## Contents

1. Meeting of Senate ................................................................. 3679
2. Documents ........................................................................... 3679
3. Committees—Leave to Meet During Sittings ......................... 3680
5. Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015 ................................................................. 3681
6. Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015........................................... 3681
7. Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015 .................................................. 3682
8. Senators’ Statements ............................................................. 3684
9. Questions ............................................................................... 3684
10. Questions on Notice—Answers and Explanation ..................... 3685
11. Motion to Take Note of Answer ............................................... 3685
12. Petition .................................................................................. 3685
14. Notices ................................................................................. 3685
15. Leave of Absence ................................................................. 3690
16. Committee—Extension of Time to Report ............................... 3690
17. Legal and Constitutional Affairs References Committee—Reference ................................................................. 3690
18. Regional Australia—South Australia, Tasmania, Victoria and Western Australia—Bushfires ..................................................... 3691
19. Health—Ovarian Cancer Awareness Month ............................ 3691
20. Regional Australia—Western Australia—Bushfires .................. 3692
21. Women—Sex Discrimination Commissioner—Appointment .... 3693
22. Public Accounts and Audit—Joint Statutory Committee—Leave to Meet During Sittings ......................................................... 3693
23. Foreign Affairs, Defence and Trade—Joint Standing Committee—Leave to Meet During Sittings ................................. 3694
24 National Capital and External Territories—Joint Standing Committee—
   Leave to Meet During Sittings................................................................. 3694
25 Administration—Order of Australia Recipients........................................ 3694
26 Family and Community Services—Centrelink—Service Delivery.................. 3695
27 Transport—Funding of Infrastructure Projects ......................................... 3695
28 Transport—Gold Coast Airport Instrument Landing System ........................ 3696
29 Postponement ......................................................................................... 3690
30 Questions on Notice—Answers and Explanation—Statement by Leave .......... 3698
31 Discussion of Matter of Public Importance—Administration—Turnbull
   Government............................................................................................. 3698
32 Documents—Consideration....................................................................... 3698
33 Committee Reports and Government Responses—Tabling and
   Consideration Pursuant to Standing Order 62(4) .................................... 3698
34 Administration—Australian Public Service—Training for Estimates
   Hearings—Order for Production of Documents—Document ........................ 3699
35 Committee Membership .......................................................................... 3699
36 Broadcasting Legislation Amendment (Digital Radio) Bill 2015 .............. 3699
37 Migration Amendment (Complementary Protection and Other Measures)
   Bill 2015 ............................................................................................... 3700
38 Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015 ...... 3700
39 Committee Membership .......................................................................... 3700
40 Finance and Public Administration Legislation Committee—Report—
   Omnibus Repeal Day (Spring 2015) Bill 2015 ......................................... 3700
41 Legal and Constitutional Affairs Legislation Committee—Report—Crimes
   Legislation Amendment (Proceeds of Crime and Other Measures)
   Bill 2015 ............................................................................................... 3701
42 Social Security Legislation Amendment (Further Strengthening Job Seeker
   Compliance) Bill 2015 ........................................................................... 3701
43 Adjournment............................................................................................ 3701
44 Attendance............................................................................................... 3701
MEETING OF SENATE
The Senate met at 9.30 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

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

Animal welfare—Puppy farms—Letter to the President of the Senate from the Victorian Minister for Agriculture (Ms Pulford), dated 22 January 2016, responding to the resolution of the Senate of 30 November 2015.

Migration Act 1958—Section 486O—Assessment of detention arrangements—
Personal identifiers 1002018, 1002114, 1002148, 1002155, 1002161, 1002162, 1002163, 1002169, 1002170, 1002171, 1002183, 1002185, 1002272, 1002315, 1002327, 1002355, 1002483, 1002507, 1002547, 1002556, 1002676, 1002761, 1002868, 1002881, 1002957, 1002958, 1002959, 1002960, 1002961, 1002962, 1002963, 1002999, 1003005, 1003050, 1003067, 1003119, 1003121, 1003139, 1003140, 1003160, 1003161, 1003175, 1003180, 1003181, 1003182, 1003206 and 1003309—
Commonwealth Ombudsman’s reports, dated 3 February 2016.

Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for 1 July to 30 September 2015.
Work of Committees—Year statistics: 1 January to 31 December 2015; and half-year statistics: 1 July to 31 December 2015.

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

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

Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—
Exemption — carriage of cockpit voice recorders and flight data recorders—
CASA EX17/16 [F2016L00078].
Exemption – Pearl Aviation Australia Pty Ltd – low-level rating requirement—
CASA EX22/16 [F2016L00081].
Retirement Life – Critical Components—AD/ENST 28/1 Amdt 6 [F2016L00071].


