THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 140

WEDNESDAY, 24 FEBRUARY 2016

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

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


Government response to Ombudsman’s reports, dated 22 February 2016.

Treaties—List of multilateral treaties under negotiation, consideration or review by the Australian Government as at 17 September 2015.

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

Entity contracts for 2015—Letters of advice pursuant to the order of the Senate of 20 June 2001, as amended—Immigration and Border Protection portfolio.

Prime Minister and Cabinet portfolio.

COMMITTEE—LEAVE TO MEET DURING SITTING
A committee was authorised to meet during the sitting of the Senate, as follows:

Foreign Affairs, Defence and Trade References Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 25 February 2016, from 10 am, for the committee’s inquiry into the mental health of returned Australian Defence Force personnel.

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT BILL 2016
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.

The Senate resolved itself into committee for the consideration of the bill.
Bill, taken as a whole by leave, debated.

Document: The Minister for Northern Australia (Senator Canavan) tabled the following document:


Bill further debated and agreed to.
Bill to be reported without amendment.

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

On the motion of Senator Canavan the report from the committee was adopted and the bill read a third time. All Australian Greens senators, by leave, recorded their votes for the noes in respect of the question for the third reading.

5 Narcotic Drugs Amendment Bill 2016

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

Message no. 554, dated 23 February 2016—A Bill for an Act to amend the Narcotic Drugs Act 1967, 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.
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 the Minister for Regional Development (Senator Nash) the bill was read a third time.
6 SOCIAL SERVICES LEGISLATION AMENDMENT (FAMILY MEASURES) BILL 2015
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That this bill be now read a second time.
Debate resumed.
At 12.45 pm: Debate was interrupted while the Minister for Communications (Senator Fifield) was speaking.

7 SENATORS’ STATEMENTS
Senators made statements.

Document: Senator Heffernan, by leave, tabled the following document:

Senators made further statements.

At 2 pm—

8 QUESTIONS
Questions without notice were answered.

9 THE NATIONALS WHIP—APPOINTMENT
The Leader of The Nationals in the Senate (Senator Scullion), by leave, informed the Senate of the appointment of Senator O’Sullivan as The Nationals Whip.

10 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION
Senator Ludlam, pursuant to standing order 74, asked the Minister representing the Minister for Resources, Energy and Northern Australia (Senator Canavan) for an explanation of answers not being provided to questions on notice nos 2642 and 2907 (notice given 24 November 2015 and 1 January 2016) relating to nuclear waste.
Senator Canavan indicated that an explanation would be provided.
Senator Ludlam moved—That the Senate take note of the minister’s failure to provide either answers or an explanation.
Debate ensued.
Question put and passed.

11 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Dastyari moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Senators Wong and Dastyari today relating to negative gearing and to the Safe Schools program.
Debate ensued.
Question put and passed.
Senator Simms moved—That the Senate take note of the answer given by the Minister for Education and Training (Senator Birmingham) to a question without notice asked by Senator Simms today relating to the funding of school programs.

Question put and passed.

12 NOTICES

Senator Cameron: To move on 15 March 2016—That the following bill be introduced: A Bill for an Act to amend the *Fair Work Act 2009*, and for related purposes. *Fair Work Amendment (Protecting Australian Workers) Bill 2016.* (general business notice of motion no. 1042)

The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate notes that:

(a) in the past 20 years, Australia has an excellent record of achievement in the prevention of disease through immunisation;

(b) in the most recent annual data records (2012), there were 1 897 adverse events following immunisation;

(c) a no-fault vaccine injury compensation system would provide critical cover for those exceptionally unfortunate instances where a patient experiences an adverse event with a vaccination;

(d) nineteen other countries, including the United Kingdom, the United States of America and New Zealand, have a no-fault vaccine injury compensation system, and such a scheme would enable Australia to compensate the families where there is this extremely rare instance of long-term vaccine injury; and

