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1 **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.

2 **DOCUMENTS**

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

- Attorney-General’s Department—Report for 2015-16.
- Australian Organ and Tissue Donation and Transplantation Authority—Report for 2015-16.
- Department of the Senate—
  Register of Senate senior executive officers’ interests incorporating statements of registrable interests and notifications of alterations of interests of Senate senior executive officers lodged between 2 December 2015 and 7 October 2016, dated October 2016.
  Report for 2015-16.

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.]

- Higher Education Support Act 2003—
  Commonwealth Scholarships Guidelines (Research) 2017 [F2016L01602].
  Higher Education Support (Allied Educational Services Pty Ltd) VET Provider Approval Revocation 2016 [F2016L01593].
  Higher Education Support (King’s International College Ltd) VET Provider Approval Revocation 2016 [F2016L01595].
  Other Grants Guidelines (Research) 2017 [F2016L01603].

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

- Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  Communications and the Arts portfolio.
  Department of the Prime Minister and Cabinet (Indigenous Affairs Group).
  Employment portfolio.
  Environment and Energy portfolio.
  Finance portfolio.
  Immigration and Border Protection portfolio.
  Industry, Innovation and Science portfolio.
  Infrastructure and Regional Development portfolio.
  Office for Women.
  Resources and Northern Australia portfolio.
  Social Services portfolio.
No. 9—11 October 2016

Departmental and agency grants—Budget (Supplementary) estimates 2016-17—
Letters of advice pursuant to the order of the Senate of 24 June 2008—
Communications and the Arts portfolio.
Department of Employment.
Department of Infrastructure and Regional Development.
Department of the Prime Minister and Cabinet (Indigenous Affairs Group).
Environment and Energy portfolio.
Finance portfolio.
Immigration and Border Protection portfolio.
National Health and Medical Research Council.
National Mental Health Commission.
Office for Women.
Social Services portfolio.

Estimates hearings—Unanswered questions on notice—Budget estimates 2016-17—Statements pursuant to the order of the Senate of 25 June 2014—
Department of Foreign Affairs and Trade.
Department of Social Services.
Environment and Energy portfolio.
Health portfolio.
Prime Minister and Cabinet portfolio.

Indexed lists of departmental and agency files for the period 1 January to 30 June 2016—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—
Department of Social Services.
Foreign Affairs and Trade portfolio.
Immigration and Border Protection portfolio.
Industry, Innovation and Science portfolio.
Safe Work Australia.

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:

Foreign Affairs, Defence and Trade References Committee—today, from 3 pm, for the committee’s inquiry into the planned acquisition of the Joint Strike Fighter.
Migration—Joint Standing Committee—Wednesday, 12 October 2016, from 10 am.
National Capital and External Territories—Joint Standing Committee—Thursday, 13 October 2016, from 10 am.
Trade and Investment Growth—Joint Standing Committee—Thursday, 13 October 2016, from 9.30 am.

4 COMMITTEE MEMBERSHIP

The President reminded the Senate that two nominations had been received, Senators Griff and Hanson, for one position on the Joint Standing Committee on the National Broadband Network (see entry no. 28, 10 October 2016).
The Senate proceeded to a ballot.
The President reported the result as follows:

Senator Griff: 35 votes.

Senator Hanson: 30 votes.

The President declared that Senator Griff had been chosen to serve as a member of the committee.

5 **TREASURY LAWS AMENDMENT (INCOME TAX RELIEF) BILL 2016**

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.

Senator Whish-Wilson moved the following amendment:

Omit all words after “That”, substitute “this bill be withdrawn and redrafted so that bracket creep is addressed without further propagating income inequality in Australia on the flawed theory of trickle-down economics by providing a tax cut to the top 20 per cent of Australian income tax payers”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 10**

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<tr>
<th>Senators</th>
<th>Di Natale</th>
<th>Griff</th>
<th>Hanson-Young</th>
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<td>Kakoschke-Moore</td>
<td>Lambie</td>
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<th>Brown</th>
<th>Burston</th>
<th>Bushby</th>
<th>Cameron</th>
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<td>Farrell</td>
<td>Fawcett</td>
<td>Fierravanti-Wells</td>
<td>Fifield</td>
<td>Gallacher</td>
<td>Gallagher</td>
<td>Hanson</td>
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<td>Leyonhjelm</td>
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<td>Macdonald</td>
<td>Marshall</td>
<td>McAllister*</td>
<td>McCarthy</td>
<td>McGrath</td>
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<td>Polley</td>
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<td>Reynolds</td>
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<td>Ryan</td>
<td>Sinodinos</td>
<td>Smith</td>
<td>Watt</td>
<td>Williams</td>
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* Tellers

Question negatived.

