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MEETING OF SENATE

The Senate met at 12.30 pm. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

DOCUMENTS

The following document was tabled pursuant to standing order 61(1)(b):


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.]


Aboriginal and Torres Strait Islander Act 2005—Torres Strait Regional Authority Election Rules Amendment Instrument 2016 [F2016L00507].

Australian Bureau of Statistics Act 1975—

Economic Activity Survey—Proposal No. 7 of 2016.
Film, Television and Digital Games Survey—Proposal No. 10 of 2016.
Private Health Establishments Collection—Proposal No. 9 of 2016.


Business Services Wage Assessment Tool Payment Scheme Act 2015—Business Services Wage Assessment Tool Payment Scheme Amendment Rules 2016 [F2016L00508].


Cocos (Keeling) Islands Act 1955—Cocos (Keeling) Islands Utilities and Services Ordinance 2016 [F2016L00525].


Defence Act 1903—Section 58B—Dependants — amendment—Defence Determination 2016/15 [F2016L00509].

Financial Framework (Supplementary Powers) Act 1997—
Financial Framework (Supplementary Powers) Amendment (Agriculture and Water Resources Measures No. 1) Regulation 2016 [F2016L00517].
Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 2) Regulation 2016 [F2016L00516].
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 2) Regulation 2016 [F2016L00512].


Food Standards Australia New Zealand Act 1991—
Food Standards (Application A1112 – Food derived from Herbicide-tolerant Corn Line MZH40JG) Variation [F2016L00519].
Food Standards (Application A1114 – Food derived from High Yield Corn Line MON87403) Variation [F2016L00520].
Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Regulation 2016 [F2016L00521].


Interstate Road Transport Charge Act 1985—Interstate Road Transport Charge Amendment (2016 Measures No. 1) Regulation 2016 [F2016L00511].

Legislation Act 2003—List of legislative instruments due to sunset on 1 October 2017.

Migration Act 1958—


Parliamentary Entitlements Act 1990—Parliamentary Entitlements Amendment Regulation 2016 (No. 1) [F2016L00522].

Taxation Administration Act 1953—
Classes of Electronic Payment System Transactions Exempt From Providing Third Party Reports Determination 2016 [F2016L00527].
Classes of Electronic Payment System Transactions Exempt In The 2017/18 Year From Providing Third Party Reports Determination 2016 [F2016L00530].
Classes of Government Related Entities Exempt from Providing Third Party Reports Determination 2016 [F2016L00510].
Classes of Transactions for which Government Related Entities are Exempt from Providing Third Party Reports Determination 2016 [F2016L00526].

Water Act 2007—Water Amendment (Water Information) Regulation 2016 (No. 1) [F2016L00534].

The following document was tabled by the Clerk pursuant to the order of the Senate of 30 May 1996, as amended:
Indexed lists of departmental and agency files for the period 1 July to 31 December 2015—Statement of compliance—Department of Education and Training.

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS
Committees were authorised to hold public meetings during the sittings of the Senate, as follows:
Community Affairs References Committee—Wednesday, 20 April 2016, from 12.30 pm, to take evidence for the committee’s inquiry into Lyme-like illness in Australia.

Treaties—Joint Standing Committee—From 11 am on Monday, 2 May and Monday, 9 May 2016.

4 GOVERNOR-GENERAL’S OPENING SPEECH—ADDRESS-IN-REPLY
Order of the day read for the adjourned debate on the motion of the Leader of the Government in the Senate (Senator Brandis) proposing an address-in-reply to the Governor-General’s opening speech (see entry no. 8, 18 April 2016). Debate resumed.
At 2 pm: Debate was interrupted while Senator Bernardi was speaking.

5 QUESTIONS
Questions without notice were answered.

6 ESTIMATES HEARINGS—QUESTIONS ON NOTICE—ANSWERS AND EXPLANATION
Senator Carr, pursuant to standing order 74, asked the Minister representing the Minister for Industry, Innovation and Science (Senator Sinodinos) for an explanation of answers not being provided to questions placed on notice during the consideration by the Economics Legislation Committee of the 2015-16 additional estimates.
Senator Sinodinos indicated that answers would be provided.
Senator Carr moved—That the Senate take note of the minister’s failure to provide either answers or an explanation. Debate ensued.
Closure: Senator Moore moved—That the question be now put. Question—That the question be now put—put.
The Senate divided—

AYES, 36

No.

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150—19 April 2016

Senators—

Bilyk
Brown
Cameron
Carr
Conroy
Dastyari
Di Natale
Gallacher
Gallagher

Senators—

Back
Bernardi
Birmingham
Bushby
Canavan
Cash
Cormann

AYES, 36

Hanson-Young
Ketter
Lambie
Lazarus
Leyonhjelm
Ludlam
Ludwig
Marshall
McAllister

McEwen (Teller)
McKim
McLucas
Moore
Muir
O’Neill
Peris
Polley
Rhiannon

Rice
Siewert
Simms
Singh
Urquhart
Wang
Waters
Whish-Wilson
Wong

NOES, 28

Back
Bernardi
Birmingham
Bushby
Canavan
Cash
Cormann

Edwards
Fawcett
Fierravanti-Wells
Fifield
Heffernan
Johnston
Lindgren

Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Parry
Paterson

Reynolds
Ruston
Ryan
Scullion
Seselja
Smith (Teller)
Williams

Question agreed to.

Main question put and passed.

7 MOTION TO TAKE NOTE OF ANSWERS

Senator Carr moved—that the Senate take note of the answers given by the Minister for Education and Training (Senator Birmingham) and the Attorney-General (Senator Brandis) to questions without notice asked by Senators Carr and Polley today relating to higher education funding and to taxation policy.

Debate ensued.

Question put and passed.

8 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION

Leave refused: The Leader of the Opposition in the Senate (Senator Wong) sought leave to move a motion relating to the hours of meeting and routine of business for today.

An objection was raised and leave was not granted.

Suspension of standing orders: Senator Wong, pursuant to contingent notice, moved—that so much of the standing orders be suspended as would prevent her moving a motion relating to the consideration of a matter, namely a motion to provide for the determination of a motion relating to the hours of meeting and routine of business without amendment or debate.

Debate ensued.

Question put.
The Senate divided—

**AYES, 36**

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Question agreed to.

Senator Moore, at the request of Senator Wong, moved—That a motion relating to the hours of meeting and routine of business for today may be moved immediately and determined without amendment or debate.

*Closure: Senator Wong moved—That the question be now put.*

Question—That the question be now put—put.

The Senate divided—

**AYES, 37**

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Question agreed to.
Question—That a motion relating to the hours of meeting and routine of business for today may be moved immediately and determined without amendment or debate—put and passed.

Senator Wong moved—That—

(a) the following notices of motion be called on immediately and in seriatim, moved and determined without amendment or debate:

(i) business of the Senate notices of motion nos 2 and 3 for today, proposing references to the Finance and Public Administration References Committee,

(ii) general business notice of motion no. 1134 for today, relating to the 2016-17 Budget estimates hearings, and

(iii) any remaining notices of motion for today; and

(b) the hours of meeting for the Senate today shall be 12.30 pm till adjournment and the question for the adjournment shall be proposed when all questions relating to the items of business specified in paragraph (a) have been determined.

Question put.
The Senate divided—

AYES, 35

Senators—

Bilyk (Teller)    Hanson-Young    McEwen    Siewert
Brown           Ketter           McKim    Simms
Cameron         Lambie          McLucas    Urquhart
Carr            Leyonhjelm      Moore     Wang
Conroy          Lines            O’Neill   Waters
Dastyari        Ludlam          Peris     Whish-Wilson
Di Natale       Ludwig          Polley    Wong
Gallacher       Madigan         Rhiannon  Xenophon
Gallagher       McAllister      Rice

NOES, 27

Senators—

Back             Cormann         Macdonald    Ruston
Birmingham      Edwards          McGrath     Ryan
Brandis         Fawcett         McKenzie    Scullion
Bushby (Teller)  Fierravanti-Wells Nash     Seselja
Canavan         Fifield         O’Sullivan   Smith
Cash            Johnston        Parry      Williams
Colbeck         Lindgren        Paterson

Question agreed to.