(e) high rates of immunisation reflect public trust in its benefits, and such trust would only be strengthened by the knowledge that the community will look after the few unfortunate casualties of a highly successful immunisation program. (general business notice of motion no. 1043)

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

(a) acknowledges Australia’s National Breastfeeding Hotline which:

(i) provides invaluable advice to 80 000 mums every year, and is run at an extremely modest cost to taxpayers due to the fantastic work of hundreds of volunteer counsellors who answer up to 6 000 calls every month, and

(ii) requires long-term funding to provide certainty for this vital service for Australian mums; and

(b) notes that:

(i) the benefits of exclusive breastfeeding requires strategies to share maternal lactation costs more widely, such as additional help with caring for children, enhanced leave and workplace lactation breaks, and suitable child care, and

(ii) although the World Health Organization recommends babies are exclusively breastfed for the first 6 months of their life, by 3 months of age, 60 per cent of Australian babies are getting some formula milk. (general business notice of motion no. 1044)

Senators Day and Leyonhjelm: To move on the next day of sitting—That the Senate notes the Turnbull Government’s failure to uphold free speech. (general business notice of motion no. 1045)
Senator Muir: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Lane family has transformed Coolcalalaya Station into:
   (A) a holiday destination for thousands of families each year,
   (B) a property with tourist infrastructure, such as a licensed restaurant, campgrounds, accommodation and hundreds of kilometres of 4WD tracks, ranging from scenic to challenging,
   (C) a location that now hosts local events which draw tourists into the region from all over Australia,
   (D) a location used by schools located in the midwest of Western Australia for school camps, and
   (E) a retreat where service members suffering mental health issues can stay free of charge to help with their recovery,

(ii) the Lane family has also built an off-road driver training business based around this property that:
   (A) teaches the ethics and responsibilities in relation to off-road driving, and
   (B) delivers nationally-accredited training via local technical and further education to: the general public, the Western Australia Department of Agriculture and Food, and State Emergency Service volunteers,

(iii) on 15 September 2015 the family was advised from the Pastoral Land Board that they needed to cease trading immediately and remove all possessions and all trace of their business by 30 June 2016, and

(iv) the Lane family state that they have the support for their activities from: members of the local Indigenous community, Northampton Shire, the Federal Member for Durack (Ms Price), the state Member for Geraldton (Mr Blayney), the state Member for Pilbara (Mr Grylls), the state Member for Moore (Mr Love), and the Western Australian Deputy Premier (Ms Harvey); and

(b) calls on the Federal Government to:

(i) acknowledge the positive social and economic benefits the Lane family contributes to their local community, and

(ii) request Western Australian Coalition senators to contact Mr Redman MLA and ask that he grant a section 91 licence to allow the Lane family to remain at Coolcalalaya Station while the issues surrounding the general lease application are resolved. (general business notice of motion no. 1046)

Intention to withdraw:

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion standing in his name, as follows:

Business of the Senate notices of motion nos 1 and 2 for 9 sitting days after today for the disallowance of the following instruments:


Business of the Senate notice of motion no. 1 for 13 sitting days after today for the disallowance of the International Organisations (Privileges and Immunities—Asian Infrastructure Investment Bank) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 172 and made under the International Organisations (Privileges and Immunities) Act 1963 [F2015L01737].

13 POSTPONEMENTS

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Environment and Communications References Committee, postponed till 16 March 2016.

General business notice of motion no. 1026 standing in the name of Senator Conroy for today, proposing an order for the production of documents by the Minister representing the Minister for Infrastructure and Regional Development, postponed till 25 February 2016.

Senator Simms, by leave, moved—that business of the Senate notice of motion no. 2 standing in his name for today, proposing a reference to the Education and Employment References Committee, be postponed till 29 February 2016. Question put and passed.