Main question put.
The Senate divided—

AYES, 48

Senators—

Back  Duniam  Lines  Paterson
Brown  Farrell  Macdonald  Polley
Burston  Fawcett*  Marshall  Pratt
Bushby  Fierravanti-Wells  McAllister  Reynolds
Cameron  Fifield  McCarthy  Roberts
Canavan  Gallagher  McGrath  Ryan
Cash  Gallagher  McKenzie  Sinodinos
Chisholm  Hanson  Moore  Smith
Collins  Hinch  Nash  Urquhart
Cormann  Hume  O'Neill  Watt
Culleton  Ketter  O'Sullivan  Williams
Dodson  Leyonhjelm  Parry  Wong

NOES, 10

Senators—

Di Natale  Kakoschke-Moore  Rhiannon  Siewert*
Griff  Lambie  Rice  Whish
Hanson-Young  McKim

* Tellers

Question agreed to.

Bill read a second time.

At 2 pm—

6 DEPUTY LEADER OF THE OPPOSITION IN THE SENATE

The Leader of the Opposition in the Senate (Senator Wong), by leave, informed the Senate of the appointment of Senator Farrell as Deputy Leader of the Opposition in the Senate.

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

Opposition shadow ministry, dated 11 October 2016.

7 QUESTIONS

Questions without notice were answered.

8 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Farrell moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Opposition senators today relating to the Solicitor-General.

Debate ensued.

Question put and passed.

Senator Lambie moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Lambie today relating to policies concerning illicit drugs.

Question put and passed.
9 NOTICES


The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the *Privacy Act 1988,* and for related purposes. *Privacy Amendment (Re-identification Offence) Bill 2016.*

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

(a) notes that:

(i) Investor-State Dispute Settlement (ISDS) clauses in trade agreements restrict Australia’s sovereignty and ability to fairly regulate and legislate in the public interest,

(ii) ISDS clauses in trade agreements empower multi-national corporations to sue governments for decisions which impede company profits,

(iii) approximately 52 per cent of ISDS claims were partly or fully successful in the multi-national corporations’ favour, and 60 per cent of the cases decided on merits were won by investors,

(iv) ISDS clauses are a drain on the taxpayer and government resources,

(v) in 2009, Swedish energy company Vattenfall brought a successful ISDS claim against the German Government, for imposing quality controls for waste waters released from their power plant which supposedly made their investment project ‘unviable’, and

(vi) in 2015, United States company Bilcon, brought a successful ISDS claim against the Canadian Government, for not allowing it to build a quarry and marine terminal in an ecologically sensitive coastal area in eastern Canada; and

(b) calls on the Government to ban Investor-State Dispute Settlement for all trade agreements. (*general business notice of motion no. 79*)

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

(1) That, with regard to Indigenous recognition in Tasmania, the Senate notes that the Premier of Tasmania made an historic Australia Day speech on 21 January 2016, where he disclosed that something was very wrong with Indigenous policy because:

(a) the Australian Bureau of Statistics reported that, from 2014, there were 25 845 Indigenous people in Tasmania while yet the Tasmanian Government estimated that there were only 6 000 Indigenous Tasmanians;

(b) there are Tasmanian families who identify as Tasmanian Aboriginals, yet the official statistics indicate that, potentially, only one in three members are actually recognised as such by the state;

(c) Federal Government funding represents the greatest proportion of support received by Tasmanian Aboriginals, contributing almost half a billion dollars in funding to Tasmanian Aboriginals, compared to about $8 million from the state government; and

(d) Tasmania’s existing Indigenous policy is a long way from aligning with the Commonwealth’s process; this means Tasmanians can be recognised as an Aboriginal in a national context, but not in their own home state.
That the Commonwealth funding of Indigenous Tasmanians be referred to the Finance and Public Administration References Committee for inquiry and report by 28 November 2016, with particular reference to whether hundreds of millions of dollars in Commonwealth funds over the last decade were unfairly, unjustly, or illegally allocated to, and spent on, only 6,000 Indigenous Tasmanians, rather than almost 26,000.

The Minister for Communications (Senator Fifield): To move on the next day of sitting—That consideration of the business before the Senate on Thursday, 13 October 2016 be interrupted at approximately 4 pm, but not so as to interrupt a senator speaking, to enable Senator Griff to make his first speech without any question before the chair.

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

(a) notes that the National Bank of Australia has announced a voluntary ban on all political donations to avoid perceptions of impropriety or graft; and

(b) calls on all parties and members of Parliament to refuse political donations from all banks and financial institutions to avoid perceptions of impropriety or graft. (general business notice of motion no. 80)

Senators Kakoschke-Moore, Xenophon and Griff and the Leader of Derryn Hinch’s Justice Party (Senator Hinch): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for related purposes. Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2016. (general business notice of motion no. 81)

Senators Waters and Dastyari: To move on the next day of sitting—That the following matters be referred to the Environment and Communications References Committee for inquiry and interim report by 28 November 2016 and final report by 1 February 2017:

(a) the experience of unplanned mass closures of electricity generators and other large industrial assets on workers and communities, both in Australia and overseas;

(b) whether regulated planned closures can alleviate and minimise the economic, social and community costs of large electricity generation and other industrial asset closures, drawing on experiences in Australia and overseas;

(c) policy mechanisms for the planned and regulated retirement of coal-fired power stations from the National Electricity Market, having regard to:

(i) the ‘Paris Agreement’ to keep global warming below 2 degrees Celsius, and ideally below 1.5 degrees Celsius,

(ii) the state and expected life span of Australia’s coal-fired power plants,

(iii) the increasing amount of electricity generated by renewable energy and likely future electricity demand,

(iv) maintenance of electricity supply, affordability and security, and

(v) any other relevant matters;

(d) policy mechanisms to give effect to a just transition for affected workers and communities likely impacted by generator closures, as agreed in the ‘Paris Agreement’, including:

(i) mechanisms to ensure minimal community and individual impact from closures, and

(ii) mechanisms to attract new investment and jobs in affected regions and communities;
(e) the appropriate role for the Federal Government in respect of the above; and
(f) any other relevant matters.