9 Finance and Public Administration References Committee—References

The Leader of the Opposition in the Senate (Senator Wong), pursuant to notice, moved business of the Senate notice of motion no. 2—

(1) That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 4 May 2016:

The outcomes of the 42nd meeting of the Council of Australian Governments held on 1 April 2016, with particular reference to:

(a) schools funding;

(b) hospitals funding; and
(c) taxation.

(2) That the Senate directs the responsible ministers to ensure that relevant officials of the Department of the Prime Minister and Cabinet and the Treasury appear before the committee to answer questions.

Question put and passed.

Senator Wong, pursuant to notice, moved business of the Senate notice of motion no. 3—

(1) That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 4 May 2016:

Commonwealth legislative provisions relating to oversight of associated entities of political parties, with particular reference to the adequacy of:

(a) the funding and disclosure regime relating to annual returns;

(b) the powers of the Australian Electoral Commission with respect to supervision of the conduct of, and reporting by, associated entities of political parties; and

(c) any related matters.

(2) That the Senate directs Senator Sinodinos to appear before the committee to answer questions.

Statement by leave: The Attorney-General (Senator Brandis), by leave, made a statement relating to the motion.

The question was divided at the request of Senator Xenophon—

Question—That the motion in respect of paragraph (1) be agreed to—put and passed.

Question—That the motion in respect of paragraph (2) be agreed to—put.

The Senate divided—

AYES, 32

Senators—

Bilyk Brown Cameron Carr Conroy Dustyari Di Natale Gallagher Bilyk Brown Cameron Carr Conroy Dustyari Di Natale Gallagher

Gallagher Hanson-Young Ketter Lambie Lazarus Lines Ludlam Ludwig

McAllister McEwen (Teller) McKim McLucas Moore O'Neil Peris Polley

Rhiannon Siewert Simms Siewert Waters Whish-Wilson

AYES, 32

NOES, 30

Senators—

Back Birmingham Brandis Bushby (Teller) Canavan Cash Colbeck Cormann Back Birmingham Brandis Bushby (Teller) Canavan Cash Colbeck Cormann

Edwards Fawcett Fieravanti-Wells Fifield Heffernan Johnston Lindgren Macdonald

Madigan McGrath McKenzie Nash O'Sullivan Parry Paterson

Ruston Ryan Scullion Seselja Smith Williams Xenophon

NOES, 30

Question agreed to.
10 **LEGISLATION COMMITTEES—ESTIMATES HEARINGS—DAYS OF MEETING—VARIATION**

Senator McEwen, at the request of Senator Moore and pursuant to notice, moved general business notice of motion no. 1134—

(1) That the estimates hearings by legislation committees for 2016-17 Budget estimates be scheduled as follows:
   - Thursday, 5 May (Group A), and
   - Friday, 6 May (Group B);

(2) That cross portfolio estimates hearings on Indigenous matters pursuant to the orders of the Senate of 26 August 2008 and 23 June 2015 not be proceeded with for the 2016-17 Budget estimates only.

(3) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(4) The committees meet in the following groups:

**Group A:**
- Environment and Communications
- Finance and Public Administration
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport

**Group B:**
- Community Affairs
- Economics
- Education and Employment
- Foreign Affairs, Defence and Trade.

(5) The committees report to the Senate by 11 May 2016.

(6) That the Senate not meet on Thursday, 5 May 2016.

Question put.

The Senate divided—

**AYES, 34**

Senators—
- Bilyk
- Brown
- Cameron
- Carr
- Conroy
- Dastyari
- Di Natale
- Gallacher
- Gallagher
- Hanson-Young
- Ketter
- Lambie
- Lazarus
- Leyonhjelm
- Lines
- Ludlam
- Ludwig
- McAllister
- McEwen (Teller)
- McKim
- McLucas
- Moore
- O’Neill
- Peris
- Polley
- Rhiannon
- Rice
- Siewert
- Simms
- Urquhart
- Waters
- Whish-Wilson

**NOES, 28**

Senators—
- Back
- Birmingham
- Brandis
- Bushby (Teller)
- Canavan
- Cash
- Colbeck
- Edwards
- Fawcett
- Fierravanti-Wells
- Fifield
- Heffernan
- Johnston
- Lindgren
- MacDonald
- McGra
- McKenzie
- Nash
- O’Sullivan
- Parry
- Paterson
- Reynolds
- Ruston
- Ryan
- Scullion
- Seselja
- Smith
- Williams

Question agreed to.
11 NOTICE OF MOTION WITHDRAWN

Senator Muir withdrew business of the Senate notice of motion no. 1 standing in his name for today, proposing a reference to the Rural and Regional Affairs and Transport Legislation Committee.

12 BILLS—RESTORATION TO NOTICE PAPER

Senator Back, pursuant to notice, moved general business notice of motion no. 1114—That, pursuant to standing order 136(1)(a), the Criminal Code Amendment (Animal Protection) Bill 2015 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the last session of the Parliament.

Question put and passed.

Senator Back, at the request of Senator McKenzie and pursuant to notice, moved general business notice of motion no. 1116—That:

(a) pursuant to standing order 136(1)(a) the Australian Broadcasting Corporation Amendment (Rural and Regional Advocacy) Bill 2015 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the last session of the Parliament; and

(b) in accordance with standing order 115(3), further consideration of the bill be made an order of the day for 20 June 2016.

Question put and passed.

13 TAXATION—TOBACCO

Senator Leyonhjelm, pursuant to notice, moved general business notice of motion no. 1115—That the Senate notes that:

(a) tobacco taxes fall disproportionately on the poor;

(b) Australia’s taxation of tobacco is already high by international standards; and

(c) higher tobacco taxes will promote the production and smuggling of illicit tobacco by organised crime.

Question put and negatived.

14 ADMINISTRATION—NATIONAL ANTI-CORRUPTION COMMISSION

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice, moved general business notice of motion no. 1117—That the Senate—

(a) notes that:

(i) corruption in any sector of society is unacceptable and threatens the fabric of our democracy, and

(ii) the Government’s attempt to legislate the Australian Building and Construction Commission is not about corruption, but the enforcement of anti-worker laws; and

(b) calls on the Government to immediately legislate to establish a national Anti-Corruption Commission to address corruption among public officials and politicians that threatens the fabric of our democracy.

Question put.
The Senate divided—

**AYES, 13**

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Question negatived.

**15 BILLS—RESTORATION TO NOTICE PAPER**

Senator Rhiannon, pursuant to notice, moved general business notice of motion no. 1118—That:

(a) pursuant to standing order 136(1)(a), the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2016 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the last session of the Parliament; and

(b) in accordance with standing order 115(3), further consideration of the bill be made an order of the day for 17 June 2016.

Question put and passed.

