No. 5

TUESDAY, 13 SEPTEMBER 2016

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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):

- Auditor-General—Audit report no. 16 of 2016-17—Performance audit—Offshore Processing Centres in Nauru and Papua New Guinea: Procurement of garrison support and welfare services: Department of Immigration and Border Protection.
- Australian Institute of Health and Welfare—Australia’s health 2016—Fifteenth biennial report.
- Department of the Senate—Inter-Parliamentary Union—Travel expenditure, 1 July 2015 to 30 June 2016, dated September 2016.
- International Air Services Commission—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.]

- **Australian Capital Territory (Planning and Land Management) Act 1988**—Direction to disregard an objection—5 May 2016.
- **Christmas Island Act 1958**—List of Acts of the Western Australian Parliament for the period 22 February to 31 August 2016.
- **Cocos (Keeling) Islands Act 1955**—List of Acts of the Western Australian Parliament for the period 22 February to 31 August 2016.
- **Defence Act 1903**—Section 58B—Post indexes and benchmark schools – amendment—Defence Determination 2016/31 [F2016L01421].
- **Export Control Act 1982**—Export Control (Sheepmeat and Goatmeat Export to the European Union Tariff Rate Quotas) Order 2016 [F2016L01422].
Financial Sector (Collection of Data) (reporting standard) determination No. 20 of 2016 – LOLRS 800.2 Claim Data: Public and Product Liability and Professional Indemnity Insurance [F2016L01418].

**Migration Act 1958**—
Directions under section 499—
Assessing the genuine temporary entrant criterion for student visa and student guardian visa applications—No. 69.
Priority processing for standard business sponsors with accredited status—No. 70.

**Migration Regulations 1994**—
Arrangements for Business Skills Visa Applications 2016/077—IMMI 16/077 [F2016L01419].
Circumstances in Which a PayPal Surcharge Must be Waived or Refunded 2016/084—IMMI 16/084 [F2016L01416].
Specification of Activities 2016/075—IMMI 16/075 [F2016L01417].
Types of Fees and Charges 2016/083—IMMI 16/083 [F2016L01414].

**Ozone Protection and Synthetic Greenhouse Gas Management Act 1989**—Grants of exemptions under section 40—
Babcock Offshore Services Australasia Pty Ltd—No. S40E19735611.
Royal Flying Doctor Service of Australia (Queensland Section) Limited—No. S40E59651356.
Sikorsky Aircraft Australia Ltd—No. S40E82349557.


**Public Governance, Performance and Accountability Act 2013**—Commonwealth has acquired shares in NBN Co Limited—9 September 2016 [4].

**Social Security (Administration) Act 1999**—Social Security (Administration) (Trial Area – Ceduna and Surrounding Region) Amendment Determination (No. 2) 2016 [F2016L01424].

**Student Assistance Act 1973**—Student Assistance (Education Institutions and Courses) Amendment Determination 2016 (No. 1) [F2016L01409].

**Superannuation Act 2005**—Superannuation (PSSAP Trust Deed) (Insurance and Other Matters) Amendment Instrument 2016 [F2016L01410].

**Sydney Airport Curfew Act 1995**—Dispensation Report 05/16.
The following document was tabled by the Clerk pursuant to the order of the Senate of 20 June 2001, as amended:


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:

Finance and Public Administration References Committee—Wednesday, 14 September 2016, from 1.10 pm.
Legal and Constitutional Affairs Legislation Committee—Thursday, 15 September 2016, from 4 pm.

4 COMMITTEE MEMBERSHIP

The President reminded the Senate that two nominations had been received, Senators Leyonhjelm and Rhiannon, for one position on the Joint Standing Committee on Electoral Matters (see entry no. 31, 12 September 2016).
The Senate proceeded to a ballot.
The President reported the result as follows:

Senator Leyonhjelm: 33 votes.
Senator Rhiannon: 37 votes.
The President declared that Senator Rhiannon had been chosen to serve as a member of the committee.

5 SENATE—FIRST SPEECHES—STATEMENT BY PRESIDENT

The President made a statement relating to the conventions for first speeches.
Statement by leave: The Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made a statement relating to his first speech.

