercial use ratio and result in the Bondi Pavilion being privatised by stealth,

(iv) in response to these concerns, Waverley Council has published misleading figures for proposed community floor space which appear to include outdoor areas as a replacement for current community rooms,

(v) the original budget for restoration of the Bondi Pavilion was estimated by Waverley Council in early 2015 to be $9 million, and that the cost blowout to a currently estimated $38 million is primarily the result of the proposed changes to the building’s structure in the redevelopment plan, and

(vi) Mr Turnbull in July 2007 with former Prime Minister, Mr Whitlam, and his wife Margaret attended the celebration of a third of a century of the Bondi Pavilion community and cultural centre;

(b) calls on the Prime Minister (Mr Turnbull) to publicly support Bondi Pavilion being retained as a community and cultural centre; and

(c) calls on the Turnbull Government to ensure any financial assistance:

(i) is limited to assisting with restoration of the Bondi Pavilion that maintains the current community-to-commercial space ratio, and

(ii) is conditional upon the Bondi Pavilion’s first floor being retained for community and theatre use, and the discontinuation of upgrade plans that turn this area into a restaurant and bar or function centre precinct. (general business notice of motion no. 1177)

Senators Xenophon, Madigan, Muir and Lambie and the Leader of the Glenn Lazarus Team (Senator Lazarus): To move on the next day of sitting—That the Senate—

(a) notes that:

(i) it is likely that a federal election will be held on Saturday, 2 July 2016,
(ii) it is estimated that some 40 million ballot papers will be required on election day, which is equivalent to some 700 tonnes of paper, and

(iii) Australia is capable of producing the quantity and quality of paper required for ballot papers as well as other election material to be printed for the Australian Electoral Commission (AEC) for the 2016 Federal election; and

(b) calls on the Government to require the use of Australian paper for ballot papers and other election materials produced for the AEC. (general business notice of motion no. 1178)

Senators Moore and McLucas: To move on the next day of sitting—That the Senate—

(a) notes the important work undertaken by the Community Affairs References Committee in its inquiry into children in institutional care, which recommended the acknowledgement, on behalf of the nation, of:

(i) the hurt and distress suffered by many children in institutional care,

(ii) a national apology,

(iii) redress for their suffering, and

(iv) a Royal Commission into this national shame;

(b) recognises that the Royal Commission into Institutional Responses to Child Sexual Abuse released in September 2015 its final report into redress and civil litigation, and listed 99 recommendations, including recommendation 28 – ‘The Australian Government should determine and announce by the end of 2015 that it is willing to establish a single national redress scheme’;

(c) acknowledges that survivors have been waiting their whole lives for recognition of the crimes perpetrated against them as children, and for the ongoing suffering those crimes cause them;

(d) notes that the Australian Labor Party announced in October 2015 that a Shorten Government would invest $33 million to implement a National Redress Scheme, which would include an initial $20 million contribution to establish the National Redress Agency, as well as a National Redress Advisory Council to work with all governments and institutions on the development and operation of the scheme; and

(e) calls on the Government to work towards establishing a National Redress Scheme. (general business notice of motion no. 1179)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—

(a) notes:

(i) the decision of the Government to award the contract to DCNS for the construction of new Barracuda-class submarines, and

(ii) that the pump-jet propulsion used in the Barracuda-class submarines has only ever been powered by nuclear reactors; and

(b) calls on the Government to unequivocally rule out the use of nuclear reactors to power Australia’s new submarines. (general business notice of motion no. 1180)
The Leader of the Glenn Lazarus Team (Senator Lazarus): To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) while the abolition of the Road Safety Remuneration Tribunal (RSRT) and associated orders has assisted to restore a competitive level playing field for the owner driver transport sector across Australia, the disruption caused by the RSRT has significantly affected industry confidence and market conditions more generally for owner driver operators, and
   (ii) it may take some time for the owner driver sector to recover from the disruption, and as a result, in the meantime, many owner drivers are suffering financially; and
(b) calls on the Federal Government to provide urgent assistance to owner driver operators by:
   (i) conducting a survey to identify the number of owner driver operators who have lost work as a consequence of the Road Safety Remuneration Order 2016, and have not had their former work reinstated, with limited or no prospects of recovering work given the investments already made by small/large fleet operators,
   (ii) establishing a national emergency financial assistance fund to provide financial payments to owner driver operators for up to 3 months,
   (iii) providing owner driver operators with written acknowledgement of the abolition of the RSRT and associated orders to assist with market awareness,
   (iv) calling on the financial sector to suspend payment requirements for truck and home loan facilities for owner driver operators for up to 3 months, and
   (v) providing funding to a community-based organisation to assist them to provide owner driver operators and their families with targeted, specialist and industry-specific counselling and support services.