14 INDUSTRY—AUSTRALIAN STEEL INDUSTRY

Senator Xenophon, also on behalf of Senator Carr, the Leader of the Glenn Lazarus Team (Senator Lazarus) and Senators Madigan and Muir, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1037—that the Senate—

(a) notes:

(i) the importance of Australia’s steel industry, not only in terms of revenue but also jobs and the economic value created through the multiplier effect,

(ii) the recent announcement by Arrium OneSteel that unless operating conditions improve at their steel manufacturing facility in Whyalla, thousands of jobs could be lost in the region, and

(iii) actions by the United States of America, India and Canada in recent weeks, in relation to imposing duties on steel dumped in those markets, as well as a current investigation by the European Commission of imported steel in the European Union;

(b) calls on the Government to:

(i) uphold the provisions of the Australian Jobs Act 2013 and the ‘Buy Australian at Home and Abroad’ principles, and
urgently uphold procurement rules that recognise the economic value and contribution to the Australian economy of local production of steel, including the positive impact on small- and medium-enterprises in the Australian steel industry supply chain when compared to using imported steel, and taking this into account:

(A) seek to maximise the use of locally-milled and locally-fabricated steel in federally-funded infrastructure and construction projects where possible, and

(B) ensure all taxpayer-funded infrastructure and construction projects be supplied with steel made to the Australian standard, and refer to the South Australian Government’s policy as a best practice model for third party certification to ensure that steel procured for public works is independently tested and certified to Australian standards; and

(c) expedite the Australian Dumping Commission’s investigation into allegations of steel being dumped in Australia, and, if need be, provide additional resources to the Commission to effect this.

Question put and passed.

15 SCIENCE AND TECHNOLOGY—CSIRO OCEANS AND ATMOSPHERE DIVISION—RESTRUCTURE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1040—That there be laid on the table by the Minister representing the Minister for Industry, Innovation and Science, no later than 9 am on 3 March 2016, the following documents in relation to the restructuring of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Oceans and Atmosphere division reported on 4 February 2016:

(a) the written briefing prepared in December 2015 by Dr Ken Lee, Director of the CSIRO Oceans and Atmosphere division for submission to the CSIRO executive for the ‘Deep Dive’ meeting;

(b) documents from November to December 2015 demonstrating the consultation that was undertaken with the Oceans and Atmosphere Flagship Research Program Leaders in preparing the above briefing;

(c) any written communication from Dr Alex Wonhas or Dr Larry Marshall to the CSIRO Oceans and Atmosphere division subsequent to the briefing mentioned in paragraph (a) requesting a proposal for more extensive restructuring;

(d) documents from January 2016 demonstrating any consultation that was undertaken by Dr Ken Lee with the Oceans and Atmosphere Flagship Research Program Leaders in developing the proposal for more extensive restructuring;

(e) all written communication from December 2015 until the present between the CSIRO Oceans and Atmosphere Flagship and either Dr Wonhas or Dr Marshall in relation to any proposed more extensive restructuring, including:

(i) communications detailing the scope, rationale and implications of the restructuring,

(ii) guidelines or criteria to be used in choosing specific areas to be restructured,

(iii) the rationale for a reduction of 100 equivalent full-time staff, and

(iv) the decision to proceed after the CSIRO executive meeting on or around 27 January 2016;
(f) documents from December 2015 until the present demonstrating the consultation process that is being undertaken with the Oceans and Atmosphere Flagship Research Program Leaders, including guidelines or criteria being used, to determine the specific research groups and teams to be restructured;

(g) any written briefings for Dr Wonhas or Dr Marshall for the CSIRO executive meeting on or around 27 January 2016 concerning proposed restructuring in the CSIRO Oceans and Atmosphere Flagship;

(h) the minutes or other records of any CSIRO board meeting which considered the restructuring of the Oceans and Atmosphere Flagship;

(i) all project description and project budget documents for projects concerning the Cape Grim observing station and the associated Gas Lab analysis, for the past 5 years, up to and including 2015-16; and

(j) any written communication between Dr Marshall and CSIRO staff concerning clean coal technology from November 2015 until the present.

