THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 92

TUESDAY, 12 MAY 2015

Contents

1 Meeting of Senate ........................................................................................................ 2539
2 Documents.................................................................................................................. 2539
3 Committees—Leave to Meet During Sittings ............................................................ 2540
4 Customs Amendment (Anti-dumping Measures) Bill (No. 1) 2015
   Customs Tariff (Anti-Dumping) Amendment Bill 2015 ........................................... 2540
5 Order of Business—Rearrangement ....................................................................... 2542
6 Biosecurity Bill 2014
   Biosecurity (Consequential Amendments and Transitional Provisions) Bill 2014
   Quarantine Charges (Imposition—General) Amendment Bill 2014
   Quarantine Charges (Imposition—Customs) Amendment Bill 2014
   Quarantine Charges (Imposition—Excise) Amendment Bill 2014 .......................... 2542
7 Questions ...................................................................................................................... 2551
8 Motions to Take Note of Answers ............................................................................ 2551
9 Death of Former Senator the Honourable Peter Alexander Walsh, AO ........... 2551
10 Death of Former Member the Honourable Michael John Randal MacKellar, AM .......................................................... 2552
11 Petitions ....................................................................................................................... 2552
12 Notices .......................................................................................................................... 2552
13 Private Senators’ Bills—Consideration ................................................................. 2554
14 Leave of Absence ...................................................................................................... 2554
15 Postponements ........................................................................................................... 2555
16 Committees—Extensions of Time to Report ............................................................ 2555
17 National Capital and External Territories—Joint Standing Committee—
   Leave to Meet During Sittings .............................................................................. 2556
18 Treaties—Joint Standing Committee—Leave to Meet During Sittings .......... 2556
19 Health—Mental Health Sector Reform .................................................................. 2556
20 Primary Industries—Shearing and Wool Industries ............................................... 2556
21 Health—Genetically-modified Foods—Advice—Order for Production of
   Documents ................................................................................................................ 2557
22 Foreign Affairs, Defence and Trade Legislation Committee—Reference ....... 2557
<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Wind Turbines—Select Committee—Variation of Appointment</td>
<td>2557</td>
</tr>
<tr>
<td>24</td>
<td>Taxation—Fuel Duty Rates</td>
<td>2557</td>
</tr>
<tr>
<td>25</td>
<td>Primary Industries—Kangaroo Meat Exports</td>
<td>2558</td>
</tr>
<tr>
<td>26</td>
<td>Discussion of Matter of Public Importance—Administration—Abbott</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Government</td>
<td>2559</td>
</tr>
<tr>
<td>27</td>
<td>Documents—Consideration</td>
<td>2559</td>
</tr>
<tr>
<td>28</td>
<td>Committee Reports and Government Responses—Tabling and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consideration Pursuant to Standing Order 62(4)</td>
<td>2559</td>
</tr>
<tr>
<td>29</td>
<td>Budget Statement and Documents 2015-16</td>
<td>2560</td>
</tr>
<tr>
<td>31</td>
<td>Estimates of Proposed Expenditure for 2015-16—Portfolio Budget</td>
<td>2561</td>
</tr>
<tr>
<td></td>
<td>Statements—Parliamentary Departments—Documents</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Estimates of Proposed Expenditure for 2015-16 and Estimates of Proposed Supplementary Expenditure For 2014-15—Portfolio Budget Statements—Portfolios and Executive Departments—Documents</td>
<td>2561</td>
</tr>
<tr>
<td>33</td>
<td>Adjournment</td>
<td>2562</td>
</tr>
<tr>
<td>34</td>
<td>Attendance</td>
<td>2562</td>
</tr>
</tbody>
</table>
1 MEETING OF SENATE
The Senate met at 12.30 pm. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

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

Health Workforce Australia—Report for the period 1 July 2013 to 7 October 2014 [Final report].
Treaty—Bilateral—Protocol Establishing the Prolongation of the Treaty between the Kingdom of the Netherlands and Australia on the Presence of Australian Personnel in the Netherlands for the Purpose of Responding to the Downing of Malaysia Airlines Flight MH17—Text, together with national interest analysis.

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

Currency Act 1965—Currency (Perth Mint) Determination 2015 (No. 2) [F2015L00651].
Veterans’ Entitlements Act 1986—
Statements of Principles concerning cerebrovascular accident—
No. 65 of 2015 [F2015L00652].
No. 66 of 2015 [F2015L00653].
Statements of Principles concerning gastric ulcer and duodenal ulcer—
No. 61 of 2015 [F2015L00657].
No. 62 of 2015 [F2015L00658].
Statements of Principles concerning malignant neoplasm of the bile duct—
No. 69 of 2015 [F2015L00654].
No. 70 of 2015 [F2015L00655].
Statements of Principles concerning spina bifida—
Instrument No. 61 of 2007—Revocation [F2015L00659].

The following documents were tabled by the Clerk pursuant to the order of the Senate of 25 June 2014:

Estimates hearings—Unanswered questions on notice—Additional estimates 2014-15—Statements—
Agriculture portfolio.
Employment portfolio.
Environment portfolio.
Office of National Assessments.

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS
Committees were authorised to meet during the sittings of the Senate, as follows:

Environment and Communications References Committee—
public meeting on Wednesday, 13 May 2015, from 3 pm, to take evidence for the committee’s inquiry into Australia’s environment.
private meeting otherwise than in accordance with standing order 33(1) on Thursday, 14 May 2015, from 1 pm.