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

(a) notes that the United Nations Committee on the Rights of Persons with Disabilities (CRPD) recently called for Geraldton man, Mr Marlon Noble, to have the conditions of his release lifted after serving more than ten years in prison without a conviction;
(b) acknowledges that people with cognitive impairment or intellectual disability are being incarcerated for an indefinite period without conviction; and
(c) calls on the Western Australian Government to commit to implementing the CRPD recommendation to lift the conditions on Mr Marlon Noble’s release. (general business notice of motion no. 82)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) welcomes the decision by BP to withdraw its application to drill for oil in the Great Australian Bight; and
(b) calls on the Turnbull Government to permanently ban all oil exploration and drilling in the Great Australian Bight. (general business notice of motion no. 83)

Senator Burston: To move on 13 October 2016—That the Senate—

(a) supports the efforts of the Department of Defence to deal with health issues arising out of the firefighting foam contamination at Williamtown Air Base in New South Wales and Oakey Army Aviation Centre in Queensland, including engaging the University of Newcastle Family Action Centre to develop and deliver mental health awareness and stress management activities in the Williamtown area;
(b) notes that:

(i) landholders in the immediate vicinity of Williamtown Air Base and Oakey Army Aviation Centre are facing uncertainty due to the adverse impact on land values of the firefighting foam contamination,
(ii) landholders have lost equity in their properties to the point where they cannot borrow against reduced property valuations to undertake soil remediation and they cannot sell the land at reduced values in order to purchase new properties,
(iii) the Department of Defence has met with a number of lending institutions and the Australian Property Institute to discuss property lending policies and practices and how valuations are conducted in the Williamtown area, and
(iv) the Department of Defence has committed to review the issue of property acquisition once detailed environmental investigations at the RAAF Base Williamtown and the Army Aviation Centre at Oakey have been concluded; and
(c) calls on the Government to expedite environmental investigations of the impact of firefighting foam contamination at Williamtown and Oakey to enable landholders to address the dilemma of land remediation or relocation, and move on with their lives and deal with issues of mental health and stress management. (general business notice of motion no. 84)
Senator Lambie: To move on the next day of sitting—That—

(a) the Senate notes various media and other reports which indicate that:

(i) China claims almost all of the South China Sea and has sought to bolster its case by building a series of artificial islands capable of supporting military facilities,

(ii) a United Nations-backed tribunal ruled in July, in a case brought by the Philippines, that any extensive claims to the sea had no legal basis and that China’s construction of artificial islands in disputed waters was illegal,

(iii) Beijing has reacted furiously, with foreign ministry spokesman, Lu Kang, implicitly threatening military action and a ‘decisive response’ if anyone took ‘any provocative action against China’s security interests based on the award’,

(iv) China and Russia have recently staged war games in the South China Sea in a show of force after an international tribunal invalidated the Chinese Communist Government’s extensive claims in the area,

(v) Australian warships, planes and soldiers have begun annual joint military exercises with four strategic allies in the sensitive South China Sea region involving around 400 Australian Defence Force (ADF) personnel,

(vi) those 400 ADF personnel and thousands of our allies military personnel’s lives are now at serious risk from a hostile Communist Government threatening military action, while we exercise a right of freedom of navigation in international waters, and

(vii) according to research undertaken by the Department of the Parliamentary Library, the same Communist Government have been allowed to spend tens of billions of dollars and buy into major Australian infrastructure critical to our national security, including Port Melbourne, Darwin Port and Hydro Tasmania; and

(b) taking into account the above facts, a resolution be placed before the next joint sitting of Parliament which calls on the Australian Government to ban all sales of major Australian infrastructure to the Chinese Communist Government and its various associated investment companies while ever a military threat exists to ADF personnel who abide by international laws and United Nations tribunals’ rulings. (general business notice of motion no. 85)

Senators Cameron, Xenophon, Rhiannon and Lambie: To move on the next day of sitting—That the following matter be referred to the Education and Employment References Committee for inquiry and report by 30 November 2016:

The impact of the Government’s workplace bargaining policy and approach to Commonwealth public sector bargaining, with particular reference to:

(a) the failure of the Abbott and Turnbull governments to conclude workplace bargaining across the Australian Public Service almost three years after the process began – a process that has impacted on more than 150 000 staff nationally and 115 agencies in this time;

