JOURNALS OF THE SENATE

No. 6

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MEETING OF SENATE

The Senate met at 9.30 am. The President (Senator the Honourable Stephen Parry) took the chair, read prayers and made an acknowledgement of country.

DOCUMENTS

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

Access to unpublished committee documents—Reports by the President to the Senate, pursuant to the resolution of the Senate of 6 September 1984—

Joint Select Committee on Aboriginal Land Rights in the Northern Territory (1976 to 1977).


Institutional Responses to Child Sexual Abuse—Royal Commission—Reports of case studies—

No. 21—The response of the Satyananda Yoga Ashram at Mangrove Mountain to allegations of child sexual abuse by the ashram’s former spiritual leader in the 1970s and 1980s, dated April 2016.


Migration Act 1958—Section 486O—Assessment of detention arrangements—

Personal identifiers 1001665-O, 1001801-O, 1002223, 1002234-O, 1002237-O, 1002298-O, 1002350, 1002367-O, 1002379, 1002392, 1002450, 1002454, 1002471, 1002492, 1002600, 1002656, 1002675, 1002681, 1002811, 1002873, 1002976, 1002992, 1003021, 1003055, 1003204, 1003205, 1003227, 1003234, 1003235, 1003248, 1003253, 1003275, 1003302, 1003314, 1003322, 1003328, 1003339, 1003351, 1003353, 1003355, 1003359, 1003382, 1003401, 1003429 and 1003464—


Government response to Ombudsman’s reports, dated 9 September 2016.

Personal identifiers 1001040-O, 1001333-O, 1001428-O, 100214-O, 1002217-O, 1002228-O, 1002234, 1002345-O, 1002359-O, 1002389, 1002420, 1002472, 1002475, 1002546, 1002595, 1002628, 1002650, 1002660, 1002698, 1002723, 1002734, 1002768, 1002774, 1002776, 1002813, 1002817, 1002828, 1002831, 1003017, 1003070, 1003088, 1003133, 1003146, 1003217, 1003233, 1003239, 1003244, 1003249, 1003275, 1003298, 1003310, 1003324, 1003346, 1003347, 1003349, 1003376, 1003386, 1003395, 1003449 and 1003486—

Commonwealth Ombudsman’s reports—Report no. 15 of 2016.

Government response to Ombudsman’s reports, dated 9 September 2016.
Commonwealth Ombudsman’s reports—Report no. 16 of 2016.
Government response to Ombudsman’s reports, dated 9 September 2016.

Government response to Ombudsman’s reports, dated 9 September 2016.

Personal identifiers 1000051-O, 1001784-O, 1002132-O, 1002213-O, 1002221-O, 1002246-O, 1002252, 1002290, 1002320-O, 1002412, 1002788, 1002832, 1002886, 1002889, 1002932, 1002941, 1002948, 1003006, 1003016, 1003060, 1003061, 1003069, 1003092, 1003123, 1003125, 1003128, 1003141, 1003144, 1003163, 1003164, 1003246, 1003251, 1003252, 1003261, 1003266, 1003276, 1003279, 1003294, 1003303, 1003305, 1003308, 1003330, 1003336, 1003343, 1003345, 1003458 and 1003531—
Commonwealth Ombudsman’s reports—Report no. 18 of 2016.
Government response to Ombudsman’s reports, dated 9 September 2016.

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

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

A New Tax System (Family Assistance) Act 1999—
Child Care Benefit (Children in respect of whom no-one is eligible) Amendment Determination 2016 [F2016L01425].
Child Care Benefit (Session of Care) Determination 2016 [F2016L01427].

A New Tax System (Family Assistance) (Administration) Act 1999—Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2016 [F2016L01426].

3 COMMITTEES—LEAVE TO MEET DURING SITTINGS
Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:

Economics Legislation Committee—today, from 10.30 am, for the committee’s inquiry into the provisions of the Budget Savings (Omnibus) Bill 2016.
Education and Employment Legislation Committee—Thursday, 15 September 2016, from 11 am.
Education and Employment References Committee—Thursday, 15 September 2016, from 11 am.

4 Excise Tariff Amendment (Tobacco) Bill 2016
Customs Tariff Amendment (Tobacco) Bill 2016
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston)—That these bills be now read a second time.
Debate resumed.
At 12.45 pm: Debate was interrupted while the Minister for Employment (Senator Cash) was speaking.