Finance and Public Administration Legislation Committee—public meetings—
Wednesday, 13 May 2015, from 12.45 pm, to take evidence for the committee’s inquiry into the Department of Parliamentary Services.
Thursday, 14 May 2015, from 9.45 am, to take evidence for the committee’s inquiries into the Department of Parliamentary Services, and proposed Parliament House security upgrade works.

Foreign Affairs, Defence and Trade—Joint Standing Committee—public meeting on Wednesday, 13 May 2015, from 11 am, to take evidence for the committee’s inquiry into Australia’s trade and investment relationships with countries of the Middle East.

Foreign Affairs, Defence and Trade References Committee—public meeting on Wednesday, 13 May 2015, from 5 pm, to take evidence for the committee’s inquiry into Defence use of unmanned platforms.

4 CUSTOMS AMENDMENT (ANTI-DUMPING MEASURES) BILL (NO. 1) 2015
CUSTOMS TARIFF (ANTI-DUMPING) AMENDMENT BILL 2015
Order of the day read for the consideration of the bills in committee of the whole.

In the committee

Bills taken together and as a whole by leave.

Question—That the Customs Amendment (Anti-dumping Measures) Bill (No. 1) 2015 stand as printed—divided, at the request of Senator Carr, in respect of Schedule 1, Part 15.
Schedule 1, Part 15 debated.

Question—That Schedule 1, Part 15 stand as printed—put and negatived.

Question—That the Customs Amendment (Anti-dumping Measures) Bill (No. 1) 2015, as amended, be agreed to—divided, at the request of Senator Xenophon, in respect of Schedule 1, Parts 7 and 11.
Schedule 1, Parts 7 and 11 debated.

Question—That Schedule 1, Parts 7 and 11 stand as printed—put and negatived.
The Customs Amendment (Anti-dumping Measures) Bill (No. 1) 2015, as amended, and the Customs Tariff (Anti-Dumping) Amendment Bill 2015 debated.
Senator Xenophon moved the following amendment in respect of the Customs Amendment (Anti-dumping Measures) Bill (No. 1) 2015:

Schedule 1, page 38 (after line 4), at the end of the Schedule, add:

**Part 16—Review of Anti-Dumping Commission**

*Customs Act 1901*

129 At the end of Part XV

Add:

**Division 10—Anti-Dumping Commission reporting obligations**

269ZZYAA Annual report

(1) The Commissioner must, as soon as practicable after the end of each financial year, prepare and give to the Minister, for presentation to the Parliament, a report on the Anti-Dumping Commission’s operations during the financial year.

(2) A report under subsection (1) must include the following:

(a) the number of preliminary affirmative determinations in the financial year in which public notice was given, under section 269TD, 60 days after the date of initiation of an investigation;

(b) the number of days (averaged over the financial year) taken to give public notice, under section 269TD, of the making of a preliminary affirmative determination;

(c) the number of instances in the financial year in which the Commissioner has relied upon submissions lodged by interested parties under Division 6A without verification of the contents of such submissions;

(d) the number of days (averaged over the financial year) taken for a nominated exporter of goods to Australia to answer questions in a questionnaire given to the exporter by the Commissioner under subsection 269TC(8);

(e) the total amount of interim duties collected during the financial year;

(f) the total amount of final dumping duties collected during the financial year.

(3) A report under subsection (1) may be included in the annual report of the Department.

(4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

Debate ensued.
Senator Xenophon, by leave, withdrew the amendment.

Question—That the Customs Tariff (Anti-Dumping) Amendment Bill 2015 stand as printed—divided, at the request of Senator Xenophon, in respect of Schedule 1, items 1, 8, 9 and 13.

Schedule 1, items 1, 8, 9 and 13 debated.

Question—That Schedule 1, items 1, 8, 9 and 13 stand as printed—put and negatived.
On the motion of Senator Xenophon the following amendment in respect of the Customs Tariff (Anti-Dumping) Amendment Bill 2015 was agreed to:

Schedule 1, item 18, page 5 (line 26), omit “items 1, 2, 5, 8, 9, 10, 13 and 14”, substitute “items 2, 5, 10 and 14”.

Bills, as amended, agreed to.

Bills to be reported with amendments.

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

On the motion of the Assistant Minister for Social Services (Senator Fifield) the report from the committee was adopted.

Senator Fifield moved—That these bills be now read a third time.

Debate ensued.

Question put and passed.

Bills read a third time.

5 ORDER OF BUSINESS—REARRANGEMENT

The Assistant Minister for Social Services (Senator Fifield) moved—That government business order of the day no. 2 (Australian Securities and Investments Commission Amendment (Corporations and Markets Advisory Committee Abolition) Bill 2014) be postponed till the next day of sitting.

Question put and passed.

6 BIOSECURITY BILL 2014

BIOSECURITY (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2014

QUARANTINE CHARGES (IMPOSITION—GENERAL) AMENDMENT BILL 2014
QUARANTINE CHARGES (IMPOSITION—CUSTOMS) AMENDMENT BILL 2014
QUARANTINE CHARGES (IMPOSITION—EXCISE) AMENDMENT BILL 2014

Order of the day read for the adjourned debate on the motion of the Minister for Finance (Senator Cormann)—That these bills be now read a second time—and on the amendment moved by Senator Siewert in respect of the Biosecurity Bill 2014:

At the end of the motion, add “but the Senate calls on the Government to enshrine the independence of the Inspector-General in legislation by reintroducing the Inspector-General of Biosecurity Bill 2012”.

Question—That the amendment be agreed to—put and negatived.

