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1 **MEETING OF SENATE**

The Senate met at 10 am. 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):

> Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated

Aged Care Complaints Commissioner—Report for the period 1 January to 30 June 2016, including final report of the Aged Care Commissioner for the period 1 July to 31 December 2015. [Received 5 October 2016]

Aged Care Pricing Commissioner—Report for 2015-16.

Auditor-General—Audit reports for 2016-17—

No. 17—Performance audit—Design and monitoring of the Rural Research and Development for Profit Programme: Department of Agriculture and Water Resources; Department of the Prime Minister and Cabinet. [Received 20 September 2016]

No. 18—Performance audit—Confidentiality in government contracts: Senate order for entity contracts (calendar year 2015 compliance): Across entities. [Received 27 September 2016]

No. 19—Performance audit—Managing contracts at Parliament House: Department of Parliamentary Services. [Received 27 September 2016]


Australian Radiation Protection and Nuclear Safety Agency—Quarterly reports for the period—

1 January to 31 March 2016.

1 April to 30 June 2016.

Defence Abuse Response Taskforce—Final report to the Minister for Defence and the Minister for Justice, dated March 2016.

Department of Foreign Affairs and Trade—Report for 2015-16.

Department of Immigration and Border Protection—Report for 2015-16.

Departmental and agency appointments and vacancies—Budget estimates 2016-17—Letter of advice pursuant to the order of the Senate of 24 June 2008—Agriculture and Water Resources portfolio. [Received 5 October 2016]

Estimates hearings—Unanswered questions on notice—Statements pursuant to the order of the Senate of 25 June 2014—

Additional estimates 2015-16—

Department of Defence. [Received 7 October 2016]

Industry, Innovation and Science portfolio. [Received 7 October 2016]

Budget estimates 2016-17—

Agriculture and Water Resources portfolio. [Received 7 October 2016]

Australian Public Service Commission. [Received 5 October 2016]

Australian Trade and Investment Commission. [Received 6 October 2016]

Communications and the Arts portfolio. [Received 29 September 2016]

Department of Defence. [Received 7 October 2016]

Department of Infrastructure and Regional Development. [Received 7 October 2016]
Department of Veterans’ Affairs. [Received 30 September 2016]
Education and Training portfolio. [Received 30 September 2016]
Employment portfolio. [Received 28 September 2016]
Finance portfolio. [Received 29 September 2016]
Immigration and Border Protection portfolio. [Received 28 September 2016]
Industry, Innovation and Science portfolio. [Received 7 October 2016]
Special Minister of State. [Received 7 October 2016]
Tourism Australia. [Received 6 October 2016]
Treasury portfolio. [Received 5 October 2016]

Fair Work (Building Industry) Act 2012—Commonwealth Ombudsman’s report on reviews conducted under Division 3—Report for 2014-15. [Received 22 September 2016]

Final budget outcome 2015-16—Report by the Treasurer (Mr Morrison) and the Minister for Finance (Senator Cormann), dated September 2016.

Indexed lists of departmental and agency files for the period 1 January to 30 June 2016—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—
Agriculture and Water Resources portfolio. [Received 20 September 2016]
Comcare and Seafarers Safety, Rehabilitation and Compensation Authority. [Received 6 October 2016]
Department of Education and Training. [Received 20 September 2016]
Fair Work Commission. [Received 22 September 2016]
Fair Work Ombudsman. [Received 29 September 2016]
Finance portfolio. [Received 20 September 2016]

Indigenous Australians—
Deaths in custody—Ms Dhu—Letter to the President of the Senate from the Western Australian Attorney General (Mr Mischin), dated 19 September 2016, responding to the resolution of the Senate of 31 August 2016.
Incarceration rates—Justice targets—Letter to the President of the Senate from the South Australian Minister for Correctional Services (Mr Malinauskas), dated 6 September 2016, responding to the resolution of the Senate of 19 April 2016.

Medical Training Review Panel—Report for 2014-15. [Received 5 October 2016]
National Environment Protection Council (NEPC)—Report for 2014-15. [Received 21 September 2016]

NBN Group—Report for 2015-16. [Received 20 September 2016]


Rural and Regional Affairs and Transport References Committee—Report—Implications of the restriction on the use of fenthion on Australia’s horticultural industry—Government response, dated September 2016. [Received 5 October 2016]

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.]

A New Tax System (Goods and Services Tax) Act 1999—
Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 36) 2016 for Recyclers [F2016L01524].
Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 41) 2016 for Australian Financial Services Licensees and their Representatives [F2016L01533].

Aboriginal Land Grant (Jervis Bay Territory) Act 1986—Aboriginal Land Grant (Jervis Bay Territory) Regulation 2016 [F2016L01585].

Aged Care Act 1997—
Aged Care (Subsidy, Fees and Payments) Amendment (Increasing Consumer Choice) Determination 2016 [F2016L01495].
Aged Care (Subsidy, Fees and Payments) Amendment (September 2016 Indexation) Determination 2016 [F2016L01451].
Prioritised Home Care Recipients Principles 2016 [F2016L01493].


Aged Care (Transitional Provisions) Act 1997—
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (September 2016 Indexation) Determination 2016 [F2016L01456].


Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination—No. 2 of 2016 [F2016L01471].


Banking. Insurance and Life Insurance (prudential standard) determination No. 4 of 2016 – Prudential Standard 3PS 310 – Audit and Related Matters [F2016L01437].


Civil Aviation Act 1988—
Civil Aviation Legislation Amendment (Miscellaneous Measures) Regulation 2016 [F2016L01448].

Civil Aviation Safety Regulations 1998—
Exemption — basic instrument flight training—CASA EX143/16 [F2016L01458].
Exemption — Flight examiners if authorised by CASA—CASA EX146/16 [F2016L01547].
Main Landing Gear Wheel Axle—AD/A320/21 Amdt 1 [F2016L01470].
Prescription of aircraft and ratings — CASR Part 61 (Edition 2) [F2016L01509].

Repeal of Airworthiness Directives—
CASA ADCX 017/16 [F2016L01460].
CASA ADCX 018/16 [F2016L01499].

Repeal of exemptions — eligibility for certification as unmanned aerial vehicle controller—CASA EX148/16 [F2016L01540].
Wing Attach Fittings, Bolts and Nuts—AD/BEECH 300/8 Amdt 2 [F2016L01472].