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.

16 LAW AND JUSTICE—WESTERN AUSTRALIA—ANTI-PROTEST LAWS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1038—That the Senate—

(a) notes that three United Nations human rights experts have urged the Parliament of Western Australia not to adopt new anti-protest laws which would criminalise legitimate protests, including those by environmentalists and human rights defenders;

(b) recognises the important role public protest and free speech have played, and continue to play, in a healthy democratic society; and

(c) calls on the Government of Western Australia to abandon these divisive and unnecessary laws.

Question put and passed.

17 ELECTORAL MATTERS—JOINT STANDING COMMITTEE—PROPOSED REFERENCE

Senator McEwen, at the request of the Leader of the Opposition in the Senate (Senator Wong) and Senators Muir and Leyonhjelm, the Leader of the Glenn Lazarus Team (Senator Lazarus) and Senators Madigan, Wang, Day and Lambie and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1039—That the provisions of the Commonwealth Electoral Amendment Bill 2016 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by 12 May 2016.

Statements by leave: The Minister for Finance (Senator Cormann) and Senator Rhiannon, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 26

Senators—

Bullock Ketter Marshall O’Neill
Cameron Lambie McAllister Singh
Carr Lazarus McEwen (Teller) Sterle
Conroy Leyonhjelm McLucas Urquhart
Dastyari Lines Moore Wang
Day Ludwig Muir Wong
Gallacher Madigan

NOES, 38

Senators—

Abetz Fifield Nash Ryan
Back Hanson-Young O’Sullivan Seselja
Bernardi Heffernan Parry Stiewert
Bushby (Teller) Johnston Payne Simms
Canavan Lindgren Reynolds Smith
Cormann Ludlam Rhiannon Waters
Di Natale Macdonald Rice Whish-Wilson
Edwards McGrath Ronaldson Williams
Fawcett McKenzie Ruston Xenophon
Fierravanti-Wells McKim

Question negatived.

18 LAW AND JUSTICE—NEW SOUTH WALES—LOCKOUT LAWS IN SYDNEY

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1035—That the Senate—

(a) notes that:

(i) on 3 February 2016, the Senate referred the ‘need for a nationally-consistent approach to alcohol-fuelled violence’ to the Legal and Constitutional Affairs References Committee,

(ii) late night violence and alcohol abuse has terrible consequences and is putting health and law enforcement services under tremendous pressure,

(iii) other large cities have retained a vibrant night life by providing 24 hour public transport, a range of support services and policing, and diversity in the density of licensed premises,

(iv) since the Sydney CBD entertainment precinct’s lockout laws commenced there have been huge costs to creative communities, live performances have declined by 40 per cent, jobs have been lost and dozens of venues have closed,

(v) on Sunday, 21 February 2016, about 15 000 people protesting in Sydney against the lockout policy of the New South Wales Liberal/National Government singled out job losses, the lack of personal freedoms and lost opportunities for young people as key concerns, and

(vi) residents and visitors to Sydney’s entertainment precinct should not be punished due to the behaviour of a small minority, and local communities should have a right to choose whether or not to have state lockout laws imposed on their localities; and

(b) calls on the Federal Government to urge the New South Wales Government to work with the community and key stakeholders to find innovative and integrated long-term solutions that will keep Sydney vibrant, open and safe.
Question put.
The Senate divided—

AYES, 14

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NOES, 38

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Question negatived.