National Health Act 1953—
National Health Determination under paragraph 98C(1)(b) Amendment 2016 (No. 1)—PB 3 of 2016 [F2016L00077].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2016 (No. 1)—PB 6 of 2016 [F2016L00080].
National Health (Listed drugs on F1 or F2) Amendment Determination 2016 (No. 1)—PB 7 of 2016 [F2016L00082].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2016 (No. 1)—PB 1 of 2016 [F2016L00075].

National Health (Originator Brand) Amendment Determination 2016 (No. 1)—PB 8 of 2016 [F2016L00083].

National Health (Pharmaceutical benefits — early supply) Amendment Instrument 2016 (No. 1)—PB 4 of 2016 [F2016L00074].

National Health (Price and Special Patient Contribution) Amendment Determination 2016 (No. 1)—PB 2 of 2016 [F2016L00073].


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

Departmental and agency appointments and vacancies—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Department of Human Services.
Department of Veterans’ Affairs.
Environment portfolio.
Foreign Affairs and Trade portfolio.
Prime Minister and Cabinet portfolio.

Departmental and agency grants—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Department of Human Services.
Department of Veterans’ Affairs.
Prime Minister and Cabinet portfolio.

Estimates hearings—Unanswered questions on notice—Budget (Supplementary) estimates 2015-16—Statements pursuant to the order of the Senate of 25 June 2014—

Australian Centre for International Agricultural Research.
Department of the Prime Minister and Cabinet.

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

Committees were authorised to meet during the sittings of the Senate, as follows:

Economics References Committee—

private briefing today, from 3.30 pm, for the committee’s inquiry into the foreign investment review framework.

private meeting otherwise than in accordance with standing order 33(1) today, from 4.30 pm, for the committee’s inquiry into Australia’s naval ship building industry.

Foreign Affairs, Defence and Trade References Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 4 February 2016, from 10 am, for the committee’s inquiry into contamination caused by firefighting foams at RAAF Base Williamtown and other sites.

Unconventional Gas Mining—Select Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3.30 pm.
4 **Maritime Transport and Offshore Facilities Security Amendment (Inter-State Voyages) Bill 2015**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells)—That this bill be now read a second time.

Debate resumed.

Question put.

The Senate divided—

**AYES, 38**

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Question agreed to.

Bill read a second time.

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

On the motion of the Minister for Tourism and International Education (Senator Colbeck) the bill was read a third time.

5 **Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Minister for Rural Health (Senator Nash) the bill was read a third time.

6 **Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015**

Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be
considered in committee.
On the motion of the Minister for Employment (Senator Cash) the bill was read a third
time.

7 FOOD STANDARDS AUSTRALIA NEW ZEALAND AMENDMENT (FORUM ON FOOD
REGULATION AND OTHER MEASURES) BILL 2015

Order of the day read for the adjourned debate on the motion of the Assistant Minister
to the Prime Minister (Senator McGrath)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill taken as a whole by leave.

Explanatory memorandum: The Minister for Rural Health (Senator Nash) tabled a
supplementary explanatory memorandum relating to the government amendments to
be moved to the bill.

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

Clause 2, page 2 (table item 4), omit the table item, substitute:

4. Schedule 2 Immediately after the commencement of the
    provisions covered by table item 2.

Schedule 2, heading, page 21 (lines 1 and 2), omit “commencing 1 January
2016”, substitute “relating to Board”.

Senator Siewert moved the following amendments together by leave:

Schedule 1, item 1, page 3 (after line 13), after paragraph (b) of the definition of
appropriate government agency, insert:
(ba) the Gene Technology Regulator; or

Schedule 1, item 4, page 3 (lines 24 to 29), omit the item, substitute:

4 Subsection 4(1) (definition of New Zealand lead Minister on the
Council)

    Repeal the definition.

Debate ensued.
Question—That the amendments be agreed to—put.
The committee divided—

AYES, 10

Senators—

Hanson-Young  Rhiannon  Simms  Whish-Wilson
Ludlam  Rice  Waters  Xenophon
McKim  Siewert (Teller)

NOES, 28

Senators—

Back  Leyonhjelm  McEwen  Polley
Braddock  Lindgren  McKenzie  Reynolds
Canavan  Lines  Moore  Singh
Fawcett  Ludwig  Muir  Smith
Gallacher  Macdonald  Nash  Urquhart (Teller)
Gallagher  Madigan  O’Sullivan  Wang
Ketter  Marshall  Peris  Williams

Question negatived.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Siewert, in respect of Schedule 1, item 11.

Schedule 1, item 11 agreed to.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Siewert, in respect of Schedule 1, items 14, 32 and 87.

Schedule 1, items 14, 32 and 87 debated.

Question—That Schedule 1, items 14, 32 and 87 stand as printed—put and passed.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Gallagher, in respect of Schedule 2, as amended.

Schedule 2, as amended, debated.

Question—That Schedule 2, as amended, be agreed to—put.