Cocos (Keeling) Islands Act 1955—Cocos (Keeling) Islands Utilities and Services Ordinance 2016—Cocos (Keeling) Islands Utilities and Services (Electricity Supply and Services Fees) Determination 2016 [F2016L01574].

Commissioner of Taxation—Public Rulings—
Class Rulings—
Fuel Tax Determination FTD 2016/1.

Corporations Act 2001—
ASIC Corporations (Amendment and Repeal) Instrument 2016/895 [F2016L01486].
ASIC Corporations (Amendment and Repeal) Instrument 2016/914 [F2016L01543].
ASIC Corporations (Audit Relief) Instrument 2016/784 [F2016L01542].
ASIC Corporations (Charitable Investment Fundraising) Instrument 2016/813 [F2016L01532].
ASIC Corporations (Managed Discretionary Account Services) Instrument 2016/968 [F2016L01565].
ASIC Corporations (Property Rental Schemes) Instrument 2016/870 [F2016L01474].
ASIC Corporations (Qualified Accountant) Instrument 2016/786 [F2016L01541].
ASIC Corporations (Repeal and Transitional) Instrument 2016/396 [F2016L01497].
ASIC Corporations (Repeal) Instrument 2016/819 [F2016L01525].
ASIC Corporations (Repeal) Instrument 2016/882 [F2016L01484].
ASIC Corporations (Repeal) Instrument 2016/885 [F2016L01477].
ASIC Corporations (Repeal) Instrument 2016/887 [F2016L01482].
ASIC Corporations (Repeal) Instrument 2016/890 [F2016L01483].
ASIC Corporations (Repeal) Instrument 2016/892 [F2016L01491].
ASIC Corporations (Repeal) Instrument 2016/894 [F2016L01487].
ASIC Corporations (Repeal) Instrument 2016/896 [F2016L01475].
ASIC Corporations (Repeal) Instrument 2016/898 [F2016L01488].
ASIC Corporations (Repeal) Instrument 2016/909 [F2016L01480].
ASIC Corporations (Repeal) Instrument 2016/969 [F2016L01566].
ASIC Corporations (Repeal) Instrument 2016/970 [F2016L01539].
ASIC Corporations (School Enrolment Deposits) Instrument 2016/812 [F2016L01536].
ASIC Corporations (Serviced Apartment and Like Schemes) Instrument 2016/869 [F2016L01476].
ASIC Corporations (Transfer of Division 3 Securities) Instrument 2016/893 [F2016L01479].
ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 [F2016L01538].


Customs Act 1901—Customs Amendment (Excluded Goods) Regulation 2016 [F2016L01500].

Defence Act 1903—
Army and Air Force (Canteen) Regulation 2016 [F2016L01455].
Defence Regulation 2016 [F2016L01568].
Inspector-General of the Australian Defence Force Regulation 2016 [F2016L01558].
Navy (Canteen) Regulation 2016 [F2016L01454].
Section 58B—


Education Services for Overseas Students Act 2000—Education Services for Overseas Students (TEQSA Registration Renewal Application Period) Determination 2016 [F2016L01589].

Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens – Freshwater and Marine Animals (28 September 2016)—EPBC303DC/SFS/2016/27 [F2016L01572].
Amendment to the list of migratory species under section 209 (26 August 2016) [F2016L01439].
Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (EC131) (26 August 2016) [F2016L01442].
Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (EC144) (26 August 2016) [F2016L01443].
Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Regulation 2016 [F2016L01556].

Excise Act 1901—
Excise Concessional spirit approvals guidelines 2016 (No. 2) [F2016L01554].
Excise (Denatured spirits) Determination 2016 (No. 3) [F2016L01523].
Excise (Mass of CNG) Determination 2016 (No. 2) [F2016L01522].
Excise (Volume of Liquid Fuels – Temperature Correction) Determination 2016 (No. 2) [F2016L01519].
Excise (Volume of LPG – Temperature and Pressure Correction) Determination 2016 (No. 2) [F2016L01520].
Excise (Volume – recycled waste oil) Determination 2016 (No. 1) [F2016L01517].

Federal Financial Relations Act 2009—
Federal Financial Relations (General purpose financial assistance) Determination No. 88 (July 2016) [F2016L01590].
Federal Financial Relations (General purpose financial assistance) Determination No. 89 (August 2016) [F2016L01569].
Federal Financial Relations (General purpose financial assistance) Determination No. 90 (September 2016) [F2016L01570].
Federal Financial Relations (National Partnership payments) Determination No. 110 (August 2016) [F2016L01582].
Federal Financial Relations (National Partnership payments) Determination No. 111 (September 2016) [F2016L01586].

Financial Framework (Supplementary Powers) Act 1997—
Financial Framework (Supplementary Powers) Amendment (Agriculture and Water Resources Measures No. 3) Regulation 2016 [F2016L01576].
Financial Framework (Supplementary Powers) Amendment (Attorney-General’s Portfolio Measures No. 2) Regulation 2016 [F2016L01555].
Financial Framework (Supplementary Powers) Amendment (Defence Measures No. 1) Regulation 2016 [F2016L01584].
Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 4) Regulation 2016 [F2016L01583].
Financial Framework (Supplementary Powers) Amendment (Treasury Measures No. 1) Regulation 2016 [F2016L01575].
Financial Framework (Supplementary Powers) Amendment (Veterans’ Affairs Measures No. 1) Regulation 2016 [F2016L01577].

Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 24 of 2016 – RRS 320.1 Debt Securities Held [F2016L01511].
Financial Sector (Collection of Data) (reporting standard) determination No. 25 of 2016 – RRS 320.2 Equity Securities Held [F2016L01512].
Financial Sector (Collection of Data) (reporting standard) determination No. 27 of 2016 – RRS 320.4 Bill Acceptances [F2016L01521].
Financial Sector (Collection of Data) (reporting standard) determination No. 28 of 2016 – RRS 320.5 Securities Subject to Repurchase and Resale and Stock Lending and Borrowing [F2016L01510].
Financial Sector (Collection of Data) (reporting standard) determination No. 29 of 2016 – RRS 331.0 Selected Revenues and Expenses [F2016L01513].
Financial Sector (Collection of Data) (reporting standard) determination No. 30 of 2016 – RRS 332.0 Statement of Economic Activity [F2016L01514].
Financial Sector (Collection of Data) (reporting standard) determination No. 31 of 2016 – RRS 391.0 Commercial Finance [F2016L01515].
Financial Sector (Collection of Data) (reporting standard) determination No. 32 of 2016 — RRS 392.0 Housing Finance [F2016L01535].
Financial Sector (Collection of Data) (reporting standard) determination No. 33 of 2016 — RRS 393.0 Lease Finance [F2016L01502].
Financial Sector (Collection of Data) (reporting standard) determination No. 34 of 2016 — RRS 394.0 Personal Finance [F2016L01500].