Senator Xenophon moved the following amendment in respect of the Biosecurity Bill 2014:

At the end of the motion, add “but the Senate calls on the Government to review the biosecurity framework to provide that biosecurity policy determinations are subject to disallowance and therefore Parliamentary scrutiny”.

Question—That the amendment be agreed to—put and negatived.
Senator Waters moved the following amendment in respect of the Biosecurity Bill 2014:

At the end of the motion, add “but the Senate calls on the Government to establish and resource Environment Health Australia in the same manner as Plant Health Australia and Animal Health Australia, in order to establish a partnership between community, governments and environmental organisations to focus on high priority policy and planning issues in environmental biosecurity”.

Question—That the amendment be agreed to—put and negatived.

Main question put and passed.

Bills read a second time.

The Senate resolved itself into committee for the consideration of the bills.

_In the committee_

Bills, taken together and as a whole by leave, debated.

On the motion of the Parliamentary Secretary to the Minister for Agriculture (Senator Colbeck) the following amendments in respect of the Biosecurity Bill 2014, taken together by leave, were debated and agreed to:

Clause 9, page 19 (after line 30), after the definition of incoming passenger aircraft or vessel, insert:

_Inspector-General_ means the Inspector-General of Biosecurity appointed under section 566A.

Clause 9, page 22 (after line 5), after the definition of outgoing passenger aircraft or vessel, insert:

_paid work_ means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

Clause 539, page 531 (line 13), omit “reviews by the Agriculture Minister”, substitute “the Inspector-General of Biosecurity and reviews by him or her”.

Part 6, clauses 567 and 568, page 557 (line 1) to page 558 (line 13), omit the Part, substitute:

_Part 6—Inspector-General of Biosecurity_

_Division 1—Inspector-General of Biosecurity_

_566A Inspector-General of Biosecurity_

(1) There is to be an Inspector-General of Biosecurity.  

_Appointment_

(2) The Inspector-General is to be appointed by the Agriculture Minister by written instrument.  

_Note:_ The Inspector-General may be reappointed, subject to subsection 566B(2): see section 33AA of the _Acts Interpretation Act 1901_.

(3) The Inspector-General may be appointed on a full-time or part-time basis.
566B Term of office

(1) The Inspector-General holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

(2) The Inspector-General must not hold office for a total of more than 10 years.

566C Remuneration

(1) The Inspector-General is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the member is to be paid the remuneration that is prescribed under subsection (4).

(2) The Inspector-General is to be paid the allowances that are prescribed under subsection (4).

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

(4) The Agriculture Minister may, by legislative instrument, prescribe:
   (a) remuneration for the purposes of subsection (1); and
   (b) allowances for the purposes of subsection (2).

566D Leave of absence for full-time Inspector-General

(1) If the Inspector-General is appointed on a full-time basis, he or she has the recreation leave entitlements that are determined by the Remuneration Tribunal.

(2) If the Inspector-General is appointed on a full-time basis, the Agriculture Minister may grant the Inspector-General leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Agriculture Minister determines.

566E Engaging in other paid employment

Full-time Inspector-General

(1) If the Inspector-General is appointed on a full-time basis, he or she must not engage in paid work outside the duties of his or her office without the Minister’s approval.

Part-time Inspector-General

(2) If the Inspector-General is appointed on a part-time basis, he or she must not engage in any paid work that conflicts or may conflict with the proper performance of his or her duties.

566F Other terms and conditions

The Inspector-General holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Agriculture Minister.

566G Resignation

(1) The Inspector-General may resign his or her appointment by giving the Agriculture Minister a written resignation.

(2) The resignation takes effect on the day it is received by the Agriculture Minister or, if a later day is specified in the resignation, on that later day.
566H Termination of appointment

(1) The Agriculture Minister may terminate the appointment of the Inspector-General:
   (a) for misbehaviour; or
   (b) if the Inspector-General is unable to perform the duties of his or her office because of physical or mental incapacity.

(2) The Agriculture Minister may terminate the appointment of the Inspector-General if:
   (a) the Inspector-General:
      (i) becomes bankrupt; or
      (ii) takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
      (iii) compounds with one or more of his or her creditors; or
      (iv) makes an assignment of his or her remuneration for the benefit of one or more of his or her creditors; or
   (b) if the Inspector-General is appointed on a full-time basis—he or she is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
   (c) if the Inspector-General is appointed on a full-time basis—he or she engages, except with the Agriculture Minister’s approval, in paid work outside the duties of his or her office (see subsection 566E(1)); or
   (d) if the Inspector-General is appointed on a part-time basis—he or she engages in paid work that conflicts or may conflict with the proper performance of his or her duties (see subsection 566E(2)); or
   (e) the Inspector-General fails, without reasonable excuse, to comply with section 29 of the Public Governance, Performance and Accountability Act 2013 (which deals with the duty to disclose interests) or rules made for the purposes of that section.

566J Acting appointments

The Agriculture Minister may, by written instrument, appoint a person to act as the Inspector-General:
   (a) during a vacancy in the office of Inspector-General (whether or not an appointment has previously been made to the office); or
   (b) during any period, or during all periods, when the Inspector-General:
      (i) is absent from duty or from Australia; or
      (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the Acts Interpretation Act 1901.

Division 2—Reviews by the Inspector-General

567 Inspector-General may review administration of provisions

(1) The Inspector-General may review the performance of functions, or exercise of powers, by biosecurity officials under one or more provisions of this Act.
Note: A review under this section is different from a review of a reviewable decision under Part 1 of Chapter 11. Although this section lets the Inspector-General review an exercise of power under a provision of this Act that may involve a reviewable decision, the Inspector-General cannot affirm, vary or set aside the decision.