The committee divided—

AYES, 26

Senators—

Back  Cormann  McKenzie  Reynolds
Bernardi  Fawcett  Muir  Ruston
Birmingham  Fifield  Nash  Scullion
Bushby  Heffernan  O’Sullivan  Sinodinos
Canavan (Teller)  Lindgren  Parry  Smith
Cash  Macdonald  Payne  Williams
Colbeck  McGrath

NOES, 32

Senators—

Bilyk  Ketter  McKim  Siewert
Brown  Lazarus  McLucas  Simms
Braddock  Lines  Moore  Singh
Collins  Ludlam  O’Neill  Urquhart (Teller)
Conroy  Ludwig  Peris  Wang
Gallacher  Madigan  Polley  Waters
Gallagher  Marshall  Rhiannon  Whish-Wilson
Hanson-Young  McEwen  Rice  Xenophon

Schedule negatived.
On the motion of Senator Gallagher the following amendment was agreed to:
Clause 2, page 2 (table item 4), omit the table item.
Bill, as amended, agreed to.
Bill to be reported with amendments.

The President resumed the chair and the Chair of Committees (Senator Marshall) reported accordingly.
On the motion of Senator Nash the report from the committee was adopted.
Senator Nash moved—That this bill be now read a third time.
Question put.
The Senate divided—

**AYES, 37**

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Question agreed to.
Bill read a third time.

**After 12.45 pm—**

8 **SENATORS’ STATEMENTS**
Senators made statements.

**At 2 pm—**

9 **QUESTIONS**
Questions without notice were answered.
10 **QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION**

Senator Ludlam, pursuant to standing order 74, asked the Minister representing the Minister for Infrastructure and Regional Development (Senator Colbeck) for an explanation of answers not being provided to questions on notice nos 2630 to 2632 (notice given 20 November 2015).

Senator Colbeck indicated that an explanation would be provided *(and see entry no. 30).*

Senator Ludlam moved—that the Senate take note of the minister’s failure to provide either answers or an explanation.

Question put and passed.

11 **MOTION TO TAKE NOTE OF ANSWER**

Senator Dastyari moved—that the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator McAllister today relating to school funding.

Debate ensued.

Question put and passed.

12 **PETITION**

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

From 5 005 petitioners, requesting that the Senate oppose the Criminal Code Amendment (Animal Protection) Bill 2015.

13 **SAFETY, REHABILITATION AND COMPENSATION LEGISLATION AMENDMENT (EXIT ARRANGEMENTS) BILL 2015—STATEMENT BY LEAVE**


14 **NOTICES**

Senators Canavan and Macdonald: To move on the next day of sitting—that the Senate—

(a) notes:

(i) that the Queensland Government has issued an environmental authority for the construction of the Carmichael mine,

(ii) that the Queensland Government has acknowledged that, following 5 years of approval processes, there is no legal impediment stopping it from issuing a mining lease for the Carmichael mine,

(iii) that Townsville’s Labor Mayor, Ms Jenny Hill, the Queensland Resources Council and elders of the Wangan and Jagalingou people have all supported the benefits this mine will bring to Central Queensland, and

(iv) the statement of the Queensland Minister for Natural Resources and Mines, Dr Lynham, that ‘Everyone deserves their day in court, but not their four years in court’; and

(b) calls on the Queensland Government to get on with the job of issuing this mining lease, providing a much needed economic boost to the people of Central Queensland. *(general business notice of motion no. 1016)*
Senator Hanson-Young: To move on the next day of sitting—That the Senate calls on the Turnbull Government to grant amnesty to the 267 men, women and children in Australia as part of the M68 High Court challenge, and allow them to stay. (general business notice of motion no. 1017)


Senators Lazarus, Moore and Waters: To move on the next day of sitting—That the Senate acknowledges, congratulates and thanks all 99 Queensland 2016 Australia Day Award recipients for their outstanding service and contribution to Queensland and more broadly Australia:

(a) Young Australian of the Year – Nic Marchesi and Lucas Patchett;
(c) Conspicuous Service Medal – Andrew Baker, David Bromwich, Stephen Brooks, Gregory Clive, Brad Graham and Claire Pearson;
(d) Conspicuous Service Cross – Robert Brennan, Gavin Keating, Natasia Pulford and Martin White;
(e) Emergency Service Medal – Andrew Bickerton and George Hill;
(f) Ambulance Service Medal – Michael Day, Mark McDonald and Jan Tooth;
(g) Member of the Order of Australia – Ralph Devlin, Carol Dickenson, Nigel Du Pre Chamier, Ross Dunn, Vlasis Pitsonis Efsthatis, Ronald Fritschy, Michael Gardner, Ashley Gunder, Karen Healy, Ralph Hultgren, Paula Penfold, Frederick Pitt, Napau Stephen, Kym Stuart, Neil Summerson and Michael Veivers;
(h) Public Service Medal – Nicola Doumany, Helen Gluer, Bradford John, Bridget Mather, Glen Potter and Katherine Schaefer;
(i) Commendation for Distinguished Service – Danielle Huggins;
(j) Officer of the Order of Australia – Gwendolen Jull, Tracey Moffatt, Peter Sly and Susan Spence;
(k) Companion of the Order of Australia – Rodney Laver;
(l) Distinguished Service Cross (Australian) – Steven Roberton; and
(m) Australian Fire Service Medal – Fabian Stangherlin and Bruce Trickey. (general business notice of motion no. 1018)
Senator Xenophon: To move on the next day of sitting—That the following matter be referred to the Economics References Committee for inquiry and report by 12 May 2016:

The causes and consequences of the collapse of listed retailers in Australia, with particular reference to:

(a) the conduct of private equity firms prior to, during and after corporate takeovers;

(b) the role of the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission in overseeing corporate takeovers;

(c) the effect of the appointment of external administrators on secured and unsecured creditors, including employees and consumers of retail businesses;

(d) the effect of external administration on gift card holders and those who have made deposits on goods not delivered;

(e) the desirability of the following proposals in the event that gift card holders are unable to redeem their gift cards following the appointment of external administrators:

(i) placing an obligation on external administrators to honour gift cards,

(ii) a requirement that funds used to purchase gift cards be kept in a separate trust account by businesses, and

(iii) directors to be personally liable for the value of gift cards purchased; and

(f) any related matters.

Senator Moore: To move on the next day of sitting—That the Senate opposes the plan by the Turnbull Government to increase the goods and services tax rate to 15 per cent and broaden its base to include fresh food, education and health. (general business notice of motion no. 1019)

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

(a) notes that:

(i) the Federal Government has approved coal seam gas mining in the Pilliga Forest near Narrabri in New South Wales, with Santos planning to develop an 850-well field,

(ii) the Pilliga Push is an ongoing civil disobedience campaign against this mining led by the Gamilaraay and Gomeroi peoples, the Knitting Nannas and other grassroots action groups in New South Wales, and

(iii) the Narrabri coal seam gas project presents an unacceptable risk to the region’s groundwater and the Great Artesian Basin; and

(b) calls on the Federal Government to:

(i) condemn the New South Wales Police Force’s use of pepper spray against the protesters, and

(ii) withdraw its approval of the Narrabri coal seam gas project. (general business notice of motion no. 1020)
Senator Dastyari: To move on the next day of sitting—

(1) That a select committee, to be known as the Select Committee on School Funding Investment, be established to inquire into and report by 30 August 2016 on the effect of reduced Commonwealth funding for state and territory provided schools, with particular reference to:

(a) the impact of the cuts announced in the 2014-15 Budget and confirmed in the 2015-16 Mid-year Economic and Fiscal Outlook;
(b) the impact on schools and students in regional, rural and remote areas;
(c) the impact on students acquiring the job skills of the future, including science, technology, engineering, arts and maths; and
(d) any related matter.

(2) That the committee consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the Australian Greens, and 1 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 or any minority party or independent senator; and

(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.

(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 not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That the committee elect as chair one of the members nominated by the Leader of the Opposition, and a deputy chair.

(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, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(9) That the committee 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.

(10) 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 and 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 papers 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. 1021)
Senator Xenophon: To move on the next day of sitting—That the Senate—

(a) notes:

(i) that the proposed sale of Australasia’s largest and most productive dairy farm holding, Van Diemen’s Land Company, to Moon Lake Investments, is currently before the Foreign Investment Review Board,

(ii) the critical importance of Van Diemen’s Land Company to Australia for food security and our international reputation as a high quality dairy product producer,

(iii) the significant environmental importance of the Van Diemen’s Land property with its remnant vegetation, refuge to the last disease-free population of Tasmanian devil in the area and habitat to rare, threatened and endangered native fauna and flora species, and

(iv) the opportunity for this iconic and strategically-important agricultural and natural asset to be brought into Australian ownership for the first time; and

(b) calls on the Government to consider:

(i) the potential economic, social and environmental benefits that may flow from a viable alternative Australian-based bid for Van Diemen’s Land Company when considering the Moon Lake Investments proposal, and

(ii) the following as part of a national interest test when examining the proposed sale of Van Diemen’s Land Company to Moon Lake Investments:

(A) the potential for transfer pricing, including any potential loss of revenue to the Commonwealth,

(B) commitments to the local workforce in terms of the business plan being proposed, and

(C) any expansion plans of the overseas bid compared to the local bid. (general business notice of motion no. 1022)

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

(a) acknowledges the impact of recent fires on the Tasmanian Wilderness World Heritage Area (TWWHA);

(b) notes that:

(i) over 12 000 hectares inside the TWWHA has already been burned, and that many fires are still burning inside the TWWHA,

(ii) the time which elapsed between the fires starting on 13 January 2016 and the activation by the Minister for Justice (Mr Keenan) of Emergency Management Australia provisions was at least 12 days, and possibly as long as 2 weeks,

(iii) the Commonwealth Government is a signatory to the World Heritage Convention, which binds it to responsibly manage the TWWHA, and

(iv) scientists are predicting that it is likely that the TWWHA will experience hotter, drier conditions, and more dry lightning, in the future due to the impacts of global warming; and
calls on the Australian Government to work with the Tasmanian Government to establish and adequately resource an independent inquiry to examine the response to the current fires in the TWWHA, and the planning for, management of, and response to future fire events in the TWWHA, to seek submissions and hold public hearings, and to examine, report and make recommendations on relevant matters, including:

(i) the impact of global warming on fire frequency and magnitude,

(ii) the availability and provision of financial, human and mechanical resources,

(iii) the adequacy of fire assessment and modelling capacity, and

(iv) any other related matters deemed necessary by the inquiry. (general business notice of motion no. 1023)

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notice of motion no. 5 standing in his name for 13 sitting days after today for the disallowance of the Removal of Prisoners (Territories) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 165 and made under the Removal of Prisoners (Territories) Act 1923 [F2015L01524].

15 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senator Carr for 3 and 4 February 2016, for personal reasons.

Question put and passed.

16 COMMITTEE—EXTENSION OF TIME TO REPORT

The following committee was granted an extension of time to report:

Economics References Committee—Forestry managed investment schemes, extended to 7 March 2016.

17 LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE—REFERENCE

The Chair of the Legal and Constitutional Affairs References Committee (Senator Lazarus), 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 Legal and Constitutional Affairs References Committee for inquiry and report by 30 June 2016:

The need for a nationally-consistent approach, negotiated, developed and delivered by the Federal Government together with all state and territory governments, to address and reduce alcohol-fuelled violence, including one-punch related deaths and injuries across Australia, with particular reference to:

(a) the current status of state and territory laws relating to:

(i) bail requirements and penalties surrounding alcohol-related violence, and

(ii) liquor licensing, including the effectiveness of lockout laws and alcohol service laws;

(b) the effectiveness of the current state and territory:

(i) training requirements of persons working within the hospitality industry and other related industries, and
(ii) educational and other information campaigns designed to reduce alcohol-related violence;

(c) the viability of a national strategy to ensure adoption and delivery of the most effective measures, including harmonisation of laws and delivery of education and awareness across the country, and funding model options for a national strategy;

(d) whether a judicial commission in each state and territory would ensure consistency in judgments relating to alcohol-related violence in line with community standards; and

(e) any other related matter.

*Statements by leave:* Senator Lazarus and the Assistant Cabinet Secretary (Senator Ryan), by leave, made statements relating to the motion.

Question put and passed.

**18 REGIONAL AUSTRALIA—SOUTH AUSTRALIA, TASMANIA, VICTORIA AND WESTERN AUSTRALIA—BUSHFIRES**

Senator Back, also on behalf of Senators Reynolds and Smith, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1003—That the Senate—

(a) notes the severity of recent catastrophic bushfires across Western Australia, South Australia, Victoria and Tasmania, and extends its deepest sympathy to the families of those who have lost their lives, livelihoods, homes, property and livestock;

(b) acknowledges the impact of devastating bushfires on the community;

(c) urges the Government to work closely with the states and territories in bushfire prevention, preparedness, response and recovery;

(d) recognises that, in forests throughout Australia, combustible fuels have accumulated to levels that severely challenge safe fire suppression;

(e) encourages state and territory authorities to focus on bushfire prevention when developing strategies to protect their communities and the environment;

(f) recalls the practice of mosaic burning of the bush practised by Aboriginal peoples extending back thousands of years; and

(g) calls for more focussed work by fire agencies and research institutions to minimise the impact of devastating bushfires in affected communities.

*Statement by leave:* Senator Rice, by leave, made a statement relating to the motion.

Question put and passed.

**19 HEALTH—OVARIAN CANCER AWARENESS MONTH**

Senator McEwen, at the request of Senators Polley and Bilyk and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1006—That the Senate—

(a) notes that:

(i) February is Ovarian Cancer Awareness Month,

(ii) the campaign for 2016 urges Australians to ‘Know Ovarian Cancer’, and

(iii) only 43 per cent of women diagnosed with ovarian cancer each year will survive; and
(b) urges federal, state, territory and local governments to take leadership in encouraging Australian women to become more aware of the signs and symptoms of ovarian cancer, to know their family history and where to get help, and to create communities where people openly talk about ovarian cancer.

Question put and passed.