Fisheries Management Act 1991 — Bass Strait Central Zone Scallop Fishery (Closure) Direction No. 2 2016 [F2016L01562].


Greenhouse and Energy Minimum Standards Act 2012 —
Greenhouse and Energy Minimum Standards (Exemption) Instrument (No. 4) 2016 [F2016L01453].

Health Insurance Act 1973 — Declarations of Quality Assurance Activity under section 124X —
QAA 11/2016 [F2016L01591].
QAA 12/2016 [F2016L01592].


Human Services (Centrelink) Act 1997 — Human Services (Centrelink) Amendment (Protected Symbols) Regulation 2016 [F2016L01578].

Jervis Bay Territory Acceptance Act 1915 — Administration Ordinance 1990 — Electricity Supply Fees Determination 2017 (Jervis Bay Territory) [F2016L01587].

Legislation Act 2003 —
Legislative Instruments (Deferral of Sunsetting — Child Care Benefit Instruments) Certificate 2016 [F2016L01467].
List of legislative instruments due to sunset on 1 April 2018.


Migration Act 1958 —
Direction under section 499 — Order for considering and disposing of Family visa applications — No. 72.

National Health Act 1953—
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2016 (No. 10)—PB 85 of 2016 [F2016L01567].
National Health (Growth Hormone Program) Special Arrangement Amendment Instrument 2016 (No. 1)—PB 87 of 2016 [F2016L01553].
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 9)—PB 84 of 2016 [F2016L01559].
National Health (Immunisation Program – Designated Vaccines) Variation Determination 2016 (No. 2) [F2016L01468].
National Health (IVF Program) Special Arrangement Amendment Instrument 2016 (No. 3)—PB 86 of 2016 [F2016L01552].
National Health (Listed drugs on F1 or F2) Amendment Determination 2016 (No. 9)—PB 88 of 2016 [F2016L01546].
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2016 (No. 9)—PB 81 of 2016 [F2016L01560].
National Health (Originator Brand) Amendment Determination 2016 (No. 7)—PB 89 of 2016 [F2016L01537].
National Health (Pharmaceutical benefits – early supply) Amendment Instrument 2016 (No. 8)—PB 83 of 2016 [F2016L01561].
National Health (Price and Special Patient Contribution) Amendment Determination 2016 (No. 7)—PB 82 of 2016 [F2016L01563].
Private Health Insurance Act 2007—
Private Health Insurance (Benefit Requirements) Amendment Rules 2016 (No. 5) [F2016L01446].
Private Health Insurance (Benefit Requirements) Amendment Rules 2016 (No. 6) [F2016L01463].
Private Health Insurance (Complying Product) Amendment Rules 2016 (No. 4) [F2016L01447].
Private Health Insurance (Complying Product) Amendment Rules 2016 (No. 5) [F2016L01464].
Private Health Insurance (Prostheses) Amendment Rules 2016 (No. 3) [F2016L01596].
Public Governance, Performance and Accountability Act 2013—
Public Governance, Performance and Accountability Amendment (Miscellaneous Measures No. 1) Rule 2016 [F2016L01531].
Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2016-2017 [F2016L01466].
Public Lending Right Act 1985—Public Lending Right Scheme 2016 [F2016L01549].


Taxation Administration Act 1953—
  PAYG Withholding Variation: Labour Hire reimbursements and allowances [F2016L01580].
  Withholding Schedules Correction October 2016 [F2016L01506].

Therapeutic Goods Act 1989—
  Poisons Standard October 2016 [F2016L01505].

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS

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

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) on Tuesday, 11 October 2016, from 1 pm.

Electoral Matters—Joint Standing Committee—private briefing on Thursday, 13 October 2016, from 9.30 am, for the committee’s inquiry into the 2016 federal election and related matters.

Legal and Constitutional Affairs Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1.50 pm.

Rural and Regional Affairs and Transport Legislation Committee—private briefing on Thursday, 13 October 2016, from 3.15 pm.

4 VACANCY IN THE REPRESENTATION OF VICTORIA

The President announced the resignation, on 30 September 2016, of Senator Conroy and advised the Senate that, pursuant to section 21 of the Constitution, he had notified the Governor of Victoria that there was a vacancy in the representation of that state.

Documents: The President tabled the following documents:

Vacancy in the representation of Victoria—Letters from—
  Senator Conroy to the President, dated 30 September 2016.
  President of the Senate to the Governor of Victoria (Her Excellency the Honourable Linda Dessau, AM), dated 30 September 2016 [copy].

5 PARLIAMENTARY COMMISSION OF INQUIRY—RECORDS—STATEMENT BY PRESIDENT

The President made a statement relating to the records of the Parliamentary Commission of Inquiry established by the Parliament in 1986.
6 **EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—REPORT—FAIR WORK AMENDMENT (RESPECT FOR EMERGENCY SERVICES VOLUNTEERS) BILL 2016**

Pursuant to order, the Chair of the Education and Employment Legislation Committee (Senator McKenzie) tabled the following report and documents:


Senator McKenzie moved—That the report be printed.

Debate ensued.

Question put and passed.

7 **FAIR WORK AMENDMENT (RESPECT FOR EMERGENCY SERVICES VOLUNTEERS) BILL 2016**

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

Debate resumed.

Question put.

The Senate divided—

**AYES, 38**

Senators—

- Abetz
- Back
- Birmingham
- Brandis
- Burston
- Bushby
- Canavan
- Cash
- Cormann
- Cullen
- Duniam
- Fawcett*
- Fierravanti-Wells
- Fifield
- Griff
- Hanson
- Hinch
- Hume
- Kakoschke-Moore
- Leyonhjelm
- Macdonald
- McGrath
- McKenzie
- Nash
- O’Sullivan
- Parry
- Paterson
- Payne
- Reynolds
- Xenophon
- Roberts
- Ruston
- Ryan
- Scullion
- Seselja
- Sinodinos
- Smith
- Williams

**NOES, 33**

Senators—

- Bilyk
- Brown
- Cameron
- Carr
- Chisholm
- Collins
- Dastyari
- Di Natale
- Dodson
- Farrell
- Gallacher
- Gallagher
- Hanson-Young
- Ketter
- Lambie
- Lines
- Ludlam
- Marshall
- McAllister
- McCarthy
- McKim
- Moore
- O’Neill
- Polley
- Pratt
- Rhiannon
- Rice
- Stiwer
- Sterle
- Urquhart*
- Waters
- Watt
- Whish-Wilson

* Tellers

Question agreed to.