5 Senators’ Statements
Senators made statements.

At 2 pm—

6 Shadow Ministry—Document
The Leader of the Opposition in the Senate (Senator Wong), by leave, tabled a document showing the Opposition shadow ministry, dated 14 September 2016.

7 Questions
Questions without notice were answered.

8 Motions to Take Note of Answers
Senator Ketter moved—That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Opposition senators today.
Debate ensued.
Question put and passed.
Senator Rice moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Rice today relating to the proposed plebiscite into marriage equality.
Question put and passed.

9 Notices
Senators Leyonhjelm and Burston, the Leader of Pauline Hanson’s One Nation (Senator Hanson), Senator Culleton, the Leader of Derryn Hinch’s Justice Party (Senator Hinch) and Senators Roberts and Day: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to racial discrimination, and for related purposes. Racial Discrimination Law Amendment (Free Speech) Bill 2016. (general business notice of motion no. 50)
Senator Siewert: To move on the next day of sitting—
(1) That so much of the standing orders be suspended as would prevent this resolution having effect.
(2) That the following bills be restored to the Notice Paper and consideration of each of the bills resume at the stage reached in the 44th Parliament:

Australian Centre for Social Cohesion Bill 2015
Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
Charter of Budget Honesty Amendment (Intergenerational Report) Bill 2015
Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
End Cruel Cosmetics Bill 2014
Guardian for Unaccompanied Children Bill 2014
Independent National Security Legislation Monitor (Improved Oversight and Resourcing) Bill 2014
Migration Amendment (Free the Children) Bill 2016
Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014
Motor Vehicle Standards (Cheaper Transport) Bill 2014
National Integrity Commission Bill 2013
Private Health Insurance Amendment (GP Services) Bill 2014
Recognition of Foreign Marriages Bill 2014. (general business notice of motion no. 51)

The Assistant Minister for Agriculture and Water Resources (Senator Ruston): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Basin Plan 2012 in relation to the notification of supply and efficiency measures for the adjustment of the long-term average sustainable diversion limits, and for related purposes. Water Legislation Amendment (Sustainable Diversion Limit Adjustment) Bill 2016.

The Minister for Communications (Senator Fifield): To move on the next day of sitting—That consideration of the business before the Senate on Tuesday, 11 October 2016 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Kakoschke-Moore to make her first speech without any question before the chair.

Senators Hanson-Young and Xenophon: To move on the next day of sitting—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 7 February 2017:

The proposed Trans-Pacific Partnership (TPP) Agreement, with particular reference to the impact of the agreement on:

(a) Australia’s economy and trade;
(b) Australia’s domestic labour market testing obligations and laws regarding wages, conditions and entitlements of Australian workers and temporary work visa holders;
(c) Australian investment;
(d) Australia’s social, cultural and environmental policies;
(e) the effect of Investor-State Dispute Settlement;
(f) rights for copyright holders;
(g) rights for consumers; and
(h) any other related matters.
Senator Polley: To move on 10 October 2016—That the Senate—
   (a) recognises that:
      (i) World Mental Health Day takes place on 10 October,
      (ii) Mental Health Week will take place in Australia from 9 to 15 October 2016, and
      (iii) both World Mental Health Day and Mental Health Week seek to encourage help-seeking behaviour, reduce the stigma associated with mental health issues and foster connections through communities;
   (b) acknowledges the importance of World Mental Health Day and other campaigns, including R U OK? Day in Australia and World Suicide Prevention Day, that:
      (i) help build community awareness about mental health issues, and
      (ii) help build community awareness around suicide prevention and encourage people to have regular and meaningful conversations with family, friends and colleagues;
   (c) recognises the efforts of dedicated individuals and organisations working to address mental health issues and suicide prevention;
   (d) notes with concern that suicide rates remain unacceptably high, and that in Australia:
      (i) suicide is the leading cause of death for men and women between the ages of 15 and 44,
      (ii) each day seven people die by suicide and 30 attempt suicide,
      (iii) higher rates of suicide exist among vulnerable groups, including Aboriginal and Torres Strait Islander peoples, young people and people from lesbian, gay, bisexual, transgender and intersex (LGBTI) communities,
      (iv) the annual number of deaths by suicide is around 2 500,
      (v) each year it is estimated that 65 000 people attempt suicide, and
      (vi) the annual suicide toll is now twice the annual road toll; and
   (e) calls on the Government to show leadership around suicide prevention, including working in a bipartisan approach to adopt the National Mental Health Commission’s target to reduce suicide by 50 per cent over the next 10 years.  
   
   (general business notice of motion no. 52)

The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the law relating to counter-terrorism, and for related purposes.  
   Counter-Terrorism Legislation Amendment Bill (No. 1) 2016.

The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for other purposes.  
   Criminal Code Amendment (Firearms Trafficking) Bill 2016.

The Attorney-General (Senator Brandis): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for related purposes.  
   Criminal Code Amendment (High Risk Terrorist Offenders) Bill 2016.

The Minister for Communications (Senator Fifield): To move on the next day of sitting—That, on Thursday, 15 September 2016:
   (a) the hours of meeting shall be 9.30 am to adjournment; and
(b) if the Budget Savings (Omnibus) Bill 2016 has not been finally considered by 6 pm:

(i) consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with,

(ii) the routine of business from not later than 6 pm shall be government business only and the order of the day relating to the Budget Savings (Omnibus) Bill 2016 have precedence over all other government business until determined,

(iii) divisions may take place after 4.30 pm, and

(iv) the Senate shall adjourn after it has finally considered the bill listed above, or a motion for the adjournment is moved by a minister, whichever is the earlier.

Senator Hanson-Young: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to protect the Great Australian Bight environment, and for related purposes. Great Australian Bight Environment Protection Bill 2016. (general business notice of motion no. 53)

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

(a) the Senate notes that:

(i) the Government is currently in negotiations with the 45 of 164 World Trade Organisation (WTO) member countries that have acceded to the WTO Government Procurement Agreement, and that Australia is negotiating to accede to the agreement, and

(ii) these negotiations are being held in secret but could have profound effects on the ability of future Australian governments to use government procurement for local industry development; and

(b) there be laid on the table by the Minister representing the Minister for Trade, Tourism and Investment, by no later than 3 pm on 10 October 2016, the Australian offer made and responses to date to that offer. (general business notice of motion no. 54)

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

(a) notes that:

(i) a video in circulation violently threatens a high-profile gun control advocate,

(ii) the individuals in the video have previously been referred to the New South Wales Police for posting violent videos aimed at racial and religious minorities and the Greens, and

(iii) former Prime Minister John Howard performed a courageous act in 1996 by pursuing national gun law reform; and

(b) calls on the Federal Government to:

(i) maintain and strengthen the National Firearms Agreement,

(ii) commit to a ban on the importation and sale of rapid-fire shot guns, and

(iii) show leadership on firearms similar to that shown by Mr Howard, and work with state governments to have firearms laws amended to provide for the immediate cancellation of a firearms licence and surrender of all weapons when a shooter has displayed threatening, intimidating or offensive behaviour associated with their use of firearms. (general business notice of motion no. 55)
Senator Rice: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Industry, Innovation and Science, by no later than 10 am on 10 October 2016, the following documents relating to the final report commissioned by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and prepared by Ernst and Young, entitled Review of CSIRO’s Science Prioritisation and Implementation Process:

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

(b) any documents, including correspondence, briefs or file notes, held by either the CSIRO or the Department of Industry, Innovation and Science. (general business notice of motion no. 56)

Senators Moore and Brown: To move on the next day of sitting—That the Senate—

(a) recognises the immense suffering of survivors of institutional child sexual abuse, and that survivors may be affected by the abuse for their whole lives;

(b) acknowledges that 14 September 2016 marks the one year anniversary of the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse;

(c) calls on the Federal Government to establish a national redress scheme for survivors of institutional sexual abuse, following recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, which include:

(i) the creation of a single national redress scheme, coordinated by the Federal Government, and not outsourcing responsibility to the states, and

(ii) the provision of counselling and financial redress, with costs met by the institutions responsible for the perpetrators of the abuse;

(d) notes that:

(i) the Royal Commission into Institutional Responses to Child Sexual Abuse recommended the Government announce a national redress scheme by the end of 2015 and proceed without delay, and

(ii) the Government did not meet this recommended deadline and any further delay puts at risk the recommended start date of 1 July 2017; and

(e) recommends that the Federal Government consult extensively on further details of a national redress scheme to ensure that it fully meets the ongoing and complex needs of survivors and their families. (general business notice of motion no. 57)

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

(a) the Senate notes that:

(i) the President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016, listed the report of the Rural and Regional Affairs and Transport References Committee on the Australian grape and wine industry as amongst the reports the Government had failed to respond to within the 3 month timeframe, and

(ii) the Government still has not provided a formal response to the committee’s report, although it has been 7 months since the report was tabled; and
(b) there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, by no later than 3.30 pm on 10 October 2016, the government response to the report of the Rural and Regional Affairs and Transport References Committee on the Australian grape and wine industry, dated 12 February 2016. (general business notice of motion no. 58)

Senators Xenophon, Griff and Kakoschke-Moore: To move on the next day of sitting—that the Senate—

(a) notes that:

(i) the value of Commonwealth Government procurement contracts in the 2014-15 financial year was more than $59 billion,

(ii) the current Commonwealth Procurement Rules fail to take into account the social and economic effects of buying and procuring Australian made goods and local services,

(iii) asbestos has been found in building products imported into Australia as part of projects funded by governments, and

(iv) it was disclosed this week, that in April 2015, the Department of Defence awarded a $9 million contract for non-combat uniforms for the Australian Defence Force to a company that will have the uniforms made overseas rather than in Australia; and

(b) calls on the Government to amend the Commonwealth Procurement Rules, in order to take into account:

(i) the economic, social and environmental effects of local procurement, including employment outcomes, tax receipts and economic growth,

(ii) the need for Australian standards to be complied with in any procurement decision, and

(iii) whole of life benefits of a local procurement. (general business notice of motion no. 59)

Notices of motion withdrawn:

Senator Siewert, at the request of Senator Rhiannon, withdrew general business notice of motion no. 28 standing in the name of Senator Rhiannon for today, relating to foreign political donations.

Senator Kakoschke-Moore, at the request of Senator Xenophon, withdrew general business notice of motion no. 44 standing in the name of Senator Xenophon for today, proposing an order for the production of documents by the Minister representing the Treasurer.

10 LEAVE OF ABSENCE

Senator Urquhart, by leave, moved—that leave of absence be granted to Senator Marshall for today, for personal reasons.

Question put and passed.

Senator Bushby, by leave, moved—that leave of absence be granted to Senator Day for 14 and 15 September 2016, for personal reasons.

Question put and passed.
11 **POSTPONEMENTS**

Business was postponed as follows:

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, proposing the disallowance of the Legal Services Amendment (Solicitor-General Opinions) Direction 2016, postponed till 10 October 2016.

General business notice of motion no. 13 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) for today, relating to racial and cultural diversity, postponed till 15 September 2016.

General business notice of motion no. 34 standing in the name of the Leader of Derryn Hinch’s Justice Party (Senator Hinch) for today, proposing a variation to the order of the Senate relating to photography in the chamber, postponed till 13 October 2016.

*Statement by leave:* Senator Hinch, by leave, made a statement relating to the postponement of general business notice of motion no. 34.

12 **CORPORATIONS AND FINANCIAL SERVICES—JOINT STATUTORY COMMITTEE—REFERENCE**

Senator Williams, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 42—

That the following matters be referred to the Parliamentary Joint Committee on Corporations and Financial Services for inquiry and report by 30 June 2017:

(a) the need for further reform and improved oversight of the life insurance industry;

(b) assessment of relative benefits and risks to consumers of the different elements of the life insurance market, being direct insurance, group insurance and retail advised insurance;

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

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

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

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

(g) any related matters.

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

Question put and passed.

13 **PRIMARY INDUSTRIES—BACKPACKER TAX**

Senator Lambie amended general business notice of motion no. 46 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

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

(i) are worth $345 million each year,

(ii) employ approximately 30 000 people each year,
(iii) face risks to their profitability and viability because of the Federal Government’s plans to remove the tax-free threshold on backpackers’ wages,

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

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

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

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

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

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

(b) calls on the Government to listen to industry and state government leaders about the adverse impacts of this ill-conceived tax.

Question put and passed.

14 TREATIES—JOINT STANDING COMMITTEE—LEAVE TO MEET DURING SITTINGS

Senator Bushby, at the request of Senator Fawcett and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 47—That the Joint Standing Committee on Treaties be authorised to hold private meetings otherwise than in accordance with standing order 33(1), followed by public meetings, during the sittings of the Senate, from 11 am to 1 pm, as follows:

(a) Monday, 10 October 2016;

(b) Monday, 7 November 2016;

(c) Monday, 21 November 2016; and

(d) Monday, 28 November 2016.