Senator Siewert: To move on the next day of sitting—That the Senate—
(a) recognises that income support for students:
   (i) is an important part of Australia’s safety net, and
   (ii) helps to make educational opportunities more accessible for young people, including from regional and remote communities;
(b) notes reports:
   (i) of a current backlog of 27 500 students with claims waiting to be processed, and earlier peaks of 90 000 students waiting for claims to be processed, and
   (ii) suggesting that up to 30 000 applicants may have been rejected incorrectly; and
(c) calls on the Government to take urgent action by:
   (i) reviewing rejected applications,
   (ii) restoring adequate funding to the Department of Human Services, including funding for ongoing staffing increases, and
   (iii) investing in high-quality information technology systems. (general business notice of motion no. 1182)
Notices of motion withdrawn: Senator Bushby, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams) and pursuant to notice of intention given on 2 May 2016, withdrew business of the Senate notices of motion nos 1 to 3 standing in the name of Senator Williams for 13 sitting days after today for the disallowance of the following instruments:

- Complaints Principles 2015, made under section 96-1 of the Aged Care Act 1997 and item 34 of Part 2 of Schedule 1 to the of the Aged Care Amendment (Independent Complaints Arrangements) Act 2015 [F2015L02125].

10 Indigenous Australians—Social Ventures Australia—Reports—Order for Production of Documents

Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1160—That there be laid on the table by the Minister for Indigenous Affairs, no later than 9.30 am on Wednesday, 4 May 2016, reports from Social Ventures Australia relating to the Indigenous Advancement—Jobs, Land and Economy Programme and Australian Government funding for Indigenous rangers and Indigenous Protected Areas.

Question put and passed.

11 Death of Mr Xulhaz Mannan

Senator Simms, also on behalf of Senator Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1163—That the Senate—

(a) offers its deepest condolences to the family of Mr Xulhaz Mannan, who was violently killed in Bangladesh in April 2016;
(b) recognises the immense contribution Mr Mannan made to the lesbian, gay, bisexual, transgender and intersex (LGBTI) community in Bangladesh, which included founding Roopbaan, Bangladesh’s only LGBTI magazine;
(c) notes that same-sex sexual relations are criminalised in Bangladesh which may result in LGBTI people being forced into exile; and
(d) calls on the Government to continue to advocate for the decriminalisation of homosexuality in Bangladesh and throughout the world.

Statement by leave: The Minister for Vocational Education and Skills (Senator Ryan), by leave, made a statement relating to the motion.

Question put and passed.

12 Health—Child Dental Benefits Scheme

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1166—That the Senate—

(a) recognises the success of the Child Dental Benefits Scheme, which has provided access to dental care to children aged 2 to 17 since 2014;
(b) notes:
   (i) that the broad exclusion of dental care from Australia’s public health system causes hardship and poor patient outcomes for millions of Australians,
   (ii) that Aboriginal and Torres Strait Islander people, those living in rural and regional Australia and low income earners, have more than twice the rate of untreated dental decay as high income earners, and
   (iii) the ongoing delay of $1.3 billion in Commonwealth funding committed for state dental services under the National Partnership Agreement;
   (c) rejects the Government’s recent cuts to Medicare-funded dental care, noting that 80 per cent of services are delivered through non-government practices; and
   (d) calls on the Government to address the inequity in dental health outcomes by committing to the expansion of Medicare-funded and state-funded dental care to all Australians over time.

Statements by leave: The Minister for Vocational Education and Skills (Senator Ryan) and Senator Di Natale, by leave, made statements relating to the motion.

Question put and passed.