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice, moved general business notice of motion no. 1119—That, pursuant to standing order 136(1)(a), the following bills be restored to the Notice Paper and consideration of each of the bills resume at the stage reached in the last session of the Parliament:

- National Integrity Commission Bill 2013
- Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014
- Corporations Amendment (Publish What You Pay) Bill 2014
- Motor Vehicle Standards (Cheaper Transport) Bill 2014
- Environment Protection and Biodiversity Conservation Amendment (Alpine Grazing) Bill 2014
- Private Health Insurance Amendment (GP Services) Bill 2014
- Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013
- Migration Amendment (Humanitarian Visa Intake) Bill 2014
- Recognition of Foreign Marriages Bill 2014
- Marriage Equality Amendment Bill 2013
- Guardian for Unaccompanied Children Bill 2014
- Migration Amendment (Protecting Babies Born in Australia) Bill 2014
Defence Legislation Amendment (Parliamentary Approval of Overseas Service) Bill 2015
Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014
Live Animal Export (Slaughter) Prohibition Bill 2014
End Cruel Cosmetics Bill 2014
Native Title Amendment (Reform) Bill 2014
Aboriginal and Torres Strait Islander Amendment (A Stronger Land Account) Bill 2014
Save Our Sharks Bill 2014
Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
Social Security Amendment (Caring for People on Newstart) Bill 2014
Stop Dumping on the Great Barrier Reef Bill 2014
Great Barrier Reef Legislation Amendment Bill 2014
Commonwealth Electoral Amendment (Donations Reform) Bill 2014
Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
Landholders’ Right to Refuse (Gas and Coal) Bill 2015
Australian Centre for Social Cohesion Bill 2015
International Aid (Promoting Gender Equality) Bill 2015
Charter of Budget Honesty Amendment (Intergenerational Report) Bill 2015
Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
Fair Work Amendment (Gender Pay Gap) Bill 2015
Environment Protection and Biodiversity Conservation Amendment (Prohibition of Live Imports of Primates for Research) Bill 2015
Migration Amendment (Free the Children) Bill 2016
Restoring Territory Rights (Dying with Dignity) Bill 2016
Trade and Foreign Investment (Protecting the Public Interest) Bill 2014.

Question put and passed.

Senator McEwen, at the request of Senator Wang and pursuant to notice, moved general business notice of motion no. 1120—That, pursuant to standing order 136(1)(a), the Commonwealth Grants Commission Amendment (GST Distribution) Bill 2015 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the last session of the Parliament.

Question put and passed.

Senator Muir, pursuant to notice, moved general business notice of motion no. 1121—That, pursuant to standing order 136(1)(a), the Social Security Amendment (Diabetes Support) Bill 2016 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the last session of the Parliament.

Question put and passed.
16 **EDUCATION—RESEARCH INFRASTRUCTURE REVIEW—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Carr, pursuant to notice, moved general business notice of motion no. 1122—
That there be laid on the table by the Minister for Education and Training, no later than 9.30 am on Wednesday, 20 April 2016, a copy of the report of the Research Infrastructure Review.

Question put and passed.

17 **SOCIAL SECURITY (ADMINISTRATION) AMENDMENT (CONSUMER LEASE EXCLUSION) BILL 2015**

Senator Moore, pursuant to notice, moved general business notice of motion no. 1123—That, pursuant to standing order 136(1)(b), a message be sent to the House of Representatives requesting the House to resume consideration of ‘A Bill for an Act to amend the Social Security (Administration) Act 1999, and for related purposes’ [Social Security (Administration) Amendment (Consumer Lease Exclusion) Bill 2015], which was transmitted to the House of Representatives for its concurrence during the last session of Parliament, and the proceedings on the bill having been interrupted by the prorogation of Parliament.

Question put and passed.

18 **BILLS—RESTORATION TO NOTICE PAPER**

Senator Moore, pursuant to notice, moved general business notice of motion no. 1124—That, pursuant to standing order 136(1)(a), the following bills be restored to the Notice Paper and consideration of each of the bills resume at the stage reached in the last session of the Parliament:

- Privacy Amendment (Privacy Alerts) Bill 2014
- Freedom of Information Amendment (Requests and Reasons) Bill 2015
- Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015.

Question put and passed.

Senator Moore, pursuant to notice, moved general business notice of motion no. 1125—That:

(a) pursuant to standing order 136(1)(a) the Fair Work Amendment (Protecting Australian Workers) Bill 2016 be restored to the Notice Paper and that consideration be resumed at the stage reached in the last session of the Parliament;

(b) further consideration of the bill be made an order of the day for the next day of sitting; and

(c) the bill be considered on Thursday, 21 April 2016, under standing order 57(1)(d)(i) relating to consideration of private senators’ bills.

Question put and passed.

19 **INDIGENOUS AUSTRALIANS—INCARCERATION RATES—JUSTICE TARGETS**

Senator Siewert, pursuant to notice, moved general business notice of motion no. 1126—That the Senate—

(a) notes that 15 April 2016 marked 25 years since the release of the report of the Royal Commission into Aboriginal Deaths in Custody in 1991;
(b) recognises that Aboriginal and Torres Strait Islander peoples:
   (i) are imprisoned at a rate 13 times higher than that of non-Indigenous people, and are estimated to make up 3 per cent of the Australian population, but 27 per cent of the prison population, and
   (ii) constituted 14 per cent of the prison population in 1991, but now make up 27 per cent of the prison population;
(c) acknowledges that more than 204 Aboriginal people have died in custody since the release of the Royal Commission report;
(d) expresses its concern that a quarter of a century later, many of the Royal Commission’s recommendations have not been fully implemented; and
(e) calls on the Commonwealth and state and territory governments to:
   (i) implement in full the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and
   (ii) adopt justice targets in order to close the gap and to change the record on the rates of incarceration of Aboriginal and Torres Strait Islander peoples.

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

Question put and passed.

20 **FINANCE—BANKING AND FINANCIAL SERVICES SECTOR**

Senator McEwen, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice, moved general business notice of motion no. 1127—That the Senate—

(a) notes that:
   (i) the confidence and trust in the financial services industry has been shaken by ongoing revelations of scandals, which have resulted in tens of thousands of Australians being ripped off, including:
      (A) retirees who have had their retirement savings gutted,
      (B) families who have been rorted out of hundreds of thousands of dollars,
      (C) small business owners who have lost everything, and
      (D) life insurance policy holders who have been denied justice,
   (ii) the first 3 months of 2016 alone have seen:
      (A) allegations of serious misconduct in the insurance industry,
      (B) the launch of an investigation into several banks for bank bill swap rate fixing, and
      (C) allegations that major financial institutions have supported systematic tax avoidance as a result of the disclosure of the Panama Papers,
   (iii) it is clear from the breadth and scope of the allegations that the problems in this industry go beyond any one bank or type of financial institution,
   (iv) on 6 April 2016, the Prime Minister himself said ‘There have been too many troubling incidents over recent times for them simply to be dismissed’,
   (v) Australian Labor Party, the Australian Greens, crossbench, Australian Liberal Party and The Nationals parliamentarians have supported further investigation of these allegations through a Royal Commission, and
(vi) Australia has one of the strongest banking systems in the world, but Australians must have confidence in their banks and financial institutions, making it necessary to sweep away doubt and uncover and deal with unethical behaviour that compromises that confidence; and

(b) calls on the Prime Minister to request His Excellency the Governor-General of the Commonwealth of Australia issue Letters Patent to establish a Royal Commission to inquire into misconduct in the banking and financial services industry.

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

Question put.

The Senate divided—

**AYES, 33**

No. 150—19 April 2016

No. 150—19 April 2016

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**NOES, 27**

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Question agreed to.

21 QUESTIONS ON NOTICE—APPLICATION OF STANDING ORDER 74(5)

Senator McEwen, at the request of the Leader of the Opposition in the Senate (Senator Wong) and pursuant to notice, moved general business notice of motion no. 1128—That, for the first 30 days of the second session of the 44th Parliament, the provisions of standing order 74(5) apply to questions on notice lodged in the first session of this Parliament and which remained unanswered at the prorogation of the Parliament, as if the prorogation did not occur.

Question put and passed.