20 REGIONAL AUSTRALIA—WESTERN AUSTRALIA—BUSHFIRES

Senator Wang, also on behalf of the Minister for Employment (Senator Cash), Senators Bullock, Sterle, Siewert, Lines and Ludlam, the Minister for Finance (Senator Cormann) and Senators Smith and Back, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1007—That the Senate—

(a) acknowledges the devastating impact of the bushfires in Yarloop, Waroona, Wagerup and surrounding communities in Western Australia from 6 January 2016, which sadly:

(i) claimed the lives of Mr Les Taylor and Mr Malcolm Taylor,
(ii) caused injury to a number of community members, volunteers, emergency workers and firefighters,
(iii) damaged more than 70 000 hectares of property,
(iv) destroyed 180 buildings and infrastructure in totality, of which 162 were family homes, and
(v) left many residents without essential services, including water and electricity, for days;

(b) expresses sincere condolences to:

(i) the family and friends of Mr Taylor and Mr Taylor for their loss, and
(ii) members of the Yarloop, Waroona, Wagerup and surrounding communities for the losses they have suffered as a result of the disaster;

(c) extends sincere gratitude to:

(i) all the firefighters and emergency services workers who braved the perilous conditions to save lives and property, and
(ii) the volunteers and community members who risked their lives in an attempt to lessen the effects of the disaster and offered support throughout the disaster, including those responsible for operating evacuation centres;

(d) notes that the Insurance Council of Australia labelled the bushfire as a ‘catastrophe’ resulting in insured losses of more than $57 million, and that not all losses suffered will be insured;

(e) commends the establishment of an independent inquiry to examine a number of important factors, including but not limited to:

(i) the effectiveness of pre-incident bushfire prevention and mitigation activities,
(ii) the effectiveness of emergency management plans and procedures,
(iii) protection of essential services infrastructure, and access to essential services (power, transport, water and communications) by emergency services organisations and the community,
(iv) the effectiveness of public messaging, including the adequacy and timeliness of emergency warnings issued to residents and visitors, and
(v) the lessons learned from prior bushfire emergency situations in Western Australia; and

(f) calls on the Western Australian Government to undertake an extensive consultation process with members of the Yarloop, Waroona, Wagerup and surrounding communities to determine the best course of action in respect of rebuilding each respective township.

Question put and passed.

21 WOMEN—SEX DISCRIMINATION COMMISSIONER—APPOINTMENT

Senator Waters, also on behalf of Senator Moore, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1008—That the Senate—

(a) notes that:

(i) it has been over 150 days since the former Sex Discrimination Commissioner, Ms Elizabeth Broderick, stepped down at the end of her term,

(ii) during that time, there have been multiple high-profile examples of sexism and sexual harassment,

(iii) in October 2015, the Attorney-General (Senator Brandis) told a Senate committee that the selection process to appoint the next Sex Discrimination Commissioner had been under way for ‘some months’, and

(iv) there is no longer a full-time Disability Discrimination Commissioner; and

(b) calls on the Federal Government to appoint a female full-time Sex Discrimination Commissioner without delay.

Question put and passed.

22 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Bushby, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1009—That the Joint Committee of Public Accounts and Audit be authorised to meet, as follows:

(a) to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 4 February 2016; and

(b) to hold public meetings during the sittings of the Senate from 10.45 am, as follows:

(i) Thursday, 25 February 2016,

(ii) Thursday, 3 March 2016, and

(iii) Thursday, 17 March 2016.

Question put and passed.
23 FOREIGN AFFAIRS, DEFENCE AND TRADE—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING Sittings

Senator Bushby, at the request of Senator Fawcett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1010—That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) Thursday, 4 February 2016, from 12.45 pm, to take evidence for the committee’s inquiry into the role of development partnerships in agriculture and agribusiness in promoting prosperity, reducing poverty and enhancing stability in the Indo-Pacific region;
(b) Monday, 29 February 2016, from 10 am, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty;
(c) Tuesday, 1 March 2016, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty; and
(d) Tuesday, 15 March 2016, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty.

Question put and passed.

24 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING Sittings

Senator McEwen, at the request of the Deputy Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Brown) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1011—That the Joint Standing Committee on the National Capital and External Territories 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, 4 February 2016;
(b) Thursday, 25 February 2016;
(c) Thursday, 3 March 2016; and
(d) Thursday, 17 March 2016.

Question put and passed.