Question put and passed.

15 HEALTH—NATIONAL STROKE WEEK

Senator Urquhart, at the request of Senators Moore and Bilyk and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 48—That the Senate—

(a) recognises that:

(i) National Stroke Week:

(A) will take place from 12 to 18 September 2016, and

(B) seeks to raise awareness about the need to prevent stroke in Australia, and

(ii) the Stroke Foundation encourages all Australians to:

(A) understand the symptoms of stroke and know what to do if one occurs,

(B) make healthy lifestyle choices which will reduce the risk of stroke,

(C) assist in raising awareness in their local communities, and
(D) get regular health check-ups;
(b) notes with concern the financial and emotional burden which stroke has on the Australian community;
(c) acknowledges the:
   (i) important role of families and carers of stroke victims, and
   (ii) valuable contribution of the Australian health system in preventing and treating stroke;
(d) congratulates the bipartisan efforts made by previous governments; and
(e) confirms the need for continued action to reduce the prevalence of stroke in Australia.

Question put and passed.

16 ECONOMICS REFERENCES COMMITTEE—REFERENCE

Senator Lambie, also on behalf of Senator Xenophon, amended business of the Senate notice of motion no. 3 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That the Senate notes that:
   (a) the Australian dairy industry is facing an unprecedented crisis with the retail cost of bottled milk per litre often less than the retail cost of bottled water;
   (b) Australian milk production since deregulation over 15 years has decreased from approximately 11 billion litres per year to 9 billion litres per year – a 20 per cent decrease, while New Zealand milk production has almost doubled;
   (c) in 2011, a report of the Senate Economics References Committee recommended that producers’ contracts with dairy farmers should offer a clear, consistent formula for milk pricing with unambiguous conditions;
   (d) five years later, the livelihoods of up to 40 per cent of Australian dairy farmers are under threat because of imposed, retrospective debt, helped by unclear, inconsistent milk pricing contracts with ambiguous conditions;
   (e) Australia’s largest dairy producer and milk price setter, Murray Goulburn, has been allowed to force onto its suppliers unprecedented milk contracts or agreements ensuring that dairy farmers are burdened with retrospective debts ranging from tens to hundreds of thousands of dollars;
   (f) Australian rural and regional communities face losing millions of dollars and thousands of jobs if a fair, long term solution to Australia’s dairy crisis is not found; and
   (g) the mental and physical health of dairy families and workers are being unnecessarily and unfairly placed in jeopardy as politicians, legal and industry experts argue about possible solutions to the dairy crisis.

(2) That the above matters be referred to the Economics References Committee for inquiry and report by 24 February 2017, in order to establish a fair, long-term solution to Australia’s dairy crisis, with particular reference to fresh milk security and:
   (a) the legality of retrospective elements of milk contracts;
(b) the behaviour of Murray Goulburn; and
(c) any other related matters.

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

Question put and passed.

17 DEFENCE—PERFLUORINATED COMPOUND CONTAMINATION
Senator Rhiannon, also on behalf of Senator Xenophon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 43—That the Senate—

(a) notes that on 14 June 2016, the Turnbull Government announced a $55 million package paid for from the existing Department of Defence budget, for:
   (i) containment and remediation of perfluorinated compound (PFC) contamination around the country,
   (ii) an epidemiological study to examine the effects of PFC contamination in communities around the country,
   (iii) a voluntary blood testing program,
   (iv) specialised mental health and counselling services, and
   (v) the appointment of a dedicated Community Liaison Office;
(b) calls on the Government to report on the progress of each item under the $55 million package; and
(c) calls on the Government to pay for residents living in Williamtown, Fullerton Cove and Salt Ash under similar contamination conditions to those inside the Red Zone to be connected to town water.

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

Question put and passed.