Bill read a second time.
After 2 pm—

8 **QUESTIONS**
Questions without notice were answered.

9 **MOTIONS TO TAKE NOTE OF ANSWERS**
The Leader of the Opposition in the Senate (Senator Wong) moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Opposition senators today relating to the Solicitor-General.
Debate ensued.
Question put and passed.
Senator Hanson-Young moved—That the Senate take note of the answer given by the Minister for Education and Training (Senator Birmingham) to a question without notice asked by Senator Hanson-Young today relating to renewable energy.
Question put and passed.

10 **DEATH OF FORMER SENATOR JOHN ROYSTON SIDDONS**
The President informed the Senate of the death, on 22 September 2016, of John Royston Siddons, a senator for the state of Victoria from 1981 to 1983 and 1985 to 1987.
The Leader of the Government in the Senate (Senator Brandis), by leave, moved—That the Senate records its deep regret at the death, on 22 September 2016, of John Royston Siddons, former senator for Victoria, places on record its appreciation of his long and highly distinguished service to the nation and tenders its profound sympathy to his family in their bereavement.
The motion was supported and all senators present stood in silence—Question passed.

11 **DEATH OF MR SHIMON PERES**
The Attorney-General (Senator Brandis), by leave, moved—That the Senate records its deep sorrow at the death, on 28 September 2016, of Shimon Peres, the eighth Prime Minister and ninth President of the State of Israel, places on record its acknowledgement of his leading role in the foundation and development of his nation and tenders its profound sympathy to the people of Israel and to his family in their bereavement.
The motion was supported and all senators present stood in silence—Question passed.

12 **NOTICES**
The Minister for Communications (Senator Fifield): To move on the next day of sitting—That, on Wednesday, 12 October 2016, the sitting of the Senate shall be suspended at 10.30 am to noon to enable senators to attend the address by His Excellency Lee Hsien Loong, Prime Minister of the Republic of Singapore.
The Minister for Communications (Senator Fifield): To move on the next day of sitting—That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

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

Senator Xenophon: To move on the next day of sitting—That the Civil Aviation Legislation Amendment (Part 101) Regulation 2016, made under the Civil Aviation Act 1988 and the Transport Safety Investigation Act 2003, be disallowed [F2016L00400].

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

(a) notes that:

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

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

(iii) the Senate has not accepted that there is a general public interest immunity that allows ministers or departments to withhold legal advice, but rather that each claim of public interest immunity is assessable by the Senate and that information of the particular potential harm should be provided to the Senate to make this assessment,

(iv) on 16 July 1975 the Senate laid out by resolution its position with respect to public interest immunity claims – paragraph 4 of that resolution makes it clear that, while the Senate may permit claims of public interest immunity to be advanced, it reserves the right to determine whether a particular claim will be accepted, and

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

(b) does not accept the public interest immunity claim made by the Minister representing the Minister for Small Business in relation to the order for the production of documents of 12 September 2016, and orders that there be laid on the table by the Minister representing the Minister for Small Business, by the start of business on the next day of sitting, the legal advice referred to by the Australian Statistician during his appearance on 7.30 on 3 August 2016. (general business notice of motion no. 63)

Senator Hanson-Young: To move on 12 October 2016—That the Senate—

(a) notes the large storm that lashed South Australia on 28 and 29 September 2016;

(b) acknowledges the incredible effort of hundreds of emergency services personnel and volunteers who responded to the storm damage under very difficult circumstances; and
(c) expresses support for the renewable energy industry in South Australia and endorses South Australia’s strong renewable energy target. (general business notice of motion no. 64)

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

(a) condemns the misogynistic, hateful comments made by the Republican candidate for President of the United States of America, Mr Donald Trump, about women and minorities, including the remarks revealed over the weekend that clearly describe sexual assault;

(b) reflects on the divisive, destructive impact that hate speech from political candidates and members of elected office has on our community;

(c) requests that every member of the Senate refrain from making racist, sexist comments, both in the chamber and outside it; and

(d) calls on the Government to join the Senate in its condemnation of both Mr Donald Trump and hate speech in all its forms. (general business notice of motion no. 65)

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

(a) notes:

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

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

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

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

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

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

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

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

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

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

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

(c) welcomes the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into Australia’s advocacy for the abolition of the death penalty, and looks forward to the Government’s response to the recommendations of the inquiry. (general business notice of motion no. 66)
Senators Waters and Rhiannon: To move on the next day of sitting—That the Senate—

(a) notes that:

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

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

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

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

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

(c) calls on Prime Minister Turnbull to clarify whether he or his office endorsed Mr Macfarlane’s disregard for the statement of ministerial standards. (general business notice of motion no. 67)

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

(a) notes that:

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

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

(b) calls on the Federal Government to significantly reform negative gearing and the capital gains tax discount to ensure that housing is more affordable for first home buyers. (general business notice of motion no. 68)

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

(1) That the Senate notes that:

(a) the video games industry is the fastest-growing entertainment industry in the world;

(b) in recent years the industry in Australia has generated over $2 billion in retail revenue, and it continues to grow;

(c) the industry is larger than the local film industry, but receives no Federal Government assistance;

(d) the Senate inquiry into the future of Australia’s video game development industry was held from June 2015 to April 2016, with the final report presented on 29 April 2016, which was unanimously agreed to; and
(e) under resolution of the Senate, the Government is required to respond to Senate inquiries within three months of reporting.