(2) Subsection (1) does not permit the Inspector-General to review only a single performance of a function, or a single exercise of a power, by a single biosecurity official.

Note: A review under this section must be more general.

Report on review

(3) The Inspector-General must publish a report on each review he or she conducts under this section.

Regulations may deal with reviews and reports

(4) The regulations may make provision for or in relation to:
   (a) the process to be followed in conducting a review under this section; and
   (b) the content of reports of reviews conducted under this section.

568 Inspector-General may require information etc. for review

(1) The Inspector-General may, by written notice given to a person who the Inspector-General believes on reasonable grounds has information or documents relevant to a review under section 567, require the person to:
   (a) answer questions, or give information in writing, about the relevant information or documents by the time specified in the notice; or
   (b) produce the documents to the Inspector-General by the time specified in the notice.

Note 1: A person may commit an offence or contravene a civil penalty provision if the person gives false or misleading information (see section 137.1 of the Criminal Code and section 532 of this Act).

Note 2: A person may commit an offence or contravene a civil penalty provision if the person provides false or misleading documents (see section 137.2 of the Criminal Code and section 533 of this Act).

(2) The time specified in the notice must be at least 14 days after the notice is given.

Civil penalty provision

(3) A person who is required to answer questions, give information in writing or produce documents under subsection (1) must comply with the requirement.

Civil penalty: 30 penalty units.

Copying documents produced

(4) The Inspector-General:
   (a) may make copies of, or take extracts from, a document produced under subsection (1); and
   (b) for that purpose, may remove the document from the place at which it was produced.

Clause 643, page 631 (lines 6 to 19), omit subclauses (4) and (5).
Clause 644, page 633 (after line 12), after paragraph (6)(d), insert:
(da) the Inspector-General;
Clause 644, page 633 (line 21), omit “637;”, substitute “637.”.
Clause 644, page 633 (lines 22 to 24), omit paragraph (6)(l).
Senator Siewert moved the following amendments in respect of the Biosecurity Bill 2014 together by leave:
Clause 5, page 6 (line 16), at the end of note 2, add “However, if there is insufficient evidence to evaluate the level of risk associated with goods, then the precautionary principle will apply.”
Page 6 (after line 16), after clause 5, insert:
5A Precautionary principle must be applied when making a decision under this Act
A person making a decision under this Act must take account of the precautionary principle, to the extent that he or she can do so consistently with the other provisions of this Act.
Clause 9, page 23 (after line 24), after the definition of PPSA security interest, insert:
precautionary principle means the principle that lack of full scientific certainty should not be used as a reason for postponing or limiting cost-effective measures to prevent a biosecurity emergency, or a human biosecurity emergency, or to postpone or limit a response to a biosecurity risk.

Explanatory memorandum: Senator Colbeck tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the Biosecurity Bill 2014.

Debate ensued.
Question—That the amendments be agreed to—put and negatived.
Senator Siewert moved the following amendment in respect of the Biosecurity Bill 2014:
Page 6 (before line 17), before clause 6, insert:
5B Consultation with community in relation to administration
Chapters 2 to 8 of this Act are to be administered, as far as practicable, in consultation with, and having regard to the views and interests of, the following:
(a) Indigenous groups;
(b) industry groups;
(c) State and Territory governments;
(d) local governments;
(e) public sector entities;
(f) conservation organisations;
(g) any other interested groups;
(h) the general community.
Debate ensued.
Question—That the amendment be agreed to—put and negatived.
Senator Siewert moved the following amendments in respect of the Biosecurity Bill 2014 together by leave:

Clause 7, page 6 (lines 25 to 32), omit the clause, substitute:

7 Extension of Act to external Territories

(1) This Act extends to every external Territory other than the Australian Antarctic Territory.

(2) The regulations may extend this Act or any provisions of this Act, other than Chapter 5 (ballast water), to the Australian Antarctic Territory.

Note: Chapter 5 extends to all the external Territories (see section 259).

Clause 9, page 9 (after line 27), after the definition of *associate*, insert:

Australia when used in a geographical sense, includes all the external Territories other than the Australian Antarctic Territory.

Clause 12, page 30 (lines 5 to 18), omit the clause, substitute:

12 Meaning of Australian territory

A reference in a provision of this Act to *Australian territory* is a reference to:

(a) Australia and any external Territory to which that provision extends; and

(b) the airspace over an area covered by paragraph (a); and

(c) the coastal sea of Australia and of any other external Territory to which that provision extends.

Note 1: Under subsection 7(2), the regulations may extend this Act, or any provisions of this Act, to the Australian Antarctic Territory.

Note 2: The definition of coastal sea of Australia or an external Territory in subsection 15B(4) of the Acts Interpretation Act 1901 includes the airspace over Australia or the external Territory.