18 ECONOMICS REFERENCES COMMITTEE—AUSTRALIA’S AUTOMOTIVE INDUSTRY—GOVERNMENT RESPONSE—ORDER FOR PRODUCTION OF DOCUMENTS
Senator Kakoschke-Moore, at the request of Senator Xenophon and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 45—That—

(a) the Senate notes that:
   (i) the President’s report to the Senate on government responses outstanding to parliamentary committee reports as at 30 June 2016 listed the report of the Economics References Committee on the future of Australia’s automotive industry as amongst the reports the Government had failed to respond to within the 3 month timeframe, and
   (ii) the Government still has not provided a formal response to the committee’s report, although it has been 10 months since the report was tabled; and
(b) there be laid on the table by the Minister representing the Minister for Industry, Innovation and Science, by no later than 3.30 pm on 10 October 2016, the government response to the report of the Economics References Committee on the future of Australia’s automotive industry, dated 1 December 2015.
Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and passed.

19 **ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE—REFERENCE**

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 30 June 2017:

The current and future impacts of climate change on marine fisheries and biodiversity, including:

(a) recent and projected changes in ocean temperatures, currents and chemistry associated with climate change;

(b) recent and projected changes in fish stocks, marine biodiversity and marine ecosystems associated with climate change;

(c) recent and projected changes in marine pest and diseases associated with climate change;

(d) the impact of these changes on commercial fishing and aquaculture, including associated business activity and employment;

(e) the impact of these changes on recreational fishing;

(f) the adequacy of current quota-setting and access rights provisions and processes given current and projected climate change impacts;

(g) the adequacy of current and proposed marine biodiversity protections given current and projected climate change impacts;

(h) the adequacy of biosecurity measures and monitoring systems given current and projected climate change impacts; and

(i) any other related matters.

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

Question put.

The Senate divided—

**AYES, 34**

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* Tellers

Question agreed to.

20 LAW AND JUSTICE—INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE—ROYAL COMMISSION—RECOMMENDATIONS

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 49—That the Senate—

(a) recognises that:

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

(ii) the report recommended:

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

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

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

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

(b) notes that:

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

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

(c) calls on the Coalition to commit meaningfully to a national redress scheme, with the Commonwealth Government providing funding of last resort.

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

Question put.

The Senate divided—

AYES, 33

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NOES, 25

Senators—
Abetz
Back
Birmingham
Burton
Bushby*  
Duniam
Fawcett

Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Nash

O’Sullivan
Parry
Paterson
Payne
Reynolds
Roberts

Ruston
Ryan
Scullion
Seselja
Scullion
Williams

* Tellers

Question agreed to.

21 NOTICE

Senator Siewert gave a notice of motion as follows: 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 25 November 2016:

The operation of the Aged Care Funding Instrument, with particular reference to:

(a) its effectiveness in providing quality care;
(b) covering costs of care; and
(c) any other related matters.

22 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LAW AND JUSTICE—SALE OF ALCOHOL AT LICENSED VENUES—REGULATION

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

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

Restrictions on the sale and service of alcohol at licensed venues, and their impact on crime, health and enjoyment.

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

At 5 pm—

23 FIRST SPEECHES

Pursuant to order (see entries no. 9, 1 September 2016 and no. 14, 12 September 2016), Senators Hanson and McCarthy made their first speeches.
24 DOCUMENTS—CONSIDERATION

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


25 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND CONSIDERATION

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

   Scrutiny of Bills—Standing Committee—
   Alert Digest No. 6 of 2016, dated 14 September 2016.

Report ordered to be printed on the motion of Senator Urquhart.
Senator Fawcett, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following report:


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

The Minister for Communications (Senator Fifield) tabled the following document:


Senator Rhiannon moved—That the Senate take note of the document.

Question put and passed.

26 **ADMINISTRATION—2016 CENSUS—LEGAL ADVICE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT**

The Minister for Communications (Senator Fifield) tabled the following document:

Administration—2016 Census—Legal advice—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 14 September 2016, responding to the order of the Senate of 12 September 2016 and raising a public interest immunity claim.

27 **NOTICE**

The Leader of the Opposition in the Senate (Senator Wong) gave a notice of motion as follows: To move on the next day of sitting—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 8 November 2016:

The nature and scope of the consultations prior to the making of the Legal Services Amendment (Solicitor-General Opinions) Direction 2016, with particular reference to:

(a) the extent to which any consultation drew on the knowledge or expertise of persons having expertise in the relevant fields;
(b) whether persons likely to be affected by the proposed instrument had adequate opportunity to comment on its content;
(c) the form of the consultation, including whether any written submissions were sought;
(d) the timing of when any consultation occurred; and
(e) any related matter.