13 HEALTH—VICTORIA—REGIONAL HOSPITALS FUNDING—ORDER FOR PRODUCTION OF DOCUMENTS
The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1167—That there be laid on the table by the Minister representing the Prime Minister (Senator Brandis), no later than 3 pm on Wednesday, 4 May 2016, all documents created between October 2013 and May 2016 relating to the funding of hospitals in regional Victoria, and, in particular, the funding of Wangaratta hospital, including the withdrawal of $10 million, and any commitments made to the former Member for Indi (Mrs Mirabella) in relation to such funds.

Question put and passed.

14 HEALTH—REMOTE AREA NURSES
Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1168—That the Senate—

(a) notes:
   (i) the tragic death of South Australian woman, Ms Gayle Woodford, who worked as a remote area nurse in the Anangu Pitjantjatjara Yankunytjatjara Lands,
   (ii) the online petition calling for increased safety measures for remote area nurses, started by Ms Joanne Norton on Change.org following Ms Woodford’s death which has now been electronically signed by more than 130 000 people,
   (iii) a survey of members of remote health worker organisation the Council of Remote Area Nurses of Australia Plus (CRANAplus), which shows that one in three remote area nurses has experienced physical violence, and
   (iv) the important and vital work of remote area nurses in outback Australia, and their right to be safe in the course of their employment; and
(b) calls on the Government to:

   (i) immediately review the adequacy of current safety measures for remote area nurses,

   (ii) abolish single-nurse posts in remote areas or mitigate the risks they pose,

   (iii) implement a policy that remote area nurses attend out-of-hours emergencies in pairs (whether that is two nurses, a community member, security officer or other),

   (iv) require that all emergency services vehicles be fitted with GPS technology which would allow the vehicle to be tracked and located easily, and

   (v) allocate the necessary funding to effect subparagraphs (b)(i) to (b)(iv) above.

Statement by leave: The Minister for Vocational Education and Skills (Senator Ryan), by leave, made a statement relating to the motion.

Question put and passed.

15 HISTORICAL EVENTS—VIETNAM WAR

Senator Lindgren, also on behalf of Senators Reynolds and Smith, amended general business notice of motion no. 1170 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate—

   (a) notes that:

      (i) on 30 April 1975, the fall of Saigon marked the end of the Vietnam War, and

      (ii) many South Vietnamese and Australian service personnel who served in the Vietnam War commemorate this day and remember the service and sacrifice of the men and women who were killed and injured;

   (b) reiterates its sincere appreciation for the service of all veterans of the Vietnam War; and

   (c) acknowledges that the Australian Vietnamese communities are still affected by the effects of the Vietnam War.

Question put and passed.

16 HEALTH—BULK-BILLING INCENTIVES—DIAGNOSTIC IMAGING AND PATHOLOGY SERVICES—ORDER FOR PRODUCTION OF DOCUMENTS

Senator McEwen, at the request of Senator Gallagher and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1169—that there be laid on the table by the Minister representing the Minister for Health, no later than 9.30 am on Wednesday, 4 May 2016, any instrument that would give effect to the measure Medicare Benefits Schedule—changes to diagnostic imaging and pathology services bulk-billing incentives, identified on page 174 of the 2015-16 Mid-Year Economic and Fiscal Outlook.

Question put and passed.
17 ADDITIONAL ESTIMATES 2015-16—UNANSWERED QUESTIONS ON NOTICE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator McEwen, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1161—that there be laid on the table by the Leader of the Government in the Senate (Senator Brandis), no later than 9.30 am on Wednesday, 4 May 2016, answers to all unanswered questions for all portfolios, that were placed on notice during the consideration of the 2015-16 additional estimates.

Statement by leave: The Minister for Vocational Education and Skills (Senator Ryan), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 37

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Question agreed to.