Debate ensued.
Question—That the amendments be agreed to—put and negatived.
Senator Siewert moved the following amendments in respect of the Biosecurity Bill 2014 together by leave:

Clause 9, page 27 (after line 4), after the definition of *tank*, insert:

*taxon* has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999*. 
644A Biennial biosecurity status reports

Biennial report—biosecurity

(1) The Director of Biosecurity must, as soon as practicable after the end of every second financial year, prepare and give to the Agriculture Minister, for presentation to the Parliament, a report on the following:

(a) the current status of the biosecurity system in Australia, including:

(i) a baseline assessment of diseases and pests in Australia which have detrimental impacts on the environment, economy or human health against which changes in the risk from these diseases and pests can be measured and progress in biosecurity measures assessed; and

(ii) changes within the previous 2 years in the status of diseases and pests in Australia, including new incursions detected, new taxa naturalised and eradicated;

(b) Australia’s state of biosecurity preparedness, including:

(i) a baseline assessment of the percentage of permitted species that have undergone risk assessment for import; and

(ii) risk assessments conducted within the previous 2 years, specifying the goods that have been assessed and the type of risk assessment conducted, and priorities for BIRAs; and

(iii) monitoring conducted and priorities for such monitoring; and

(iv) contingency plans prepared and implemented, and priorities for future contingency planning; and

(v) an assessment of the likely impact of climate change on existing and emerging biosecurity risks;

(c) Australia’s responses to diseases or pests that have entered, or have emerged, established themselves or spread, in Australian territory or a part of Australian territory, within the previous 2 years, including:

(i) taxa considered for eradication and the results of assessments under any agreements with the relevant States or Territories; and

(ii) progress in eradication programs;

(d) performance of other biosecurity functions within the previous 2 years, including:

(i) enforcement actions; and

(ii) consultation undertaken with relevant persons or bodies.

(2) The Agriculture Minister must table the report in each House of the Parliament as soon as practicable.
Biennial report—human biosecurity

(3) The Director of Human Biosecurity must, as soon as practicable after the end of every second financial year, prepare and give to the Health Minister, for presentation to the Parliament, a report on the following:

(a) a baseline assessment of diseases and pests in Australia that may cause harm to human health against which changes in the risk from these diseases and pests can be measured and progress in human biosecurity measures assessed;

(b) an evaluation of the changes within the previous 2 years in the status of such diseases and pests in Australia;

(c) performance of other human biosecurity functions within the previous 2 years, including risk identification, risk prioritisation, risk assessments, monitoring, inspections, interceptions, eradications, containment and control;

(d) emerging human biosecurity risks and preparedness to respond to new incursions;

(e) an assessment of the impact of climate change on human biosecurity;

(f) information sharing with biosecurity industry participants, including internationally.

(4) The Health Minister must table the report in each House of the Parliament as soon as practicable.

Meaning of relevant persons or bodies

(5) For the purposes of subparagraph (1)(d)(ii), relevant persons or bodies means the following:

(a) Indigenous groups;

(b) industry groups;

(c) State and Territory governments;

(d) local governments;

(e) public sector entities;

(f) conservation organisations;

(g) any other interested groups;

(h) the general community.

Question—That the amendments be agreed to—put and negatived.

Senator Siewert moved the following amendment in respect of the Biosecurity Bill 2014:

Page 46 (after line 4), at the end of Chapter 1, add:

Part 5—Proposed decisions affecting the environment

32A Requirement to seek advice from Environment Minister where significant risk of environmental harm

Before making a decision under this Act, the implementation of which is likely to result in a significant risk of harm to the environment, the Director of Biosecurity or the Director of Human Biosecurity (as the case may be) must consult with the Environment Minister.
32B Director to take advice into account

If the Director of Biosecurity or the Director of Human Biosecurity (as the case may be) receives any advice from the Environment Minister within 28 days after consulting the Environment Minister under section 32A, the Director must:

(a) ensure that the advice is taken into account in making the relevant decision; and
(b) inform the Environment Minister, in writing, as to how the advice was taken into account.

Debate ensued.

At 2 pm: The President resumed the chair and the Chair of Committees (Senator Marshall) reported progress.

7 QUESTIONS

A question without notice was answered.

Document: The Leader of the Opposition in the Senate (Senator Wong), by leave, tabled the following document:

Health—Hospital funding—Answer to question on notice no. 41 asked by Senator Wong during the consideration by the Economics Legislation Committee of the 2014-15 Budget estimates.

Further questions without notice were answered.

8 MOTIONS TO TAKE NOTE OF ANSWERS

Senator Urquhart moved—That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.

Debate ensued.

Question put and passed.

Senator Wright moved—That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Wright today relating to national security funding.

Question put and passed.

9 DEATH OF FORMER SENATOR THE HONOURABLE PETER ALEXANDER WALSH, AO

The President informed the Senate of the death, on 10 April 2015, of the Honourable Peter Alexander Walsh, AO, a senator for the state of Western Australia from 1974 to 1993.
The Leader of the Government in the Senate (Senator Abetz), by leave, moved—That the Senate records its deep regret at the death, on 10 April 2015, of the Honourable Peter Alexander Walsh, AO, former senator for Western Australia, 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.

10 **DEATH OF FORMER MEMBER THE HONOURABLE MICHAEL JOHN RANDAL MACKELLAR, AM**

The President informed the Senate of the death, on 9 May 2015, of the Honourable Michael John Randal MacKellar, AM, a former minister and member of the House of Representatives for the division of Warringah from 1969 to 1994.

The Leader of the Government in the Senate (Senator Abetz), by leave, moved—That the Senate records its deep regret at the death, on 9 May 2015, of the Honourable Michael John Randal MacKellar, AM, former minister and member for Warringah, 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 **PETITIONS**

The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Di Natale, from 7,231 petitioners, requesting that the Senate call on the Treasurer to take action on the avoidance of tax by the wealthy, and to raise revenue from those who can afford to pay.

Senator Ryan, from 395 petitioners, requesting that the Senate support the provision of improved mobile and fixed network internet services for Beveridge, Wallan and Whittlesea in Victoria.