25 ADMINISTRATION—ORDER OF AUSTRALIA RECIPIENTS

Senator Smith, also on behalf of Senators Reynolds and Johnston, the Minister for Finance (Senator Cormann), Senator Back and the Minister for Employment (Senator Cash), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1013—That the Senate—

(a) congratulates the 37 worthy Western Australians who were recipients of Order of Australia awards on 26 January 2016 for their outstanding achievement and service; and
(b) particularly notes the following recipients:

(i) Mr Murray Davidson Nixon, OAM, for service to the Parliament, to the agricultural sector and to the community of Western Australia,
(ii) Mrs Wendy Ireland, OAM, for service to public administration in Western Australia and to the community,
(iii) the Honourable Norman Frederick Moore, AM, for significant service to the Parliament of Western Australia through a range of portfolio responsibilities, to education and to the community, and
(iv) Mrs Elsia May Archer, OAM, for service to local government and to the community of the West Kimberley.

Question put and passed.

26 FAMILY AND COMMUNITY SERVICES—CENTRELINK—SERVICE DELIVERY

Senator Siewert, 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. 1015—

That the Senate—

(a) notes that:

(i) in the 2014-15 financial year Centrelink had 62,691 complaints, an increase of 18.8 per cent on 2013-14,

(ii) the top complaint was difficulties with phone services, and

(iii) the Government has a clear policy of driving people to telephone and online services;

(b) recognises the mounting frustration of Australians who experience difficulties with Centrelink and the Department of Human Services, particularly using telephone services and the myGov website; and

(c) calls on the Government to address Centrelink’s service delivery failures, including telephone wait times, and provide appropriate support to the millions of Australians who rely on Centrelink and the Department of Human Services.

Statement by leave: The Assistant Cabinet Secretary (Senator Ryan), by leave, made a statement relating to the motion.

Question put and passed.

27 TRANSPORT—FUNDING OF INFRASTRUCTURE PROJECTS

Senator Ludlam, also on behalf of Senator Sterle, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1014—

That the Senate—

(a) notes the findings of the Federal Auditor-General’s report that examined approval and administration of federal funding for the East West Link project, including that:

(i) the commitment of $3 billion funding went against ‘clear advice’ from the public service that the project had not been justified and was not ready,

(ii) neither stage of the project had proceeded fully through processes that have been established to assess the merits of nationally significant infrastructure investments prior to the decision to approve $3 billion in Commonwealth funding,

(iii) at the time the commitment was made it was not considered to have yet demonstrated strong strategic and economic merit by Infrastructure Australia, and

(iv) the payment came just months after the Coalition promised not to fund infrastructure projects worth more than $100 million without the publication of a proper cost-benefit analysis;

(b) notes that the Federal Government funded the East West Link project at the same time as it cancelled existing investment in public transport projects like the Perth Light Rail project and the Melbourne Metro Rail project – both of which had been assessed and included by Infrastructure Australia on their infrastructure priority list; and
(c) requests that, given the almost identical characteristics, the Auditor-General
investigate the Commonwealth funding approvals and
decisions taken for the Perth Freight Link and WestConnex projects.

Statements by leave: Senator Ludlam and the Assistant Cabinet Secretary (Senator Ryan), by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 37

Senators—

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

NOES, 30

Senators—

Back  Edwards  McGrath  Ruston
Bernardi  Fawcett  McKenzie  Ryan
Birmingham  Fieravanti-Wells  Nash  Scullion
Brashby (Teller)  Fifield  O’Sullivan  Seselja
Canavan  Heffernan  Parry  Simmonds
Colbeck  Johnston  Payne  Smith
Cormann  Lindgren  Reynolds  Williams
Day  Macdonald

Question agreed to.

28 TRANSPORT—GOLD COAST AIRPORT INSTRUMENT LANDING SYSTEM

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1012—That the Senate—

(a) notes that:

(i) the Federal Government has approved an Instrument Landing System (ILS) for the Gold Coast Airport (GCA) at a cost of $10 million,

(ii) Qantas Group head of safety and compliance, Mr Mark Cameron, has written to former GCA Chief Operating Officer, Mr David Collins, stating that Qantas does not support the ILS proposal, claiming that it is not value for money and will likely be outdated technology,

(iii) residents from Coolangatta to Surfers Paradise will experience more noise pollution due to a new flight path associated with the ILS, particularly if a runway extension results in larger aircraft flying over the Tweed,
(iv) the former New South Wales Deputy Premier and New South Wales National Party Leader, Mr Andrew Stoner, granted the GCA an 84 year lease over the New South Wales Crown Reserve for public recreation/conservation for any and all airport facilities, including works associated with a runway extension (New South Wales Government Gazette, No. 138, 18 October 2013),

(v) under the Air Services Act, the ILS is exempt from any New South Wales land use laws or regulations protecting the environmental assets of the Crown Reserve, and

(vi) fishing industry representatives are concerned that the clearing of the Cobaki wetlands and saltmarsh required for the ILS would impact on Class 1 fish breeding habitat; and

(b) calls on the Federal Government to defer its approval for the ILS installation to allow an investigation to be held into the New South Wales Crown Land lease, and the availability of more cost-effective and environmentally-friendly technology.