18 INDUSTRY—RADIOACTIVE WASTE STORAGE—BARNDIOOTA STATION

Senator Ludlam, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1162—that the Senate—

(a) notes that:

(i) on 27 November 2015, the Adnyamathanha traditional owners released a statement outlining their opposition to the nomination of Barndioota station to host a National Radioactive Waste facility with the statement detailing environmental conditions in the area, including flooding and yarta ngurra-ngurrandha (earthquakes and tremors), the importance of ground water and many mound springs close to the proposed site,

(ii) on 29 April 2016, press releases were issued from three different organisations that represent the Adnyamathanha traditional owners detailing their opposition to the nomination of Barndioota station,

(iii) the area is of cultural significance to Adnyamathanha,
(iv) Yappala was declared an Indigenous Protected Area (IPA) by the Federal Government in 2014,
(v) there is extensive archaeological evidence of occupation in the surrounding area, and
(vi) there has been a lack of consultation with Adnyamathanha; and
(b) calls on the Government to:
   (i) acknowledge the opposition from the Adnyamathanha traditional owners, and
   (ii) respect previous commitments on non-imposition and the importance of community consent, and remove the Barndioota site as a nominated site.

*Statements by leave:* The Minister for Vocational Education and Skills (Senator Ryan) and Senator Ludlam, by leave, made statements relating to the motion.

Question put.
The Senate divided—

**AYES, 12**

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Question negatived.

19 **ADMINISTRATION—AUSTRALIAN RENEWABLE ENERGY AGENCY—FUNDING**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1164—That the Senate—

(a) notes:
   (i) how well positioned Australia is to take advantage of the huge jobs and commercial opportunities from investing in research and development in clean energy technologies,
   (ii) that the Australian Renewable Energy Agency (ARENA) is the institution that will enable us to be global leaders in clean technology innovation, and
   (iii) that the 2014 Budget proposed $1.3 billion in cuts to ARENA for the financial years 2017-18 to 2021-22 which have so far been blocked but which have caused considerable uncertainty for ARENA; and
(b) resolves that the $1.5 billion of currently legislated funding for ARENA for the financial years 2016-17 to 2021-22 will not be reduced.

Statement by leave: The Minister for Vocational Education and Skills (Senator Ryan), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 12

Senators—

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

NOES, 46

Senators—

Abetz  Fifield  McAllister  Polley
Back  Gallacher  McEwen (Teller)  Reynolds
Bernardi  Gallagher  McGrath  Ryan
Bilyk  Heffernan  McKenzie  Scullion
Brown  Johnston  McLucas  Singh
Busby  Ketter  Moore  Sinodinos
Cameron  Lindgren  O’Neill  Smith
Canavan  Lines  O’Sullivan  Sterle
Colbeck  Ludwig  Parry  Urquhart
Dastyari  Macdonald  Paterson  Wang
Dodson  Madigan  Payne  Williams
Fawcett  Marshall

Question negatived.

20 FOREIGN AFFAIRS—WEST PAPUA

Motion determined as not formal: The Leader of the Australian Greens (Senator Di Natale) requested that general business notice of motion no. 1165 standing in his name for today, relating to West Papua, be taken as formal.

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

Statements by leave: The Minister for Vocational Education and Skills (Senator Ryan) and Senator Di Natale, by leave, made statements relating to the motion.

21 PRIVILEGES—STANDING COMMITTEE—STATEMENT BY PRESIDENT—PROPOSED REFERENCE

The President made a statement relating to a matter of privilege raised by Senator McAllister concerning the failure of Senator Sinodinos to comply with an order of the Senate of 19 April 2016 to appear before the Finance and Public Administration References Committee for the purposes of its inquiry into Commonwealth legislative provisions relating to oversight of associated political entities.

The President informed the Senate that, pursuant to the procedures provided by standing order 81 and resolutions of the Senate of 25 February 1988, he had determined that a motion relating to the matter may have precedence of all other business on the day for which the notice is given.
Document: The President tabled the following document:

Privileges—Standing Committee—Proposed reference—Letter from Senator McAllister to the President, dated 2 May 2016.

Notice of motion: Senator McAllister gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Standing Committee of Privileges for inquiry and report:

(a) whether, in declining to appear before the Finance and Public Administration References Committee for the purposes of its inquiry into Commonwealth legislative provisions relating to oversight of associated political entities, Senator Sinodinos disobeyed a lawful order of the Senate without reasonable excuse; and

(b) if so, whether any contempt was committed in that regard.

22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—EDUCATION—SCHOOLS FUNDING

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

The Turnbull Government’s broken promise on school funding.

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

23 DOCUMENTS—CONSIDERATION

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

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

The Chair of the Parliamentary Standing Committee on Public Works (Senator Smith) tabled the following reports:

Public Works—Joint Statutory Committee—

4th report of 2016—Referrals made February and March 2016: Fit-out of new leased premises for the Australian Taxation Office located in Gosford, New South Wales; Puckapunyal military area high voltage power supply upgrade, Puckapunyal, Vic; AIR 5428 Phase 1 – Pilot training system facilities project; Australian Nuclear Science and Technology Organisation waste management facilities’ extension and upgrade, dated May 2016.

5th report of 2016—Referral made March 2016: Fit-out of new leased premises for the Australian Federal Police at 45 Commercial Road, Newstead, Queensland, dated May 2016.


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

Question put and passed.
Senator Bilyk, at the request of the Chair of the Standing Committee for the Scrutiny of Bills (Senator Polley), tabled the following report and document:

Scrutiny of Bills—Standing Committee—
Alert Digest No. 5 of 2016, dated 3 May 2016.

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

Senator O’Sullivan, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following reports:

Regulations and Ordinances—Standing Committee—
Delegated legislation monitor no. 5 of 2016, dated 3 May 2016.

Reports ordered to be printed on the motion of Senator O’Sullivan.

Senator O’Sullivan, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:

Human Rights—Joint Statutory Committee—37th report of 44th Parliament—

Report ordered to be printed on the motion of Senator O’Sullivan.

Senator Rice, at the request of the Chair of the Select Committee into the Scrutiny of Government Budget Measures (Senator Whish-Wilson), tabled the following reports and documents:

Scrutiny of Government Budget Measures—Select Committee—
Third interim report, dated May 2016, additional information and submissions.
Fourth interim report, dated May 2016.

Reports ordered to be printed on the motion of Senator Rice.
Senator Rice moved—That the Senate take note of the reports.
Debate ensued.
Question put and passed.

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Future role and contribution of regional capitals to Australia—Interim report, dated May 2016,
Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Sterle.
Senator Sterle moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Sterle in continuation.
The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Increasing use of so-called Flag of Convenience shipping in Australia—Second interim report, dated May 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

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

The Chair of the Select Committee relation to the establishment of a National Integrity Commission (Senator Wang) tabled the following report and documents:

Establishment of a National Integrity Commission—Select Committee—Interim report, dated May 2016, Hansard record of proceedings, document presented to the committee and submissions.

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

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

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

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Aspects of road safety in Australia—Interim report, dated May 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

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

The Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) tabled the following report and documents:

Rural and Regional Affairs and Transport References Committee—Decision to commit funding to the Perth Freight Link project—Report, dated May 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Debate ensued.

Debate adjourned till the next day of sitting, Senator Ludlam in continuation.
Senator Smith, on behalf of the Joint Select Committee on Trade and Investment Growth, tabled the following report and documents:

Trade and Investment Growth—Joint Select Committee—Inquiry into Australia’s future in research and innovation—Report, dated May 2016 and minutes of proceedings.

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

Question put and passed.

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


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

Health—Select Committee—Black lung: ‘It has buggered my life’—Fifth interim report. Motion to take note of report moved by Senator Cameron. Debate adjourned till the next day of sitting, Senator Cameron in continuation.

25 HISTORICAL EVENTS—ANZAC DAY COMMEMORATIONS—MINISTERIAL STATEMENT—DOCUMENT

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

Historical events—Anzac Day commemorations—Ministerial statement by the Minister for Veterans’ Affairs (Mr Tehan), dated 2 May 2016.

26 PRIMARY INDUSTRIES—DEPARTMENT OF AGRICULTURE—FORMER SECRETARY—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Primary industries—Department of Agriculture—Former Secretary—Letter to the President of the Senate from the Minister for Tourism and International Education (Senator Colbeck), dated 3 May 2016, responding to the order of the Senate of 2 May 2016 and raising a public interest immunity claim.

27 FINANCIAL SYSTEM LEGISLATION AMENDMENT (RESILIENCE AND COLLATERAL PROTECTION) BILL 2016

National Disability Insurance Scheme Amendment Bill 2016

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

Message no. 25, dated 2 May 2016—A Bill for an Act to amend the law in relation to payment systems and netting and other aspects of the financial sector, and for related purposes.
Message no. 26, dated 2 May 2016—A Bill for an Act to amend the National Disability Insurance Scheme Act 2013, 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.

Consideration of legislation: Senator Ruston moved—That the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

28 Northern Australia Infrastructure Facility Bill 2016

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

Message no. 27, dated 3 May 2016—Northern Australia Infrastructure Facility Bill 2016, disagreeing to the amendments made by the Senate and making identical amendments to the bill in place of those amendments.

Ordered, on the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston), that the message be considered in committee of the whole immediately.

In the committee

Statement by Chair of Committees: The Chair of Committees (Senator Marshall) made a statement concerning the amendments made by the Senate to the bill.

Senator Ruston moved—that the committee agrees to the amendments made by the House of Representatives, which are identical to the Senate amendments.

Question put and passed.

Resolution to be reported.

The Deputy President (Senator Marshall) resumed the chair and the Chair of Committees reported that the committee had considered message no. 27 from the House of Representatives relating to the Northern Australia Infrastructure Facility Bill 2016 and agreed to the amendments made by the House to the bill, which are identical to the Senate amendments.

On the motion of Senator Ruston the report from the committee was adopted.
29 **SOCIAL SECURITY (ADMINISTRATION) (TRIAL AREA – EAST KIMBERLEY) DETERMINATION—PROPOSED DISALLOWANCE**

Senator Siewert, pursuant to notice, moved business of the Senate notice of motion no. 1—That the Social Security (Administration) (Trial Area – East Kimberley) Determination 2016, made under subsections 124PD(2) and 124PG(1) of the Social Security (Administration) Act 1999, be disallowed [F2016L00307].

At 6.30 pm: Debate was interrupted while Senator Siewert was speaking.

At 8.30 pm—

30 **BUDGET STATEMENT AND DOCUMENTS 2016-17**

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

- Budget 2016-17—Statement by the Treasurer (Mr Morrison), dated 3 May 2016.
- Budget papers—
  - No. 1—Budget strategy and outlook.
  - No. 2—Budget measures.
  - No. 3—Federal financial relations.
  - No. 4—Agency resourcing.

Senator Cormann, by leave, moved—That the Senate take note of the statement and documents.

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

31 **PARTICULARS OF PROPOSED AND CERTAIN EXPENDITURE FOR 2016-17—DOCUMENTS—REFERENCE OF ESTIMATES TO COMMITTEES**

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

- Particulars of proposed expenditure in respect of the year ending on 30 June 2017.
- Particulars of certain proposed expenditure in respect of the year ending on 30 June 2017.
- Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2017.

Senator Cormann, by leave, moved—That the documents be referred to legislation committees for the consideration of the estimates.

Question put and passed.

32 **ESTIMATES OF PROPOSED EXPENDITURE FOR 2016-17—PORTFOLIO BUDGET STATEMENTS—PARLIAMENTARY DEPARTMENTS—DOCUMENTS**

The Acting Deputy President (Senator Gallacher) tabled the following documents:

- Estimates of proposed expenditure for 2016-17—Portfolio budget statements—Parliamentary departments—
  - Senate.
  - Parliamentary Budget Office.
  - Parliamentary Services.
Estimates of proposed expenditure for 2016-17—portfolio budget statements

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

- Estimates of proposed expenditure for 2016-17—portfolio budget statements—
- Portfolios and executive departments—
  - Agriculture and Water Resources portfolio.
  - Attorney-General’s portfolio.
  - Communications and the Arts portfolio.
  - Defence portfolio.
  - Department of Human Services.
  - Department of Veterans’ Affairs.
  - Education and Training portfolio.
  - Employment portfolio.
  - Environment portfolio.
  - Finance portfolio.
  - Foreign Affairs and Trade portfolio.
  - Health portfolio.
  - Immigration and Border Protection portfolio.
  - Industry, Innovation and Science portfolio.
  - Infrastructure and Regional Development portfolio.
  - Prime Minister and Cabinet portfolio.
  - Social Services portfolio.
  - Treasury portfolio.

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 Wednesday, 4 May 2016 at 9.30 am.

Attendance

Present, all senators except Senator Fierravanti-Wells (on leave).

Rosemary Laing
Clerk of the Senate