19 EDUCATION AND EMPLOYMENT REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Madigan, also on behalf of Senators Leyonhjelm, Lambie, Muir and Wang, the Leader of the Glenn Lazarus Team (Senator Lazarus) and Senators Day and Xenophon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matters be referred to the Education and Employment References Committee for inquiry and report by 30 June 2016:

The ramifications for professional sports people of Australia’s participation in the international sports anti-doping framework, with particular reference to:


(b) the operation in domestic professional sports of the:

(i) Australian Sports Anti-Doping Authority Act 2006 (the ASADA Act),

(ii) National Anti-Doping Scheme, and

(iii) National Anti-Doping Framework;

(c) the investigatory powers of ASADA in comparison with similar bodies in other jurisdictions and conventional law enforcement agencies;

(d) the judicial process provided for under the ASADA Act, including, but not limited to, the rights accorded to accused sportspersons and others during the investigatory phase, the rules governing admissibility of evidence at each stage of the process, the standard of proof applicable at each stage of the process, and rights to appeal any finding of guilt or associated penalties;

(e) how professional sporting competitions have responded to the obligations imposed by the World Anti-Doping Agency (WADA), and the effects on the individual sports person;
(f) the effect on domestic professional sporting competitions of the regulation by WADA and the rulings of the Court of Arbitration for Sport; and

(g) any related matters.

Question put.

The Senate divided—

AYES, 18

Senators—

Day
Leyonhjelm
Rhiannon
Wang

Di Natale
Ludlam
Rice
Waters

Hanson-Young
Madigan (Teller)
Siewert
Whish-Wilson

Lambie
McKim
Simms
Xenophon

Lazarus
Muir

NOES, 39

Senators—

Abetz
Edwards
Marshall
Reynolds

Back
Fawcett
McAllister
Ronaldson

Bernardi
Fierravanti-Wells
McEwen (Teller)
Ruston

Bullock
Fifield
McGrath
Ryan

Bushby
Gallacher
McKenzie
Singh

Cameron
Ketter
McLucas
Smith

Cash
Lindgren
Moore
Sterle

Conroy
Lines
O’Neill
Urquhart

Cormann
Ludwig
O’Sullivan
Williams

Dastyari
Macdonald
Parry

Question negatived.

20 ESTABLISHMENT OF A NATIONAL INTEGRITY COMMISSION—SELECT COMMITTEE—APPOINTMENT

Senator Wang, also on behalf of Senator Madigan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1036—

(1) That a select committee, to be known as the Select Committee relating to the establishment of a National Integrity Commission, be established to inquire into and report, on or before 22 September 2016, on the following matters:

(a) the adequacy of the Australian Government’s legislative, institutional and policy framework in addressing all facets of institutional, organisational, political and electoral, and individual corruption and misconduct, with reference to:

(i) the effectiveness of the current federal and state/territory agencies and commissions in preventing, investigating and prosecuting corruption and misconduct,

(ii) the interrelation between federal and state/territory agencies and commissions, and

(iii) the nature and extent of coercive powers possessed by the various agencies and commissions, and whether those coercive powers are consistent with fundamental democratic principles;

(b) whether a national integrity commission should be established to address institutional, organisational, political and electoral, and individual corruption and misconduct, with reference to:

(i) the scope of coverage by any national integrity commission,
(ii) the legislative and regulatory powers required by any national integrity commission to enable effective operation,
(iii) the advantages and disadvantages associated with domestic and international models of integrity and anti-corruption commissions/agencies,
(iv) whether any national integrity commission should have broader educational powers,
(v) the necessity of any privacy and/or secrecy provisions,
(vi) any budgetary and resourcing considerations, and
(vii) any reporting accountability considerations; and
(c) any other related matter.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, and Senators Wang and Madigan.

(3) That:
(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority groups or independent senators;
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That Senator Wang chair the committee.

(7) That the committee elect a member as its deputy chair, who shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has the casting vote.

(10) That 3 members of the committee constitute a quorum of the committee.

(11) That the committee have power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(12) That 2 members of a subcommittee constitute a quorum of that subcommittee.

(13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
(14) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(15) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(16) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

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

Leave refused: Senator Siewert sought leave to move an amendment to the motion.

An objection was raised and leave was not granted.