28 **ECONOMICS LEGISLATION COMMITTEE—REPORT—BUDGET SAVINGS (OMNIBUS) BILL 2016**

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


Report ordered to be printed on the motion of Senator Hume.
29 COMMITTEE MEMBERSHIP

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

The Minister for Finance (Senator Cormann), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Education and Employment Legislation Committee**—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Hanson-Young for the committee’s inquiry into the provisions of the Fair Work Amendment (Respect for Emergency Services Volunteers) Bill 2016

Participating member: Senator Hanson-Young

**Electoral Matters—Joint Standing Committee**—

Appointed—Participating members for the committee’s inquiry into the 2016 election: Senators Di Natale, Hanson-Young, Ludlam, McKim, Rice, Siewert, Waters and Whish-Wilson

**Foreign Affairs, Defence and Trade—Joint Standing Committee**—

Discharged—Senator Farrell

Appointed—Senator Chisholm

**Procedure—Standing Committee**—

Discharged—Senator Urquhart

Appointed—Senator Bilyk.

Question put and passed.

30 BUDGET SAVINGS (OMNIBUS) BILL 2016

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

Message no. 20, dated 14 September 2016—A Bill for an Act relating to budget savings, and for other purposes.

The Minister for Finance (Senator Cormann) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Cormann moved—That this bill be now read a second time.

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*Explanatory memorandum:* Senator Cormann tabled a revised explanatory memorandum relating to the bill.

---

On the motion of Senator Cormann the debate was adjourned and the resumption of the debate made an order of the day for a later hour.

Debate ensued.

Question put.

The Senate divided—

**AYES, 9**

- Di Natale
- Hanson-Young
- Ludlam
- McKim
- Rhiannon
- Rice
- Siewert*
- Waters
- Whish-Wilson

**NOES, 34**

- Burston
- Cash
- Chisholm
- Cormann
- Dodson
- Duniam
- Fawcett
- Fifield
- Gallacher
- Gallagher
- Griff
- Hinch
- Hume
- Kakoschke-Moore
- Ketter
- Lambie
- Leyonhjelm
- McAllister*
- McGrath
- McKenzie
- Moore
- O’Neill
- O’Sullivan
- Paterson
- Payne
- Pratt
- Reynolds
- Scullion
- Seselja
- Urquhart
- Watt
- Williams
- Xenophon

* Tellers

Question negatived.

**32 EXCISE TARIFF AMENDMENT (TOBACCO) BILL 2016**

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston)—That these bills be now read a second time.

Debate resumed.

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 and agreed to.

Bills to be reported without requests for amendments.

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

On the motion of the Minister for Finance (Senator Cormann) the report from the committee was adopted.
Senator Cormann moved—that these bills be now read a third time.
Question put.
The Senate divided—

**AYES, 46**

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*Tellers*

Question agreed to.
Bills read a third time.

33 **ORDER OF BUSINESS—REARRANGEMENT**

The Minister for Communications (Senator Fifield) moved—that intervening business be postponed till after consideration of government business order of the day no. 3 (consideration of message no. 17 from the House of Representatives relating to the Joint Standing Committee on the National Broadband Network).

Question put and passed.

34 **NATIONAL BROADBAND NETWORK—JOINT STANDING COMMITTEE—APPOINTMENT**

Order of the day read for the consideration of message no. 17 from the House of Representatives (see entry no. 32, 13 September 2016).

The Minister for Communications (Senator Fifield) moved—that the Senate concurs with the resolution of the House of Representatives contained in message no. 17 relating to the appointment of the Joint Standing Committee on the National Broadband Network.

Question put and passed.

35 **BUDGET SAVINGS (OMNIBUS) BILL 2016**

Order of the day read for the adjourned debate on the motion of the Minister for Finance (Senator Cormann)—that this bill be now read a second time.
Debate resumed.

*At 7.20 pm:* Debate was interrupted while Senator Gallagher was speaking.
36 ADJOURNMENT
The Acting Deputy President (Senator Gallacher) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.57 pm till Thursday, 15 September 2016 at 9.30 am.

37 ATTENDANCE
Present, all senators except Senators Bernardi*, Canavan, Day*, Fierravanti-Wells, Marshall* and Singh* (*on leave).

ROSEMARY LAING
Clerk of the Senate