12 **NOTICES**

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That—

(1) To ensure appropriate consideration of time critical bills by Senate committees, the provisions of all bills introduced into the House of Representatives after 14 May 2015 and up to and including 4 June 2015 that contain substantive provisions commencing on or before 1 July 2015 (together with the provisions of any related bill), are referred to committees for inquiry and report by 15 June 2015.

(2) The committee to which each bill is referred shall be determined in accordance with the order of 13 November 2013, allocating departments and agencies to standing committees.

(3) A committee to which a bill has been referred may determine, by unanimous decision, that there are no substantive matters that require examination and report that fact to the Senate.
(4) This order does not apply in relation to bills which contain:
   (a) no provisions other than provisions appropriating revenue or moneys (appropriation bills); and
   (b) commencement clauses providing only for the legislation to commence on Royal Assent.

The Assistant Minister for Social Services (Senator Fifield): To move on the next day of sitting—That consideration of the business before the Senate on Wednesday, 17 June 2015 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Gallagher to make her first speech without any question before the chair.

Senator Bernardi: To move on the next day of sitting—That the following matters be referred to the Economics References Committee for inquiry and report by 30 November 2015:
   (a) the extent of food certification schemes and certifiers in Australia including, but not limited to, schemes related to organic, kosher, halal and genetically-modified food and general food safety certification schemes;
   (b) current labelling requirements of food certification schemes;
   (c) the need for labelling on products produced by companies that pay certification fees;
   (d) whether current schemes provide enough information for Australian consumers to make informed purchasing decisions;
   (e) details regarding certification fees paid by food producers and/or manufacturers, and the potential for these to impact on prices for consumers;
   (f) the importance of food certification schemes in relation to export market access and returns to producers;
   (g) the extent and adequacy of information available to the public about certifiers including, but not limited to, certification processes, fees and financial records; and
   (h) any related matters.

Senator Ludwig: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Freedom of Information Act 1982, and for related purposes. Freedom of Information Amendment (Requests and Reasons) Bill 2015. (general business notice of motion no. 710)

Senators O’Sullivan, Williams and Canavan: To move on the next day of sitting—That the Senate—
   (a) notes that childhood immunisation is one of the most effective ways of preventing disease;
   (b) congratulates the Prime Minister (Mr Abbott) and the Minister for Social Services (Mr Morrison) for removing ‘conscientious objection’ as an exemption category to immunisation for preventable diseases for child care payments (Child Care Benefit and Child Care Rebate) and the Family Tax Benefit Part A end of year supplement;
   (c) condemns the Townsville Greens and their leader, Ms Gail Hamilton, for supporting debunked and discredited research such as Dr Andrew Wakefield’s MMR paper to justify their scaremongering and continuing to expose children to the dangers of preventable childhood diseases; and
calls on all parties to support the implementation of the ‘no jab no pay’ policy as part of a science-based approach to stopping the spread of communicable childhood diseases. (general business notice of motion no. 711)

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

(a) notes:

(i) an independent report commissioned by the City of Sydney analysing the traffic impact of the WestConnex project found that congestion on Parramatta Road would increase following the motorway’s construction, and

(ii) the report provides further evidence that investment in public transport is the best way to solve Sydney’s traffic and congestion bottlenecks; and

(b) calls on the Federal Government to withdraw its financial support for the WestConnex project. (general business notice of motion no. 712)

Senator Rice: To move on 14 May 2015—That the following matter be referred to the Education and Employment References Committee for inquiry and report by 10 August 2015:

Consideration of the creation of a nationwide portable workplace entitlement scheme for long service leave and any other appropriate entitlements, taking into account:

(a) the number of Australian workers in insecure work;

(b) increased workplace mobility and increasingly precarious working conditions; and

(c) any other related matters.

Senators Day, Leyonhjelm, Back, Canavan, Williams, Bernardi, Madigan, O’Sullivan and McKenzie: To move on the next day of sitting—That the Senate—

(a) questions the restriction of land for new housing and subsequent pricing policies by state and territory land management agencies; and

(b) highlights the constraints on land supply which are the principal causes of worsening housing affordability. (general business notice of motion no. 713)

13 PRIVATE SENATORS’ BILLS—CONSIDERATION

The Assistant Minister for Social Services (Senator Fifield) moved—That general business order of the day no. 62 (Food Standards Amendment (Fish Labelling) Bill 2015) be considered on Thursday, 14 May 2015 under the temporary order relating to the consideration of private senators’ bills.

Question put and passed.

14 LEAVE OF ABSENCE

Senator McEwen, by leave, moved—That leave of absence be granted to Senators Bilyk, Dastyari and Ludwig for 11 May 2015, for personal reasons.

Question put and passed.

Senator Bushby, by leave, moved—That leave of absence be granted to Senator Macdonald from 11 to 14 May 2015, for personal reasons.

Question put and passed.
15 POSTPONEMENTS

Business was postponed as follows:

- Business of the Senate notice of motion no. 1 standing in the name of Senator Whish-Wilson for today, proposing a reference to the Environment and Communications References Committee, postponed till 18 June 2015.
- General business notice of motion no. 674 standing in the names of Senators Rice and Wright for 13 May 2015, proposing the introduction of the Automotive Transformation Scheme Amendment (Sustainable Jobs in the Auto Component Industry) Bill 2015, postponed till 16 June 2015.
- General business notice of motion no. 709 standing in the name of the Chair of the Finance and Public Administration References Committee (Senator Gallagher) for today, proposing a variation to the order for the production of documents relating to departmental and agency contracts, postponed till 13 May 2015.

16 COMMITTEES—EXTENSIONS OF TIME TO REPORT

The following committees were granted extensions of time to report:

- Community Affairs References Committee—Commonwealth community service tendering processes by the Department of Social Services, extended to 19 August 2015.
  - Out of home care, extended to 12 August 2015.
- Environment and Communications References Committee—Electricity network companies, extended to 5 June 2015.
- Legal and Constitutional Affairs Legislation Committee—Copyright Amendment (Online Infringement) Bill 2015 [Provisions], extended to 29 May 2015.
  - Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015 [Provisions], extended to 5 June 2015.
  - Migration Amendment (Strengthening Biometrics Integrity) Bill 2015 [Provisions], extended to 5 June 2015.
17 NATIONAL CAPITAL AND EXTERNAL TERRITORIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING Sittings

Senator McEwen, at the request of the Deputy Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Brown) and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 702—that the Joint Standing Committee on the National Capital and External Territories be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) Thursday, 14 May 2015;
(b) Thursday, 18 June 2015; and
(c) Thursday, 25 June 2015.

Question put and passed.

18 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING Sittings

Senator Bushby, by leave and at the request of the Senator Fawcett, moved—that the Joint Standing Committee on Treaties be authorised to hold private meetings otherwise than in accordance with standing order 33(1), followed by public meetings, during the sittings of the Senate, as follows:

(a) Monday, 15 June 2015; and
(b) Monday, 22 June 2015.

Question put and passed.

19 HEALTH—MENTAL HEALTH SECTOR REFORM

Senator Wright, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 706—that the Senate—

(a) welcomes, after significant delay, the release of the National Mental Health Commission’s Report of the National Review of Mental Health Programmes and Services, which found:

(i) mental health care in Australia often comes too late, is fragmented, fails to prevent crisis situations, and often does not take into account a person’s broader social needs,

(ii) inadequate responses to significantly higher rates of mental distress, trauma, suicide and intentional self-harm among Aboriginal and Torres Strait Islander people, and

(iii) mental health funding is concentrated in expensive acute care services, and too little is directed towards prevention and early intervention strategies; and

(b) calls on the Government to expeditiously progress reform of the mental health sector and address the significant unmet mental health needs of Australians.

Question put and passed.

20 PRIMARY INDUSTRIES—SHEARING AND WOOL INDUSTRIES

Senator Williams amended general business notice of motion no. 707 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that the Senate notes that—

(a) for over 100 years the Australian economy was said to be ‘riding on the sheep’s back’;

(b) wool is Australia’s third largest agricultural export;
(c) the gross value of wool produced in Australia in 2013-14 was $2.53 billion;
(d) the value of Australian wool exported in 2013-14 was $2.87 billion;
(e) shearsers and wool producers are hard-working people with strong animal welfare ethics;
(f) the activist group People for the Ethical Treatment of Animals (PETA) has admitted its picture of a supposed bloodied lamb is a fake; and
(g) PETA has embarked on a campaign to mislead the Australian community to the detriment of the wool industry.

Question put and passed. All Australian Greens senators, by leave, recorded their votes for the noes.

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

21 HEALTH—GENETICALLY-MODIFIED FOODS—ADVICE—ORDER FOR PRODUCTION OF DOCUMENTS
Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 708—That there be laid on the table by the Minister representing the Minister for Health, by noon on 14 May 2015, a copy of the advice generated by the Office of the Gene Technology Regulator stating that crops developed using EXZACT Delete technology would not contain introduced foreign nucleic acid, once the ZFN genes are no longer present, and would not be considered GMO and therefore not subject to regulation under the Gene Technology Act 2000.

Question put and passed.

22 FOREIGN AFFAIRS, DEFENCE AND TRADE LEGISLATION COMMITTEE—REFERENCE
Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That, in accordance with the recommendation of the Legal and Constitutional Affairs Legislation Committee in the report International Aid (Promoting Gender Equality) Bill 2015, the International Aid (Promoting Gender Equality) Bill 2015 be referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 17 June 2015.

Question put and passed.

23 WIND TURBINES—SELECT COMMITTEE—VARIATION OF APPOINTMENT
The Chair of the Select Committee on Wind Turbines (Senator Madigan), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 704—That the resolution of the Senate of 24 November 2014, appointing the Select Committee on Wind Turbines, be amended to omit “24 June 2015”, and substitute “3 August 2015”.

Question put and passed.

24 TAXATION—FUEL DUTY RATES
Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 705—That the Senate declares its opposition to the fuel duty rates for excise and customs contained in the Excise Tariff Proposal (No. 1) 2014 and the Customs Tariff Proposal (No. 1) 2014 respectively, and tabled in the House of Representatives on 30 October 2014.
Senator Rice, by leave, moved the following amendment:

At the end of the motion, add “until other measures are implemented to transform Australia towards a cleaner, smarter economy”.

Question—That the amendment be agreed to—put and negatived.

Main question put.

The Senate divided—

AYES, 34

Noes, 27

Question agreed to.

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

25 PRIMARY INDUSTRIES—KANGAROO MEAT EXPORTS

Senator O’Sullivan, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 701—That the Senate recognises:

(a) the addition of Peru as an export market for kangaroo meat, with the first commercial size shipment of about 1 000 kg of product leaving our shores in February 2015 and headed for supermarket shelves in Lima; and

(b) that the Federal Government, through the Department of Agriculture and Austrade, has been working with the Kangaroo Industry Association of Australia and the exporter since 2008 to negotiate market access to Peru, and that these extensive negotiations between Australian and Peruvian authorities included agreements on import conditions, health certification and the process for approval of Australian export establishments.