(b) the impact of the protracted dispute on service provision, particularly in regional Australia, and for vulnerable and elderly people;

(c) the impact on Australia’s tourism industry and international reputation as a result of ongoing international port and airport strikes;
(d) the impact on agency productivity and staff morale of the delay in resolving enterprise agreements across the Australian Public Service;

(e) the effect of the implementation of the workplace bargaining policy on workplace relations in the Commonwealth public sector;

(f) the effect of the implementation of the workplace bargaining policy on the working conditions and industrial rights of Commonwealth public sector employees;

(g) the extent to which the implementation of the workplace bargaining policy impacts on employee access to workplace flexibility, and with particular regard to flexibility for employees with family or caring responsibilities;

(h) whether the workplace bargaining policy and changes or reductions in employees’ working conditions and industrial rights, including access to enforceable domestic and family violence leave, are a factor in the protracted delay in resolving enterprise agreements;

(i) the failure of Ministers Abetz and Cash, as Ministers Assisting the Prime Minister for the Public Service, to assume their responsibility and discharge their obligations as an employing authority in the Public Service; and

(j) any other related matter.

Senator Hanson-Young: To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee into the Resilience of Electricity Infrastructure in a Warming World, be established to inquire into and report on, by 10 February 2017, the following matters:

(a) the role of storage technologies and localised, distributed generation to provide Australia’s electricity networks with the resilience to withstand the increasing severity and frequency of extreme weather events driven by global warming;

(b) measures that should be taken by federal, state and local governments to hasten the rollout of such technologies in order to:

   (i) create jobs in the installation, manufacture and research of storage and distribution technologies,

   (ii) stimulate household and business demand for storage technologies,

   (iii) anticipate the rapid deployment of localised distributed generation through changes to market rules,

   (iv) drive the reduction in technology costs through economies of scale, and

   (v) seize on the opportunities to be a global leader in deploying storage technologies because of Australia’s high fixed electricity tariffs and significant penetration of rooftop solar; and

   (c) any other relevant matters.

(2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens and 1 nominated by minority groups and independent senators.

(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, the Leader of the Australian Greens or any minority party or independent senator;
(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 the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(5) That the committee elect as chair a member nominated by the Leader of the Australian Greens and, as deputy chair, a member nominated by the Leader of the Opposition in the Senate.

(6) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(7) 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.

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

(9) 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.

(10) 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.

(11) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 86)

10 LEAVE OF ABSENCE
Senator Siewert, by leave, moved—That leave of absence be granted to Senators Ludlam and Waters for today, for personal reasons.
Question put and passed.

11 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 the disallowance of the Civil Aviation Legislation Amendment (Part 101) Regulation 2016, postponed till 21 November 2016.

General business notice of motion no. 69 standing in the name of Senator Ludlam for today, proposing an order for the production of documents by the Minister for the Arts, postponed till 12 October 2016.
12 **HOURS OF MEETING—VARIATION**

The Assistant Minister to the Prime Minister (Senator McGrath), at the request of the Minister for Communications (Senator Fifield) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That, on Wednesday, 12 October 2016, the sitting of the Senate shall be suspended at 10.30 am to noon to enable senators to attend the address by His Excellency Lee Hsien Loong, Prime Minister of the Republic of Singapore.

Question put and passed.

13 **ROUTINE OF BUSINESS—VARIATION—FIRST SPEECHES**

The Assistant Minister to the Prime Minister (Senator McGrath), at the request of the Minister for Communications (Senator Fifield) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

(a) Tuesday, 11 October 2016—Senator Burston; and
(b) Wednesday, 12 October 2016—Senator Culleton.

Question put and passed.

14 **LAW ENFORCEMENT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Bushby, at the request of Senator O'Sullivan and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 70—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, from 5 pm, as follows:

(a) Wednesday, 12 October 2016;
(b) Wednesday, 9 November 2016; and
(c) Wednesday, 23 November 2016.

Question put and passed.

15 **AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS**

Senator Bushby, at the request of the Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator McKenzie) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 71—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, from 1 pm, as follows:

(a) Tuesday, 8 November 2016; and
(b) Tuesday, 22 November 2016.

Question put and passed.
16 **PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING Sittings**
Senator Bushby, at the request of the Chair of the Joint Committee of Public Accounts and Audit (Senator Smith) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 72—That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:
(a) Thursday, 13 October 2016, from 10.30 am; and
(b) Wednesday, 9 November 2016, from 9.30 am.
Question put and passed.

17 **ELECTORAL MATTERS—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING Sittings**
Senator Bushby, at the request of the Chair of the Joint Standing Committee on Electoral Matters (Senator Reynolds) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 73—That the Joint Standing Committee on Electoral Matters be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 9.40 am, as follows:
(a) Wednesday, 12 October 2016;
(b) Wednesday, 9 November 2016, followed by a public meeting;
(c) Wednesday, 23 November 2016, followed by a public meeting; and
(d) Wednesday, 30 November 2016, followed by a public meeting.
Question put and passed.

18 **DEATH OF REBECCA WILSON**
Senator Moore, also on behalf of the Leader of Derryn Hinch’s Justice Party (Senator Hinch), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 75—That the Senate—
(a) notes the recent death of Rebecca Wilson and expresses its sympathy to her family and many friends on this loss;
(b) acknowledges her significant contribution to sports journalism, nationally and internationally in this industry; and
(c) celebrates her inspiration and support for women in this industry, and in sport.

*Statements by leave:* Senators Leyonhjelm and Hinch, by leave, made statements relating to the motion.
Question put and passed.
19 FOREIGN AFFAIRS—DEATH PENALTY

Senator Smith, also on behalf of Senators Rhiannon, Brown, Moore, Rice, Siewert, Paterson and Hume, the Minister for Resources and Northern Australia (Senator Canavan), Senators Duniam and Bushby, the Minister for Education and Training (Senator Birmingham), the Cabinet Secretary (Senator Sinodinos) and Senators Whish-Wilson and Singh, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 66—That the Senate—

(a) notes:

(i) the strong multi-party commitment in Australia to see an end to the death penalty worldwide,

(ii) that 10 October is World Day Against the Death Penalty, an important moment to mark our resolve to end capital punishment around the world,

(iii) that the evidence overwhelmingly shows that the death penalty is not an effective deterrent to crime,

(iv) that the death penalty is the ultimate cruel and inhumane punishment and Australia opposes its use in all cases,

(v) that the international trend shows the world moving away from the death penalty – in 1977, only 16 countries had abolished the death penalty, now 140 nations have abolished capital punishment in law or practice,

(vi) that despite this overwhelming trend, 2015 saw more people executed than in any year in the past quarter century, with executions carried out by several of Australia’s neighbours and allies, and

(vii) that Australia has the opportunity to influence progress towards the worldwide abolition of the death penalty in its relationships with key regional and global partners;

(b) acknowledges the efforts of all Australian governments to:

(i) continue to strengthen efforts to advocate for an end to the death penalty wherever it still occurs,

(ii) support civil society efforts to advocate for an end to the death penalty, particularly in retentionist countries, and

(iii) encourage other United Nations member states to support a global moratorium on the death penalty at upcoming United Nations General Assembly negotiations on a moratorium resolution; and

(c) welcomes the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into Australia’s advocacy for the abolition of the death penalty, and looks forward to the Government’s response to the recommendations of the inquiry.

Question put and passed.

20 INDIGENOUS AUSTRALIANS—RETURN OF ARTEFACTS TO THE GWEAGAL PEOPLE

Senator Siewert, also on behalf of Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 61—That the Senate—

(a) notes that:

(i) in 1770, two members of the Gweagal people stood on the shore of the place now called Botany Bay, as a boat containing James Cook and some of his crew approached the shore,
(ii) the Gweagal men were holding spears and a shield and they attempted to warn off the interlopers, an action that was responded to with gunfire,

(iii) one of the men, Cooman, was shot in the leg and he ran for cover, dropping his shield,

(iv) this shield and a number of spears and other artefacts from their camp were taken by James Cook and given to the British Museum when he returned there, and the shield and a number of the spears remain in the Museum’s collection, and

(v) a significant number of the spears taken are now also held by the Cambridge Museum of Archaeology and Anthropology;

(b) acknowledges that:

(i) it is a core part of Aboriginal belief that artefacts must be kept on the country they came from, as they form a part of the ongoing story of that place,

(ii) laws covering Aboriginal cultural heritage in New South Wales recognise the strong connection between Aboriginal people, their land and their artefacts, and

(iii) the Gweagal people and their descendants are the rightful and lawful owners of all artefacts produced on their territory, including the shield and spears held in the British Museum and the Cambridge Museum of Archaeology and Anthropology;

(c) recognises the work done by Cooman’s descendant Mr Rodney Kelly to push for the repatriation of these important artefacts;

(d) supports the repatriation of these important artefacts to the Gweagal people; and

(e) requests that the Australian Government extend diplomatic assistance to Mr Rodney Kelly while he is in the United Kingdom seeking the return of the artefacts.

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

Question put and passed.

21 HEALTH—MENTAL HEALTH—HEADSPACE FUNDING

Senator Kakoschke-Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 76—That the Senate—

(a) supports the first National Headspace Day on 11 October 2016, as part of National Mental Health Week;

(b) notes that:

(i) one in four young people have experienced a mental health issue in the past 12 months – a higher prevalence than all other age groups,

(ii) suicide remains the leading cause of death of young people, accounting for one-third of all deaths,

(iii) young Australians with mental health issues are putting themselves in serious danger by waiting months before seeking help,

(iv) research from Headspace and Orygen shows that 50 per cent of 12- to 25-year-olds are waiting six months before reaching out for help,

(v) close to 50 per cent of young people said that financial cost was a barrier preventing them from getting treatment,
(vi) research shows that 75 per cent of mental health issues emerge before the age of 25 – by treating these issues early and providing a holistic model of support, the risk of them developing into more serious problems is greatly decreased, and

(vii) over the past ten years, more than 260,000 young people have sought help and advice through Headspace centres or online and over the phone;

(c) recognises the work of Headspace in making a substantial difference in communities across the nation and transforming services for young people living with mental illness; and

(d) calls on the Government to continue funding Headspace and rolling out Headspace centres in regional Australia as part of the Government’s commitment to tackling mental health issues among young Australians.

Question put and passed.

22 FOREIGN AFFAIRS—HUMAN TRAFFICKING AND SLAVERY

Senator Kakoschke-Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 77—That the Senate—

(a) notes that:

(i) human trafficking and slavery are serious and often transnational crimes encompassing a wide range of exploitative practices, with almost every country affected as a point of origin, transit or destination for victims,

(ii) on 4 August 2016, the Department of Foreign Affairs and Trade (DFAT) and the Attorney-General’s Department (AGD) co-hosted a whole-of-government event to mark the United Nations World Day Against Trafficking in Persons, which is commemorated on 30 July each year,

(iii) the event was an important opportunity for DFAT and AGD to strengthen relationships with key stakeholders in the human trafficking space including Australian Catholic Religious Against Trafficking in Humans (ACRATH),

(iv) the event followed the Senior Officials Meeting of the Roundtable on Human Trafficking and Slavery, also attended by ACRATH, which provided an opportunity for key stakeholders to reflect on the issues impacting on people trafficked into Australia,

(v) ACRATH continues to make a significant contribution to the work of anti-trafficking initiatives in Australia,

(vi) in the last twelve months ACRATH has undertaken 132 presentations across Australia, assisted 22 trafficked women and 13 children and devoted 7,267 hours of volunteer time spent in raising awareness of, and advocating against, human trafficking in Australia, and

(vii) funding for ACRATH will expire in 2017; and

(b) calls on the Government to adequately resource appropriate programs on the eradication of slavery and human trafficking.

Question put and passed.
23 RED TAPE—SELECT COMMITTEE—APPOINTMENT

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 74—

(1) That a select committee, to be known as the Red Tape Committee, be established to inquire into and report on, by 1 December 2017, the effect of restrictions and prohibitions on business (red tape) on the economy and community, with particular reference to:

(a) the effects on compliance costs (in hours and money), economic output, employment and government revenue, with particular attention to industries such as mining, manufacturing, tourism and agriculture, and small business;

(b) any specific areas of red tape that are particularly burdensome, complex, redundant or duplicated across jurisdictions;

(c) the impact on health, safety and economic opportunity, particularly for the low-skilled and disadvantaged;

(d) the effectiveness of the Abbott, Turnbull and previous governments’ efforts to reduce red tape;

(e) the adequacy of current institutional structures (such as Regulation Impact Statements, the Office of Best Practice Regulation and red tape repeal days) for achieving genuine and permanent reductions to red tape;

(f) alternative institutional arrangements to reduce red tape, including providing subsidies or tax concessions to businesses to achieve outcomes currently achieved through regulation;

(g) how different jurisdictions in Australia and internationally have attempted to reduce red tape; and

(h) any related matters.

(2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the Senate, 1 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens, and 3 to be nominated by other parties and independent senators.

(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, the Leader of the Australian Greens or any other party or any independent senator;

(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.

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

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

(6) That the committee elect as chair and deputy chair a member nominated by the aforementioned other parties and independent senators.

(7) That the deputy chair 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 equality of voting, the chair, or the deputy chair when acting as chair, has a casting vote.

(10) That the committee 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.

(11) 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.

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

Question put and passed.

24 FOREIGN AFFAIRS—PHILIPPINES—EXTRAJUDICIAL KILLINGS

Motion determined as not formal: The Leader of the Australian Greens (Senator Di Natale) requested that general business notice of motion no. 78 standing in his name for today, relating to extrajudicial killings in the Philippines, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senator Gallagher, the Assistant Minister to the Prime Minister (Senator McGrath) and Senator Di Natale, by leave, made statements relating to the motion.

25 ADMINISTRATION—2016 CENSUS—LEGAL ADVICE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 63—That the Senate—

(a) notes that:

(i) on 12 September 2016, the Senate agreed to an order for production of documents directed at the Minister representing the Minister for Small Business for the legal advice referred to by the Australian Statistician during his appearance on 7.30 on 3 August 2016,

(ii) on 14 September 2016, the Minister representing the Minister for Small Business advanced a public interest immunity claim that the longstanding practice of successive governments has been not to disclose privileged legal advice to conserve the Commonwealth’s legal and constitutional interest,

(iii) the Senate has not accepted that there is a general public interest immunity that allows ministers or departments to withhold legal advice, but rather that each claim of public interest immunity is assessable by the Senate and that information of the particular potential harm should be provided to the Senate to make this assessment,
(iv) on 16 July 1975 the Senate laid out by resolution its position with respect to public interest immunity claims – paragraph 4 of that resolution makes it clear that, while the Senate may permit claims of public interest immunity to be advanced, it reserves the right to determine whether a particular claim will be accepted, and

(v) Australian courts have acknowledged that for the Parliament to undertake its duties it must be able to require the Executive to produce documents, and that the justification for legal professional privilege does not apply; and

(b) does not accept the public interest immunity claim made by the Minister representing the Minister for Small Business in relation to the order for production of documents of 12 September 2016, and orders that there be laid on the table by the Minister representing the Minister for Small Business, by the start of business on the next day of sitting, the legal advice referred to by the Australian Statistician during his appearance on 7.30 on 3 August 2016.

Question put and passed.

26 **ADMINISTRATION—MINISTERIAL STANDARDS—FORMER MINISTER**

Senator Rhiannon, also on behalf of Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 67—That the Senate—

(a) notes that:

(i) the statement of ministerial standards stipulates that ‘Ministers are required to undertake that, for an eighteen month period after ceasing to be a Minister, they will not lobby, advocate or have business meetings with members of the government, parliament, public service or defence force on any matters on which they have had official dealings as Minister in their last eighteen months in office’,

(ii) Mr Ian Macfarlane held the Resources portfolio for the Coalition for thirteen years, including nine years as Minister, most recently the period of 18 September 2013 until 21 September 2015,

(iii) on 26 September 2016, approximately twelve months after he ceased to be a Minister, it was reported that Mr Macfarlane had been appointed as CEO of the Queensland Resources Council, and

(iv) it was also reported that Prime Minister Turnbull’s office gave approval for Mr Macfarlane’s appointment;

(b) calls on all federal ministers to rule out meeting with Mr Macfarlane in his capacity as CEO of the Queensland Resources Council until 21 March 2017, when eighteen months will have elapsed after he ceased to hold his ministerial portfolios; and

(c) calls on Prime Minister Turnbull to clarify whether he or his office endorsed Mr Macfarlane’s disregard for the statement of ministerial standards.

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

Question put.
No. 9—11 October 2016

The Senate divided—

AYES, 31

Senators—

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NOES, 27

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* Tellers

Question agreed to.

27 FAMILY AND COMMUNITY SERVICES—HOUSING AFFORDABILITY

Senator Rhiannon, also on behalf of Senator Cameron, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 68—

That the Senate—

(a) notes that:

(i) Australian dwellings increased in price by 10 per cent in 2015-16, indicating a clear national housing affordability crisis, with Sydney prices increasing by 13 per cent and Melbourne by 13.9 per cent, and

(ii) significant causes of these price increases include distortionary negative gearing and capital gains tax discount policies; and

(b) calls on the Federal Government to significantly reform negative gearing and the capital gains tax discount to ensure that housing is more affordable for first home buyers.

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

Question put.

The Senate divided—

AYES, 28

Senators—

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NOES, 29

Senators—
Abetz
Back
Birmingham
Burston
Bushby*
Canavan
Cash
Culleton

Duniam
Fawcett
Fierravanti-Wells
Fifield
Hanson
Hinch
Hume

Leyonhjelm
McGrath
McKenzie
Nash
O’Sullivan
Paterson
Payne

Reynolds
Roberts
Ruston
Ryan
Scullion
Smith
Williams

*Tellers

Question negatived.

28 FOREIGN AFFAIRS—UNITED STATES OF AMERICA—COMMENTS BY PRESIDENTIAL CANDIDATE

Motion determined as not formal: The Leader of the Australian Greens (Senator Di Natale) requested that general business notice of motion no. 65 standing in his name for today, relating to comments made by Mr Donald Trump, be taken as formal.

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

Statements by leave: Senator Di Natale, the Assistant Minister to the Prime Minister (Senator McGrath) and Senator Gallagher, by leave, made statements relating to the motion.

29 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—HEALTH—MEDICARE

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

The Government’s refusal to heed the lessons from the election and stand up for Medicare.

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

After 5 pm—

30 FIRST SPEECHES

Pursuant to order, Senators Kakoschke-Moore and Burston made their first speeches.

31 DOCUMENTS—CONSIDERATION

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


Attorney-General’s Department—Report for 2015-16. Motion to take note of document moved by Senator McKim. On the motion of Senator Macdonald the debate was adjourned till Thursday at general business.
Senator Williams, at the request of the Chair of the Environment and Communications Legislation Committee (Senator Bushby), tabled the following documents:

Environment and Communications Legislation Committee—

Senator Williams, at the request of the chairs of the respective committees, tabled the following reports:

**Economics Legislation Committee**—
The Economics Legislation Committee met on 1 September 2016 and considered references not disposed of at the end of the 44th Parliament. The committee resolved to recommend to the Senate that the following inquiry of the 44th Parliament not be re-adopted:

- Anti-competitive conduct in the retail wine industry and the ACCC’s role.

Senator Jane Hume
Chair.

**Economics References Committee**—
The Economics References Committee met on 15 September 2016 and considered references not disposed of at the end of the 44th Parliament. The committee has resolved to recommend to the Senate that the following inquiries of the 44th Parliament be re-referred with the same terms of reference so that the committee can complete and table reports on the findings of the committee:

- Inquiry into carbon risk disclosure, with a reporting date of 31 March 2017;
- Inquiry into corporate tax avoidance, with a reporting date of 30 September 2017;
- Inquiry into criminal, civil and administrative penalties for white collar crime, with a reporting date of 28 February 2017;
- Inquiry into foreign bribery, with a reporting date of 30 June 2017;
- Inquiry into the future of Australia’s steel industry, with a reporting date of 1 December 2017; and
- Inquiry into non-conforming building products, with a reporting date of 25 May 2017.

The committee has also resolved to recommend to the Senate that the following inquiries of the 44th Parliament be re-referred with updated terms of reference so that the committee can complete and table reports on the findings of the committee:

- Inquiry into the future of Australia’s naval shipbuilding industry, with a reporting date of 31 March 2017; and
- Inquiry into the scrutiny of financial advice, with a reporting date of 31 March 2017.
The committee recommends the following updated terms of reference to reflect advances in the inquiry into the future of Australia’s naval shipbuilding industry:

The future sustainability of Australia’s strategically vital naval ship building industry, including:

(a) the development of contracts relating to naval ship and submarine building;
(b) the design, management and implementation of naval shipbuilding and submarine defence procurement projects in Australia;
(c) the utilisation of local content and supply chains;
(d) the integration of offshore design work and supply chains in Australia;
(e) opportunities for flow-on benefits to local jobs and the economy; and
(f) any related matters.

In addition, the committee recommends the following updated terms of reference to address the removal of the examination of life insurance from the inquiry into scrutiny of financial advice and to clarify the intent of corporate whistleblowing in that inquiry:

Implications of financial advice reforms, with particular reference to:

(a) the current level of consumer protections;
(b) the role of, and oversight by, regulatory agencies in preventing the provision of unethical and misleading financial advice;
(c) whether existing mechanisms are appropriate in any compensation process relating to unethical or misleading financial advice and instances where these mechanisms may have failed;
(d) mechanisms, including a centralised register, that would ensure financial planners found to have breached any law or professional standards in their employment are transparent, for both the sector and consumers;
(e) how financial services providers and companies have responded to misconduct in the industry;
(f) other regulatory or legislative reforms that would prevent misconduct;
(g) whether Australia’s corporate whistleblower framework needs to be strengthened, both as it applies to whistleblowers in the financial services sector and whistleblowers in the corporate sector more generally; and
(h) any related matters.

The committee has resolved to recommend to the Senate that the committee have the power to consider and use the records of the Economics References Committee appointed in the previous parliament.

The committee also resolved to recommend to the Senate that the following inquiries of the 44th Parliament not be re-adopted:

Inquiry into bauxite resources near Aurukun in Cape York;
Inquiry into the causes and consequences of the collapse of listed retailers in Australia; and
Inquiry into personal choice and community impacts
Senator Chris Ketter
Chair.
Senator Williams moved—That the reports be adopted.
Question put and passed.

Senator Urquhart, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bilyk), tabled the following document:

Senators’ Interests—Standing Committee—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations lodged between 30 August and 7 October 2016, dated October 2016.

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

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

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


33 REGIONAL AUSTRALIA—NORTHERN AUSTRALIA—MINISTERIAL STATEMENT—DOCUMENT
The Minister for Resources and Northern Australia (Senator Canavan), by leave, made a statement relating to northern Australia and tabled the following document:

Regional Australia—Northern Australia annual statement—Ministerial statement by the Minister for Resources and Northern Australia (Senator Canavan), dated 11 October 2016.
Senator Macdonald moved—That the Senate take note of the document.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Moore in continuation.
The Deputy President (Senator Lines) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Minister for Finance (Senator Cormann), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Environment and Communications References Committee—**

Appointed—

Substitute members: Senators Fawcett and Back to replace Senators Bushby and Duniam for the committee’s inquiry into oil or gas production in the Great Australian Bight on 16 November 2016

Participating members: Senators Bushby and Duniam.

**National Broadband Network—Joint Standing Committee—**

Discharged—Senator Williams

Appointed—Senator Hanson

**National Disability Insurance Scheme—Joint Standing Committee—**

Discharged—Senator McCarthy

Appointed—Senator Brown

**Trade and Investment Growth—Joint Standing Committee—**

Discharged—Senator Lines

Appointed—Senator Watt.

Question put and passed.

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to the Joint Standing Committee on the Parliamentary Library, as follows:

Message no. 32, dated 10 October 2016—Mr Broadbent, Mr Ramsey, Mr van Manen and Mr Zimmerman.

35 **TREASURY LAWS AMENDMENT (INCOME TAX RELIEF) BILL 2016**

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

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**In the committee**

Bill, taken as a whole by leave, debated.

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At 7.20 pm: The Deputy President (Senator Lines) resumed the chair and the Chair of Committees reported progress.

36 **ADJOURNMENT**

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

Debate ensued.

The Senate adjourned at 9.28 pm till Wednesday, 12 October 2016 at 9.30 am.
ATTENDANCE

ROSEMARY LAING
Clerk of the Senate