Statement by leave: The Assistant Cabinet Secretary (Senator Ryan), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

AYES, 10

Senators—

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

NOES, 45

Senators—

Back Fierravanti-Wells Marshall Peris
Bernardi Fifield McAllister Reynolds
Birmingham Gallagher McEwen (Teller) Ruston
Bushby Gallagher McGrath Ryan
Cameron Johnston McKenzie Seselja
Canavan Ketter McLucas Singh
Colbeck Lazarus Moore Smith
Collins Lindgren Mair Sterle
Cormann Lines O’Neill Urquhart
Day Ludwig O’Sullivan Wang
Edwards Macdonald Parry Williams
Fawcett

Question negatived.

29 POSTPONEMENT

Senator Siewert, by leave and at the request of Senator Lambie, moved—That general business notices of motion nos 1004 and 1005 standing in the name of Senator Lambie for today, relating to nuclear programs in North Korea and Iran, and to poker machine licensing, be postponed till the next day of sitting.

Question put and passed.
30 QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION—STATEMENT BY LEAVE

The Minister for Tourism and International Education (Senator Colbeck), by leave, made a statement relating to question on notice no. 2630 (see entry no. 10, and entry no. 4, 4 February 2016).

31 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—TURNBULL GOVERNMENT

The President informed the Senate that, at 8.30 am today, Senator Siewert and Senator Leyonhjelm had each submitted a letter in accordance with standing order 75 proposing a matter of public importance for discussion. The question of which proposal would 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 Turnbull Government’s lack of courage on matters of importance to everyday Australians.

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

32 DOCUMENTS—CONSIDERATION

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

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

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

Scrutiny of Bills—Standing Committee—
Alert Digest No. 1 of 2016, dated 3 February 2016.

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

Senator Smith, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following document:


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

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

Human Rights—Joint Statutory Committee—33rd report of 44th Parliament—

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

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

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


34 ADMINISTRATION—AUSTRALIAN PUBLIC SERVICE—TRAINING FOR ESTIMATES HEARINGS—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

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

Administration—Australian Public Service—Training for estimates hearings—Letter to the President of the Senate from the Attorney-General (Senator Brandis) responding to the order of the Senate of 30 November 2015.

35 COMMITTEE MEMBERSHIP

The Acting Deputy President (Senator Seselja) informed the Senate that the President had received a letter 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:

Environment and Communications Legislation Committee—

Appointed—

Substitute member: Senator Dastyari to replace Senator Singh on 9 February 2016

Participating member: Senator Singh

Finance and Public Administration Legislation Committee—

Appointed—

Substitute member: Senator Moore to replace Senator McAllister on 12 February 2016

Participating member: Senator McAllister.

Question put and passed.

36 BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2015

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

Message no. 524, dated 2 February 2016—A Bill for an Act to amend legislation relating to broadcasting, and for related purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—That this bill be now read a second time.

On the motion of Senator Ruston the debate was adjourned till the next day of sitting.
37 **MIGRATION AMENDMENT (COMPLEMENTARY PROTECTION AND OTHER MEASURES) BILL 2015**

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


The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—That this bill be now read a second time.

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Legal and Constitutional Affairs Legislation Committee to report on the bill, 18 February 2016.

38 **MIGRATION LEGISLATION AMENDMENT (CESSATION OF VISA LABELS) BILL 2015**

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


The Assistant Minister for Agriculture and Water Resources (Senator Ruston) 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 Ruston moved—That this bill be now read a second time.

*Consideration of legislation:* Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Legal and Constitutional Affairs Legislation Committee to report on the bill, 25 February 2016.

39 **COMMITTEE MEMBERSHIP**

A message from the House of Representatives was reported informing the Senate of changes in the membership of joint committees, as follows:

Message no. 521, dated 2 February 2016—

Joint Standing Committee on Treaties, Mr Broad, discharged

Parliamentary Joint Committee on Corporations and Financial Services, Mrs Sudmalis, discharged.

40 **FINANCE AND PUBLIC ADMINISTRATION LEGISLATION COMMITTEE—REPORT—OMNIBUS REPEAL DAY (SPRING 2015) BILL 2015**

Pursuant to order, Senator Smith, at the request of the Chair of the Finance and Public Administration Legislation Committee (Senator Bernardi), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Smith.
Pursuant to order, Senator Smith, at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), tabled the following report and documents:


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

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Multicultural Affairs (Senator Fierravanti-Wells)—That this bill be now read a second time.

Debate resumed.

At 7.20 pm: Debate was interrupted while Senator Lines was speaking.

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

Debate ensued.

The Senate adjourned at 7.50 pm till Thursday, 4 February 2016 at 9.30 am.

Present, all senators except Senators Abetz*, Carr* and Ronaldson* (*on leave).

ROSEMARY LAING
Clerk of the Senate