6 ORDER OF BUSINESS—REARRANGEMENT

The Minister for Communications (Senator Fifield) moved—that intervening business be postponed till after consideration of government business notice of motion no. 1 (consideration of legislation).
Question put and passed.

7 CONSIDERATION OF LEGISLATION

The Minister for Communications (Senator Fifield), at the request of the Assistant Minister to the Prime Minister (Senator McGrath) and pursuant to notice, moved government business notice of motion no. 1—that the provisions of paragraph (6) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Budget Savings (Omnibus) Bill 2016
Competition and Consumer Amendment (Country of Origin) Bill 2016
Corporations Amendment (Auditor Registration) Bill 2016
Customs Tariff Amendment (Tobacco) Bill 2016
Excise Tariff Amendment (Tobacco) Bill 2016
National Cancer Screening Register Bill 2016
National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016
Statute Law Revision (Spring 2016) Bill 2016
Statute Update Bill 2016

Debate ensued.

The question was divided at the request of Senators Gallagher and Siewert—

Question—That the motion in respect of the Budget Savings (Omnibus) Bill 2016 be agreed to—put.

The Senate divided—

AYES, 47

Senators—

Abetz  Fawcett  McAllister  Pratt
Brown  Fierravanti-Wells  McCarthy  Reynolds
Burston  Fifield  McGrath  Ruston
Bushby  Gallagher  McKenzie  Seselja
Cameron  Gallagher  Moore  Sinodinos
Cash  Hanson  Nash  Smith
Chisholm  Hume  O’Neill  Sterle
Collins  Ketter  O’Sullivan  Urquhart
Culleton  Leyonhjelm  Parry  Watt
Dastyari  Lines  Paterson  Williams*
Dodson  Macdonald  Payne  Wong
Duniam  Marshall  Polley

NOES, 14

Senators—

Di Natale  Kakoschke-Moore  Rhiannon  Waters
Griff  Lambe  Rice  Whish-Wilson
Hanson-Young  Ludlam  Siewert*  Xenophon
Hinch  McKim

*Tellers

Question agreed to.

Question—That the motion in respect of the Competition and Consumer Amendment (Country of Origin) Bill 2016 be agreed to—put and passed.

Question—That the motion in respect of the National Cancer Screening Register Bill 2016 and the National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016 be agreed to—put.

The Senate divided—

AYES, 25

Senators—

Abetz  Fifield  Nash  Ruston
Bushby  Hinch  O’Sullivan  Scullion
Cash  Hume  Parry  Seselja
Culleton  Macdonald  Paterson  Sinodinos
Duniam  McGrath  Payne  Smith
Fawcett  McKenzie  Reynolds  Williams*
Fierravanti-Wells
8 **GOVERNOR-GENERAL’S OPENING SPEECH—ADDRESS-IN-REPLY**

Order of the day read for the adjourned debate on the motion of Senator Hume proposing an address-in-reply to the Governor-General’s opening speech (see entry no. 6, 31 August 2016).

Debate resumed.

*At 2 pm:* Debate was interrupted while the Minister for Employment (Senator Cash) was speaking.

9 **QUESTIONS**

Questions without notice were answered.

10 **MOTIONS TO TAKE NOTE OF ANSWERS**

Senator McAllister moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator McAllister today relating to the proposed marriage equality plebiscite.

Debate ensued.

Question put and passed.

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

Question put and passed.

11 **PETITION**

The following petition, lodged with the Clerk by Senator Bilyk, was received:

> From 571 petitioners, requesting that the Senate take action to secure funding for Palliative Care Tasmania to continue the Better Access to Palliative Care program for another four years.

12 **NOTICES**

Senator Williams: To move on the next day of sitting—That the following matters be referred to the Parliamentary Joint Committee on Corporations and Financial Services for inquiry and report by 30 June 2017:

(a) the need for further reform and improved oversight of the life insurance industry;
(b) assessment of relative benefits and risks to consumers of the different elements of the life insurance market, being direct insurance, group insurance and retail advised insurance;

(c) whether entities are engaging in unethical practices to avoid meeting claims;

(d) the sales practices of life insurers and brokers, including the use of Approved Product Lists;

(e) the effectiveness of internal dispute resolution in life insurance;

(f) the roles of the Australian Securities and Investments Commission and the Australian Prudential Regulation Authority in reform and oversight of the industry; and

(g) any related matters. (general business notice of motion no. 42)

The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the Legal Services Amendment (Solicitor-General Opinions) Direction 2016, made under the Judiciary Act 1903, be disallowed [F2016L00645].