22 NOTICE OF MOTION WITHDRAWN

Senator McEwen, at the request of Senators Polley and Lambie, withdrew general business notice of motion no. 1129 standing in their names for today, proposing an order for the production of documents by the Minister representing the Minister for Aged Care.
23 **FOREIGN AFFAIRS—MYANMAR**

Senator Smith, pursuant to notice, moved general business notice of motion no. 1130—That the Senate—

(a) notes that on 8 November 2015, Myanmar held its first openly contested election in 25 years;

(b) congratulates the people of Myanmar on the peaceful and efficient conduct of the election, which was a powerful demonstration of the people’s wish to transition to democracy;

(c) notes:

(i) the result of the election, which delivered a significant majority to the National League for Democracy (NLD), the political movement led by pro-democracy campaigner Ms Aung San Suu Kyi,

(ii) the election by Myanmar’s Union Parliament on 15 March 2016 of Mr Htin Kyaw as President, and

(iii) the election of Mr Henry Van Thio to the office of Second Vice-President, and its particular significance for the Chin and Christian communities of Myanmar, given this is the most senior office to be held by a Chin person since the Union of Burma was formed in 1947; and

(d) recognises that the selection of the Myanmar’s president and vice-presidents is an important step in its political transition, whilst noting the need for further reforms to strengthen representative government in that country.

Question put and passed.

24 **TRANSPORT—PUBLIC TRANSPORT FUNDING**

Senator Rice, pursuant to notice, moved general business notice of motion no. 1131—That the Senate—

(a) notes that:

(i) the Turnbull Government is yet to commit funding to any major public transport projects in our urban centres,

(ii) the recent audit of East West Link federal funding showed significant flaws in the Liberal Government’s approvals and funding decisions for that proposed project, and that there are strikingly similar features of the funding decisions for the WestConnex and Perth Freight Link toll roads,

(iii) communities in Sydney, Perth and Melbourne are standing up and saying they do not want more polluting toll roads pushed through their urban neighbourhoods, and

(iv) investment in well-designed public transport infrastructure is a more effective, economic, equitable and less polluting means of tackling congestion than new toll road projects; and

(b) calls on the Government to withdraw funding for WestConnex and the Perth Freight Link, and prioritise funding for public transport in our major urban centres, before polluting toll roads that further embed car-dependence in our cities.

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

Question put.
The Senate divided—

AYES, 10

Senators—

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NOES, 35

Senators—

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Question negatived.

25 PRIMARY INDUSTRIES—AUSTRALIAN PESTICIDES AND VETERINARY MEDICINES AUTHORITY

Senator Cameron, pursuant to notice, moved general business notice of motion no. 1132—That the Senate—

(a) notes that:

(i) the Australian Pesticides and Veterinary Medicines Authority (APVMA) is a Commonwealth statutory authority established in 1993 to centralise the registration of all agricultural and veterinary chemical products into the Australian marketplace, replacing separate state and territory government systems of registration,

(ii) the APVMA’s activities are mostly funded through cost recovery, in accordance with the agreement which established the National Registration Scheme,

(iii) most of the APVMA’s operational income is collected from registrants of pesticides and veterinary medicines, who pay application fees to register products, and an annual fee to maintain product registrations, and also pay levies based on the annual wholesale sales value of registered products,

(iv) the APVMA uses independent expert scientific advice to inform and guide regulatory decisions,

(v) the APVMA is responsible for protecting people, animals, crops, the environment and trade,

(vi) the APVMA currently employs up to 200 people, comprising 90 regulatory scientists, officers who audit and license manufacturing premises, lawyers, compliance staff, a significant information technology section and case managers,

(vii) there is a significant training element for staff working at the APVMA,

(viii) since 2014, the Minister for Agriculture and Water Resources has sought to move the APVMA to Armidale without undertaking a cost-benefit analysis, and
(ix) in January 2016, the Government committed to undertaking a cost-benefit analysis; and

(b) calls on the Government to:
(i) fulfil its commitment to an independent and transparent cost-benefit analysis, and
(ii) make the final report public before the 2016 election is called.

Question put and passed.

26 **INDIGENOUS AUSTRALIANS—KIMBERLEY ROUNDTABLE REPORT**

Senator Lines, also on behalf of Senators Sterle and Siewert, amended general business notice of motion no. 1133 by leave and, pursuant to notice, moved—That the Senate—

(a) calls upon the Government to recognise and act on the increasing prevalence of Aboriginal suicide in Western Australia’s Kimberley region; and

(b) notes the urgency contained in the findings of the report of the Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project Kimberley suicide prevention roundtable report.

Question put and passed.

27 **TRANSPORT—WESTERN AUSTRALIA—PERTH FREIGHT LINK—ORDER FOR PRODUCTION OF DOCUMENTS**

Senator Ludlam, pursuant to notice, moved general business notice of motion no. 1135—that:

(a) the Senate notes:
(i) as the Prime Minister (Mr Turnbull) stated on 15 November 2010, when in Opposition, that it would beggar belief that a government could be so reckless as to allow such a massive investment to proceed without the publication of a business case, without the ongoing scrutiny of a parliamentary committee and, above all, without a rigorous cost-benefit analysis, and that any major infrastructure project must be subject to a rigorous cost-benefit analysis and if it does not pass a rigorous cost-benefit analysis then it necessarily detracts from Australia’s wellbeing,

(ii) the resolution of the Senate of 14 October 2015 proposed by a senator from The Nationals that noted the importance of significant funding proposals being accompanied by detailed business cases and subject to a full assessment process, including by Infrastructure Australia, if $100 million or more of Commonwealth funding is sought, to ensure value for taxpayers’ money,

(iii) the announcement on 12 April 2016 by the Prime Minister of an additional $260 million for the Perth Freight Link, bringing the total federal contribution to $1.2 billion for a project with no business case, and

(iv) the ongoing deterioration in Western Australia’s budget position, with the recent downgrading of Western Australia’s Triple A credit rating to AA2, the second credit downgrading in 18 months; and
(b) there be laid on the table by the Minister for Finance, no later than 4 pm on Wednesday, 20 April 2016, the following:

(i) any correspondence between any minister and/or member of the federal bureaucracy with any minister and/or member of the state bureaucracy on the decision to provide an additional $260 million funding for the Perth Freight Link tunnel and the related public announcement, including any requests or proposals for additional funding from either government, any costings, briefing notes, speaking points, designs, maps, availability and type of tunnelling infrastructure, and related documents,

(ii) any correspondence between the Federal Minister for Finance (Senator Cormann), or any member of the Federal Government, and any member of the Western Australian Government, including the Premier (Mr Barnett), relating to expediting the federal funding of the Perth Freight Link project,

(iii) the business case and cost-benefit analysis for the Perth Freight Link Tunnel; and

(iv) a list of every National Partnership Agreement for infrastructure projects that have received over $100 million in federal funding from the Abbott-Turnbull Federal Government without a published business case and cost-benefit analysis.

Question put and passed.

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

Senator Smith amended general business notice of motion no. 1136 by leave and, pursuant to notice, moved—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) Tuesday, 3 May 2016, from 11.30 am; and

(b) Thursday, 5 May 2016, from 10.30 am.

Question put and passed.

29 INDUSTRY—AUSTRALIAN STEEL INDUSTRY

Senator Lambie, also on behalf of the Leader of the Glenn Lazarus Team (Senator Lazarus) and Senators Xenophon and Madigan, pursuant to notice, moved general business notice of motion no. 1138—That the Senate calls on the Government to:

(a) merge the anti-dumping and safeguards functions into one agency, for example, the Anti-Dumping and Safeguards Commission, as occurs in the United States of America (US) and other jurisdictions;

(b) enable anti-dumping applications to be made by industry bodies and trade unions by amending the interested parties definition;

(c) enable and resource the Anti-Dumping Commission (ADC) to:

(i) conduct faster and more comprehensive investigations particularly around circumvention countervailing activity,

(ii) share data with overseas jurisdictions that have conducted their own investigations and imposed significantly higher duties, and
(iii) regularly ‘benchmark’ remedies on like products with other jurisdictions around the world, and in particular the US, Asia and the European Union;

(d) commit additional resources to the ADC to enable independent verification in investigations of importer data and documentation in all applications, to ensure the integrity of these processes;

(e) mandate, through legislation, the use of Australian-made steel in all public procurement, and ensure that all federal grants to the states for infrastructure projects do the same;

(f) apply and enforce enhanced and agreed Australian Steel Standards and Specifications, which should be enforced in all federal publicly-funded projects and grants to states for this purpose, and apply at every subcontracted level of activity;

(g) ensure all defence and security-sensitive procurement of steel to be Australian-made where those products are locally-produced and can, in a reasonable timeframe, be made in Australia; and

(h) develop and implement, in consultation with industry, union and community stakeholders, an Australian steel industry sustainability plan, to incorporate a holistic suite of reforms and measures such as the ones listed above, to ensure the survival of this industry.