The Senate divided—

\[\text{AYES, 37}\]

- Brown
- Bullock
- Cameron
- Carr
- Conroy
- Dastyari
- Day
- Di Natale
- Gallagher
- Gallagher
- Hanson-Young
- Ketter
- Lambie
- Lazarus
- Leyonhjelm
- Lines
- Ludlam
- Ludwig
- Madigan
- Marshall
- McAllister
- McEwen (Teller)
- McKim
- Lucas
- Moore
- Muir
- O'Neill
- Rhiannon
- Rice
- Siewert
- Simms
- Singh
- Sterle
- Wang
- Waters
- Whish-Wilson

\[\text{NOES, 27}\]

- Abetz
- Back
- Bernardi
- Bushby (Teller)
- Canavan
- Cormann
- Edwards
- Fawcett
- Fierravanti-Wells
- Fifield
- Heffernan
- Johnston
- Lindgren
- Macdonald
- McGrath
- McKen
- Nash
- O'Sullivan
- Parry
- Payne
- Reynolds
- Ronaldson
- Ruston
- Ryan
- Seselja
- Smith
- Williams

Question agreed to.
21 ADMINISTRATION—OUTSOURCING OF WORK TO FOREIGN BUSINESSES—ORDER FOR PRODUCTION OF DOCUMENTS

The Leader of the Glenn Lazarus Team (Senator Lazarus), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1041—That there be laid on the table by each Government minister, no later than 4 pm on Thursday, 12 May 2016, any documents relevant to the outsourcing of work by their government departments and associated agencies (including any commissions, bureaus and corporations), to foreign businesses (including wholly-owned foreign businesses, companies registered in Australia with a foreign parent company/companies and foreign companies with a majority shareholding held outside of Australia), specifically:

(a) the name and location of each government department and agency that is party to a procurement contract with a foreign business (contract);
(b) the number of contracts that currently exist between each government department and their agencies and foreign business;
(c) for each foreign company/business engaged by government departments and their agencies pursuant to contract, the foreign company/business name and the country in which their office is located and/or is operating;
(d) the date each contract commenced, and the date that contract is due to be finalised or reviewed for the purpose of further negotiations;
(e) the nature and scope of works required to be performed pursuant to each contract, including:
   (i) where the works are managed and performed,
   (ii) the composition of the workforce, including whether Australian workers are required to be engaged by the contract,
   (iii) the number of Australian workers engaged by the contract, and
   (iv) the monetary value of each contract; and
(f) prior to the commencement of each contract, information as to:
   (i) whether the requirement for goods and/or services previously existed,
   (ii) whether the provision of those goods and/or services were performed by the Government, or
   (iii) whether the provisions of those goods and/or services was managed and performed on the Government’s behalf, and, if so, the name and location of the business responsible for the provision of those goods and/or services.

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

Question put.
The Senate divided—

**AYES, 34**

- Brown
- Bullock
- Cameron
- Carr
- Conroy
- Dastyari
- Di Natale
- Gallacher
- Gallagher
- Hanson-Young
- Ketter
- Lambie
- Lazarus
- Lines
- Ludlam
- Ludwig
- Madigan
- Marshall
- McAllister
- McEwen (Teller)
- McKim
- McLucas
- Moore
- Muir
- O’Neill
- Rhiannon
- Rice
- Siewert
- Simms
- Singh
- Sterle
- Waters
- Whish-Wilson
- Xenophon

**NOES, 29**

- Abetz
- Back
- Bernardi
- Brandis
- Bushby (Teller)
- Canavan
- Cormann
- Edwards
- Fawcett
- Fierravanti-Wells
- Field
- Heffernan
- Johnston
- Leyonhjelm
- Lindgren
- Macdonald
- McGrath
- McKenzie
- Nash
- O’Sullivan
- Parry
- Payne
- Reynolds
- Ronaldson
- Ruston
- Seselja
- Smith
- Wang
- Williams

Question agreed to.

22 **URGEncy MotIoN—PollITIeS—POLITICAL DONATIONs REFORM**

The President informed the Senate that he had received a letter from Senator Siewert advising that today she intended to move—that, in the opinion of the Senate, the following is a matter of urgency:

The need for immediate action on political donations reform to address the corrupting influence of political donations, including from property developers and fossil fuel companies.

The proposal was supported by four senators.

Senator Rhiannon, at the request of Senator Siewert, moved the motion.

Debate ensued.

Question put and passed.

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)**

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—

Report ordered to be printed on the motion of Senator Bilyk.
Senator Smith, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:


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

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


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

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

Question put and passed.

Senator Bilyk, at the request of the Chair of the Economics References Committee (Senator Ketter), tabled the following report and documents:


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

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

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

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


25 COMMITTEE MEMBERSHIP

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

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

Electoral Matters—Joint Standing Committee—
Discharged—Senator Ketter
Appointed—
    Senator Conroy

**Environment and Communications References Committee—**

Appointed—

Substitute member: Senator Simms to replace Senator Waters for the committee’s inquiry into oil or gas production in the Great Australian Bight Participating member: Senator Waters

**Health—Select Committee—**

Appointed—

Substitute members:

- Senator Cameron to replace Senator McAllister on 7, 8 and 22 March 2016
- Senator McLucas to replace Senator Moore on 7 and 8 March 2016
- Senator Dastyari to replace Senator McAllister on 23 March 2016

Participating members: Senators McAllister and Moore.

Question put and passed.

**26 Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016**

**Parliamentary Entitlements Amendment (Injury Compensation Scheme) Bill 2016**

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


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.

Pursuant to order, Senator Smith, 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 Smith.

28 Social Services Legislation Amendment (Family Measures) Bill 2015

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Explanatory memorandum: The Minister for Communications (Senator Fifield) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

On the motion of Senator Fifield the following amendment was agreed to:

Clause 2, page 2 (table items 2 and 3), omit the table items, substitute:

2. Schedule 1 The first 1 January or 1 July to occur on or after the day this Act receives the Royal Assent.

3. Schedule 2 The first 1 July to occur on or after the day this Act receives the Royal Assent.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

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

On the motion of Senator Fifield the report from the committee was adopted and the bill read a third time.
29 **TAX LAWS AMENDMENT (IMPLEMENTATION OF THE COMMON REPORTING STANDARD) BILL 2015**

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

In the committee

Consideration resumed of the bill.

On the motion of the Minister for Education and Training (Senator Birmingham) the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 15, page 16 (after line 21), after subitem (2), insert:

**High Value Accounts**

(2A) For the purposes of subsections 396-105(1) and (2) in Schedule 1 to the *Taxation Administration Act 1953*, as amended by this Schedule, an account maintained by a Reporting Financial Institution on 1 July 2017 is treated as being a Reportable Account (within the meaning of the CRS) on that day if the account:

(a) would be a Reportable Account (within the meaning of the CRS) on that day if the Reporting Financial Institution applied the due diligence procedures described in the CRS in relation to the account on or before that day; and

(b) is a High Value Account (within the meaning of the CRS) on 30 June 2017.

Schedule 1, item 15, page 17 (line 1), after “subitem”, insert “(2A) or”.

On the motion of Senator Moore the following amendments, taken together by leave, were debated and agreed to:

Schedule 1, item 13, page 7 (after line 20), insert:

This Subdivision also requires the Commissioner to report on certain Reportable Accounts that are maintained by Australian Reporting Financial Institutions.