(2) That there be laid on the table by the Minister for the Arts, no later than 2 pm on Thursday, 13 October 2016, the government response to the report of the Environment and Communications References Committee on the future of Australia's video game development industry. (general business notice of motion no. 69)

Senator O'Sullivan: To move on the next day of sitting—That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 5 pm, as follows:

(a) Wednesday, 12 October 2016;
(b) Wednesday, 9 November 2016; and
(c) Wednesday, 23 November 2016. (general business notice of motion no. 70)

The Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator McKenzie): To move on the next day of sitting—That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 1 pm, as follows:

(a) Tuesday, 8 November 2016; and
(b) Tuesday, 22 November 2016. (general business notice of motion no. 71)

The Chair of the Joint Committee of Public Accounts and Audit (Senator Smith): To move on the next day of sitting—That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

(a) Thursday, 13 October 2016, from 10.30 am; and
(b) Wednesday, 9 November 2016, from 9.30 am. (general business notice of motion no. 72)

The Chair of the Joint Standing Committee on Electoral Matters (Senator Reynolds): To move on the next day of sitting—That the Joint Standing Committee on Electoral Matters be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 9.40 am, as follows:

(a) Wednesday, 12 October 2016;
(b) Wednesday, 9 November 2016, followed by a public meeting;
(c) Wednesday, 23 November 2016, followed by a public meeting; and
(d) Wednesday, 30 November 2016, followed by a public meeting. (general business notice of motion no. 73)

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

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

(a) the effects on compliance costs (in hours and money), economic output, employment and government revenue, with particular attention to industries, such as mining, manufacturing, tourism and agriculture, and small business;
(b) any specific areas of red tape that are particularly burdensome, complex, redundant or duplicated across jurisdictions;
(c) the impact on health, safety and economic opportunity, particularly for the low-skilled and disadvantaged;
(d) the effectiveness of the Abbott, Turnbull and previous governments’ efforts to reduce red tape;
(e) the adequacy of current institutional structures (such as Regulation Impact Statements, the Office of Best Practice Regulation and red tape repeal days) for achieving genuine and permanent reductions to red tape;
(f) alternative institutional arrangements to reduce red tape, including providing subsidies or tax concessions to businesses to achieve outcomes currently achieved through regulation;
(g) how different jurisdictions in Australia and internationally have attempted to reduce red tape; and
(h) any related matters.

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

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

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

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

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

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

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

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

(10) That the committee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.
(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 74)

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

(a) notes the recent death of Rebecca Wilson and expresses its sympathy to her family and many friends on this loss;

(b) acknowledges her significant contribution to sports journalism, nationally and internationally in this industry; and

(c) celebrates her inspiration and support for women in this industry, and in sport. (general business notice of motion no. 75)

Senator Kakoschke-Moore: To move on the next day of sitting—That the Senate—

(a) supports the first National Headspace Day on 10 October 2016, as part of National Mental Health Week;

(b) notes that:

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

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

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

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

(v) close to 50 per cent of young people said that financial cost was a barrier preventing them from getting treatment,

(vi) research shows that 75 per cent of mental health issues emerge before the age of 25 – by treating these issues early and providing a holistic model of support, the risk of them developing into more serious problems is greatly decreased, and

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

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

(d) calls on the Government to continue funding Headspace and rolling out Headspace centres in regional Australia as part of the Government’s commitment to tackling mental health issues among young Australians. (general business notice of motion no. 76)

Senator Kakoschke-Moore: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) human trafficking and slavery are serious and often transnational crimes encompassing a wide range of exploitative practices, with almost every country affected as a point of origin, transit or destination for victims,
(ii) on 4 August 2016, the Department of Foreign Affairs and Trade (DFAT) and the Attorney-General’s Department (AGD) co-hosted a whole-of-government event to mark the United Nations World Day Against Trafficking in Persons, which is commemorated on 30 July each year,

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

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

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

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

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

(b) calls on the Government to fund ACRATH for a further three years as part of the Government’s commitment to the total eradication of slavery and human trafficking. (general business notice of motion no. 77)

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

(a) notes that this week marks the Global Week of Action against the extrajudicial killings in the Philippines of people who use drugs;

(b) unreservedly condemns the extrajudicial killings of more than 3 000 people who use drugs in the Philippines, and their encouragement by Philippines President Duterte; and

(c) urgently calls for President Duterte to end the extrajudicial murder of people who use drugs, and instead focus on internationally accepted, evidence-based interventions and policies that place the reduction of harm and the wellbeing of the community front and centre. (general business notice of motion no. 78)

13 LEAVE OF ABSENCE

Senator Bushby, by leave, moved—That leave of absence be granted to Senator Day from 10 to 13 October 2016, for personal reasons.

Question put and passed.

14 PRIVATE SENATORS’ BILLS—CONSIDERATION

The Minister for Communications (Senator Fifield) moved—That general business order of the day no. 6 (Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015) be considered on Thursday, 13 October 2016 under the order relating to the consideration of private senators’ bills.

Question put and passed.
15 **POUTONEMENT**
Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, proposing the disallowance of the Legal Services Amendment (Solicitor-General Opinions) Direction 2016, postponed till 7 November 2016.

16 **COMMITTEE—EXTENSION OF TIME TO REPORT**
The following committee was granted an extension of time to report:

Environment and Communications Legislation Committee—Interactive Gambling Amendment (Sports Betting Reform) Bill 2015, extended to 6 December 2016.

17 **SOCIAL ISSUES—RACIAL AND CULTURAL DIVERSITY**
The Leader of the Opposition in the Senate (Senator Wong), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 13—That the Senate—

(a) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect, regardless of race, colour, creed or origin;

(b) reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;

(c) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;

(d) reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation, and its democratic institutions and values; and

(e) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

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.

18 **HEALTH—WORLD MENTAL HEALTH DAY**
Senator Urquhart, at the request of Senator Polley and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 52—That the Senate—

(a) recognises that:

(i) World Mental Health Day takes place on 10 October,

(ii) Mental Health Week will take place in Australia from 9 to 15 October 2016, and

(iii) both World Mental Health Day and Mental Health Week seek to encourage help-seeking behaviour, reduce the stigma associated with mental health issues and foster connections through communities;

(b) acknowledges the importance of World Mental Health Day and other campaigns, including R U OK? Day in Australia and World Suicide Prevention Day, that:

(i) help build community awareness about mental health issues, and
(ii) help build community awareness around suicide prevention and encourage people to have regular and meaningful conversations with family, friends and colleagues;
(c) recognises the efforts of dedicated individuals and organisations working to address mental health issues and suicide prevention;
(d) notes with concern that suicide rates remain unacceptably high, and that in Australia:
   (i) suicide is the leading cause of death for men and women between the ages of 15 and 44,
   (ii) each day seven people die by suicide and 30 attempt suicide,
   (iii) higher rates of suicide exist among vulnerable groups, including Aboriginal and Torres Strait Islander peoples, young people and people from lesbian, gay, bisexual, transgender and intersex (LGBTI) communities,
   (iv) the annual number of deaths by suicide is around 2,500,
   (v) each year it is estimated that 65,000 people attempt suicide, and
   (vi) the annual suicide toll is now twice the annual road toll; and
(e) calls on the Government to show leadership around suicide prevention, including working in a bipartisan approach to adopt the National Mental Health Commission’s target to reduce suicide by 50 per cent over the next 10 years.

Question put and passed.

19 TRADE—WORLD TRADE ORGANIZATION GOVERNMENT PROCUREMENT AGREEMENT—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Xenophon amended general business notice of motion no. 54 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That—

(a) the Senate notes that:
   (i) the Government is currently in negotiations with the 45 of 164 World Trade Organization (WTO) member countries that have acceded to the WTO Government Procurement Agreement, and that Australia is negotiating to accede to the agreement, and
   (ii) these negotiations are being held in secret but could have profound effects on the ability of future Australian governments to use Government procurement for local industry development; and
(b) there be laid on the table by the Minister representing the Minister for Trade, Tourism and Investment, by no later than 3:30 pm on 12 October 2016, the Australian offer made and responses to date to that offer.

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

Document: Senator McGrath tabled the following document:

Trade—World Trade Organization Government Procurement Agreement—Letter from the Minister for Trade, Tourism and Investment (Mr Ciobo) to Senator Xenophon, dated 30 August 2016.
Question put.
The Senate divided—

AYES, 39

Senators—

Bilyk
Brown
Burston
Cameron
Carr
Chisholm
Collins
Culleton
Dastyari
Di Natale

Doddson
Farrell
Gallacher
Gallagher
Griff
Hanson
Hanson-Young
Hinch
Kakoschke-Moore
Ketter

Lambie
Lines
Ludlam
McAllister
McCarthy
McKim
O’Neill
Pratt
Rhiannon
Rice

Roberts
Sterle
Urquhart*
Waters
Watt
Whish-Wilson
Wong
Xenophon

NOES, 27

Senators—

Abetz
Back
Birmingham
Bushby*
Canavan
Cash
Duniam

Fawcett
Ferravanti-Wells
Fifield
Hume
Leyonhjelm
Macdonald
McGrath

McKenzie
Nash
O’Sullivan
Parry
Paterson
Payne
Reynolds

Ruston
Ryan
Scullion
Sinodinos
Smith
Williams

* Tellers

Question agreed to.

20 SCIENCE AND TECHNOLOGY—COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Rice amended general business notice of motion no. 56 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that there be laid on the table by the Minister representing the Minister for Industry, Innovation and Science, by no later than 12.30 pm on 11 October 2016, the following documents relating to the final report commissioned by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and prepared by Ernst and Young, entitled Review of CSIRO’s Science Prioritisation and Implementation Process:

(a) the terms of reference for the review; and

(b) any documents, including correspondence, briefs or file notes, held by either CSIRO or the Department of Industry, Innovation and Science.

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

Documents: Senator McGrath tabled the following documents:

Science and technology—Commonwealth Scientific and Industrial Research Organisation review—

Extract of a service requirement for a review into the 2015-16 Investment Decision Framework and ancillary processes.

Question put.
The Senate divided—

AYES, 40

Senators—
Bilyk   Bown   Burstyn   Cameron   Carr   Chisholm   Collins   Culleton   Di Natale
Dodson   Farrell   Gallagher   Gallagher   Griff   Hanson   Hanson-Young   Hinch   Kakeschke-Moore
Lambie   Lines   Ludlam   Marshall   McAllister   McCarthy   McKim   O’Neill   Pratt
Rice     Roberts   Siewert   Sterle     Urquhart*  Waters     Watt     Whish-Wilson  Rhiannon

NOES, 26

Senators—
Abetz   Back   Birmingham   Bushby*   Canavan   Cash   Duniam   Fawcett   Fierravanti-Wells
Fawcett   Fierravanti-Wells   Fitfield   Hume   Leyonhjelm   Macdonald   McGarath
McKenzie   Nash   O’Sullivan   Parry   Paterson   Payne   Scullion
Reynolds   Ruston   Ryan   Smith   Williams

* Tellers

Question agreed to.

21 RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE—AUSTRALIAN GRAPE AND WINE INDUSTRY—GOVERNMENT RESPONSE—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Xenophon amended general business notice of motion no. 58 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—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 Rural and Regional Affairs and Transport References Committee on the Australian grape and wine 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 7 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 12 October 2016, the government response to the report of the Rural and Regional Affairs and Transport References Committee on the Australian grape and wine industry, dated 12 February 2016.

Question put and passed.
22 FOREIGN AFFAIRS—PROHIBITION OF NUCLEAR WEAPONS

Motion determined as not formal: Senator Ludlam requested that general business notice of motion no. 62 standing in his name for today, relating to the prohibition of nuclear weapons, be taken as formal.

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

Proposed suspension of standing orders: Senator Ludlam, at the request of the Leader of the Australian Greens (Senator Di Natale) and pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent Senator Di Natale moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 62.

Debate ensued.

Question put and negatived.

23 URGENCY MOTION—LAW AND JUSTICE—ATTORNEY-GENERAL

The Acting Deputy President (Senator Marshall) informed the Senate that the President had received a letter from Senator Gallagher advising that today she intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The failure of the Attorney-General, Senator the Honourable George Brandis, QC, to uphold the standards expected of the first law officer of the Commonwealth, by his undermining of public confidence in legal administration within the Government.

The proposal was supported by four senators.

Senator Watt, at the request of Senator Gallagher, moved the motion.

Debate ensued.

Question put and passed.

24 DOCUMENTS—CONSIDERATION

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

Indigenous Australians—Deaths in custody—Ms Dhu—Letter to the President of the Senate from the Western Australian Attorney General (Mr Mischin) responding to the resolution of the Senate of 31 August 2016. Motion to take note of document moved by Senator Siewert and agreed to.

Indigenous Australians—Incarceration rates—Justice targets—Letter to the President of the Senate from the South Australian Minister for Correctional Services (Mr Malinauskas) responding to the resolution of the Senate of 19 April 2016. Motion to take note of document moved by Senator Siewert and agreed to.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 January to 31 March 2016. Motion to take note of document moved by Senator Bilyk. Debate adjourned till Thursday at general business, Senator Bilyk in continuation.


Aged Care Complaints Commissioner—Report for the period 1 January to 30 June 2016, including final report of the Aged Care Commissioner for the period 1 July to 31 December 2015. Motion to take note of document moved by Senator Bilyk. Debate adjourned till Thursday at general business, Senator Bilyk in continuation.

Estimates hearings—Unanswered questions on notice—Statements pursuant to the order of the Senate of 25 June 2014. Motion to take note of documents moved by Senator Macdonald and agreed to.

25 PRIMARY INDUSTRIES—AUSTRALIAN PESTICIDES AND VETERINARY MEDICINES AUTHORITY—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Minister for Employment (Senator Cash) tabled the following document:

Primary industries—Australian Pesticides and Veterinary Medicines Authority—Letter to the President of the Senate from the Minister for Resources and Northern Australia (Senator Canavan), dated 10 October 2016, responding to the order of the Senate of 13 September 2016 and raising a public interest immunity claim.

26 COMMUNITY AFFAIRS REFERENCES COMMITTEE—AVAILABILITY OF CANCER DRUGS IN AUSTRALIA—GOVERNMENT RESPONSE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS

The Minister for Employment (Senator Cash) tabled the following documents:

Community Affairs References Committee—Availability of cancer drugs in Australia—Government response—Letters responding to the order of the Senate of 13 September 2016 from—

Minister for Health and Aged Care (Ms Ley), dated 7 October 2016, to the President of the Senate.

Minister for Regional Development (Senator Nash), dated 10 October 2016, to the Clerk of the Senate (Dr Laing).

27 ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—GOVERNMENT RESPONSE—STORMWATER MANAGEMENT—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT

The Minister for Employment (Senator Cash) tabled the following document pursuant to the order of the Senate of 13 September 2016:


28 COMMITTEE MEMBERSHIP

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

Senator Lines indicated that there were two nominations, Senators Griff and Hanson, for one position on the Joint Standing Committee on the National Broadband Network, and that a ballot would be held on Tuesday, 11 October 2016, immediately prior to government business being called on.
The Minister for Employment (Senator Cash), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation Committee**—
Discharged—Senator Farrell
Participating member: Senator Dastyari
Appointed—Senator Dastyari
Participating member: Senator Farrell

**Community Affairs References Committee**—
Discharged—Senator Farrell
Appointed—Senator Dastyari
Substitute member: Senator Polley to replace Senator Dastyari for the committee’s inquiry into the future of Australia’s aged care sector workforce
Participating members: Senators Dastyari and Farrell

**Education and Employment Legislation Committee**—
Appointed—Substitute member: Senator Rhiannon to replace Senator Hanson-Young for the committee’s inquiry into the provisions of the Building and Construction Industry (Improving Productivity) Bill 2013 and related bill
Participating member: Senator Hanson-Young

**Electoral Matters—Joint Standing Committee**—
Appointed—Participating members for the committee’s inquiry into the 2016 election: Senators Abetz, Back, Bernardi, Bushby, Duniam, Fawcett, Hume, Macdonald, McKenzie, Paterson, Smith and Williams

**Environment and Communications Legislation Committee**—
Appointed—Substitute member: Senator Ludlam to replace Senator Waters on 18 October 2016
Participating member: Senator Waters

**Environment and Communications References Committee**—
Appointed—Substitute members:
Senator Hanson-Young to replace Senator Waters for the committee’s inquiry into oil or gas production in the Great Australian Bight
Senator McKim to replace Senator Waters for the committee’s inquiry into recent fires in remote Tasmanian wilderness
Senator McKim to replace Senator Waters for the committee’s inquiry into large capacity fishing vessels on 1 November 2016
Participating member: Senator Waters

**Intelligence and Security—Joint Statutory Committee**—
Discharged—Senator Gallagher
Appointed—Senator McAllister, pursuant to the *Intelligence Services Act 2001*

**National Broadband Network—Joint Standing Committee**—
Appointed—Participating members: Senators Abetz, Back, Bernardi, Bushby, Duniam, Fawcett, Macdonald, McKenzie, O’Sullivan, Paterson and Reynolds
Parliamentary Library—Joint Standing Committee—
Appointed—Senators Back, Duniam, Lines, Moore and Paterson.
Question put and passed.

29 **Migration Amendment (Character Cancellation Consequential Provisions) Bill 2016**
**Migration Amendment (Family Violence and Other Measures) Bill 2016**
**Treasury Laws Amendment (Income Tax Relief) Bill 2016**

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 27, dated 10 October 2016—A Bill for an Act to make consequential amendments relating to the enactment of the Migration Amendment (Character and General Visa Cancellation) Act 2014, and for related purposes.
Message no. 31, dated 10 October 2016—A Bill for an Act to amend the Migration Act 1958, and for related purposes.
The Minister for Employment (Senator Cash) 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 Cash moved—that these bills be now read a second time.
On the motion of Senator Cash the debate was adjourned and the resumption of the debate made an order of the day for a later hour.
*Consideration of legislation*: Senator Cash moved—that the bills be listed on the Notice Paper as separate orders of the day.
Question put and passed.

30 **Address by Prime Minister of the Republic of Singapore**
A message from the House of Representatives was reported informing the Senate of a resolution of that House:
Message no. 25, dated 15 September 2016, inviting senators to attend a meeting of the House for an address by His Excellency Lee Hsien Loong, Prime Minister of the Republic of Singapore.

31 **Committee Membership**
Messages from the House of Representatives were reported informing the Senate of the appointment of members of the House of Representatives to joint committees, as follows:
Message no. 26, dated 15 September 2016—
Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity—Mr Buchholz, Mrs Elliot, Mr LS O’Brien, Mr Robert and Mr Zappia
Joint Committee on the Broadcasting of Parliamentary Proceedings, Mr KJ Andrews, Ms Bird, Mr Christensen, Ms Templeman and Mr Vasta
Parliamentary Joint Committee on Corporations and Financial Services—Ms TM Butler, Mr Irons, Mr Keogh, Mr Falinski and Mr van Manen
Parliamentary Joint Committee on Human Rights—Mr Broadbent, Mr Goodenough, Ms MMH King, Mr Leeser and Mr Perrett
Parliamentary Joint Committee on Law Enforcement—Dr Aly, Mr Hayes, Mr C Kelly, Mr LS’O’Brien and Mr Wood
Joint Committee of Public Accounts and Audit—Ms Brodtmann, Ms Flint, Mr Gee, Mr Hart, Mr Hill, Mr Hogan, Mr Irons, Mr Laming and Dr McVeigh
Parliamentary Standing Committee on Public Works—Mr Buchholz, Mr Goodenough, Ms Keay, Ms Ryan and Mr Zappia
Joint Standing Committee on Electoral Matters—Mr Buchholz, Mr Dick, Mr Giles, Mr Morton and Mrs Wicks
Joint Standing Committee on Foreign Affairs, Defence and Trade—Dr Aly, Mr KJ Andrews, Mr Champion, Ms Claydon, Mr Crewther, Mr Danby, Mr Drum, Mr Feeney, Mr Hastie, Mr C Kelly, Mr Littleproud, Ms Price, Mr Ramsey, Dr McVeigh, Mr Perrett, Mr Snowdon, Mrs Sudmalis, Ms Vamvakou, Mr Wood and Mr Zimmerman
Joint Standing Committee on the Parliamentary Library—Dr Freelander
Joint Standing Committee on Migration—Mr Crewther, Mr Drum, Mr Georganas, Mr Neumann, Ms Vamvakou and Mr Wood
Joint Standing Committee on the National Broadband Network—Mr Broad, Mr Howarth, Mr Sukkar and Mrs Wicks
Joint Standing Committee on the National Disability Insurance Scheme—Mr KJ Andrews, Ms Husar, Ms Henderson, Ms Macklin and Mrs Sudmalis
Joint Standing Committee on the National Capital and External Territories—Ms Brodtmann, Mr Coulton, Mr Hastie, Mr Leeser, Mr Snowdon and Mr Sukkar
Joint Standing Committee on Northern Australia—Mr Entsch, Dr Freelander, Ms ML Landry, Ms Price and Mr Snowdon
Joint Standing Committee on Trade and Investment Growth—Mr Alexander, Mr Hill, Mr Khalil, Mr O’Dowd and Mr RJ Wilson.

Message no. 29, dated 10 October 2016—Parliamentary Joint Committee on Intelligence and Security—Mr Byrne, Mr Dreyfus, Mr Hastie, Dr MJ Kelly, Mr Sukkar and Mr Wood.

Message no. 30, dated 10 October 2016—Joint Standing Committee on the National Broadband Network—Ms Brodtmann, Ms McGowan, Mr BK Mitchell, Ms Rowland and Mr JH Wilson.

32 GOVERNOR-GENERAL’S MESSAGES—ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported, informing the Senate that he had assented to the following laws:

16 September 2016—Messages Nos—
  24—
    Primary Industries Levies and Charges Collection Amendment Act 2016 (Act No. 56, 2016)
    Registration of Deaths Abroad Amendment Act 2016 (Act No. 57, 2016).

23 September 2016—Message No. 25—
  Corporations Amendment (Auditor Registration) Act 2016 (Act No. 58, 2016)
  Customs Tariff Amendment (Tobacco) Act 2016 (Act No. 59, 2016)
  Excise Tariff Amendment (Tobacco) Act 2016 (Act No. 60, 2016)
**Statute Update Act 2016** (Act No. 61, 2016).

**33 ECONOMICS LEGISLATION COMMITTEE—REPORT—COMPETITION AND CONSUMER AMENDMENT (COUNTRY OF ORIGIN) BILL 2016**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Hume), tabled the following report and documents:


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

**34 EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE—REPORT—FAMILY ASSISTANCE LEGISLATION AMENDMENT (JOBS FOR FAMILIES CHILD CARE PACKAGE) BILL 2016 AND RELATED BILL**

Pursuant to order, Senator Fawcett, at the request of the Chair of the Education and Employment Legislation Committee (Senator McKenzie), tabled the following report and documents:


Senator Fawcett moved—That the report be printed.

Debate ensued.

Question put and passed.

**35 LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE—REPORT—MIGRATION AMENDMENT (FAMILY VIOLENCE AND OTHER MEASURES) BILL 2016**

Pursuant to order, Senator Fawcett, 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 Fawcett.

**36 COMMUNITY AFFAIRS LEGISLATION COMMITTEE—REPORT—SOCIAL SERVICES LEGISLATION AMENDMENT (BUDGET REPAIR) BILL 2016**

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


Report ordered to be printed on the motion of Senator Fawcett.
Pursuant to order, Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Hume), tabled the following report and documents:


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

Pursuant to order, Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Hume), tabled the following report and documents:


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

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

In the committee

Bill, taken as a whole by leave, debated.

Question—That the bill stand as printed—put.

The committee divided—

AYES, 37

Senators—

Abetz
Back
Birmingham
Brandis
Burston
Bushby
Canavan
Cash
Cormann
Culleton
Duniam
Fawcett
Fieravanti-Wells
Fifield
Griff
Hanson
Hinch
Hume
Kakoschke-Moore
Leyonhjelm
Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Parry
Paterson
Payne
Reynolds
Roberts
Ruston
Ryan
Scullion
Sinodinos
Smith*
Williams
Xenophon

NOES, 31

Senators—

Bilyk
Brown
Cameron
Chisholm
Dastyari
Di Natale
Dodson
Farrell
Gallacher
Gallagher
Hanson-Young
Ketter
Lambie
Lines
Ludlam
Marshall
McAllister
McCarthy
McKim
More
Polley
Pratt
Rhiannon
Rice
Siewert
Sterle
Urquhart*
Waters
Watt
Whish-Wilson
Wong

* Tellers

Question agreed to.
Bill agreed to.
Bill to be reported without amendment.

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

On the motion of the Minister for Employment (Senator Cash) the report from the committee was adopted.

Senator Cash moved—That this bill be now read a third time.

Question put.
The Senate divided—

AYES, 37

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* Tellers

Question agreed to.
Bill read a third time.

After 9.50 pm—

40 ADJOURNMENT

The President proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.24 pm till Tuesday, 11 October 2016 at 12.30 pm.
41 ATTENDANCE
   Present, all senators except Senators Bernardi*, Day* and Singh* (*on leave).

   ROSEMARY LAING
   Clerk of the Senate