Statements by leave: Senator Lambie, the Minister for Vocational Education and Skills (Senator Ryan) and Senator Carr, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 15

Senators—

Di Natale
Hanson-Young
Lambie (Teller)
Lazarus
Hanson-Young
Madigan
Rhiannon
Whish-Wilson
Muir
Simms

NOES, 33

Senators—

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Bilyk
Bushby
Cameron
Carr
Colbeck
Dastyari
Edwards
Fawcett
Fierravanti-Wells
Gallacher
Gallagher
Heffernan
Johnston
Ketter
Leyonhjelm
Lindgren
Lines
Ludlam
Madigan
McKim
McKee
McKerron
Mullery
Nathan
Niccol

Question negatived.

30 PARLIAMENTARY ENTITLEMENTS LEGISLATION AMENDMENT BILL 2014—PROPOSED RESTORATION TO NOTICE PAPER—CONSIDERATION

Senator Xenophon, pursuant to notice, moved general business notice of motion no. 1139—that—

(a) so much of standing orders be suspended as would prevent this resolution having effect;
(b) the Parliamentary Entitlements Legislation Amendment Bill 2014 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the last session of the Parliament; and

(c) further consideration of the bill be made an order of the day for the next day of sitting, and that the bill have precedence over all other government business on 2 May 2016 and following sitting days until it is finally determined.

Statements by leave: Senator Xenophon and the Minister for Vocational Education and Skills (Senator Ryan), by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 16

Senators—

Di Natale
Leyonhjelm
Muir
Simms
Hanson-Young
Ludlam
Rhiannon
Waters
Lambie
Madigan
Rice
Whish-Wilson
Lazarus
McKim
Stewart
Xenophon (Teller)

NOES, 32

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Lindgren
Parry
Bilyk
Fawcett
Lines
Paterson
Bushby
Ferravanti-Wells
Ludwig
Peris
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Gallacher
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Canavan
Gallagher
McLucas
Reynolds
Carr
Heffernan
Moore
Ryan
Colbeck
Johnston
O’Neill
Smith
Dastyari
Ketter
O’Sullivan
Urquhart (Teller)

Question negatived.

31 DEFENCE—SUBMARINES TENDER PROCESS—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Xenophon, pursuant to notice, moved general business notice of motion no. 1140—That the Senate—

(a) notes that:

(i) the Minister for Defence has declined to provide documents commissioned from Macroeconomics.com.au Pty Ltd relating to the potential impact on the Australian economy in accordance with the 17 November 2014 order for the production of documents,

(ii) on 23 February 2016 the Minister advanced a public interest immunity claim that the Department of Defence commissioned the documents to inform the Cabinet’s consideration of the build of the future submarine,

(iii) in 1975 the Senate by resolution laid out its position with respect to public interest immunity claims indicating that, while the Senate may permit claims of public interest immunity to be advanced, it reserves the right to determine whether any particular claim will be accepted,

(iv) on 3 March 2016 a further order for the production of documents was made by the Senate requiring the Minister for Defence to provide the basis for the public interest immunity claim made in the Senate on 23 February 2016, and
(v) on 16 March 2016 the Minister failed to comply with the order for the production of documents of 3 March 2016 indicating that the Government would not disclose legal advice; and

(b) does not accept the public interest immunity claim made by the Minister for Defence in relation to the order for the production of documents of 17 November 2014, and that there be laid on the table by the Minister for Defence, by the next day of sitting, the documents commissioned from Macroeconomics.com.au Pty Ltd, including economic modelling and other examination of the potential economic impact of the SEA1000 submarine project on the Australian economy, among other subjects.

Question put.

The Senate divided—

**AYES, 35**

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Question agreed to.

32 **BILLS—RESTORATION TO NOTICE PAPER**

Senator Xenophon, pursuant to notice, moved general business notice of motion no. 1141—That:

(a) pursuant to standing order 136(1)(a), the Interactive Gambling Amendment (Sports Betting Reform) Bill 2015 be restored to the Notice Paper and that consideration of the bill resume at the stage reached in the last session of the Parliament; and

(b) in accordance with standing order 115(3), further consideration of the bill be made an order of the day for Thursday, 12 May 2016.

Question put and passed.

Senator Xenophon, pursuant to notice, moved general business notice of motion no. 1142—That, pursuant to standing order 136(1)(a), the following bills be restored to the Notice Paper and consideration of each of the bills resume at the stage reached in the last session of the Parliament:

- Parliamentary Proceedings Broadcasting Amendment Bill 2013
- Poker Machine Harm Reduction ($1 Bets and Other Measures) Bill 2012 [2013]
Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013
Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012 [2013]
Interactive Gambling and Broadcasting Amendment (Online Transactions and Other Measures) Bill 2011 [2013]
Public Service Amendment (Payments in Special Circumstances) Bill 2011 [2013]
Foreign Acquisitions Amendment (Agricultural Land) Bill 2010 [2013]
Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013
Competition and Consumer Amendment (Misuse of Market Power) Bill 2014
Australian Broadcasting Corporation Amendment (Local Content) Bill 2014
Australian Government Boards (Gender Balanced Representation) Bill 2015
Parliamentary Expenses Amendment (Transparency and Accountability) Bill 2015.

Question put and passed.

33 INDUSTRY—AUSTRALIAN STEEL INDUSTRY
Senator Carr, pursuant to notice, moved general business notice of motion no. 1143—
That the Senate—
(a) notes with concern that one of Australia’s major steel manufacturers, Arrium OneSteel, has recently been placed into administration, highlighting the risk to Whyalla’s economy and our national steelmaking capabilities;
(b) recognises the multiple pressures currently being experienced by the Australian steel industry, including the impact of a global oversupply of steel;
(c) further notes the worrying evidence presented to the Senate inquiry into Australia’s steel industry on the widespread importation and use of structural steel that does not meet Australian standards and presents a threat to public safety;
(d) notes the plan announced by the Australian Labor Party to support Australia’s strategically-significant metals manufacturing industries, particularly the steel industry, by:
   (i) ensuring that Australian standards are upheld in Federal Government-funded projects, and supporting local steel producers meet certification standards,
   (ii) seeking to maximise the use of locally-produced steel in Federal Government-funded projects, and put in place regular reporting of usage levels,
   (iii) halving the thresholds for projects required to have an Australian Industry Participation Plan from $500 million down to $250 million for private projects, and from $20 million to $10 million for public projects,
   (iv) doubling funding for the Australian Industry Participation (AIP) Authority and appointing an AIP Board,
   (v) ensuring Australia’s anti-dumping system has the right powers and penalties in place,
   (vi) creating a national Steel Supplier Advocate, and
   (vii) establishing a tripartite Metals Manufacturing Investment Council to work closely with the Federal Government to deliver these measures;
(e) condemns the Turnbull Government’s failure to take a comprehensive approach to securing the future of Australia’s steel industry; and
(f) calls on the Government to take serious action to support Australia’s strategically-significant manufacturing industries, particularly the steel industry.