Schedule 1, item 13, page 14 (after line 14), after section 396-135, insert:

**396-136 Report on Reportable Accounts maintained by Australian Reporting Financial Institutions**

(1) This section applies if:

(a) the Commissioner receives one or more statements under subsection 396-105(2) in relation to:

(i) the 2018 calendar year; or

(ii) a calendar year commencing after 2018; and

(b) the statement contains information about a Reportable Account (within the meaning of the CRS); and

(c) the total number of accounts of the kind mentioned in paragraph (b) for a jurisdiction (other than Australia) that is a Reportable Jurisdiction (within the meaning of the CRS) (the relevant jurisdiction) for the calendar year is 6 or more.
(2) The Commissioner must, no later than 31 December of the year following the calendar year, prepare and give to the Minister a report that sets out for each relevant jurisdiction in relation to the calendar year the following information:
   (a) the total number of accounts of the kind mentioned in paragraph (1)(b);
   (b) the sum of the amounts in those accounts.

(3) The Minister must cause a copy of the report given under subsection (2) to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

(4) The report given under subsection (2) is not a legislative instrument.

Schedule 1, item 14, page 15 (cell at table item 6, column 2), omit “2019”, substitute “2018”.

Schedule 1, item 15, page 16 (after line 21), after subitem (2), insert:

**Preexisting Entity Accounts**

(2B) For the purposes of subsections 396-105(1) and (2) in Schedule 1 to the *Taxation Administration Act 1953*, as amended by this Schedule, an account maintained by a Reporting Financial Institution on 1 July 2017 is treated as being a Reportable Account (within the meaning of the CRS) on that day if the account:
   (a) would be a Reportable Account (within the meaning of the CRS) on that day if the Reporting Financial Institution applied the due diligence procedures described in the CRS in relation to the account on or before that day; and
   (b) is a Preexisting Entity Account (within the meaning of the CRS).

Schedule 1, item 15, page 16 (lines 22 to 33), omit subitem (3), substitute:

**Statements**

(3) Despite subsection 396-105(6) in Schedule 1 to the *Taxation Administration Act 1953*, to the extent that a statement under subsection 396-105(2) in that Schedule for 2017 relates to an account that is a Lower Value Account (within the meaning of the CRS), the statement must be given to the Commissioner no later than 31 July 2019.

Note: Section 388-55 in that Schedule allows the Commissioner to defer the time for giving an approved form.

Schedule 1, item 15, page 17 (line 1), after “subitem”, insert “(2A), (2B) or”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of Senator Birmingham the report from the committee was adopted and the bill read a third time.
30 OMNIBUS REPEAL DAY (AUTUMN 2015) BILL 2015

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

On the motion of Senator Rice the following amendments, taken together by leave, were debated and agreed to:

Clause 2, page 2 (table item 4), omit “Schedule 4”, substitute “Schedules 3A and 4”.

Page 13 (after line 28), after Schedule 3, insert:

**Schedule 3A—Infrastructure and Regional Development**

*Infrastructure Australia Act 2008*

1 Section 39C

Repeal the section, substitute:

39C Annual report

The annual report prepared by the Board and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must also include:

(a) details of any directions given to Infrastructure Australia by the Minister under subsection 6(1) of this Act during the period; and

(b) details of each method of preparing cost benefit analyses approval of which was in force under subsection 5B(3) of this Act at any time during the period, including the weight required to be assigned to each factor and the method required be taken into account.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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

On the motion of the Minister for Education and Training (Senator Birmingham) the report from the committee was adopted and the bill read a third time.
31 **OMNIBUS REPEAL DAY (SPRING 2015) BILL 2015**
Order of the day read for the adjourned debate on the motion of the Minister for Employment (Senator Cash)—That this bill be now read a second time.
Debate resumed.
*At 7.20 pm:* Debate was interrupted while Senator Waters was speaking.

32 **ADJOURNMENT**
The Acting Deputy President (Senator Seselja) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.45 pm till Thursday, 25 February 2016 at 9.30 am.

33 **ATTENDANCE**
Present, all senators except Senators Colbeck* and Peris* (*on leave).

**ROSEMARY LAING**
Clerk of the Senate

Printed by authority of the Senate