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

(a) notes that on 14 June 2016, the Turnbull Government announced a $55 million package paid for from the existing Department of Defence budget, for:

(i) containment and remediation of perfluorinated compound (PFC) contamination around the country,

(ii) an epidemiological study to examine the effects of PFC contamination in communities around the country,

(iii) a voluntary blood testing program,

(iv) specialised mental health and counselling services, and

(v) the appointment of a dedicated Community Liaison Office;

(b) calls on the Government to report on the progress of each item under the $55 million package; and

(c) calls on the Government to pay for residents living in Williamtown, Fullerton Cove and Salt Ash under similar contamination conditions to those inside the Red Zone to be connected to town water. (general business notice of motion no. 43)

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

(a) notes that:

(i) the President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016 listed the report of the Economics References Committee on the Foreign Investment Review Framework as amongst the reports the Government had failed to respond to within the 3 month timeframe, and

(ii) the Government still has not provided a formal response to the committee’s report, although it has been 5 months since the report was tabled; and

(b) there be laid on the table by the Minister representing the Treasurer, by no later than 3.30 pm on 10 October 2016, the government response to the report of the Economics References Committee on the Foreign Investment Review Framework, dated 8 April 2016. (general business notice of motion no. 44)
Senator Xenophon: To move on the next day of sitting—That—

(a) the Senate notes that:

(i) the President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016 listed the report of the Economics References Committee on the future of Australia’s automotive industry as amongst the reports the Government had failed to respond to within the 3 month timeframe, and

(ii) the Government still has not provided a formal response to the committee’s report, although it has been 10 months since the report was tabled; and

(b) there be laid on the table by the Minister representing the Minister for Industry, Innovation and Science, by no later than 3.30 pm on 10 October 2016, the government response to the report of the Economics References Committee on the future of Australia’s automotive industry, dated 1 December 2015. (general business notice of motion no. 45)

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

(a) notes that the fruit, berry, cherry and wine industries in Tasmania:

(i) are worth $345 million each year,

(ii) employ approximately 30 000 people each year,

(iii) face risks to their profitability and viability because of the Federal Government’s plans to remove the tax-free threshold on backpackers’ wages,

(iv) have traditionally relied on a surge of overseas backpackers to harvest our crops,

(v) compete with New Zealand for a scarce backpacker labour pool,

(vi) are placed at risk of being crippled because of the Federal Government’s plans to remove the tax-free threshold on backpackers’ wages,

(vii) are supported by a parliamentary delegation of 10 people from Tasmania’s horticulture and viticulture industries in a bid to overturn the controversial backpacker tax and fill 10 000 seasonal jobs in the sector,

(viii) are supported by peak body Tasmanian Farmers and Graziers Association (TFGA), which opposes the removal of the tax-free threshold on backpackers wages, and

(ix) are supported by the Tasmanian Liberal state government which also opposes the removal of the tax-free threshold on backpackers wages; and

(b) calls on the Government to listen to industry and state government leaders and scrap plans regarding the backpacker tax, thereby giving immediate certainty to the fruit, berry, cherry and wine industries before the start of the bumper season. (general business notice of motion no. 46)

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

(1) That the Senate notes that:

(a) the Australian dairy industry is facing an unprecedented crisis with the retail cost of bottled milk per litre often less than the retail cost of bottled water;
(b) Australian milk production since deregulation over 15 years has decreased from approximately 11 billion litres per year to 9 billion litres per year – a 20 per cent decrease, while New Zealand milk production has almost doubled;

(c) in 2011, a report of the Senate Economics References Committee recommended that producers’ contracts with dairy farmers should offer a clear, consistent formula for milk pricing with unambiguous conditions;

(d) five years later, the livelihoods of up to 40 per cent of Australian dairy farmers are under threat because of imposed, retrospective debt, helped by unclear, inconsistent milk pricing contracts with ambiguous conditions – indicating a likely failure of political oversight;