Statements by leave: The Minister for Vocational Education and Skills (Senator Ryan) and Senator Lambie, by leave, made statements relating to the motion.

Question put and passed.

34 FAMILY AND COMMUNITY SERVICES—WORLD DOWN SYNDROME DAY

The Minister for Vocational Education and Skills (Senator Ryan), at the request of the Minister for Communications (Senator Fifield) and Senators Moore and Siewert and pursuant to notice, moved general business notice of motion no. 1144—That the Senate—

(a) notes that:

(i) World Down Syndrome Day was celebrated internationally on 21 March 2016, and the theme for this year’s commemoration is ‘My Friends, My Community’, and

(ii) people with Down syndrome must be able to enjoy full and equal rights to include the opportunity to participate fully in their communities;

(b) recognises that, sadly, the reality remains for many that prevailing negative attitudes result in low expectations, discrimination and exclusion; and

(c) joins with Down Syndrome Australia, Down Syndrome International and the Australian Down syndrome community in:

(i) supporting the ‘My Friends, My Community’ conversation, and notes that when children with Down syndrome are given opportunities to participate, all children benefit from this shared environment of friendship, acceptance and respect for everyone and high expectations are created, and

(ii) acknowledging these environments prepare all today’s children for life as tomorrow’s adults, enabling adults with Down syndrome to live, work, and participate, with confidence and individual autonomy, fully included in society alongside their friends and peers.

Question put and passed.

35 INDUSTRY—AUSTRALIAN STEEL INDUSTRY

Senator Simms, also on behalf of Senators Hanson-Young and Xenophon, pursuant to notice, moved general business notice of motion no. 1145—That the Senate—

(a) acknowledges that:

(i) the Australian steelworks manufacturing industry has been an important part of the Australian economy for almost 100 years, and

(ii) this is a difficult time for South Australian employees at Arrium OneSteel and the Whyalla community, with Arrium recently going into administration; and

(b) calls on the Government to:

(i) provide urgent mental health support to the Whyalla community as part of any plan to assist in securing the future of the steel industry in South Australia,

(ii) invest in the development of greenhouse gas reducing steel-making technologies,
(iii) adopt a mandatory use of Australian Standards to assess the quality compliance of all steel-related building products used in Australia,

(iv) develop a legislated national procurement policy that ensures all government infrastructure and construction projects use at least 90 per cent locally-produced steel,

(v) as a condition of such a procurement policy, require that Australian steel producers adopt renewable sources of energy for the steel production process,

(vi) recognise that the Trans-Pacific Partnership and other free trade deals prevent federal and state governments from adopting such procurement policies should they be signed, and

(vii) reject the Trans-Pacific Partnership to protect South Australian jobs.

Statements by leave: Senator Simms, the Minister for Vocational Education and Skills (Senator Ryan) and Senator Carr, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 14

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Question negatived.

36 IMMIGRATION—ASYLUM SEEKERS—WILSON SECURITY—ORDER FOR PRODUCTION OF DOCUMENTS

Senator Hanson-Young, pursuant to notice, moved general business notice of motion no. 1146—that there be laid on the table by the Minister representing the Prime Minister, no later than 9.30 am on Thursday, 21 April 2016:

(a) any, and all, documents in the Australian Government’s possession, including, and in relation to:

(i) any contracts between Broadpectrum (formerly known as Transfield Services) and its subcontractor Wilson Security in relation to operations on Nauru and Manus Island, Papua New Guinea,

(ii) any sub-contracts engaged in by Wilson Security and other entities in relation to operations on Nauru and Manus Island, Papua New Guinea, and

(iii) any contracts between the Australian Government and Wilson Security in relation to the Government and its agencies;
(b) any, and all, documents in the Australian Government’s possession pertaining to the procurement and due diligence process undertaken prior to the awarding of any contracts between:

(i) the Australian Government and Broadspectrum, and its subcontractor Wilson Security, in relation to operations on Nauru and Manus Island, Papua New Guinea, including Wilson Security’s directorship and/or the Kwok family, and

(ii) the Australian Government and Wilson Security in relation to the Government and its agencies, including Wilson Security’s directorship and/or the Kwok family; and

(c) any, and all, documents in relation to the Department of Immigration and Border Protection’s internal investigation, and or review, into Wilson Security’s role in relation on Nauru and Manus Island as reported in the Australian on 7 April 2016.

Question put.

The Senate divided—

AYES, 34

Senators—

Bilyk (Teller) Ketter McKim Rice
Brown Lambie McLucas Stiewert
Cameron Lazarus Moore Simms
Carr Lines Muir Singh
Dastyari Ludlam O’Neill Urquhart
Di Natale Ludwig Peris Waters
Gallacher Madigan Polley Whish-Wilson
Gallagher McAllister Rhiannon Xenophon
Hanson-Young McEwen

NOES, 28

Senators—

Back Fierravanti-Wells McGrath Reynolds
Birmingham Fifield McKenzie Ruston
Bushby (Teller) Heffernan Nash Ryan
Canavan Johnston O’Sullivan Scullion
Cash Leyonhjelm Parry Seselja
Colbeck Lindgren Paterson Smith
Edwards Macdonald Payne Williams

Question agreed to.

37 ENVIRONMENT—CLIMATE CHANGE—FOSSIL FUEL DONATIONS

Senator Waters, pursuant to notice, moved general business notice of motion no. 1147—That the Senate—

(a) notes:

(i) the unprecedented coral bleaching on the Great Barrier Reef which the Great Barrier Reef Marine Park Authority describes as the worst ever mass bleaching event,

(ii) the devastating bushfires affecting areas of Tasmania’s Wilderness World Heritage Area which have not been burned in centuries and which may never recover,
(iii) the fact that 2014 and 2015 were both the hottest year on record, and that the United Kingdom Meteorological Office predicts that 2016 will also be the hottest year on record,
(iv) that ordinary Australians are leading the way in calling for action on global warming, in particular, the students at the University of Queensland who have occupied the Chancellery Building calling on the University to divest from fossil fuels, and
(v) that fossil fuel companies have made $3.7 million in political donations to the Coalition and the Australian Labor Party since the 2013 election; and

(b) calls on all political parties to:
(i) support a legislative ban on fossil fuel donations, and
(ii) refuse to accept any more fossil fuel donations.

Question put.
The Senate divided—

AYES, 11

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

NOES, 39

Senators—
Back
Bilyk (Teller)
Bushby
Cameron
Canavan
Carr
Colbeck
Dastyari
Fawcett
Fierravanti-Wells
Gallacher
Gallagher
Heffernan
Ketter
Leyonhjelm
Lindgren
Ludwig
Macdonald
Madigan
McAllister
McEwen
McGrath
McKenzie
McLucas
Moore
Muir
O’Neill
O’Sullivan
Parry

Question negatived.

38 FINANCE—BANKING AND FINANCIAL SERVICES SECTOR

Senator Whish-Wilson, pursuant to notice, moved general business notice of motion no. 1148—That the Senate—
(a) notes:
(i) the recommendations of the 2014 Economics References Committee inquiry into the performance of the Australian Securities and Investments Commission,
(ii) the misconduct that has been uncovered in the financial planning arms of the Commonwealth Bank of Australia, National Australia Bank, ANZ Bank and Macquarie Bank,
(iii) that IOOF are being investigated for insider trading and front-running,
(iv) that the insurance arm of the Commonwealth Bank is alleged to have unfairly and fraudulently denied life insurance claims,
(v) that court proceedings have been initiated against ANZ Bank and Westpac for manipulation of the bank-bill swap rate, and
(vi) the lending practices of ANZ Bank and Bendigo Bank that contributed to the collapse of forestry managed investment schemes;

(b) calls on the Government to establish a Royal Commission into misconduct in the banking financial services sector; and

(c) notes that the Australian Greens moved a motion for the Senate to support a Royal Commission on 24 June 2015.