Question put and passed. All Australian Greens senators, by leave, recorded their votes for the noes.
26 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ADMINISTRATION—ABBOTT GOVERNMENT

The President informed the Senate that Senator Moore had proposed that the following matter of public importance be submitted to the Senate for discussion:

The Prime Minister’s failure to honour his promise there would be ‘no cuts to education, no cuts to health, no change to pensions, no change to the GST and no cuts to the ABC or SBS’ under a Coalition Government.

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

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

Administration—Abbott Government—Extract from the Department of Employment website ‘Learn Earn Legend’.

Discussion concluded.

27 DOCUMENTS—CONSIDERATION

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

The following orders of the day relating to documents were considered:

- Health—Access to mental health services—Letter to the President of the Senate from the Minister for Health (Ms Ley) responding to the resolution of the Senate of 3 March 2015. Motion to take note of document moved by Senator Wright. Debate adjourned till Thursday at general business, Senator Wright in continuation.

Orders of the day nos 2 to 13 and 15 to 19 relating to documents were called on but no motion was moved.

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

Senator O’Sullivan, on behalf of the Joint Standing Committee on Electoral Matters, tabled the following document:


The Chair of the Parliamentary Standing Committee on Public Works (Senator Smith) tabled the following reports:

- Public Works—Joint Statutory Committee—
Senator Smith moved—That the Senate take note of the reports. Question put and passed.

The Assistant Minister for Health (Senator Nash) tabled the following document:

The Assistant Minister for Health (Senator Nash) tabled the following document:

The following order of the day relating to committee reports and government responses was considered:
Economics References Committee—Out of reach? The Australian housing affordability challenge—Interim and final reports. Motion to take note of reports moved by Senator McLucas and debated. Debate adjourned till the next day of sitting. Senator Canavan in continuation.

At 8.30 pm—

29 BUDGET STATEMENT AND DOCUMENTS 2015-16
The Minister for Finance (Senator Cormann) tabled the following documents:
The Budget 2015-16—Statement by the Treasurer (Mr Hockey), dated 12 May 2015.

Budget papers—
No. 1—Budget strategy and outlook.
No. 2—Budget measures.
No. 3—Federal financial relations.
No. 4—Agency resourcing.

Ministerial statement—Partnership for regional growth 2015-16—Statement by the Minister for Infrastructure and Regional Development (Mr Truss) and the Assistant Minister for Infrastructure and Regional Development (Mr Briggs), dated 12 May 2015.

Senator Cormann, by leave, moved—That the Senate take note of the statement and documents.

On the motion of Senator Cormann the debate was adjourned till the next day of sitting.
30 PARTICULARS OF PROPOSED AND CERTAIN EXPENDITURE FOR 2015-16 AND PARTICULARS OF PROPOSED AND CERTAIN ADDITIONAL EXPENDITURE FOR 2014-15—DOCUMENTS—REFERENCE OF ESTIMATES TO COMMITTEES

The Minister for Finance (Senator Cormann) tabled the following documents:

- Particulars of proposed expenditure in respect of the year ending on 30 June 2016.
- Particulars of certain proposed expenditure in respect of the year ending on 30 June 2016.
- Particulars of proposed expenditure in relation to the parliamentary departments in respect of the year ending on 30 June 2016.
- Particulars of proposed additional expenditure in respect of the year ending on 30 June 2015.
- Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2015.

Senator Cormann, by leave, moved—that the documents be referred to legislation committees for the consideration of the estimates.

Question put and passed.

31 ESTIMATES OF PROPOSED EXPENDITURE FOR 2015-16—PORTFOLIO BUDGET STATEMENTS—PARLIAMENTARY DEPARTMENTS—DOCUMENTS

The President tabled the following documents:

- Estimates of proposed expenditure for 2015-16—Portfolio budget statements—Parliamentary departments—Senate.
- Parliamentary Budget Office.
- Parliamentary Services.

32 ESTIMATES OF PROPOSED EXPENDITURE FOR 2015-16 AND ESTIMATES OF PROPOSED SUPPLEMENTARY EXPENDITURE FOR 2014-15—PORTFOLIO BUDGET STATEMENTS—PORTFOLIOS AND EXECUTIVE DEPARTMENTS—DOCUMENTS

The Minister for Finance (Senator Cormann) tabled the following documents:

- Estimates of proposed expenditure for 2015-16—Portfolio budget statements—Portfolios and executive departments—Agriculture portfolio.
- Attorney-General’s portfolio.
- Communications portfolio.
- Defence portfolio.
- Department of Human Services.
- Department of Veterans’ Affairs.
- Education and Training portfolio.
- Employment portfolio.
- Environment portfolio.
- Finance portfolio.
- Foreign Affairs and Trade portfolio.
- Health portfolio.
- Immigration and Border Protection portfolio.
- Industry and Science portfolio.
- Infrastructure and Regional Development portfolio.
Prime Minister and Cabinet portfolio.
Social Services portfolio.
Treasury portfolio.
Estimates of proposed supplementary expenditure for 2014-15—Portfolio supplementary additional estimates statements—Portfolios—
Attorney General’s.
Communications.
Defence.
Education and Training.
Environment.
Foreign Affairs and Trade.
Immigration and Border Protection.
Industry and Science.
Infrastructure and Regional Development.
Social Services.
Treasury.

33 ADJOURNMENT
The President proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 9.55 pm till Wednesday, 13 May 2015 at 9.30 am.

34 ATTENDANCE
Present, all senators except Senators Lambie and Macdonald* (*on leave).

ROSEMARY LAING
Clerk of the Senate

Printed by authority of the Senate