(e) in a deregulated market, Australia’s largest dairy producer and milk price setter, Murray Goulburn, has been allowed to force onto its suppliers unprecedented milk contracts ensuring that dairy farmers are burdened with retrospective debts ranging from tens to hundreds of thousands of dollars;

(f) Dairy Australia, despite this unprecedented dairy farmer debt crisis, still charges, on average, $8 000 AUSIAC levy on all Australian dairy farmers;

(g) as a short term solution to the Australian dairy crisis, the great majority of Australian consumers support a call for a 50 cent per litre milk levy to flow directly to our dairy farmers;

(h) Australian rural and regional communities face losing millions of dollars and thousands of jobs if a fair, long term solution to Australia’s dairy crisis is not found;

(i) the mental and physical health of dairy families and workers are being unnecessarily and unfairly placed in jeopardy as politicians, legal and industry experts argue about possible solutions to the dairy crisis; and

(j) with the likely importation of fresh milk from New Zealand in the next 2 years to meet Australian consumer demand, a serious threat has now emerged to the sustainability of Australia’s dairy industry and its capacity to meet future local demand.

(2) That the above matters be referred to the Economics References Committee for inquiry and report by 24 February 2017, in order to establish a fair, long-term solution to Australia’s dairy crisis, with particular reference to fresh milk security and:

(a) the legality of retrospective elements of milk contracts; and

(b) the performance and governance of Dairy Australia.

Senator Fawcett: To move on the next day of sitting—That the Joint Standing Committee on Treaties be authorised to hold private meetings otherwise than in accordance with standing order 33(1), followed by public meetings, during the sittings of the Senate, from 11 am to 1 pm, as follows:

(a) Monday, 10 October 2016;

(b) Monday, 7 November 2016;

(c) Monday, 21 November 2016; and

(d) Monday, 28 November 2016. (general business notice of motion no. 47)
Senators Moore and Bilyk: To move on the next day of sitting—That the Senate—
(a) recognises that:
   (i) National Stroke Week:
       (A) will take place from 12 to 18 September 2016, and
       (B) seeks to raise awareness about the need to prevent stroke in Australia, and
   (ii) the Stroke Foundation encourages all Australians to:
       (A) understand the symptoms of stroke and know what to do if one occurs,
       (B) make healthy lifestyle choices which will reduce the risk of stroke,
       (C) assist in raising awareness in their local communities, and
       (D) get regular health check-ups;
(b) notes with concern the financial and emotional burden which stroke has on the Australian community;
(c) acknowledges the:
   (i) important role of families and carers of stroke victims, and
   (ii) valuable contribution of the Australian health system in preventing and treating stroke;
(d) congratulates the bipartisan efforts made by previous governments; and
(e) confirms the need for continued action to reduce the prevalence of stroke in Australia. (general business notice of motion no. 48)

Senator Whish-Wilson: To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 30 June 2017:
The current and future impacts of climate change on marine fisheries and biodiversity, including:
(a) recent and projected changes in ocean temperatures, currents and chemistry associated with climate change;
(b) recent and projected changes in fish stocks, marine biodiversity and marine ecosystems associated with climate change;
(c) recent and projected changes in marine pest and diseases associated with climate change;
(d) the impact of these changes on commercial fishing and aquaculture, including associated business activity and employment;
(e) the impact of these changes on recreational fishing;
(f) the adequacy of current quota-setting and access rights provisions and processes, given current and projected climate change impacts;
(g) the adequacy of current and proposed marine biodiversity protections, given current and projected climate change impacts;
(h) the adequacy of biosecurity measures and monitoring systems given current and projected climate change impacts; and
(i) any other related matters.
No. 5—13 September 2016

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

(a) recognises that:

(i) the Royal Commission into Institutional Responses to Child Sexual Abuse released its report on *Redress and civil litigation* on 14 September 2015, and

(ii) the report recommended:

(A) the establishment of a single national redress scheme as preferable to state-based schemes,

(B) that the institution in which the abuse occurred should fund redress,

(C) that state, territory and Commonwealth governments should act as funders of last resort, and

(D) that a single national redress scheme, or state-based schemes, should be in place by 1 July 2017;

(b) notes that:

(i) the Coalition has not yet committed to providing funding of last resort, and

(ii) less than a year from the recommended start date, there is no clear plan for a national redress scheme; and

(c) calls on the Coalition to commit meaningfully to a national redress scheme, with the Commonwealth Government providing funding of last resort. *(general business notice of motion no. 49)*

13 **LEAVE OF ABSENCE**

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

(a) Senator Bernardi from 14 September to the end of the 2016 sittings, on account of parliamentary business overseas; and

(b) Senator Day for today, for personal reasons.

Question put and passed.

14 **POSTPONEMENTS**

Business was postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing the disallowance of the Social Security (Administration) (Trial Area – East Kimberley) Determination 2016, postponed till 14 September 2016.

General business notice of motion no. 13 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, relating to racial and cultural diversity, postponed till 14 September 2016.

General business notice of motion no. 28 standing in the name of Senator Rhiannon for today, relating to foreign political donations, postponed till 14 September 2016.

General business notice of motion no. 37 standing in the names of Senators Griff, Xenophon and Kakoschke-Moore for today, proposing a reference to the Joint Standing Committee on Electoral Matters, postponed till 15 September 2016.
15 **AUSTRALIAN BROADCASTING CORPORATION AMENDMENT (RURAL AND REGIONAL ADVOCACY) BILL 2015—RESTORATION TO NOTICE PAPER**

Senator Bushby, at the request of Senator McKenzie and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 33—

(1) That so much of the standing orders be suspended as would prevent this resolution having effect.

(2) That the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015 be restored to the *Notice Paper* and consideration of the bill resume at the stage reached in the 44th Parliament.

Question put and passed.

16 **FREEDOM TO MARRY BILL 2016**

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 35—That the following bill be introduced:

A Bill for an Act to amend the *Marriage Act 1961* to reduce government intervention in marriage, and for related purposes.

Question put and passed.

Senator Leyonhjelm presented the bill and 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 Leyonhjelm moved—That this bill be now read a second time.

Explanatory memorandum: Senator Leyonhjelm, by leave, tabled an explanatory memorandum relating to the bill.

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

17 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—STORMWATER MANAGEMENT—GOVERNMENT RESPONSE—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. 40—That—

(a) the Senate notes that:

(i) the President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016 listed the report of the Environment and Communications References Committee on stormwater management in Australia as amongst the reports the Government had failed to respond to within the 3 month timeframe, and

(ii) the Government still has not provided a formal response to the committee’s report, although it has been 10 months since the report was tabled; and
(b) there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, by no later than 3.30 pm on 10 October 2016, the government response to the report of the Environment and Communications References Committee on stormwater management in Australia, dated 2 December 2015.

Question put and passed.

18 COMMUNITY AFFAIRS REFERENCES COMMITTEE—PROPOSED REFERENCE

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—that the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 November 2016:

Changes to the Aged Care Funding Instrument announced in the 2015-16 MYEFO and 2016-17 Budget, with particular reference to:

(a) the impact of these cuts on service delivery and the level of care that older Australians receive, including in regional and remote communities;
(b) the impact of these cuts on the sector, including the sector’s capacity to deliver complex health care, and the ongoing viability of the sector;
(c) the impact of these cuts on state and territory governments, if health systems are required to provide more complex care as a result;
(d) the assumptions and data underlying projections by the Government;
(e) the consultation process with consumers, community groups and aged care service providers in relation to these changes; and
(f) any other related matters.

Statements by leave: Senators Gallagher and Siewert, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 17

Senators—

Burston
Culleton
Di Natale
Griff
Hanson-Young

Hinch
Kakoschke-Moore
Lamble
Leyonhjelm

Ludlam
McKim
Rhianon
Rice

Siewert*
Waters
Whish-Wilson
Xenophon

NOES, 41

Senators—

Abetz
Back
Bilyk
Birmingham
Bushby
Cameron
Cash
Chisholm
Collins
Dastyari
Dodson

Duniam
Farrell
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Gallagher
Hume
Ketter
Lines

Macdonald
Marshall
McAllister
McCarthy
McGrath
McKenzie
Moore
O’Neill
O’Sullivan
Parry

Paterson
Polley
Reynolds
Ruston
Scullion
Smith
Sterle
Urquhart*
Watt
Williams

*Tellers

Question negatived.
19 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REFERENCE
Senator Watt, also on behalf of the Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—that the provisions of the National Cancer Screening Register Bill 2016 and the National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016 be referred to the Community Affairs Legislation Committee for inquiry and report by 11 October 2016.

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, 35

Senators—

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<th>Marshall</th>
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Senators—

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<th>Nash</th>
<th>Ruston</th>
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*Tellers

Question agreed to.

20 ECONOMICS REFERENCES COMMITTEE—INTERIM REPORTS—IMPACT OF COMMONWEALTH LEGISLATION, POLICIES AND GUIDELINES—CONSIDERATION
Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 32—that the following interim reports of the Economics References Committee, tabled in the last Parliament, be listed on the Notice Paper for consideration during the item of business relating to the consideration of committee reports and government responses under standing order 62(1) on Thursday:

(a) Personal choice and community impacts;
(b) Personal choice and community impacts—Bicycle helmet laws (term of reference d);
(c) Personal choice and community impacts—Sale and use of marijuana and associated products (term of reference c); and
(d) Personal choice and community impacts—Western Sydney Wanderers supporters (term of reference f).

Question put and passed.
21 ENVIRONMENT—MARINE POLLUTION
Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 36—That the Senate notes:
(a) that the United States Department of State is hosting the Our Ocean 2016 conference in Washington DC on 15 and 16 September 2016;
(b) that the Minister for Foreign Affairs (Ms Bishop) and the Ambassador for the Environment (Mr Suckling) will be representing Australia;
(c) that Australian marine pollution advocate, Mr Tim Silverwood, has been asked to lead a panel on marine pollution at this prestigious gathering of world leaders and influencers;
(d) that a recent World Economic Forum report warned that on current projections there will be more plastic than fish in the oceans by 2050; and
(e) the unanimous recommendations of the Senate Environment and Communications References Committee outlining a plan of action for the Federal Government.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath) and Senator Whish-Wilson, by leave, made statements relating to the motion.

Question put and passed.

22 STANDING ORDER 25(9)—DETERMINATION OF COMMITTEE CHAIRS
Senator Gallagher, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 38—That the resolution of the Senate of 2 November 2011, relating to the chair of the Legal and Constitutional Affairs References Committee, be amended by omitting “Legal and Constitutional Affairs” and substituting “Environment and Communications”.

Question put and passed.

23 PRIMARY INDUSTRIES—AUSTRALIAN PESTICIDES AND VETERINARY MEDICINES AUTHORITY—ORDER FOR PRODUCTION OF DOCUMENTS
Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 39—That there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, no later than 4 pm on 10 October 2016, any documents held by the Department of Agriculture and Water Resources relating to the relocation from Canberra to Armidale of the Australian Pesticides and Veterinary Medicines Authority, including:
(a) any cost benefit analysis; and
(b) any correspondence or other information, including briefings, meeting and file notes, between any Australian Government Minister, department or agency.

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.
24 COMMUNITY AFFAIRS REFERENCES COMMITTEE—AVAILABILITY OF CANCER DRUGS IN AUSTRALIA—GOVERNMENT RESPONSE—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. 41—That—

(a) the Senate notes that:

(i) the President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016 listed the report of the Community Affairs References Committee on the availability of new, innovative and specialist cancer drugs in Australia as amongst the reports the Government had failed to respond to within the 3 month timeframe, and

(ii) the Government still has not provided a formal response to the committee’s report, although it has been almost 12 months since the report was tabled; and

(b) there be laid on the table by the Minister representing the Minister for Health and Aged Care, by no later than 3.30 pm on 10 October 2016, the government response to the report of the Community Affairs References Committee on the availability of new, innovative and specialist cancer drugs in Australia, dated 17 September 2015.

Question put and passed.

25 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—POLITICS—POLITICAL DONATIONS REFORM

The President informed the Senate that, at 8.30 am today, Senator Siewert and the Leader of the Opposition in the Senate (Senator Wong) had each submitted a letter in accordance with standing order 75. The proposal to be submitted to the Senate was determined by lot.

As a result, the President informed the Senate that Senator Siewert had proposed that the following matter of public importance be submitted to the Senate for discussion:

The need for the Turnbull Government and the Labor Party to commit to comprehensive and immediate political donations reform.

The proposal was supported by four senators and the matter was discussed. After 5 pm: Discussion was interrupted.

26 FIRST SPEECHES

Pursuant to order (see entry no. 9, 1 September 2016), Senators Roberts and Watt made their first speeches.

27 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—POLITICS—POLITICAL DONATIONS REFORM

Discussion of the matter of public importance proposed by Senator Siewert (see entry no. 25) concluded.
28 DOCUMENTS—CONSIDERATION

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

Auditor-General—Audit report no. 16 of 2016-17—Performance audit—Offshore Processing Centres in Nauru and Papua New Guinea: Procurement of garrison support and welfare services: Department of Immigration and Border Protection. Motion to take note of document moved by Senator Gallacher and debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.


29 HEALTH—PALLIATIVE CARE—DOCUMENT

Senator Bilyk, by leave, tabled the following document:

Health—Palliative care—Petitioning document from 369 signatories, requesting that the Senate take action to secure funding for Palliative Care Tasmania to continue the Better Access to Palliative Care program for another four years.

30 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLED AND CONSIDERATION

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

Community Affairs References Committee—

The Senate Community Affairs References Committee met on 1 September 2016 and resolved to recommend to the Senate:

That the following inquiries of the 44th Parliament be re-adopted:

Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia, with a reporting date of Tuesday, 29 November 2016;

Inquiry into the growing evidence of an emerging tick-borne disease that causes a Lyme like illness for many Australian patients, with a reporting date of Wednesday, 30 November 2016; and

Inquiry into the future of Australia’s aged care sector workforce, with a reporting date of Friday, 28 April 2017.

The committee also resolved to recommend to the Senate that the committee have the power to consider and use the records of the Senate Community Affairs References Committee appointed in the previous parliament. The committee resolved to defer to a future private meeting consideration of whether to seek re-adoption of the inquiry into the medical complaints process in Australia.

Senator Rachel Siewert
Chair.
Environment and Communications References Committee—
The Senate Environment and Communications References Committee has met and considered the references not disposed of at the end of the 44th Parliament and resolved to recommend to the Senate that the following inquiries of the 44th Parliament be re-adopted with terms of reference unchanged:
Inquiry into the environmental, social and economic impacts of large-capacity fishing vessels commonly known as ‘Supertrawlers’ operating in Australia’s marine jurisdiction, with a reporting date of 23 November 2016;
Inquiry into the harm being done to Australian children through access to pornography on the Internet, with a reporting date of 23 November 2016;
Inquiry into oil or gas production in the Great Australian Bight, with a reporting date of the second last sitting day in March 2017;
Inquiry into the response to, and lessons learnt from, recent bushfires in remote Tasmanian wilderness, with a reporting date of 1 December 2016; and
Inquiry into the risks and opportunities associated with the use of the bumblebee population in Tasmania for commercial pollination purposes, with a reporting date of the second last sitting day in February 2017.
Further, the committee resolved to recommend to the Senate that, in respect of each of the matters to be referred to the committee, it have power to consider and use the records of the Senate Environment and Communications References Committee appointed in the previous parliament.
Senator Larissa Waters
Chair.

Foreign Affairs, Defence and Trade References Committee—
The Senate Foreign Affairs, Defence and Trade References 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 be re-adopted:
Planned acquisition of the F-35 Lightning II (Joint Strike Fighter), with a reporting date of 13 October 2016.
The committee resolved to recommend that the following inquiries not be re-adopted:
Australian Defence Force resistance to interrogation (RTI) training; and
Operation of Defence Housing Australia.
The committee also resolved to recommend to the Senate that, in respect of these matters, the committee have the power to consider and use the records of the Senate Foreign Affairs, Defence and Trade References Committee appointed in the previous parliament.
Senator Alex Gallacher
Chair.

Senator Smith moved—That the reports be adopted.
Question put and passed.
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 2 December 2015 and 9 May 2016, dated September 2016.

31 COMMITTEE MEMBERSHIP

The Deputy President (Senator Lines) 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:

Corporations and Financial Services—Joint Statutory Committee—
Appointed—Senator Whish-Wilson

Finance and Public Administration Legislation and References Committees—
Discharged—
Senator Whish-Wilson
Participating member: Senator Rhiannon
Appointed—
Senator Rhiannon
Participating member: Senator Whish-Wilson

Intelligence and Security—Joint Statutory Committee—
Appointed—Senators Bushby, Fawcett, Gallagher, McKenzie and Wong, pursuant to the Intelligence Services Act 2001.

Question put and passed.

32 NATIONAL BROADBAND NETWORK—JOINT STANDING COMMITTEE—PROPOSED APPOINTMENT

A message from the House of Representatives was reported proposing the appointment of a joint standing committee, as follows:

Message no. 17, dated 12 September 2016—Proposed Joint Standing Committee on the National Broadband Network, and transmitting for the concurrence of the Senate the following resolution:

That—

(1) a Joint Standing Committee on the National Broadband Network be appointed to inquire into and report on the rollout of the national broadband network;
(2) until the national broadband network is declared built and fully operational, the committee report to each House of the Parliament annually on:
   (a) rollout progress with particular regard to the NBN Co Limited Statement of Expectations issued by Shareholder Ministers on 24 August 2016;
   (b) utilisation of the national broadband network in connected localities in both metropolitan and regional areas, and the identification of opportunities to enhance economic and social benefits;
   (c) Australia’s comparative global position with regard to residential broadband infrastructure, particularly relative to other large, developed economies;
(d) national broadband network activation rates, user demand, usage patterns and trends, and any identified impediments to the take-up of national broadband network services;

(e) any market, industry, or regulatory characteristics that may impede the efficient and cost-effective rollout of the national broadband network; and

(f) any other matter pertaining to the national broadband network rollout that the committee considers relevant;

(3) the Committee consist of 17 members, 4 Members of the House of Representatives to be nominated by the Government Whip or Whips, 4 Members of the House of Representatives to be nominated by the Opposition Whip or Whips, and 1 non-aligned Member, 3 Senators to be nominated by the Leader of the Government in the Senate, 3 Senators to be nominated by the Leader of the Opposition in the Senate, 1 Senator to be nominated by the Leader of the Australian Greens in the Senate, and 1 Senator to be nominated by any minority group or independent Senator;

(4) participating members:

(a) may be appointed to the committee on the nomination in the:

(i) House of Representatives, of the Government or Opposition Whip or Whips, or any minority group or independent member; and

(ii) Senate, of the Leader of the Government or Opposition, or any minority group or independent senator;

(b) shall be taken to be a member of the committee for the purpose of forming a quorum;

(c) may participate in hearings of evidence and deliberations of the committee, and have all the rights of a member of the committee, except that a participating member may not vote on any question before the committee;

(5) 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) every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives;

(7) the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time;

(8) the committee elect:

(a) a Government member as its chair; and

(b) an Opposition member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee;

(9) at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting;

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

(11) five members of the committee constitute a quorum of the committee provided that in a deliberative meeting the quorum shall include one Government member of either House and one Opposition member of either House;
(12) the committee:
   (a) have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider, provided that each subcommittee shall include at least one Government member of either House and one Opposition member of either House; and
   (b) appoint the chair of each subcommittee who shall have a casting vote only;
(13) two members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include one Government member of either House and one non-Government member of either House;
(14) 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 purposes of a quorum;
(15) the committee and any subcommittee have power to:
   (a) call for witnesses to attend and for documents to be produced;
   (b) conduct proceedings at any place it sees fit;
   (c) sit in public or in private;
   (d) report from time to time; and
   (e) adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives;
(16) 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 and the Speaker;
(17) the committee has power to consider and make use of the evidence and records of the Joint Committee on the National Broadband Network appointed during a previous Parliament; and
(18) the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) consideration of the message was made an order of the day for the next day of sitting.

33 EXCISE TARIFF AMENDMENT (TOBACCO) BILL 2016
CUSTOMS TARIFF AMENDMENT (TOBACCO) 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.
Debate ensued.
At 7.20 pm: Debate was interrupted while Senator Duniam was speaking.

34 ADJOURNMENT
The Acting Deputy President (Senator Marshall) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 9.54 pm till Wednesday, 14 September 2016 at 9.30 am.

35 ATTENDANCE
Present, all senators except Senators Bernardi, Canavan, Day* and Singh* (*on leave).

ROSEMARY LAING
Clerk of the Senate