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

Question put.

The Senate divided—

AYES, 34

Bilyk (Teller) Ketter McKim Rice
Brown Lamiae McLucas Siewert
Cameron Lazarus Moore Simms
Carr Lines Mair Singh
Dastyari Ludlam O’Neill Urquhart
Di Natale Ludwig Peris Waters
Gallacher Madigan Polley Whish-Wilson
Gallagher McAllister Rhiannon Xenophon
Hanson-Young McEwen

NOES, 27

Back Fierravanti-Wells McGrath Reynolds
Birmingham Fifield McKenzie Ruston
Bushby (Teller) Heffernan Nash Ryan
Canavan Johnston O’Sullivan Scullion
Cash Leyonhjelm Parry Seselja
Colbeck Lindgren Paterson Smith
Edwards Macdonald Payne

Question agreed to.

39 NOTICE OF MOTION WITHDRAWN

Senator Rhiannon withdrew general business notice of motion no. 1149 standing in her name for today, relating to political donations.

40 VETERANS’ ENTITLEMENTS AMENDMENT (EXPANDED GOLD CARD ACCESS) BILL 2015—RESTORATION TO NOTICE PAPER

Senator Lambie, pursuant to notice, moved general business notice of motion no. 1150—that, pursuant to standing order 136(1)(a), the Veterans’ Entitlements Amendment (Expanded Gold Card Access) Bill 2015 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the last session of the Parliament.

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

Question put and passed.
41 COMMITTEE MEMBERSHIP

The President informed the Senate that he had received letters requesting changes in the membership of committees.

The Minister for Vocational Education and Skills (Senator Ryan), by leave, moved—

That senators be discharged from and appointed to committees as follows:

 Finance and Public Administration References Committee—
  Appointed—
    Substitute members:
    Senator McKim to replace Senator Rice for the committee’s inquiry into the outcomes of the 42nd meeting of the Council of Australian Governments held on 1 April 2016
    Senator Rhiannon to replace Senator Rice for the committee’s inquiry into the Commonwealth legislative provisions relating to oversight of associated entities of political parties
    Participating member: Senator Rice

 Health—Select Committee—
  Appointed—
    Substitute members:
    Senator Ketter to replace Senator McAllister on 27 April 2016
    Senator Dastyari to replace Senator McAllister on 29 April 2016
    Senator Cameron to replace Senator Moore on 29 April 2016
    Participating members: Senators McAllister and Moore.

Question put and passed.

Senator McEwen, by leave, moved—That Senator Peris replace Senator Ludwig on the Legal and Constitutional Affairs References Committee on 20 April 2016 for the committee’s inquiry into a national registration system for paramedics.

Question put and passed.

42 NORTHERN AUSTRALIA INFRASTRUCTURE FACILITY BILL 2016
NORTHERN AUSTRALIA INFRASTRUCTURE FACILITY (CONSEQUENTIAL AMENDMENTS) BILL 2016

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

Message no. 5, dated 19 April 2016—A Bill for an Act to establish the Northern Australia Infrastructure Facility, and for related purposes.

Message no. 6, dated 19 April 2016—A Bill for an Act to deal with consequential matters arising from the enactment of the Northern Australia Infrastructure Facility Act 2016, and for related purposes.

The Minister for Vocational Education and Skills (Senator Ryan) 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 Ryan moved—That these bills be now read a second time.

On the motion of Senator Ryan the debate was adjourned till the next day of sitting.

43 COMMONWEALTH ELECTORAL AMENDMENT BILL 2016
A message from the House of Representatives was reported agreeing to the amendments made by the Senate to the following bill:

44 GOVERNOR-GENERAL’S MESSAGE—ASSENT TO LAW
A message from His Excellency the Governor-General was reported, informing the Senate that he had assented to the following law:

45 NEXT MEETING OF SENATE—STATEMENT BY LEAVE
Senator Moore, by leave, informed the Senate that earlier today, pursuant to standing order 55, a letter had been sent to the President indicating that an absolute majority of the whole number of senators desired that the Senate meet on Wednesday, 20 April 2016.

Senator Moore informed the Senate that, given proceedings in the Senate subsequent to the sending of that letter, the letter was withdrawn.

46 NOTICES
The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams): To move 15 sitting days after today—

No. 1—That the Complaints Principles 2015, made under section 96-1 of the Aged Care Act 1997 and item 34 of Part 2 of Schedule 1 to the Aged Care Amendment (Independent Complaints Arrangements) Act 2015, be disallowed [F2015L02125].


Senator Carr: To move on the next day of sitting—That the Migration Amendment (Offshore Resources Activity) Regulation 2015, as contained in Select Legislative Instrument 2015 No. 211 and made under the Migration Act 1958, be disallowed [F2015L01937].

Senator Siewert: To move on the next day of sitting—That the Social Security (Administration) (Trial Area – East Kimberley) Determination 2016, made under subsections 124PD(2) and 124PG(1) of the Social Security (Administration) Act 1999, be disallowed [F2016L00307].
Senator Day: To move on the next day of sitting—That pursuant to standing order 136(1)(a), the Racial Discrimination Amendment Bill 2014 be restored to the Notice Paper and that consideration of the bill be resumed at the stage reached in the last session of the Parliament. (general business notice of motion no. 1151)

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

(a) notes that the ongoing uncertainty around hospital funding continues to threaten Australia’s health system, putting patients at risk; and

(b) calls on the Government to restore fair and equitable funding for hospitals by reinstating the hospital funding model developed by former Prime Minister, Mr Kevin Rudd, in which the Commonwealth and states share the costs of delivering hospital services, and abolished by then Prime Minister, Mr Abbott, in the 2014 Budget. (general business notice of motion no. 1152)

The Leader of the Opposition in the Senate (Senator Wong) and Senator Carr: To move on the next day of sitting—That the Senate—

(a) notes with concern:

(i) the proposed 350 job losses at the Commonwealth Scientific and Industrial Research Organisation (CSIRO), including around 100 jobs to be cut from the Land and Water Business Unit,

(ii) evidence from the CSIRO’s senior management that these cuts respond to the Government’s Statement of Expectations, as well as its cuts to science funding delivered through the Department of the Environment,

(iii) the critical importance of the CSIRO’s land and water research, including urban water, to the State of South Australia, as well as its public good value to the nation,

(iv) the CSIRO’s failure to consult with its research partners before deciding to cut public good research in the Land and Water Business Unit,

(v) the CSIRO’s misleading advice to the Minister for Industry, Innovation and Science about the capacity of the academic sector to take up the research the CSIRO is proposing to abandon, and

(vi) the risk to national public good presented by the CSIRO’s proposed restructure;

(b) further notes that a Federal Labor Government would set different priorities for the CSIRO, recognising the value of its environmental and other public good research; and

(c) calls on the Minister for Industry, Innovation and Science (Mr Pyne) to use his authority under the Science and Industry Research Act 1949 to direct the CSIRO Board to:

(i) delay the proposed cuts until after the federal election,

(ii) carefully consider the impacts of the proposed cuts on Australia’s national research capability and reputation,

(iii) ensure that CSIRO management consults meaningfully with the organisation’s research partners and staff, and

(iv) ensure that management takes immediate steps to address the significant effect of the proposed cuts on staff morale across the CSIRO. (general business notice of motion no. 1153)
Senator Cameron: To move on the next day of sitting—that there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, no later than 3.30 pm on Tuesday, 3 May 2016, the correspondence between the former Secretary of the Department of Agriculture, Dr Paul Grimes, and the Minister for Agriculture and Water Resources, ordered to be provided in the Acting Australian Information Commissioner’s decisions The Herald and Weekly Times and Department of Agriculture [2016] AICmr 16 (17 March 2016), and Joel Fitzgibbon and Department of Agriculture [2016] AICmr 17 (17 March 2016). (general business notice of motion no. 1154)

The Minister for Communications (Senator Fifield): To move on the next day of sitting—that, pursuant to standing order 136(1)(a), the following bills be restored to the Notice Paper and consideration of each of the bills resume at the stage reached in the last session of the Parliament:

- Family Law Amendment (Financial Agreements and Other Measures) Bill 2015
- Regulatory Powers (Standardisation Reform) Bill 2016
- Social Security Legislation Amendment (Community Development Program) Bill 2015.

The Chair of the Environment and Communications References Committee (Senator Urquhart): To move on the next day of sitting—that the following matters be referred to the Environment and Communications References Committee for inquiry and report by the last sitting day in August 2016:

(a) the impact of flying fox colonies on regional communities;
(b) the ‘endangered species’ status of the grey-headed flying fox;
(c) the process of listing and delisting species;
(d) the role of the Commonwealth in approving flying fox management plans; and
(e) any other related matter.

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

(a) notes that:
   (i) there is strong evidence that Leighton Holdings paid millions of dollars to Unaoil in 2010 and 2011, and was involved in serious corruption in Iraq,
   (ii) since 2010, Leighton Holdings has donated at least $143 000 to the federal Liberal Party of Australia and the Australian Labor Party,
   (iii) in 2014-15 the property industry donated $1.8 million to the Liberal Party of Australia and $591 167 to the Australian Labor Party,
   (iv) in 2014-15, Westpac, ANZ, NAB, the Commonwealth Bank and the Macquarie Group donated $1 057 361 to the major parties, and
   (v) in 2013-14, Brickworks provided $263 000 in donations to the Liberal Party and offered in-kind campaign support to the federal Liberal Party to repeal the carbon price;

(b) further notes that High Court of Australia Justices Kiefel, Bell, Keane and Chief Justice French stated in McCloy v NSW that reliance by political candidates on private patronage may, over time become so necessary as to sap the vitality as well as the integrity of the political branches of government; and
(c) calls on the Government to amend the Commonwealth Electoral Act 1918 to ban donations from property developers, tobacco industry business entities, liquor business entities, gambling industry business entities, mineral resources or mining industry business entities, and industry lobby groups who represent these entities. (general business notice of motion no. 1155)

Senators Madigan, Xenophon, Leyonhjelm, Day and Muir, the Leader of the Glenn Lazarus Team (Senator Lazarus) and Senators Lambie and Wang: To move on the next day of sitting—That—

(a) the Senate notes that:

(i) the President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 1 December 2015 listed the report of the Select Committee on Wind Turbines among the reports the government has failed to respond to within the required 3 month timeframe, and

(ii) the Government still has not provided a formal response to the committee’s report, although it has been some 7 months since the report was tabled; and

(b) there be laid on the table by the Minister representing the Minister for the Environment (Senator Birmingham), no later than 3.30 pm on 10 May 2016, a copy of the government’s response to the report of the Select Committee on Wind Turbines, dated August 2015. (general business notice of motion no. 1156)

Senators Madigan, Leyonhjelm, Day, Lambie, Wang and Xenophon, the Leader of the Glenn Lazarus Team (Senator Lazarus) and Senator Muir: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Sport (Senator Nash), no later than 4 pm on Friday, 22 April 2016, a copy of the following documents relating to the Australian Sports Anti-Doping Authority (ASADA) and the National Anti-Doping Framework:

(a) the 4 March 2014 final report by ASADA investigator, Mr Aaron Walker, on the ASADA investigation known as ‘Operation Cobia’ into the Essendon Football Club’s 2012 player supplements program;

(b) the independent review of Operation Cobia conducted by former judge of the Federal Court of Australia, Mr Garry Downes, and commissioned by the former Minister for Sport, Mr Dutton;

(c) the report of the independent review of ASADA commissioned by the former Minister for Sport, Ms Ellis, the existence of which was reported by journalist, Mr Sean Parness, in The Australian on 10 July 2009;

(d) the decision of the Australian Football League (AFL) Anti-Doping Tribunal signed by chairman Mr David Jones and members Mr John Nixon and Mr Wayne Henwood, dated 31 March 2015, which cleared 34 Essendon footballers who played for the club during the 2012 AFL season of an alleged violation of the 1 January 2010 AFL Anti-Doping Code;

(e) the October 2013 report to ASADA management in which ASADA investigators reportedly detailed a strong case against Gold Coast Suns footballer Mr Nathan Bock and high performance manager Mr Dean Robinson over the use of banned peptide CJC–1295;
(f) all documentation in the possession or control of ASADA, the Minister or her department, whether held electronically or in hardcopy, that relates to ASADA’s subsequent decision not to pursue anti-doping rule violations against Mr Bock and Mr Robinson including, but not limited to, all correspondence, file notes, minutes, memoranda, agreements, decisions, reports, and any other form of document whatsoever relating to this issue; and

(g) all documentation in the possession or control of ASADA, the Minister or her department, whether held electronically or in hardcopy, that relates to ASADA’s decision to reopen its investigation into former AFL footballer, Mr Bock, including, but not limited to, all correspondence, file notes, minutes, memoranda, agreements, decisions, reports, and any other form of document whatsoever relating to this issue. (general business notice of motion no. 1157)

Senator Moore, at the request of the Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the resolution of the Senate relating to the meetings of the Senate be varied by omitting paragraph (3), and substituting the following paragraph:

(3) That the hours of meeting for Tuesday, 3 May 2016, be from 12.30 pm to 6.30 pm and 8.30 pm to adjournment, and for Wednesday, 4 May 2016, be from 9.30 am to 7.20 pm and 8 pm to adjournment, and that:

(a) the routine of business from 8.30 pm on Tuesday, 3 May 2016, shall be:
   (i) Budget statement and documents 2016-17, and
   (ii) adjournment; and

(b) the routine of business from 8 pm on Wednesday, 4 May 2016, shall be:
   (i) Budget statement and documents – party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
   (ii) adjournment. (general business notice of motion no. 1158)

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

(a) recognises that Australia has some of the world’s greatest marine natural environments, with rich biodiversity and unique species;

(b) notes that:
   (i) in 2016, Australian reefs, including the Great Barrier Reef and reefs off the coast of Western Australia, have experienced coral bleaching, and
   (ii) the Government has undermined Australia’s world-leading system of marine parks with the suspension of management plans for these marine parks; and

(c) calls on the Government to:
   (i) make the marine parks operational without further delay, and
   (ii) commit adequate funding for management, buyout and education. (general business notice of motion no. 1159)

Senator Madigan: To move on the next day of sitting—That the following matter be referred to the Community Affairs References Committee for inquiry and report by 30 June 2016:

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

(b) the operation in domestic professional sports of the:
   (i) Australian Sports Anti-Doping Authority Act 2006 (the ASADA Act),
   (ii) National Anti-Doping Scheme, and
   (iii) National Anti-Doping Framework;
(c) the investigatory powers of ASADA in comparison with similar bodies in other jurisdictions and conventional law enforcement agencies;
(d) the judicial process provided for under the ASADA Act, including, but not limited to, the rights accorded to accused sportspersons and others during the investigatory phase, the rules governing the admissibility of evidence at each stage of the process, the standard of proof applicable at each stage of the process, and rights to appeal any finding of guilt or associated penalties;
(e) how professional sporting competitions have responded to the obligations imposed by the World Anti-Doping Agency (WADA), and the effects on the individual sportsperson;
(f) the effect on domestic professional sporting competitions of the regulation by WADA and the rulings of the Court of Arbitration for Sport; and
(g) any related matters.

47 ADJOURNMENT
The President proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.22 pm till Monday, 2 May 2016 at 10 am.

48 ATTENDANCE
Present, all senators except Senators Sterle (on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate