2013-16

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 148

THURSDAY, 17 MARCH 2016

Contents

1 Meeting of Senate .......................................................... 3983
2 Documents........................................................................... 3983
3 Committee—Leave to Meet During Sitting .............................. 3984
4 Senate—Photography—Statement by President ..................... 3984
5 Hours of Meeting and Routine of Business—Proposed Variation .......................................................... 3984
6 Social Security Amendment (Diabetes Support) Bill 2016 .......... 3985
7 Marriage Equality Amendment Bill 2013 ............................. 3985
8 Petitions.............................................................................. 3986
9 Notices.................................................................................. 3986
10 Selection of Bills—Standing Committee—Report No. 4 of 2016 ... 3987
11 Defence—Iraq War—Statement by Leave ............................. 3988
12 Order of Business—Rearrangement ..................................... 3989
13 Committees—Extensions of Time to Report .......................... 3989
14 Hours of Meeting and Routine of Business—Variation .......... 3989
15 Historical Events—Australian Participation in the Battle of Pozières— Centenary................................................................. 3990
16 Environment and Communications References Committee—Reference .......................... 3990
17 Regional Australia—Wet Tropics—Yellow Crazy Ants ............ 3990
18 Foreign Affairs, Defence and Trade References Committee—Reference .................................................. 3991
19 Environment—Queensland—Great Barrier Reef ................... 3991
20 Environment—Climate Change—Carbon Pollution Reduction Scheme .................................................. 3992
21 Law and Justice—Child Safety .............................................. 3993
22 Commonwealth Electoral Amendment Bill 2016 .................... 3993
23 Questions.............................................................................. 3994
24 Mining—Shenhua Watermark Coal Mine—Answer to Question— Statement by Leave .................................................. 3994
25 Motions to Take Note of Answers......................................... 3994
26 Australian Parliamentary Delegation to the United Kingdom and Germany—Document .................................................. 3994
27 Public Accounts and Audit—Joint Statutory Committee—Statement— Appointment of the Parliamentary Budget Officer .................... 3994
Committee Reports and Government Responses—Tabling and Consideration Pursuant to Standing Order 62(4) .......................................................... 3995
Commonwealth Electoral Amendment Bill 2016 .................................................. 3999
Appropriation Bill (No. 3) 2015-2016
Appropriation Bill (No. 4) 2015-2016 ................................................................. 4072
Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016 .......................... 4072
Trade Legislation Amendment Bill (No. 1) 2016 .................................................. 4073
Law and Justice Legislation Amendment (Northern Territory Local Court) Bill 2016 ................................................................. 4073
Biological Control Amendment Bill 2016 ............................................................ 4073
Territories Legislation Amendment Bill 2016
Passenger Movement Charge Amendment (Norfolk Island) Bill 2016 .................. 4073
Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015 .............. 4074
Committee Membership ...................................................................................... 4074
Primary Industries Levies and Charges Collection Amendment Bill 2016 ......... 4075
Social Services Legislation Amendment (Enhanced Welfare Payment Integrity) Bill 2016
Social Services Legislation Amendment (Interest Charge) Bill 2016 ................. 4075
Foreign Affairs—Malaysia Airlines Flight MH370—Ministerial Statement—Document .................................................................................. 4076
Australian Crime Commission Amendment (National Policing Information) Bill 2015—Explanatory Memorandum—Addendum .................. 4076
Administration—Infrastructure Investment Program—Communications Campaign—Order for Production of Documents—Documents ................. 4076
Defence—Submarines Tender Process—Legal Advice—Order for Production of Document—Document ............................................................. 4076
Education—School Funding—Indexation—Order for Production of Documents—Documents ........................................................................ 4077
Next Meeting of Senate ....................................................................................... 4077
Leave of Absence ............................................................................................... 4078
Adjournment ..................................................................................................... 4078
Attendance ....................................................................................................... 4078
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 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.]

Australian Bureau of Statistics Act 1975—
Agricultural Census 2015-16—Proposal No. 4 of 2016.
Value of Agricultural Commodities Produced 2015-16—Proposal No. 5 of 2016.


Corporations Act 2001—
ASIC Corporations (Consents to Statements) Instrument 2016/72 [F2016L00326].
ASIC Corporations (Substituted Supplementary Disclosure Documents) Instrument 2016/78 [F2016L00323].

Environment Protection and Biodiversity Conservation Act 1999—Amendment of List of Exempt Native Specimens – Macquarie Island Toothfish Fishery, Southern Squid Jig Fishery, Torres Strait Finfish Fishery, Torres Strait Prawn Fishery, Western Australian Octopus Fisheries and the Western Australian South Coast Trawl Fishery (9 March 2016)—EPBC303DC/SFS/2016/08 [F2016L00314].

Federal Financial Relations Act 2009—
Federal Financial Relations (General purpose financial assistance) Determination No. 83 (February 2016) [F2016L00316].
Federal Financial Relations (National Partnership payments) Determination No. 103 (February 2016) [F2016L00318].

National Consumer Credit Protection Act 2009—ASIC Credit (Updated details for prescribed disclosure) Instrument 2016/200 [F2016L00319].

The following document was tabled by the Clerk pursuant to the order of the Senate of 20 June 2001, as amended:


3 COMMITTEE—LEAVE TO MEET DURING SITTING

A committee was authorised to meet during the sitting of the Senate, as follows:

Environment and Communications References Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1.10 pm.

4 SENATE—PHOTOGRAPHY—STATEMENT BY PRESIDENT

The President made a statement relating to the order of the Senate of 21 March 2002 concerning the taking of photographs of senators in the chamber by the media.

5 HOURS OF MEETING AND ROUTINE OF BUSINESS—PROPOSED VARIATION

Leave refused: Senator Leyonhjelm sought leave to move a motion to vary the order of the Senate of 15 March 2016 relating to the hours of meeting and routine of business for this week (see entry no. 6, 15 March 2016).

An objection was raised and leave was not granted.

Proposed suspension of standing orders: Senator Leyonhjelm, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent him moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the order of the Senate of 15 March 2016 relating to the hours of meeting and routine of business for this week.

Debate ensued.

Closure: The Attorney-General (Senator Brandis) moved—That the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 38

Senators—

Abetz  Fawcett (Teller)  O’Sullivan  Scullion
Back  Fifield  Parry  Seselja
Bernardi  Hanson-Young  Paterson  Siewert
Brandis  Johnston  Payne  Simms
Bushby  Landgren  Reynolds  Sinodinos
Canavan  Ludlam  Rhiannon  Smith
Colbeck  Macdonald  Rice  Waters
Cormann  McGrath  Ruston  Whish-Wilson
Di Natale  McKenzie  Ryan  Williams
Edwards  Nash
Question agreed to.

Question—That the motion to suspend standing orders be agreed to—put.

The Senate divided—

AYES, 24

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| Brandis         |                   |            |          |
| Bushby          |                   |            |          |
| Canavan         |                   |            |          |
| Colbeck         |                   |            |          |
| Cormann         |                   |            |          |
| Di Natale       |                   |            |          |
| Edwards         |                   |            |          |

Question negatived.

6 **SOCIAL SECURITY AMENDMENT (DIABETES SUPPORT) BILL 2016**

Order of the day read for the adjourned debate on the motion of Senator Muir—That this bill be now read a second time.

Debate resumed.

Debate adjourned till the next day of sitting, Senator Siewert in continuation.

7 **MARRIAGE EQUALITY AMENDMENT BILL 2013**

Order of the day read for the adjourned debate on the motion of Senator Hanson-Young—That this bill be now read a second time.

Debate resumed.

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

Question—That the question be now put—put.
The Senate divided—

AYES, 12

Senators—

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

NOES, 40

Senators—

Abetz  Dastyari  Lindgren  Moore
Back  Day  Lines  Paterson
Bernardi  Edwards  Ludwig  Peris
Bilyk  Fawcett  Macdonald  Reynolds
Brandis  Fifield  Madigan  Ruston
Bullock  Gallacher  Marshall  Ryan
Burnsby (Teller)  Gallagher  McEwen  Seselja
Cameron  Johnston  McGeath  Urquhart
Collins  Ketter  McKenzie  Wang
Cormann  Lambie  McLucas  Wong

Question negatived.
Debate continued.

Time expired: The time for general business orders of the day for the consideration of bills reached the limit of 2 hours 20 minutes.

Debate adjourned till the next day of sitting, Senator Day in continuation.

8 PETITIONS

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

Senator Moore, from 1 petitioner, requesting that the Senate support the inclusion of an individual in any discussions between the Commonwealth and other parties concerning redress for victims of institutional child sexual abuse.

Senator Marshall, from 88 petitioners, requesting that the Senate support an application for a decision by the Minister for Immigration and Border Protection under section 417 of the Migration Act 1958 in relation to Ms Ping Hu.

Documents: Senator Rhiannon, by leave, tabled the following documents:

- Environment—Nuclear waste dump—Proposed site—Petitioning documents [2] from 176 and 3331 signatories respectively, requesting that the Senate support the removal of Sallys Flat, Hill End from consideration as a location for a national radioactive waste management site.

9 NOTICES

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

(a) notes that:

(i) as reported on 16 March 2016, incarceration of Aboriginal young people costs almost a quarter of a billion dollars a year, and

(ii) Aboriginal and Torres Strait Islander young people are 26 times more likely to be incarcerated than non-Indigenous young people; and

(b) calls on the Government to reconsider its rejection of a justice target, and adopt a national justice target. (general business notice of motion no. 1113)

Notices of motion withdrawn: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to notice of intention given on 16 March 2016, withdrew business of the Senate notices of motion nos 1 and 2 standing in his name for the next day of sitting for the disallowance of the following instruments:

Christmas Island Marine Traffic and Harbour Facilities Determination 2015, made under section 4 of the Utilities and Services Ordinance 1996 [F2015L01591].

Cocos (Keeling) Islands Marine Traffic and Harbour Facilities Determination 2015, made under section 4 of the Utilities and Services Ordinance 1996 [F2015L01593].

10 SELECTION OF BILLS—STANDING COMMITTEE—REPORT NO. 4 OF 2016

The Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 4 OF 2016

1. The committee met in private session on Wednesday, 16 March 2016 at 7.21 pm.

2. The committee resolved to recommend—That—

(a) the provisions of the Customs and Other Legislation Amendment Bill 2016 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 20 June 2016;

(b) the Fair Work Amendment (Protecting Australian Workers) Bill 2016 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 10 May 2016;

(c) the provisions of the Migration Amendment (Family Violence and Other Measures) Bill 2016 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 10 May 2016; and

(d) the provisions of the Primary Industries Levies and Charges Collection Amendment Bill 2016 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 12 May 2016.

3. The committee resolved to recommend—that the following bills not be referred to committees:

Financial System Legislation Amendment (Resilience and Collateral Protection) Bill 2016
Northern Australia Infrastructure Facility (Consequential Amendments) Bill 2016
Northern Australia Infrastructure Facility Bill 2016
Registration of Deaths Abroad Amendment Bill 2016
Social Security Amendment (Diabetes Support) Bill 2016.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:
   - Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
   - Corporations Amendment (Auditor Registration) Bill 2016
   - Corporations Amendment (Publish What You Pay) Bill 2014
   - Law and Justice Legislation Amendment (Northern Territory Local Court) Bill 2016
   - Migration Amendment (Free the Children) Bill 2016
   - National Disability Insurance Scheme Amendment Bill 2016
   - National Disability Insurance Scheme Savings Fund Special Account Bill 2016
   - Regulatory Powers (Standardisation Reform) Bill 2016
   - Restoring Territory Rights (Dying with Dignity) Bill 2016
   - Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
   - Social Services Legislation Amendment (Consistent Treatment of Parental Leave Payments) Bill 2016
   - Statute Law Revision Bill (No. 2) 2016
   - Statute Update Bill 2016
   - Superannuation Legislation Amendment (Choice of Fund) Bill 2016
   - Superannuation Legislation Amendment (Transparency Measures) Bill 2016
   - Tax and Superannuation Laws Amendment (2016 Measures No. 2) Bill 2016
   - Tax Laws Amendment (Tax Incentives for Innovation) Bill 2016.

David Bushby
Chair
17 March 2016.

Senator Bushby moved—That the report be adopted.

Question put and passed.

11 DEFENCE—IRAQ WAR—STATEMENT BY LEAVE

The Leader of the Australian Greens (Senator Di Natale), by leave, made a statement clarifying comments he had made on 15 March 2016 during debate on the second reading of the Commonwealth Electoral Amendment Bill 2016.

Statement by leave: Senator McEwen, by leave, made a statement relating to the matter.

Notice of motion withdrawn: Senator McEwen withdrew general business notice of motion no. 1097 standing in her name for today, relating to comments made by Senator Di Natale.
12 ORDER OF BUSINESS—REARRANGEMENT
The Minister for Vocational Education and Skills (Senator Ryan) moved—that, should consideration of the Commonwealth Electoral Amendment Bill 2016 conclude before 12.45 pm today—
(a) government business order of the day no. 8 (Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015) be considered from 12.45 pm; and
(b) government business be called on after consideration of the bill listed in paragraph (a) and considered till not later than 2 pm.
Question put and passed.

13 COMMITTEES—EXTENSIONS OF TIME TO REPORT
The following committees were granted extensions of time to report:
- Foreign Affairs, Defence and Trade References Committee—Contamination caused by firefighting foams at government sites other than RAAF Base Williamtown and Australian Defence Force facilities, extended to 11 May 2016.
- Planned acquisition of the Joint Strike Fighter, extended to 29 June 2016.

Statement by leave: Senator Whish-Wilson, by leave, made a statement relating to the extension of time concerning the Foreign Affairs, Defence and Trade References Committee’s inquiry into the planned acquisition of the Joint Strike Fighter.

14 HOURS OF MEETING AND ROUTINE OF BUSINESS—VARIATION
The Minister for Vocational Education and Skills (Senator Ryan), at the request of the Minister for Communications (Senator Fifield) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—that the hours of meeting for Tuesday, 10 May 2016 be from 12.30 pm to 6.30 pm and 8.30 pm to adjournment, and for Thursday, 12 May 2016 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:
(a) the routine of business from 8.30 pm on Tuesday, 10 May 2016 shall be:
(i) Budget statement and documents 2016-17, and
(ii) adjournment; and
(b) the routine of business from 8 pm on Thursday, 12 May 2016 shall be:
(i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
(ii) adjournment.
Question put and passed.
15 Historical Events—Australian Participation in the Battle of Pozières—Centenary

Senator McEwen, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1096—That the Senate—

(a) acknowledges that:
   (i) 23 July 2016 marks the centenary of Australia’s participation in the Battle of Pozières,
   (ii) 24,000 Australian soldiers lost their lives in the battle, and
   (iii) no other battle in World War I equaled the horror of the Battle of Pozières as measured by lives lost and soldiers wounded; and

(b) thanks the Australian Pozières Remembrance Association Inc., together with the village of Pozières, for creating a Memorial Garden in Pozières to pay tribute to Australia’s World War I defence personnel.

Question put and passed.

16 Environment and Communications References Committee—Reference

Senator Siewert, at the request of Senator McKim and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 30 May 2016:

The response to, and lessons learnt from, recent fires in remote Tasmanian wilderness affecting the Tasmanian Wilderness World Heritage Area, with particular reference to:

(a) the impact of global warming on fire frequency and magnitude;
(b) the availability and provisions of financial, human and mechanical resources;
(c) the adequacy of fire assessment and modelling capacity;
(d) Australia’s obligations as State Party to the World Heritage Convention;
(e) world best practice in remote area fire management; and
(f) any related matter.

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

Question put and passed.

17 Regional Australia—Wet Tropics—Yellow Crazy Ants

The Leader of the Glenn Lazarus Team (Senator Lazarus), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1104—That the Senate—

(a) recognises the damaging impact of yellow crazy ants in northern Queensland on:
   (i) rainforests, including a 60 hectare World Heritage Area within an 800 hectare infestation south of Cairns,
   (ii) ecotourism,
   (iii) farming, including the infestation of 230 hectares of sugarcane,
   (iv) Australian wildlife and pets, including many endangered species endemic to northern Queensland rainforests,
   (v) the health of residents, including the risk of temporary blindness if sprayed in the eye with formic acid,
(vi) the safety of schools,
(vii) the liveability of the region, and
(viii) property values; and
(b) calls on the Government to urgently commit funding to the Yellow Crazy Ant Eradication Program to fund it for 3 years past June 2016.

Statements by leave: Senator Lazarus, the Minister for Vocational Education and Skills (Senator Ryan) and Senator Waters, by leave, made statements relating to the motion. Question put and passed.

18 FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE—REFERENCE

Senator McEwen, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 11 May 2016:

The partial suspension of sanctions against Iran, with particular reference to:

(a) the nature and scope of public consultation prior to the making of the Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016, the Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Iran) Amendment List 2016, and the Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Iran) Amendment List 2016 (No. 2);
(b) the adequacy of the explanatory statements accompanying the regulations for the removal of certain activities and entities from the sanctions regime;
(c) the extent to which any removed entities have institutional or financial ties to any entities that continue to be designated, and the nature of such ties;
(d) the impact of lifting sanctions on the conduct of Iran in international affairs and on Australia’s national interest;
(e) the Australian Government’s decision to re-open a trade office in Iran; and
(f) any related matters.

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

19 ENVIRONMENT—QUEENSLAND—GREAT BARRIER REEF

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1083—That the Senate—

(a) notes that:
   (i) the Chief Scientist, Dr Alan Finkel, stated on the Australian Broadcasting Corporation’s Q&A program that Australia is ‘losing the battle’ against global warming,
   (ii) Professor Terry Hughes has told ‘The Conversation’ that Australia can either develop new coal mines or protect the Great Barrier Reef, but ‘we can’t possibly do both’,
(iii) coral bleaching caused by global warming has already caused the Great Barrier Reef Marine Park Authority to raise its bleaching alert to Level 2, and the United States’ National Oceanic and Atmospheric Administration has upgraded its Coral Reef Watch warning for the far northern Great Barrier Reef to Alert Level 2, the highest threat level, and

(iv) the mining and burning of coal is driving dangerous global warming which threatens the Great Barrier Reef; and

(b) calls on the Federal Government to abandon its support for the Adani mega coal mine and Abbot Point coal port expansion, and support a rapid transition to 100 per cent clean energy as soon as possible, and at least 90 per cent clean energy by 2030.

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

Question put.

The Senate divided—

AYES, 9

Senators—

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

NOES, 39

Senators—

Abetz Gallagher McEwen (Teller) Reynolds
Brown Johnston McGrath Ruston
Bullock Ketter McKenzie Ryan
Bushby Lazarus McLucas Seselja
Cameron Leyonhjelm Moore Smith
Collins Lindgren Muir Sterle
Day Lines O’Sullivan Urquhart
Edwards Ludwig Paterson Wang
Fawcett Macdonald Peris Williams
Gallacher Madigan Polley

Question negatived.

20 ENVIRONMENT—CLIMATE CHANGE—CARBON POLLUTION REDUCTION SCHEME

Senator Urquhart, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1102—That the Senate—

(a) recalls the decision of the Australian Greens to vote with the Liberal and National parties to oppose the introduction of the Carbon Pollution Reduction Scheme; and

(b) recognises the significant role played by the Australian Greens in opposing action on climate change and the subsequent damage to Australia’s future.

Statements by leave: The Minister for Vocational Education and Skills (Senator Ryan) and the Leader of the Australian Greens (Senator Di Natale), by leave, made statements relating to the motion.

Question put and negatived.
21 LAW AND JUSTICE—CHILD SAFETY

The Leader of the Glenn Lazarus Team (Senator Lazarus), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1105—That the Senate—

(a) notes that:

(i) the Daniel Morcombe Foundation was established as a lasting legacy to Daniel by parents Bruce and Denise Morcombe in 2005 after their son Daniel was abducted and murdered in December 2003 while waiting to catch a bus on the Sunshine Coast, and

(ii) the foundation has two main aims: to educate children on how to stay safe in a physical and online environment, and to support young victims of crime;

(b) recognises the important work of the foundation in:

(i) assisting educators and parents in the education of children about their personal safety, by funding the development of child safety educational resources,

(ii) assisting young victims of crime through financial support in addition to that provided by Government agencies, and

(iii) empowering all Australians to make their own local communities safer places for children;

(c) congratulates Denise and Bruce Morcombe on their selfless and tireless work to protect children from harm and recognise their call for the establishment of a national ‘Sex Offender and Child Homicide Offender Public Website’, known as Daniel’s Law, which would list ‘the worst of the worst’ child sex offenders, including those convicted of killing a child; and

(d) calls on the Federal Government to establish a working group comprising state and territory government representatives, law enforcement, child safety advocates and other relevant professionals to consider and develop solutions to issues affecting children’s safety, including for example the possible viability of the establishment of such a register.

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

Question put and negatived.

After 12.45 pm—

22 COMMONWEALTH ELECTORAL AMENDMENT BILL 2016

Order of the day read for the adjourned debate on the motion of the Attorney-General (Senator Brandis)—That this bill be now read a second time—and on the amendment moved by Senator Collins:

At the end of the motion, add “but the Senate is of the opinion that there is a need to reform Australia’s political donation system by lowering the disclosure threshold, banning foreign donations, restricting anonymous donations and preventing donation splitting to avoid disclosure”.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Wang was speaking.
23 QUESTIONS
Questions without notice were answered.

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

Further questions without notice were answered.

24 MINING—SHENHUA WATERMARK COAL MINE—ANSWER TO QUESTION—
STATEMENT BY LEAVE
The Minister for Tourism and International Education (Senator Colbeck), by leave, made a statement clarifying the answer he gave to a question without notice asked by Senator Sterle today relating to comments made by the Deputy Prime Minister (Mr Joyce) concerning the Shenhua Watermark Coal Mine.

The Leader of the Opposition in the Senate (Senator Wong), by leave, moved—That the Senate take note of the statement.

Debate ensued. Question put and passed.

25 MOTIONS TO TAKE NOTE OF ANSWERS
Senator Gallagher moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Gallagher today relating to housing affordability.

Debate ensued. Question put and passed.

Senator Whish-Wilson moved—That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Whish-Wilson today relating to the financial services sector.

Question put and passed.

26 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE UNITED KINGDOM AND
GERMANY—DOCUMENT
Senator Carr, by leave, tabled the following document:

Senator Carr, by leave, moved—That the Senate take note of the document.
Question put and passed.

27 PUBLIC ACCOUNTS AND AUDIT—JOINT STATUTORY COMMITTEE—STATEMENT—
APPOINTMENT OF THE PARLIAMENTARY BUDGET OFFICER
Senator Smith, by leave and on behalf of the Joint Committee of Public Accounts and Audit, made a statement relating to the appointment of the Parliamentary Budget Officer.
28 COMMITTEE REPORTS AND GOVERNMENT RESPONSES—TABLING AND
CONSIDERATION PURSUANT TO STANDING ORDER 62(4)

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


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


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


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

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


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

Senator Fawcett, at the request of the Chair of the Economics Legislation Committee (Senator Edwards), tabled the following documents:

Economics Legislation Committee—

Budget estimates 2015-16 (Supplementary)—Additional information received between 4 February and 16 March 2016—

Industry, Innovation and Science portfolio.

Treasury portfolio.

Additional estimates 2015-16—Additional information received between 1 and 16 March 2016—Industry, Innovation and Science portfolio.
Senator Fawcett, at the request of the Chair of the Standing Committee on Publications (Senator Reynolds), tabled the following report:

PUBLICATIONS COMMITTEE
23RD REPORT

The Publications Committee reports that it has met in conference with the Publications Committee of the House of Representatives.

The Committee, having considered documents presented to the Parliament since 3 March 2016, recommends that the following be printed:

- *Western Australian Fisheries Joint Authority—Report for 2014-15.*

Senator Reynolds
Chair
17 March 2016.

Senator Fawcett moved—That the report be adopted.
Question put and passed.

Senator Fawcett, at the request of the Chair of the Legal and Constitutional Affairs References Committee (Senator Lazarus), tabled the following document:

- *Legal and Constitutional Affairs References Committee—Report—Phenomenon colloquially referred to as ‘revenge porn’—Corrigendum.*

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

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

- *Alert Digest No. 4 of 2016, dated 16 March 2016.*

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

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


Document ordered to be printed on the motion of Senator Fawcett.
Senator Fawcett, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:


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

Senator Fawcett, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report and documents:


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

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

Debate adjourned till the next day of sitting, Senator Siewert in continuation.

Senator Fawcett, on behalf of the Joint Standing Committee on Treaties, tabled the following reports:

Treaties—Joint Standing Committee—

Senator McEwen moved—that the Senate take note of the reports.

Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Senator Fawcett, on behalf of the Joint Standing Committee on the National Capital and External Territories, tabled the following report:


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

Question put and passed.

Pursuant to order, Senator Fawcett, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher), tabled the following report and documents:

Foreign Affairs, Defence and Trade References Committee—Mental health of Australian Defence Force members and veterans—Report, dated March 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Fawcett.
Senator Gallacher moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Gallacher in continuation.

Pursuant to order, Senator Fawcett, at the request of the Chair of the Finance and Public Administration References Committee (Senator McAllister), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Fawcett.
Senator Peris moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Moore in continuation.

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

Environment and Communications Legislation Committee—2015-16 additional estimates—Report, dated March 2016, Hansard record of proceedings, documents presented to the committee and additional information.

Report ordered to be printed on the motion of Senator Fawcett.
Senator Urquhart moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

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

Economics References Committee—Cooperative, mutual and member-owned firms—Report, dated March 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Pursuant to order, Senator Fawcett, at the request of the Chair of the Select Committee on the Murray-Darling Basin Plan (Senator Leyonhjelm), tabled the following report and documents:

Murray-Darling Basin Plan—Select Committee—Refreshing the Plan—Report, dated March 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Fawcett.
Pursuant to order, Senator Fawcett, at the request of the Chair of the Education and Employment References Committee (Senator Lines), tabled the following report and documents:

Education and Employment References Committee—A national disgrace: The exploitation of temporary work visa holders—Report, dated March 2016, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Senator Fawcett, on behalf of the Parliamentary Standing Committee on Public Works, tabled the following report:


Senator Fawcett, on behalf of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, tabled the following documents:


At 4.30 pm—

29 COMMONWEALTH ELECTORAL AMENDMENT BILL 2016

Order of the day read for the adjourned debate on the motion of the Attorney-General (Senator Brandis)—That this bill be now read a second time—and on the amendment moved by Senator Collins (see entry no. 22).

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 36

Senators—

Brown
Bullock
Cameron
Carr
Collins
Dastyari
Day
Di Natale
Gallacher
Gallagher
Hanson-Young
Ketter
Lambie
Lazarus
Leyonhjelm
Ludlam
Ludwig
Madigan
Marshall
McAllister
McEwen
McLucas
Moore
Muir
Polley
Rhiannon
Rice
Simms
Sterle
Urquhart (Teller)
Wang
Waters
Whish-Wilson
Wong
Xenophon
Question agreed to.

The Leader of the Opposition in the Senate (Senator Wong), pursuant to standing order 114(2), moved the following amendment:

Omit “now”, substitute “this day 6 months”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 25

Senators—
Bullock
Cameron
Carr
Collins
Dastyari
Day
Gallacher

Gallagher
Ketter
Lambie
Lazarus
Leyonhjelm
Ludwig

Madigan
Marshall
McAllister
McEwen
McLucas
Moore

Muir
Polley
Sterle
Urquhart (Teller)
Wang
Wong

Question negatived.

Senator Moore moved the following amendment:

At the end of the motion, add “and further consideration of the bill be an order of the day for the next sitting day after the following document is laid on the table:

A statement by the Minister for Finance and Special Minister of State (Senator Cormann) specifying the harm to the commercial interests of the Commonwealth that could result from the disclosure of information in the documents recording communications between the Australian Electoral Commission and either the Department of Finance or ministers in the Finance portfolio relating to proposed electoral reform in the Commonwealth Electoral Amendment Bill 2016”.

Question—That the amendment be agreed to—put.
The Senate divided—

AYES, 25

Senators—
Bullock
Cameron
Carr
Collins
Dastyari
Day
Gallacher

Gallagher
Ketter
Lambie
Lazarus
Leyonhjelm
Ludwig
Gallacher

Madigan
Marshall
McAllister
McEwen
McLucas
Moore

Muir
Polley
Sterle
Urquhart (Teller)
Wang
Wong

NOES, 34

Senators—
Birmingham
Brandis
Brushby
Colbeck
Cormann
Di Natale
Edwards
Fawcett (Teller)

Fifield
Hanson-Young
Johnston
Ludlam
Macdonald
McGrath
McKenzie
Nash

O’Sullivan
Parry
Paterson
Reynolds
Rhiannon
Ruston
Ryan

Scullion
Seselja
Siewert
Simms
Smith
Waters
Whish-Wilson
Williams

Question negatived.
Main question put.
The Senate divided—

AYES, 34

Senators—
Birmingham
Brandis
Cash
Colbeck
Cormann
Di Natale
Edwards
Fawcett (Teller)

Fifield
Hanson-Young
Lindgren
Ludlam
Macdonald
McGrath
McKenzie
Nash

O’Sullivan
Parry
Reynolds
Rhiannon
Ruston
Ryan

Scullion
Seselja
Simms
Smith
Waters
Whish-Wilson
Williams

NOES, 23

Senators—
Bullock
Cameron
Carr
Collins
Dastyari
Day

Gallacher
Gallagher
Ketter
Lambie
Lazarus
Leyonhjelm

Madigan
Marshall
McAllister
McEwen
Moore
Muir

Polley
Sterle
Urquhart (Teller)
Wang
Wong

Question agreed to.
Bill read a second time.

Proposed reference to committee: Senator McAllister, pursuant to standing order 115, moved—That the bill be referred to the Finance and Public Administration Legislation Committee for inquiry and report by 12 May 2016.

Debate ensued.

Question put.
The Senate divided—

AYES, 24

Senators—
Brown
Bullock
Cameron
Carr
Collins
Day

Gallacher
Gallagher
Ketter
Lambie
Lazarus
Leyonhjelm

Ludwig
Madigan
Marshall
McAllister
McEwen (Teller)
Moore

Muir
Peris
Polley
Sterle
Urquhart
Wang

NOES, 35

Senators—
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Di Natale
Edwards
Fawcett (Teller)

Fifield
Hanson-Young
Johnston
Landgren
Ludlam
Macdonald
McGrath
McKenzie
Nash

O’Sullivan
Parry
Paterson
Reynolds
Rhiannon
Rice
Ruston
Ryan
Scullion

Seselja
Siewert
Simms
Smith
Waters
Whish-Wilson
Williams
Xenophon

Question negatived.
The Senate resolved itself into committee for the consideration of the bill.

In the committee

Bill, taken as a whole by leave, debated.

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

Bill further debated.

Order for production of documents—Document: Senator Cormann tabled the following document:

Senate—Electoral law changes—Communications—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 16 March 2016, responding to the order of the Senate of 16 March 2016 and raising public interest immunity claims.

Bill further debated.

Leave refused: Senator Cormann sought leave to move amendments together.
An objection was raised and leave was not granted.
Senator Cormann moved the following amendment:

Schedule 1, item 1, page 3 (after line 8), after the definition of above the line, insert:

below the line: a square is printed below the line on a ballot paper if the square is printed on the ballot paper in accordance with subparagraph 210(1)(f)(i).

Debate ensued.

The Senate continued to sit till midnight—
FRIDAY, 18 MARCH 2016 AM

Debate continued.
Senator Collins moved—That the committee report progress and ask leave to sit again.
Question put.
The committee divided—

AYES, 25

Brown
Bullock
Cameron
Carr
Collins
Conroy
Dastyari
Day
Gallacher
Gallagher
Lambie
Lazarus
Leyonhjelm

Madigan
Marshall
McAllister
McEwen (Teller)
McLucas
Moore

Muir
O’Neill
Polley
Urquhart
Wang
Wong

NOES, 36

Back
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Di Natale
Edwards

Fawcett
Fifield
Hanson-Young
Johnston
Lindgren
Ludlam
Macdonald
McGrath
McKenzie (Teller)

Nash
O’Sullivan
Parry
Paterson
Reynolds
Rhiannon
Rice
Ruston
Ryan

Seselja
Siewert
Simms
Sinodinos
Smith
Waters
Whish-Wilson
Williams

Question negatived.
Debate continued.
Senator Collins moved—That the committee report progress and ask leave to sit again.
Question put.
The committee divided—

**AYES, 24**

- Bullock
- Carr
- Collins
- Conroy
- Dastyari
- Day

- Gallacher
- Gallagher
- Ketter
- Lambie
- Leyonhjelm
- Marshall

- McAllister
- McEwen
- McLucas
- Moore
- Muir
- O’Neill

- Peris
- Polley
- Sterle
- Urquhart (Teller)
- Wang
- Wong

**NOES, 37**

- Back
- Birmingham
- Brandis
- Parish
- Cash
- Colbeck
- Cormann
- Di Natale
- Edwards

- Fawcett
- Fifield
- Hanson-Young
- Johnston
- Ludlam
- Macdonald
- McDonald
- McKenzie

- Nash
- O’Sullivan
- Parry
- Paterson
- Rhiannon
- Ruston
- Ryan

- Scullion
- SESelja
- Siewert
- Simms
- Smith
- Waters
- Whish-Wilson
- Williams

Question negatived.
Debate continued.

Senator Collins moved—That the committee report progress and ask leave to sit again.

Question put.

The committee divided—

**AYES, 22**

- Bullock
- Cameron
- Carr
- Conroy
- Dastyari
- Day

- Gallacher
- Gallagher
- Ketter
- Lambie
- Leyonhjelm
- Marshall

- McAllister
- McEwen (Teller)
- McLucas
- Moore
- Muir
- O’Neill

- Peris
- Polley
- Sterle
- Urquhart (Teller)
- Wang
- Wong

**NOES, 36**

- Back
- Birmingham
- Parish
- Cash
- Colbeck
- Cormann
- Di Natale
- Edwards

- Fawcett
- Fifield
- Hanson-Young
- Johnston
- Ludlam
- Macdonald
- McDonald
- McKenzie

- Nash
- O’Sullivan
- Parry
- Paterson
- Rhiannon
- Ruston
- Ryan

- Scullion
- SESelja
- Siewert
- Simms
- Smith
- Waters
- Whish-Wilson
- Williams

Question negatived.
Debate continued.

Senator Collins moved—That the committee report progress and ask leave to sit again.

Question put.
The committee divided—

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| NOES, 38 |
| Senators— |     |     |     |
| Back | Fawcett | O’Sullivan | Seselja |
| Birmingham | Fifield | Parry | Siewert |
| Brandis | Hanson-Young | Paterson | Simms |
| Bushby (Teller) | Johnston | Reynolds | Sinodinos |
| Canavan | Lindgren | Rhiannon | Smith |
| Cash | Ludlam | Rice | Waters |
| Colbeck | Macdonald | Ruston | Whish-Wilson |
| Cormann | McGrath | Ryan | Williams |
| Di Natale | McKenzie | Scullion | Xenophon |
| Edwards | Nash | | |

Question negatived.
Debate continued.

Question—That the amendment be agreed to—put.

The committee divided—

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| NOES, 17 |
| Senators— |     |     |     |
| Cameron | Gallacher | McLucas | Polley |
| Carr | Marshall | Moore | Sterle |
| Collins | McAllister | O’Neill | Urquhart (Teller) |
| Conroy | McEwen | Peris | Wong |
| Dastyari | | | |
Senator Cormann moved the following amendment:

Schedule 1, item 19, page 5 (line 32) to page 6 (line 1), omit the item, substitute:

19 Subsection 239(1)

Repeal the subsection, substitute:

Voting below the line

(1) Subject to subsection (2), a person must mark his or her vote on the ballot paper in a Senate election by:

(a) writing at least the numbers 1 to 12 in the squares printed on the ballot paper below the line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2, 3, 4 and so on to at least the number 12 being given to other candidates so as to indicate the order of the person’s preference for them); or

(b) if there are 12 or fewer squares printed on the ballot paper below the line—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

Note: See also section 268A for when the vote is formal.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 40

Senators—

Back
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Day
Di Natale
Edwards

Fawcett (Teller)
Fitfield
Hanson-Young
Johnston
Leyonhjelm
Lindgren
Ludlam
Macdonald
McGrath
McKenzie

Nash
O’Sullivan
Parry
Paterson
Reynolds
Rhiannon
Rice
Ruston
Ryan
Scullion

Seszela
Siewert
Simms
Sinodinos
Smith
Wang
Waters
Whish-Wilson
Williams
Xenophon

NOES, 18

Senators—

Brown
Bullock
Cameron
Collins
Conroy

Dastyari
Gallacher
Gallacher
Ketter
Marshall

McAllister
McEwen (Teller)
McLucas
Moore

O’Neill
Peris
Polley
Sterle

Question agreed to.

Bill, as amended, debated.

Leave refused: Senator Cormann sought leave to move amendments together.

An objection was raised and leave was not granted.
Senator Cormann moved the following amendment:

Schedule 1, page 6 (after line 19), after item 21, insert:

**21A Paragraph 268(1)(b)**

Repeal the paragraph, substitute:

(b) subject to sections 268A and 269, in a Senate election, it has no vote indicated on it, or it does not indicate the voter’s first preference for 1 candidate and then consecutively number at least 11 other candidates in the order of his or her preference;

**21B After section 268**

Insert:

**268A Formal votes below the line**

(1) A ballot paper in a Senate election is not informal under paragraph 268(1)(b) if:

(a) the voter has marked the ballot paper in accordance with paragraph 239(1)(b); or

(b) if there are more than 6 squares printed on the ballot paper below the line—the voter has consecutively numbered any of those squares from 1 to 6 (whether or not the voter has also included one or more higher numbers in those squares).

(2) For the purposes of this Act:

(a) a voter who, in a square printed on the ballot paper below the line, marks only a single tick or cross is taken as having written the number 1 in the square; and

(b) the following numbers written in a square printed on the ballot paper below the line are to be disregarded:

(i) numbers that are repeated and any higher numbers;

(ii) if a number is missed—any numbers that are higher than the missing number.

Note: Paragraph (2)(b) applies both for the purposes of determining whether a ballot paper is formal, and for the purposes of determining which numbers marked on a ballot paper are counted in the election.

Example: A ballot paper has squares below the line that are numbered 1, 2, 3, 3, 4, 5 and 6. The vote is informal because, by disregarding the numbers 3 and upwards under subparagraph (2)(b)(i), only 2 squares have been numbered.

A second ballot paper has squares below the line that are numbered consecutively from 1 to 9 and then 11, 12, 13 and 14. The vote is formal under paragraph (1)(b). However, only the squares numbered from 1 to 9 are counted for the purposes of sections 273 and 273A because the numbers 11 and upwards are disregarded under subparagraph (b)(ii) of this subsection.

Question—That the amendment be agreed to—put.
The committee divided—

AYES, 40

Senators—

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NOES, 18

Senators—

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Question agreed to.

Senator Cormann moved the following amendment:

Schedule 1, item 23, page 7 (after line 9), at the end of subsection 269(1A), add:

Note: Paragraph (1A)(b) applies both for the purposes of determining whether a ballot paper is formal, and for the purposes of determining which numbers marked on a ballot paper are counted in the election.

Example: A ballot paper has squares above the line that are numbered 1, 1, 2 and 3. The vote is informal because, by disregarding the numbers 1 and upwards under subparagraph (2)(b)(i), no squares have been numbered.

A second ballot paper has squares above the line that are numbered consecutively from 1 to 9 and then 11, 12, 13 and 14. The vote is formal under paragraph (1)(b). However, only the squares numbered from 1 to 9 are counted for the purposes of sections 273 and 273A because the numbers 11 and upwards are disregarded under subparagraph (b)(ii) of this subsection.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 40

Senators—

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Question agreed to.

Senator Cormann moved the following amendments together by leave:

Schedule 1, item 24, page 7 (lines 11 to 13), omit the item, substitute:

24 Subsection 269(2)

Repeal the subsection, substitute:

(2) If a ballot paper in a Senate election:

(a) has squares marked above the line in accordance with subsection 239(2) or paragraph (1)(b) of this section; and

(b) has squares marked below the line in accordance with subsection 239(1) or section 268A;

then, for the purposes of sections 272 and 273, the only squares that are taken to have been marked on the ballot paper are the squares that are marked below the line.

Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 Section 270

Repeal the section.

Schedule 1, item 41, page 13, omit “By numbering these boxes 1 to (7) in the order of your choice (with number 1 as your first choice)”, substitute “By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice)”.

Schedule 1, item 41, page 13, omit “(7) Here insert number of candidates.”.

Schedule 1, item 41, page 13, after “” If the ballot paper has 6 or fewer squares above the line, replace the instruction with “By numbering these boxes in the order of your choice (with number 1 as your first choice)”.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 40

NOES, 18

Senators—

Brown
Bullock
Carr
Collins
Dastyari
Gallacher
Gallagher
Ketter
Marshall
McAllister
McEwen
McLucas
Moore
O’Neill
Peris
Polley
Sterle
Urquhart (Teller)

AYES, 40

Senators—

Back
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Day
Di Natale
Edwards
Fawcett
Fifield
Hanson-Young
Johnston
Leyonhjelm
Lindgren
Ludlam
Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Parry
Paterson
Reynolds
Rhiannon
Rice
Ruston
Ryan
Scullion
Seselja
Siewert
Simms
Smolinos
Smith (Teller)
Wang
Waters
Whish-Wilson
Williams
Xenophon
Question agreed to.

Senator Collins moved the following amendment:

Clause 2, page 2 (table item 1, column 2), omit “The day after this Act receives the Royal Assent.”, substitute “19 July 2016”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 23

Senators—

Brown  Dastyari  Marshall  Polley  Peris
Bullock  Gallacher  McAllister  Sterle
Carr  Ketter  McEwen  Urquhart (Teller)
Collins  Marshall  O’Neill  Urquhart (Teller)
Dastyari  McAllister  " "  " 

NOES, 37

Senators—

Back  Fawcett  Nash  Scullion
Birmingham  Fifield  O’Sullivan  Seselja
Brandis  Hanson-Young  Parry  Siewert
Bruceby (Teller)  Johnston  Paterson  Simms
Canavan  Lindgren  Reynolds  Sinodinos
Cash  Ludlam  Rhiannon  Smith
Colbeck  Macdonald  Rice  Waters
Cormann  McGrath  Ruston  Whish-Wilson
Di Natale  McKenzie  Ryan  Xenophon
Edwards  " "  "  " 

Question negatived.

Senator Day moved the following amendment:

Clause 2, page 2 (table item 1, column 2), omit “The day after this Act receives the Royal Assent”, substitute “22 August 2016”.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 23

Senators—

Brown  Dastyari  Marshall  Polley  Peris
Bullock  Gallacher  McAllister  Sterle
Cameron  Gallacher  McLucas  Urquhart (Teller)
Carr  Ketter  Moore  Wang
Collins  Leyonhjelm  Muir  Wong
Conroy  Madigan  Peris  " 

Senator Wang moved the following amendment:

4 Review of the operation of amendments

(1) The Minister must cause an independent review of the operation of the amendments made by Schedule 1 to be undertaken and completed within 6 months after the result of the election first held on or after the commencement of this clause has been declared.

(2) The review must consider:
   (a) the effectiveness of the amendments made by Schedule 1; and
   (b) the effectiveness and accuracy of systems and processes put in place by the Australian Electoral Commission to give effect to the amendments made by Schedule 1; and
   (c) the adequacy of resources given to the Australian Electoral Commission for the election; and
   (d) any other related matters that the Minister specifies.

(3) The person who undertakes the review must give the Minister a written report of the review.

(4) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 15 sitting days of receiving it.
NOES, 35

Senators—

Back
Birmingham
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Di Natale
Edwards
Fawcett
Fifield
Hanson-Young
Johnston
Lindgren
Ludlam
Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Parry
Paterson
Reynolds
Rhiannon
Rice
Ruston
Ryan
Scullion
Siewert
Simms
Sinodinos
Smith
Waters
Whish-Wilson

Question negatived.

Senator Muir moved the following amendments together by leave:

No. 1—Page 3 (before line 1), before Schedule 1, insert:

Schedule 1A—Amendments commencing day after Royal Assent

Commonwealth Electoral Act 1918

1 Paragraph 239(1)(a)

Repeal the paragraph, substitute:

(a) writing the numbers 2, 3, 4, 5 and 6 in the squares opposite the names of other candidates on the ballot paper to indicate the order of the person’s preference for them.

2 Paragraph 268(1)(b)

Repeal the paragraph, substitute:

(b) subject to section 269, in a Senate election, it has no vote indicated on it, or it is not marked in accordance with subsection 239(1);

3 Section 270

Repeal the section.

4 Schedule 1, Form E

Omit “By placing the numbers 1 to (7) in the order of your preference”, substitute “By numbering a minimum of 6 boxes in the order of your preference (with the number 1 as your first preference)”.

5 Schedule 1, Form E (footnote 7)

Repeal the footnote.

No. 2—Schedule 1, heading, page 3 (line 1), at the end of the heading, add “commencing 15 January 2017”.

No. 3—Clause 2, page 2 (table item 1), omit the table item, substitute:

1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table

The day after this Act receives the Royal Assent.
2. Schedule 1A  The day after this Act receives the Royal Assent.


Debate ensued.
The question was divided at the request of Senator Collins—
Question—That amendment no. 1 be agreed to—put and negatived.
Question—That amendments nos 2 and 3 be agreed to—put.
The committee divided—

AYES, 23

Senators—
Brown
Bullock
Cameron
Carr
Collins
Conroy
Dastyari
Day
Gallagher
Ketter
Leyonhjelm
Madigan
Marshall
McAllister
McEwen
McLucas
Moore
Muir
O’Neill
Peris
Polley
Urquhart (Teller)
Wang

NOES, 37

Senators—
Back
Birmingham
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Di Natale
Edwards
Fawcett
Fifield
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Rice
Ruston
Ryan
Scullion
Seselja
Siewert
Simmons
Simodinos
Smith
Waters
Whish-Wilson
Xenophon

Question negatived.
Question—That the bill, as amended, be agreed to—divided, at the request of Senator Muir, in respect of Schedule 1, items 26 and 27, as amended.
Schedule 1, items 26 and 27, as amended, agreed to.

Senator Muir moved the following amendments together by leave:
Schedule 1, item 1, page 3 (lines 6 to 8), omit the definition of above the line, substitute:

above the line: a square is printed above the line on a ballot paper if the square is printed on the ballot paper in accordance with subparagraph 210(3)(f)(ii) or (iii).

Schedule 1, page 3 (after line 8), after the definition of above the line, insert:

above the line candidate means:
(a) two or more candidates who have made a joint request under section 168 for their names to be grouped on the ballot paper; or
(b) a candidate that has made a request under section 168A for a square to be printed above the dividing line for the candidate.
Schedule 1, page 3 (after line 11), after item 1, insert:

**1A Subsection 168(1)**

Repeal the subsection, substitute:

(1) Two or more candidates for election to the Senate may make a joint request that their names be grouped in the ballot papers.

**1B After section 168**

Insert:

**168A Candidate may request square be printed above the line**

(1) A candidate for election to the Senate that has not joined in a request under section 168 in relation to the election may make a request that a square be printed on the ballot paper for the candidate above the dividing line.

Schedule 1, item 2, page 3 (lines 12 to 15), omit the item, substitute:

**2 Subsection 169(4)**

Repeal the subsection, substitute:

(4) Where:

(a) a request has been made under subsection (1) in respect of a candidate in a Senate election; and
(b) the candidate is an above the line candidate;

the request may include a further request that the name of the registered political party that endorsed the above the line candidate, or a composite name formed from the registered names of the registered political parties that endorsed the above the line candidate, be printed on the ballot papers adjacent to the square printed above the dividing line in relation to the above the line candidate.

Schedule 1, item 4, page 3 (lines 18 to 20), omit the item, substitute:

**4 Subsection 169(4)**

Omit “in relation to the group in accordance with subsection 211(5)”, substitute “above the line in relation to an above the line candidate”.

Schedule 1, page 4 (after line 17), after item 9, insert:

**9A Subsection 213(1)**

Omit “of groups”, substitute “of above the line candidates”.

**9B Subsection 213(1)**

Omit “or groups” (wherever occurring), substitute “or above the line candidates”.

**9C Subsection 213(2)**

Omit “a group”, substitute “an above the line candidate that is a group”.

**9D Paragraph 214(2)(b)**

Omit “section 168”, substitute “section 168 or 168A”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.
Question—That the bill, as amended, be agreed to—divided, at the request of Senator Day, in respect of Schedule 1, items 4, 7 to 13, 22, 25, 28 and 39; and items 23 and 24, as amended.

Schedule 1, items 4, 7 to 13, 22, 25, 28 and 39; and items 23 and 24, as amended, debated.

Question—That Schedule 1, items 4, 7 to 13, 22, 25, 28 and 39 stand as printed; and items 23 and 24, as amended, be agreed to—put.

The committee divided—

AYES, 34

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NOES, 20

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Items agreed to.

Senator Day moved the following amendments together by leave:

Schedule 1, item 20, page 6 (lines 2 to 17), omit the item, substitute:

20 Before subsection 239(2)

Insert:

Voting above the line

20A Before subsection 239(4)

Insert:

Candidates who die before polling day

Schedule 1, item 41, page 11 (line 24) to the end of page 13, omit the item, substitute:

41 Schedule 1, Form E (footnote (7))

Repeal the footnote, substitute:

(7) Here insert number of candidates.

(8) Here insert the logo of a registered political party if to be printed.

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

AYES, 20

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Question negatived.

Senator Muir moved the following amendments together by leave:

Schedule 1, items 6 and 7, page 4 (lines 1 to 12), omit the items, substitute:

6 Section 210

210 Printing of Senate ballot papers

*Senate ballot papers to be printed in batches*

(1) Ballot papers for a Senate election are to be printed in batches with the ballot papers within a batch having the same order of candidate names.

(2) There are to be 2 sets of ballot papers printed. Each set is made up of a number of separate batches of ballot papers.

Note: The number of separate batches within a set of ballot papers will depend on the number of candidates to be listed in a column on the ballot paper.

*First set of Senate ballot papers*

(3) The first set of ballot papers for a Senate election must be printed so that:

(a) the names of above the line candidates are printed on the ballot paper before the names of other candidates; and

(b) the names of candidates by whom requests have been made under section 168 are printed on the ballot paper in groups with each group being printed in a single column on the ballot paper; and

(c) the order of several above the line candidates across the ballot paper must be determined by the Australian Electoral Officer in accordance with section 213; and

(d) the names of candidates who are not above the line candidates must:

(i) unless subparagraph (ii) applies, be printed in a single column on the ballot paper; and
(ii) if a single column would be longer than the longest column containing the names of above the line candidates, be printed in 2 or more columns on the ballot paper; and

(iii) if the names of the candidates are printed in 2 or more columns, be printed in columns that are no longer than the longest column containing names of above the line candidates; and

(e) where similarity in the names of 2 or more candidates is likely to cause confusion, the names of those candidates may be arranged with such description or addition as will distinguish them from one another; and

(f) except as otherwise provided by the regulations:
   (i) a square is printed opposite the name of each candidate; and
   (ii) for candidates who made a request under section 168 that their names be grouped in the ballot papers for the election—a square is printed above the dividing line and above the squares printed opposite those names; and
   (iii) for a candidate who made a request under section 168A—a square is printed above the dividing line and above the square printed opposite the candidate’s name; and

(g) for each column containing the names of candidates:
   (i) separate batches of ballot papers are printed equal in number to the number of names in a column; and
   (ii) in the first batch of ballot papers printed, the order of the names in a column are determined by the Australian Electoral Officer in accordance with section 213; and
   (iii) in each subsequent batch of ballot papers printed, the order of the names in a column is the order specified in the table in Schedule 1A for the number of names in the column; and
   (iv) so far as practicable, the number of ballot papers in each batch for a column is to be equal to the number of ballot papers in each other batch for the column.

Second set of Senate ballot papers

(4) The second set of ballot papers for a Senate election must be printed so that:

(a) there is a batch of ballot papers corresponding to each batch in the first set of ballot papers; and

(b) the corresponding batch in the second set of ballot papers has the name of the candidate that was in the first position in the first batch of ballot papers printed for the first set of ballot papers, but the order of the names of the candidates below the first name are, as far as practicable, in reverse order; and

(c) so far as practicable, the number of ballot papers in each batch in the second set of ballot papers is to be equal to the number of ballot papers in each batch in the first set of ballot papers.
Note: For paragraph (b), if the order of names on the first batch of ballot papers in the first set of ballot papers is in the order 1 to 6, the order of names on the corresponding batch in the second set of ballot papers is 1, 6, 5, 4, 3, 2.

Collation of Senate ballot papers

(5) The Australian Electoral Officer must ensure that Senate ballot papers distributed to a polling place for the purposes of a Senate election are so collated that the Senate ballot paper immediately following another Senate ballot paper in the issue is in a form different from that of the other Senate ballot paper.

Schedule 1, Part 1, page 14 (after line 6), at the end of the Part, add:

42A After Schedule 1

Insert:

Schedule 1A—Order of candidates on subsequent batches of Senate ballot papers

Note: See subparagraph 210(3)(g)(iii)

1 Order of names of candidates on subsequent batches of Senate ballot papers

(1) For subparagraph 210(3)(g)(iii) of this Act, the table in this Schedule specifies the order that the names of candidates are to be printed in each subsequent batch of ballot papers.

Note: For the order of the names of candidates in the first batch of ballot papers, see subparagraph 210(3)(g)(ii).

(2) In the table in this Schedule:

(a) the number ‘1’ appearing in column 2 to 12 of the following table is taken to represent the name of the candidate determined for the purposes of the first batch of ballot papers to be in the first position in a column on that ballot paper; and

(b) the number ‘2’ appearing in column 2 to 12 is taken to represent the name of the candidate determined for the purposes of the first batch of ballot papers to be in the second position in a column on that ballot paper; and

(c) the number ‘3’ appearing in column 2 to 12 is taken to represent the name of the candidate determined for the purposes of the first batch of ballot papers to be in the third position in the column on that ballot paper;

and so on.
<table>
<thead>
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<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
<th>Column 6</th>
<th>Column 7</th>
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Debate ensued.

Question—That the amendments be agreed to—put and negatived.
Senator Muir moved the following amendments together by leave:

Schedule 1, item 19, page 5 (line 32) to page 6 (line 1), omit the item, substitute:

19 Section 239(1)

Repeal the subsection, substitute:

Voting below the line

(1) Subject to subsection (2), in a Senate election a person must mark his or her vote on the ballot paper by:

(a) writing at a minimum the numbers 1 to 15 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2, 3, 4 and so on being given to other candidates so as to indicate the order of the person’s preference for them); or

(b) if there are 15 or fewer squares printed on the ballot paper below the dividing line—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

Schedule 1, item 20, page 6 (line 6), omit “at least”, substitute “at a minimum”.

Schedule 1, page 6 (after line 19), after item 21, insert:

21A Paragraph 268(1)(b)

Repeal the paragraph, substitute:

(b) subject to section 269, in a Senate election, it has no vote indicated on it, or it is not marked in accordance with subsection 239(1);

Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 Section 270

Repeal the section.

Schedule 1, item 41, page 12, omit “By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice)*”, substitute “By numbering a minimum of 6 boxes in the order of your choice (with number 1 as your first choice)”*

Schedule 1, item 41, page 13, omit “By numbering these boxes 1 to (7) in the order of your choice (with number 1 as your first choice)”, substitute “By numbering a minimum of 15 boxes in the order of your choice (with the number 1 as your first choice)”**

Schedule 1, item 41, page 13, omit “(7) Here insert number of candidates.”.

Schedule 1, item 41, page 13 (at the end of Form E), add: “** If the ballot paper has 15 or fewer squares below the dividing line, replace the instructions with “By numbering these boxes in the order of your choice (with number 1 as your first choice)”.**”.

Debate ensued.

Question—That the amendments be agreed to—put and negatived.
Senator Muir moved the following amendments together by leave:

Schedule 1, item 19, page 5 (line 32) to page 6 (line 1), omit the item, substitute:

19 Subsection 239(1)

Repeal the subsection, substitute:

Voting below the line

(1) Subject to subsection (2), in a Senate election a person must mark his or her vote on the ballot paper by:

(a) in the case that:

(i) the election is of Senators for a State following the dissolution of the Senate under section 57 of the Constitution; and

(ii) there are more than 30 candidates on the ballot paper; writing at least the numbers 1 to 30 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2 to 30 being given to other candidates so as to indicate the order of the person’s preferences for them); or

(b) in the case that:

(i) the election is of Senators for a Territory; and

(ii) there are more than 12 candidates on the ballot paper; writing at least the numbers 1 to 12 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2 to 12 being given to other candidates so as to indicate the order of the person’s preferences for them); or

(c) in the case that:

(i) the election is of Senators for a Territory; and

(ii) there are fewer than 12 candidates on the ballot paper; numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (c)); or

(d) in any other case:

(i) if there are more than 15 candidates on the ballot paper— by writing at least the numbers 1 to 15 in the squares printed on the ballot paper below the dividing line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2 to 15 being given to other candidates so as to indicate the order of the person’s preferences for them); or

(ii) if there are fewer than 15 candidates on the ballot paper— by numbering the squares consecutively from the number 1 (in order of preference as described in subparagraph (i)).
Schedule 1, page 6 (after line 19), after item 21, insert:

21A Paragraph 268(1)(b)

Repeal the paragraph, substitute:

(b) subject to section 269, in a Senate election, it has no vote indicated on it, or it is not marked in accordance with subsection 239(1);

Schedule 1, items 26 and 27, page 7 (lines 16 to 21), omit the items, substitute:

26 Section 270

Repeal the section.

Schedule 1, item 41, page 13, omit “By numbering these boxes 1 to (7) in the order of your choice (with number 1 as your first choice)”, substitute “By numbering (7)

Schedule 1, item 41, page 13, omit “(7) Here insert number of candidates.”, substitute:

(7) Here insert:

(a) in the case of an election of Senators for a State following the dissolution of the Senate under section 57 of the Constitution where there are more than 30 squares to be printed on the ballot paper below the dividing line—“at least 30 of these boxes in the order of your choice (with the number 1 as your first choice)”; and

(b) in the case of an election of Senators for a Territory where there are more than 12 squares to be printed on the ballot paper below the dividing line—“at least 12 of these boxes in the order of your choice (with the number 1 as your first choice)”; and

(c) in the case of an election of Senators for a Territory where there are fewer than 12 squares to be printed on the ballot paper below the dividing line—“these boxes in the order of your choice (with the number 1 as your first choice)”; or

(d) in any other case:

(i) if there are more than 15 squares to be printed on the ballot paper below the dividing line—“at least 15 of these boxes in the order of your choice (with the number 1 as your first choice)”; or

(ii) if there are fewer than 15 squares to be printed on the ballot paper below the dividing line—“these boxes in the order of your choice (with the number 1 as your first choice)”.

Debate ensued.

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

Senator Day moved the following amendments together by leave:

Schedule 1, item 23, page 6 (line 25) to page 7 (line 9), omit subsections 269(1) and (1A), substitute:

(1) A ballot paper in a Senate election is not informal under paragraph 268(1)(b) if the voter has marked the ballot paper in accordance with subsection 239(2).

Schedule 1, item 28, page 7 (line 26) to page 8 (line 17), omit subsections 272(1) and (2), substitute:

(1) This section applies if a ballot paper for a Senate election is marked in accordance with subsection 239(2).
(2) The ballot paper is taken to have been marked as if, instead of the numbers written in squares printed on the ballot paper above the line in relation to groups of candidates (each group being a preferred group):

(a) each candidate in a preferred group was given a different number starting from 1; and

(b) candidates in a preferred group were numbered consecutively starting with the candidate whose name on the ballot paper is at the top of the group to the candidate whose name is at the bottom; and

(c) the order in which candidates in different preferred groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot paper, starting with the group marked 1; and

(d) when all the candidates in a preferred group have been numbered, the candidate whose name is at the top of the next preferred group is given the next consecutive number.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 21

Senators—

Brown
Bullock
Cameron
Carr
Collins
Day

Gallacher
Gallacher
Leyonhjelm
Madigan
Marshall

McAllister
McEwen (Teller)
McLucas
Moore
Muir

O’Neill
Polley
Sterle
Urquhart
Wang

NOES, 35

Senators—

Back
Brandis
Bushby (Teller)
Canavan
Cash
Colbeck
Cormann
Di Natale
Edwards

Fawcett
Fifield
Hanson-Young
Johnston
Lindgren
Ludlam
McGrath
McKenzie
Nash

O’Sullivan
Parry
Paton
Reynolds
Rhiannon
Rice
Ruston
Ryan
Scullion

Seselja
Siewert
Simms
Sinodinos
Smith
Waters
Whish-Wilson
Xenophon

Question negatived.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Day, in respect of Schedule 1, item 39; and item 24, as amended.

Question—That Schedule 1, item 39 stand as printed; and item 24, as amended, be agreed to—put.
The committee divided—

AYES, 35

Senators—
Back Fawcett O’Sullivan Seselja
Brandis Fifield Parry Siewert
Bushby (Teller) Hanson-Young Paterson Simms
Canavan Johnston Reynolds Sinodinos
Cash Lindgren Rhiannon Smith
Colbeck Ludlam Rice Waters
Cormann McGrath Ruston Whish-Wilson
Di Natale McKenzie Ryan Xenophon
Edwards Nash Scullion

NOES, 21

Senators—
Brown Gallacher McAllister O’Neill
Bullock Gallagher McEwen (Teller) Polley
Cameron Leyonhjelm McLucas Sterle
Carr Madigan Moore Urquhart
Collins Marshall Muir Wang
Day

Items agreed to.
Senator Rhiannon moved the following amendment:

Schedule 1, Part 1, page 14 (after line 6), at the end of the Part, add:

**Division 2—Application provisions**

**42A Application of amendments**
The amendments of the *Commonwealth Electoral Act 1918* made by this Part do not apply in relation to any election whose polling day is before 1 July 2016.

Note: Things may be done (for example, a person may vote by pre-poll vote) before 1 July 2016, in accordance with the *Commonwealth Electoral Act 1918* as amended by this Part, in relation to elections whose polling day is on or after that day.

Debate ensued.
Senator Muir moved the following amendment to Senator Rhiannon’s proposed amendment:

Item 42A, omit “1 July 2016” (wherever occurring), substitute “5 August 2016”.

Debate ensued.

Question—that Senator Muir’s amendment to Senator Rhiannon’s proposed amendment be agreed to—put and negatived.

Question—that the amendment be agreed to—put.
The committee divided—

AYES, 35

Senators—

Back  Edwards  Nash  Seselja
Birmingham  Fawcett (Teller)  O’Sullivan  Siewert
Brandis  Fifiield  Parry  Simms
Bushby  Hanson-Young  Paterson  Sinodinos
Canavan  Johnston  Reynolds  Smith
Cash  Lindgren  Rhiannon  Waters
Colbeck  Ludlam  Rice  Whish-Wilson
Cormann  Macdonald  Ryan  Xenophon
Di Natale  McGrath  Scullion

NOES, 21

Senators—

Brown  Gallacher  McAllister  Polley
Bullock  Gallacher  McEwen  Sterle
Collins  Lazarus  Moore  Urquhart (Teller)
Conroy  Leyonhjelm  Muir  Wang
Dastyari  Marshall  Peris  Wong
Day

Question agreed to.

Senator Rhiannon moved the following amendment:

Schedule 1, item 95, page 26 (lines 22 to 26), omit the item, substitute:

95 Application of amendments

(1) The amendments made by this Part apply (subject to subitem (2)) after this item commences in relation to any registered political party (whether registered before or after this item commences).

(2) The following do not apply in relation to any election whose polling day is before 1 July 2016:

(a) section 214A of the Commonwealth Electoral Act 1918 as inserted by this Part;
(b) the amendments of the following provisions made by this Part:
   (i) sections 169B, 209 and 366 of that Act;
   (ii) Schedule 1 to that Act.

Note: Things may be done (for example, ballot papers that include party logos may be printed) before 1 July 2016, in accordance with the Commonwealth Electoral Act 1918 as amended by this Part, in relation to elections whose polling day is on or after that day.

Senator Muir moved the following amendment to Senator Rhiannon’s proposed amendment:

Item 95, omit “1 July 2016” (wherever occurring), substitute “5 August 2016”.

Question—That Senator Muir’s amendment to Senator Rhiannon’s proposed amendment be agreed to—put and negatived.

Question—That the amendment be agreed to—put.
The committee divided—

AYES, 35

Senators—
Back Edwards Nash Seselja
Birmingham Fawcett (Teller) O’Sullivan Siewert
Brandis Fifield Parry Simms
Bushby Hanson-Young Paterson Sinodinos
Canavan Johnston Reynolds Smith
Cash Lindgren Rhiannon Waters
Colbeck Ludlam Rice Whish-Wilson
Cormann Macdonald Ryan Xenophon
Di Natale McGrath Scullion

NOES, 21

Senators—
Brown Gallacher McAllister Polley
Bullock Gallacher McEwen Sterle
Collins Lazarus Moore Urquhart (Teller)
Conroy Leyonhjelm Muir Wang
Dastyari Marshall Peris Wong
Day

Question agreed to.

Senator Rhiannon moved the following amendment:

Schedule 1, page 3 (after line 2), after the heading to Part 1 of Schedule 1, insert:

**Division 1—Amendments**

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 34

Senators—
Back Edwards Nash Seselja
Birmingham Fawcett (Teller) O’Sullivan Siewert
Brandis Fifield Parry Simms
Bushby Hanson-Young Paterson Sinodinos
Canavan Johnston Reynolds Smith
Cash Lindgren Rhiannon Waters
Colbeck Ludlam Rice Whish-Wilson
Cormann Macdonald Ryan Xenophon
Di Natale McKenzie Scullion

NOES, 20

Senators—
Bullock Day Leyonhjelm Polley
Cameron Gallacher Marshall Sterle
Collins Gallacher Moore Urquhart (Teller)
Conroy Ketter Muir Wang
Dastyari Lazarus Peris Wong

Question agreed to.
Senator Day moved the following amendment:
Schedule 1, page 11 (after line 21), after item 39, insert:

**39A After section 328B**

Insert:

**328C Distributing misleading or deceptive how-to-vote cards**

A person commits an offence if:

(a) the person distributes a how-to-vote card in relation to a Senate election; and
(b) the how-to-vote card is distributed during the relevant period in relation to the Senate election; and
(c) the how-to-vote card is likely to mislead or deceive a voter in relation to marking a Senate ballot paper in a way that is contrary to the ways set out in section 239.

Penalty: 25 penalty units.

**328D Offence for publicly advocating certain forms of voting**

(1) A person commits an offence if the person publicly advocates, during the relevant period in relation to a Senate election, that a voter should mark a Senate ballot paper in a way that is contrary to the ways set out in section 239.

Penalty: 25 penalty units.

(2) Section 15.2 of the Criminal Code (extended geographical jurisdiction—category B) applies to an offence against subsection (1).

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 21**

Brown
Bullock
Cameron
Collins
Dastyari
Day
Gallacher
Lazarus
Leyonhjelm
Marshall
McAllister
McEwen
McLucas
Moore
Muir
O’Neill
Peris
Polley
Sterle
Urquhart (Teller)
Wang

**NOES, 34**

Back
Birmingham
Bushby
Canavan
Cash
Colbeck
Cormann
Di Natale
Edwards
Fawcett
Hanson-Young
Johnston
Lindgren
Ludlam
Macdonald
McGrath
McKenzie
Nash
O’Sullivan
Parry
Paterson
Reynolds
Rhiannon
Rice
Ruston
Ryan
Scullion
Seselja
Siewert
Simms
Simpson
Smith (Teller)
Waters
Whish-Wilson

Question negatived.
Senator Leyonhjelm moved the following amendment:

Schedule 1, item 89, page 24 (lines 19 to 25), omit paragraphs 214A(3)(a) and (b), substitute:

(a) no more than 3 logos may be printed adjacent to the square that is printed, in accordance with paragraph 214(2)(d), adjacent to the names of the parties; and
(b) if more than 3 of those parties have logos entered in the Register—the parties must notify the Electoral Commission, in writing, which of the logos are to be printed adjacent to that square.

Debate ensued.

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

Bill, as amended, debated.

Senator Leyonhjelm moved the following amendment:

Schedule 1, page 26 (after line 26), at the end of the Schedule, add:

Part 4—Voluntary enrolment and voting

Commonwealth Electoral Act 1918

96 Subsection 85(2)

Omit “and otherwise to comply with the regulations relating to compulsory enrolment”.

97 Section 101

Repeal the section, substitute:

101 Voluntary enrolment

A person who is entitled to be enrolled for any Subdivision, otherwise than by virtue of section 94, 94A, 95, 96 or 100, whether by way of enrolment or transfer of enrolment may fill in and sign a claim and send or deliver it to the Electoral Commissioner.

98 Section 245

Repeal the section, substitute:

245 Voting to be voluntary

An elector may vote at an election.

99 Section 387A

Repeal the section.

100 Section 388

Repeal the section.

101 Paragraphs 393A(1)(f) and (g)

Repeal the paragraphs, substitute:

(f) pre-poll vote certificates for declaration voting.

102 Paragraph 395(b)

Repeal the section.
103 Transitional provision

Despite the amendment or repeal of a provision of the Commonwealth Electoral Act 1918 by this Part, that provision continues to apply, after the commencement of this item, in relation to:

(a) an offence committed before the commencement of this item; or
(b) proceedings for an offence alleged to have been committed before the commencement of this item; or
(c) any matter connected with, or arising out of, such proceedings;
as if the amendment or repeal had not been made.

Debate ensued.

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

Senator Leyonhjelm moved the following amendment:

Schedule 1, page 26 (after line 26), at the end of the Schedule, add:

**Part 4—House of Representatives voting**

96 At the end of section 240

Add:

(3) A vote may be marked on a ballot paper by:

(a) writing at least the numbers 1 to 6 in the squares printed on the ballot paper (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2, 3, 4, 5 and 6 being given to other candidates so as to indicate the order of the person’s preference for them); or
(b) if there are 6 or fewer squares printed on the ballot paper—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

Note: See also section 268A for when the vote is formal.

97 Subsection 268(1)

Omit “section 239”, substitute “section 239 or 240”.

98 Paragraph 268(1)(c)

Omit “in a House of Representatives election”, substitute “subject to section 268A, in a House of Representatives election”.

99 After section 268

Insert:

268A Formal votes—House of Representatives election

(1) A ballot paper in a House of Representatives election will not be informal by virtue of paragraph 268(1)(c) if:

(a) a voter has marked the ballot paper in accordance with subsection 240(3); or
(b) the voter has marked the number 1, or the number 1 and one or more higher numbers, in squares printed on the ballot paper.

(2) For the purposes of this Act:

(a) a voter who, in a square printed on a House of Representatives ballot paper, marks only a single tick or cross is taken as having written the number 1 in the square; and
(b) the following numbers written in a square printed on a House of Representatives ballot paper are to be disregarded:
   (i) numbers that are repeated and any higher numbers;
   (ii) if a number is missed—any numbers that are higher than the missing number.

101 Schedule 1 (Form F)
Omit “[here insert number of candidates] in the order of your choice”, substitute “6 (if there are 6 squares, if not such number of squares as there are) and, if there are more than 6 squares, such further numbers as you wish, in the order of your choice”.

102 Schedule 1 (Form F)
Omit “Remember….number every box to make your vote count.”

103 Application provision
The amendments made by this Part apply in relation to elections the writs for which are issued on or after the commencement of this item.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 5

Senators—

Day
Leyonhjelm (Teller)

Muir
Wang

NOES, 45

Senators—

Back
Bullock
Bushby
Cameron
Canavan
Cash
Colbeck
Cormann
Di Natale
Edwards
Fawcett
Gallacher

Gallagher
Hanson-Young
Johnston
Lindgren
Ludlam
Marshall
McAllister
McEwen (Teller)
McGrath
McKenzie
McLucas

Moore
O’Neill
O’Sullivan
Parry
Paterson
Peris
Polley
Reynolds
Rhiannon
Rice

Ryan
Scullion
Seselja
Siewert
Simms
Sinodinos
Smith
Sterle
Waters
Whish-Wilson

Question negatived.

Senator Leyonhjelm moved the following amendment:

Schedule 1, page 26 (after line 26), at the end of the Schedule, add:

Part 4—Election funding

96 Subsection 294(2)
Omit “$1.50”, substitute $1.125”.
97 Section 297
Repeal the section, substitute:

297 Payment not to be made in House of Representatives elections in certain circumstances
A payment under this Division must not be made in respect of votes given in a House of Representatives election for a candidate unless the total number of eligible votes polled in the candidate’s favour is at least 4% of the total number of eligible votes polled in favour of all of the candidates in the election.

98 Application provision
The amendments made by this Part apply in relation to elections the writs for which are issued on or after the commencement of this item.

Debate ensued.

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

Senator Muir moved the following amendment:

Schedule 1, page 26 (after line 26), at the end of the Schedule, add:

Part 4—Amendments to offences

96 Paragraph 329(4)(a)
Omit “$1,000”, substitute “100 penalty units”

97 Paragraph 329(4)(a)
Omit “6 months”, substitute “12 months”.

98 Paragraph 329(4)(b)
Omit “$5,000”, substitute “300 penalty units”.

99 Subsection 340(1)
Omit “6 metres”, substitute “100 metres”.

100 Paragraph 340(1A)(b)
Omit “6 metres”, substitute “100 metres”.

101 Transitional provision
Despite the amendment of a provision of the Commonwealth Electoral Act 1918 by this Part, that provision continues to apply, after the commencement of this item, in relation to:
(a) an offence committed before the commencement of this item; or
(b) proceedings for an offence alleged to have been committed before the commencement of this item; or
(c) any matter connected with, or arising out of, such proceedings;

as if the amendment had not been made.

Debate ensued.

Question—That the amendment be agreed to—put and negatived.
Senator Collins moved the following amendments together by leave:

Page 26 (after line 25), at the end of the bill, add:

Schedule 2—Donation disclosure threshold

Part 1—Main amendment

Commonwealth Electoral Act 1918

1 Subsection 4(1)

Insert:

related: a political party is related to another political party if:
(a) one of the parties is part of the other party; or
(b) both parties are parts of the same political party.

2 Subsection 123(2)

Repeal the subsection.

3 Subsection 287(4)

After “an election”, insert “or a reference in section 305B”.

4 After subsection 287(6)

Insert:

(6A) Subsection (6) does not apply in relation to a political party that is a body corporate.

5 Subparagraph 304(5)(b)(ii)

Omit “$10,000 or less”, substitute “less than $1,000”.

6 Paragraph 304(5)(c)

Omit “$10,000 or less”, substitute “less than $1,000”.

7 Subsection 304(5) (note)

Repeal the note.

8 Paragraph 304(6)(b)

Omit “exceeds $10,000”, substitute “is $1,000 or more”.

9 Paragraph 304(6)(c)

Omit “exceeds $10,000”, substitute “is $1,000 or more”.

10 Paragraph 304(6) (note)

Repeal the note.

11 Subparagraph 305A(1)(b)(ii)

Omit “more than $10,000”, substitute “$1,000 or more”.

12 Subsection 305A(1) (note)

Repeal the note.

13 Subparagraph 305A(1A)(b)(ii)

Omit “more than $10,000”, substitute “$1,000 or more”.

14 Subsection 305A(1A) (note)

Repeal the note.

15 Paragraph 305A(2)(b)

Omit “more than $10,000”, substitute “$1,000 or more”.
16 Subsection 305A(2) (note)
Repeal the note.

17 Section 305B
Repeal the section, substitute:

305B Gifts to political parties

Obligation to furnish returns for reporting periods

(1) If, in a financial year, a person makes gifts totalling $1,000 or more to the same registered political party, the person must furnish a return to the Electoral Commission within 8 weeks after the end of the financial year, disclosing all the gifts that the person made to the registered political party during the reporting period.

How section applies to political parties that are related

(2) If:
   (a) 2 or more political parties are related to each other; and
   (b) at least one of those parties is a registered political party;

subsection (1) applies as if:
   (c) those parties together constituted a single registered political party (rather than being separate political parties); and
   (d) a gift made by a person to any of those parties was a gift made by that person to the single registered political party referred to in paragraph (c).

How section applies to gifts made with intention of benefiting a party

(3) If a person makes a gift to any person or body with the intention of benefiting a particular political party, the person is taken for the purpose of this section (including paragraph (2)(d)) to have made that gift directly to that political party.

Content of return

(4) For each gift, the return must set out the following:
   (a) the amount of the gift;
   (b) the date on which it was made;
   (c) the name and address of the political party that received the gift.

Disclosure of receipt of gifts in certain circumstances

(5) If:
   (a) a person is required to disclose a gift (the ultimate gift) in a return under subsection (1); and
   (b) the person received a gift of $1,000 or more (the enabling gift) which the person used to make all or a substantial part of the ultimate gift;

the person must also disclose the relevant details of the enabling gift in the return under subsection (1).

(6) Relevant details for the purpose of subsection (5), in relation to a gift, are:
   (a) the amount or value of the gift; and
   (b) the date on which the gift was made; and
(c) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation:
   (i) the name of the association; and
   (ii) the names and addresses of the members of the executive committee (however described) of the association; and

(d) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation:
   (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
   (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and

(e) in any other case—the name and address of the person who made the gift.

Return to be in approved form

(7) The return must be in the approved form.

Gifts to which section does not apply

(8) This section does not apply to gifts made by any of the following:
   (a) a registered political party;
   (b) a State branch of a registered political party;
   (c) an associated entity;
   (d) a candidate in an election;
   (e) a member of a group.

18 Subsection 306(1)
   Omit “exceeds $10,000”, substitute “is $1,000 or more”.

19 Subsection 306(1) (note)
   Repeal the note.

20 Subsection 306(2)
   Omit “exceeds $10,000”, substitute “is $1,000 or more”.

21 Subsection 306(2) (note)
   Repeal the note.

22 Subsection 306A(1)
   Omit “more than $10,000”, substitute “$1,000 or more”.

23 Subsection 306A(1) (note)
   Repeal the note.

24 Subsection 306A(2)
   Omit “more than $10,000”, substitute “$1,000 or more”.

25 Subsection 306A(2) (note)
   Repeal the note.

26 Paragraph 306B(a)
   Omit “exceeds $10,000”, substitute “is $1,000 or more”.

27 Section 306B (note 3)
   Repeal the note.
28 Subsection 311A(2)
   Omit “$10,000 or less”, substitute “less than $1,000”.

29 Subsection 311A(2) (note)
   Repeal the note.

30 Subsection 314AC(1)
   Omit “more than $10,000”, substitute “$1,000 or more”.

31 Subsection 314AC(1) (note)
   Repeal the note.

32 Subsection 314AC(2)
   Repeal the subsection.

33 Subsection 314AE(1)
   Omit “more than $10,000”, substitute “$1,000 or more”.

34 Subsection 314AE(1) (note)
   Repeal the note.

35 Paragraphs 314AEB(1)(b) and (c)
   Repeal the paragraphs, substitute:
   (b) the total amount of expenditure of all of the kinds referred to in paragraph (a) incurred by the person during the reporting period was $1,000 or more.

36 Subsection 314AEB(1) (note)
   Repeal the note.

37 After subsection 314AEB(1)
   Insert:
   (1A) An amount of expenditure incurred with the authority of a person is not counted in the total amount referred to in paragraph (1)(b) if, at the time the person gave authority to incur the amount of expenditure, the person was:
   (a) a registered political party; or
   (b) a State branch of a registered political party; or
   (c) the Commonwealth (including a Department of the Commonwealth, an Executive Agency or a Statutory Agency (within the meaning of the Public Service Act 1999)); or
   (d) a member of the House of Representatives or the Senate; or
   (e) a candidate in an election; or
   (f) a member of a group.

38 Paragraph 314AEC(1)(c)
   Omit “more than $10,000”, substitute “$1,000 or more”.

39 Subsection 314AEC(1) (note)
   Repeal the note.

40 Subsection 314AEC(2)
   Omit “more than $10,000”, substitute “$1,000 or more”.

41 Subsection 314AEC(2) (note)
   Repeal the note.
42 Section 321A
Repeal the section.

Part 2—Application provisions

43 Amendments applying to elections the writs for which are issued on or after the commencement of this Schedule
The amendments made by items 5 to 16 of this Schedule apply in relation to elections the writs for which are issued on or after the commencement of this Schedule.

44 Amendments applying to a financial year starting on or after the commencement of this Schedule
The amendments made by items 17 and 28 to 34 of this Schedule apply in relation to a financial year that starts on or after the commencement of this Schedule.

45 Amendments applying to gifts etc. made on or after the commencement of this Schedule
The amendments made by items 19 to 27 of this Schedule apply to loans received on or after the commencement of this Schedule.

Page 26 (after line 25), at the end of the bill, add:

Schedule 2—Gifts of foreign property
Part 1—Main amendments

Commonwealth Electoral Act 1918

1 Before section 303
Insert:

Subdivision A—Interpretation

2 After section 303
Insert:

Subdivision B—Disclosure of gifts

303A Application of Subdivision to gifts returned within 6 weeks
Unless the contrary intention appears, this Subdivision does not apply to a gift that is returned within 6 weeks after its receipt.

303AA Application of Subdivision to gifts of foreign property
(1) This Subdivision applies to a gift of foreign property within the meaning of Subdivision C of this Division, whether or not the gift is returned within 6 weeks after its receipt.

(2) If the gift is so returned, any return under this Subdivision that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned.
3 Section 306
Repeal the section, substitute:

Subdivision C—Rules about gifts of foreign property

306 Definitions
(1) In this Subdivision:

Australian property means:
(a) money standing to the credit of an account kept in Australia; or
(b) other money (for example, cash) that is located in Australia; or
(c) property, other than money, that is located in Australia.

Note: For how this Subdivision applies to gifts or transfers made using a credit card, see subsection 306AB(4).

candidacy period, in relation to a candidate, means the period:
(a) starting on the earlier of the day on which the person announces that he or she will be a candidate in an election, or the day on which the nomination of the person as a candidate in the election is made; and
(b) ending 30 days after the polling day in the election.

credit card means:
(a) any article of a kind commonly known as a credit card; or
(b) any similar article intended for use in obtaining cash, goods or services on credit;

and includes any article of a kind that persons carrying on business commonly issue to their customers or prospective customers for use in obtaining goods or services from those persons on credit.

enables: a gift or other transfer enables a person or entity to do a particular thing if all or a substantial part of the gift or transfer enables the person or entity:
(a) to do all or a substantial part of that thing; or
(b) to be wholly or substantially reimbursed for having done that thing.

foreign property means:
(a) money standing to the credit of an account kept outside Australia; or
(b) other money (for example, cash) that is located outside Australia; or
(c) property, other than money, that is located outside Australia.

Note: For how this Subdivision applies to gifts or transfers made using a credit card, see subsection 306AB(4).

gift:
(a) in relation to a candidate, has a meaning affected by subsection (2); and
(b) in relation to a member of a group, has a meaning affected by subsection (3).

group period, in relation to a group, means the period:
(a) starting on the day on which the persons constituting the group make a request under section 168 in relation to an election; and
(b) ending 30 days after the polling day in the election.

*political expenditure* means expenditure incurred for any of the purposes specified in paragraph 314AEB(1)(a).

(2) A reference in this Subdivision to a gift, in relation to a candidate (or a person acting on behalf of a candidate), does not include:
   (a) a gift made for the benefit of a group of which the candidate is a member; or
   (b) a gift made in a private capacity to (or for the benefit of) the candidate if the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(3) A reference in this Subdivision to a gift, in relation to a member of a group (or a person acting on behalf of a group), is a reference to a gift made for the benefit of the group.

(4) A reference in this Subdivision to a thing done by a person includes a reference to a thing done by a person on behalf of the members of an unincorporated association.

306AA Subdivision does not apply to gifts that are returned within 6 weeks

This Subdivision does not apply to a gift that is returned within 6 weeks after its receipt.

306AB Determining whether a gift or transfer is of Australian or foreign property

*Status of property as Australian or foreign to be determined by reference to position immediately before gift or transfer*

(1) For the purpose of this Subdivision (but without limiting the effect of subsections (2) and (3)):
   (a) a gift or transfer of property is a gift or transfer of Australian property if the property was Australian property immediately before the gift or transfer was made; and
   (b) a gift or transfer of property is a gift or transfer of foreign property if the property was foreign property immediately before the gift or transfer was made.

*Transferring foreign property to enable another person to make a gift*

(2) For the purpose of this Subdivision, if:
   (a) a person (the *donor*) transfers foreign property (the *primary transfer*) to another person (the *first recipient*); and
   (b) the donor’s main purpose in making the primary transfer is to enable (directly or indirectly) the first recipient, or another person, to make a gift to another person or entity (the *ultimate recipient*); and
   (c) the first recipient, or another person, makes a gift (the *ultimate gift*) to the ultimate recipient; and
   (d) the primary transfer enabled (directly or indirectly) the first recipient, or the other person, to make the ultimate gift;

the ultimate gift is taken to be a gift of foreign property.
Changing location of foreign property etc. prior to making a gift or transfer

(3) For the purpose of this Subdivision, if:
   (a) a person:
      (i) changes the location of property so that it becomes Australian property; or
      (ii) uses foreign property to acquire Australian property; and
   (b) the person’s main purpose in changing the location of the property, or in acquiring the Australian property, was to enable the person to make a gift or transfer of property that would be Australian property rather than foreign property; and
   (c) the person makes a gift or transfer of Australian property in accordance with that purpose;

the gift or transfer is taken to be a gift or transfer of foreign property.

How Subdivision applies to gifts or transfers made by credit card

(4) This Subdivision applies to a gift or transfer of money made by use of a credit card as if the gift or transfer were of money standing to the credit of an account kept in the country in which the credit card is based.

306AC Gifts of foreign property: when unlawful for political party, candidate etc. to receive gift

When receiving gift is unlawful

(1) It is unlawful for a person or entity to receive a gift of foreign property in any of the following circumstances:
   (a) the gift is received by a registered political party (or by a person acting on behalf of a registered political party);
   (b) the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);
   (c) the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;
   (d) the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period.

Liability for unlawful receipt of gift

(2) If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.
### Liability for unlawful receipt of gift

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If the recipient is ...</td>
<td>the amount is payable by ...</td>
</tr>
<tr>
<td>1</td>
<td>a registered political party that is a body corporate (or a person acting on behalf of such a party)</td>
<td>the registered political party.</td>
</tr>
<tr>
<td>2</td>
<td>a registered political party that is not a body corporate (or a person acting on behalf of such a party)</td>
<td>the agent of the registered political party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)</td>
<td>the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on behalf of such a branch)</td>
<td>the agent of the State branch.</td>
</tr>
<tr>
<td>5</td>
<td>a candidate (or a person acting on behalf of a candidate)</td>
<td>the candidate and the agent of the candidate.</td>
</tr>
<tr>
<td>6</td>
<td>a member of a group (or a person acting on behalf of a group)</td>
<td>the members of the group and the agent of the group.</td>
</tr>
</tbody>
</table>

(3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.

(4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.
306AD Gifts of foreign property made to enable incurring of political expenditure: when unlawful to use or receive gift

Persons other than candidates and members of groups (current and former) and associated entities: when incurring expenditure is unlawful

(1) It is unlawful for a person (the recipient) to incur an amount of political expenditure if:
   (a) the recipient:
      (i) is not, and has not at any time been, a candidate or a member of a group; and
      (ii) is not an associated entity; and
   (b) a gift of foreign property received by the recipient from another person (the donor) enabled the recipient to incur the expenditure; and
   (c) the donor’s main purpose in making the gift of foreign property was to enable the recipient to incur political expenditure; and
   (d) the recipient is required by section 314AEB to provide a return setting out details of the expenditure (whether or not that return has been provided).

Candidates and members of groups (current and former): when incurring expenditure is unlawful

(2) It is unlawful for a person (the recipient) to incur an amount of political expenditure if:
   (a) the recipient is, or has at any time been, a candidate or a member of a group; and
   (b) a gift of foreign property received by the recipient from another person (the donor) enabled the recipient to incur the expenditure; and
   (c) the donor’s main purpose in making the gift of foreign property was to enable the recipient to incur political expenditure.

Associated entities: when receiving gift is unlawful

(3) It is unlawful for an associated entity to receive a gift of foreign property from a person (the donor) if the donor’s main purpose in making the gift is to enable the associated entity to incur political expenditure.

(4) In subsections (3) and (6), a reference to an associated entity receiving a gift or incurring expenditure is, if the entity is not a body corporate, a reference to a person receiving a gift or incurring expenditure on behalf of the entity.

Liability for unlawful incurring of expenditure or receipt of gift

(5) If a person incurs an amount of political expenditure that is unlawful under subsection (1) or (2), an amount equal to the amount of the expenditure is payable to the Commonwealth by the person.
(6) If an associated entity receives a gift that, under subsection (3), it is unlawful for the associated entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth in accordance with whichever of the following paragraphs applies:
(a) if the associated entity is a body corporate, or is the trustee of a trust—the amount is payable to the Commonwealth by the associated entity;
(b) if the associated entity is not a body corporate—the amount is payable to the Commonwealth by the financial controller of the associated entity.

(7) An amount that, under subsection (5) or (6), is payable by a person to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

4 After section 314AA
Insert:
314AAA Application of Division to gifts that are returned within 6 weeks
Unless the contrary intention appears, this Division does not apply to a gift that is returned within 6 weeks after its receipt.

303AAB Application of Division to gifts of foreign property
(1) This Division applies to a gift of foreign property within the meaning of Subdivision C of Division 4, whether or not the gift is returned within 6 weeks after its receipt.
(2) If the gift is so returned, any return under this Division that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned.

5 After subsection 315(10)
Insert:
Unlawful receipt of gift of foreign property: situations other than when political party, State branch or associated entity is not a body corporate, or when gift is received by person on behalf of group

(10A) A person commits an offence if:
(a) the person (or a person acting on behalf of the person, but not a person acting on behalf of a group) receives a gift; and
(b) the receipt of the gift is unlawful under subsection 306AC(1) or 306AD(3), and
(c) the person is:
(i) a registered political party that is a body corporate; or
(ii) a State branch of a registered political party, being a State branch that is a body corporate; or
(iii) a candidate; or
(iv) a member of a group; or
(v) an associated entity that is a body corporate.
Penalty: Imprisonment for 12 months or 240 penalty units, or both.
Unlawful receipt of gift of foreign property: registered political parties, State branches and associated entities that are not bodies corporate

(10B) A person commits an offence if:
(a) a gift is received by (or by a person acting on behalf of) any of the following (the recipient):
   (i) a registered political party that is not a body corporate;
   (ii) a State branch of a registered political party, being a State branch that is not a body corporate;
   (iii) an associated entity that is not a body corporate; and
(b) the receipt of the gift is unlawful under subsection 306AC(1) or 306AD(3); and
(c) the recipient is specified in column 1 of an item in the following table, and the person is specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Liability for unlawful receipt of gift</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>If the recipient is ...</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
</tbody>
</table>

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

(10C) A person does not commit an offence against subsection (10B) if:
(a) the person does not know of the circumstances because of which the receipt of the gift is unlawful; or
(b) the person takes all reasonable steps to avoid those circumstances occurring.

Note: A defendant bears an evidential burden of proof in relation to the matters in subsection (10C) (see subsection 13.3(3) of the Criminal Code).
**Unlawful receipt of gift: person acting on behalf of group**

(10D) A person commits an offence if:
(a) the person receives a gift; and
(b) in receiving the gift, the person is acting on behalf of a group; and
(c) the receipt of the gift is unlawful under subsection 306AC(1).

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

**Unlawful incurring of expenditure**

(10E) A person commits an offence if:
(a) the person incurs expenditure; and
(b) the incurring of the expenditure is unlawful under subsection 306AD(1) or (2).

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

**Part 2—Application provisions**

6 Amendments applying to gifts received on or after the commencement of this Schedule

The amendments made by this Schedule apply to gifts received on or after the commencement of this Schedule.

7 Amendments applying to acts or omissions occurring on or after the commencement of this Schedule

The amendments made by item 5 of this Schedule apply in relation to acts and omissions that occur on or after the commencement of this Schedule.

Page 26 (after line 25), at the end of the bill, add:

**Schedule 2—Anonymous gifts**

**Part 1—Main amendments**

*Commonwealth Electoral Act 1918*

1 Subsection 287(1)

Insert:

> general public activity: see subsection 306AF(3).
> permitted anonymous gift: see section 306AF.
> private event: see subsection 306AF(6).

2 Before section 303

Insert:

Subdivision A—Interpretation

3 After section 303

Insert:

Subdivision B—Disclosure of gifts

303A Application of Subdivision to gifts returned within 6 weeks

Unless the contrary intention appears, this Subdivision does not apply to a gift that is returned within 6 weeks after its receipt.
4 Before section 304
Insert:

303AB Application of Subdivision to anonymous gifts
(1) This Subdivision applies to an anonymous gift within the meaning of Subdivision D of this Division, whether or not the gift is returned, or the amount or value of the gift is paid to the Commonwealth, within 6 weeks of the receipt of the gift.
(2) If the gift is so returned, or the amount or value of the gift is so paid to the Commonwealth, any return under this Subdivision that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned, or that the amount or value of the gift was so paid to the Commonwealth.

5 Subsection 304(2)
Omit all the words after “in an approved form,”, substitute:
setting out:
(a) the total amount or value of all gifts received by the person during the disclosure period for the election; and
(b) for gifts other than permitted anonymous gifts received by the person during the disclosure period for the election—the number of persons who made the gifts, and the relevant details of each gift; and
(c) for each general public activity or private event at which permitted anonymous gifts were received by the person during the disclosure period for the election:
(i) the date and nature of the activity or event; and
(ii) the total amount of permitted anonymous gifts received at the activity or event; and
(iii) for a private event in relation to which an excess was returned, or the amount of an excess was paid to the Commonwealth, as mentioned in paragraph 306AF(4)(d)—the amount of the excess, and a statement to the effect that the excess was so returned or so paid to the Commonwealth.

6 Subsection 304(3)
Omit all the words after “in an approved form,”, substitute:
setting out:
(a) the total amount or value of all gifts received by the group during the disclosure period for the election; and
(b) for gifts other than permitted anonymous gifts received by the group during the disclosure period for the election—the number of persons who made the gifts, and the relevant details of each gift; and
(c) for each general public activity or private event at which permitted anonymous gifts were received by the group during the disclosure period for the election:
(i) the date and nature of the activity or event; and
(ii) the total amount of permitted anonymous gifts received at the activity or event; and
No. 148—18 March 2016

(iii) for a private event in relation to which an excess was returned, or the amount of an excess was paid to the Commonwealth, as mentioned in paragraph 306AF(4)(d)—the amount of the excess, and a statement to the effect that the excess was so returned or so paid to the Commonwealth.

7 Subsection 304(4)
Omit “the purposes of this section”, substitute “the purposes of paragraphs (2)(b) and (3)(b)”.  

8 Before section 306A
Insert:
Subdivision D—Rules about anonymous gifts

306AE Definitions
(1) In this Subdivision:

anonymous gift: a gift is an anonymous gift if the gift is not made by a known donor.

candidacy period, in relation to a candidate, means the period:
(a) starting on the earlier of the day on which the person announces that he or she will be a candidate in an election, or the day on which the nomination of the person as a candidate in the election is made; and
(b) ending 30 days after the polling day in the election.

enables: a gift enables a person or entity to do a particular thing if all or a substantial part of the gift enables the person or entity:
(a) to do all or a substantial part of that thing; or
(b) to be wholly or substantially reimbursed for having done that thing.

gift:
(a) in relation to a candidate, has a meaning affected by subsection (2); and
(b) in relation to a member of a group, has a meaning affected by subsection (3).

group period, in relation to a group, means the period:
(a) starting on the day on which the persons constituting the group make a request under section 168 in relation to an election; and
(b) ending 30 days after the polling day in the election.

known donor: a gift is made by a known donor if:
(a) at the time when the gift is made:
   (i) the person making the gift (the donor) gives the donor’s name and address to the person receiving the gift; and
   (ii) the person receiving the gift has no grounds to believe that the name and address so given are not the donor’s true name and address; or
(b) the name and address of the donor are otherwise known to the person receiving the gift.
political expenditure means expenditure incurred for any of the purposes specified in paragraph 314AEB(1)(a).

(2) A reference in this Subdivision to a gift, in relation to a candidate (or a person acting on behalf of a candidate), does not include:
   (a) a gift made for the benefit of a group of which the candidate is a member; or
   (b) a gift made in a private capacity (or for the benefit of) the candidate if the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(3) A reference in this Subdivision to a gift, in relation to a member of a group (or a person acting on behalf of a group), is a reference to a gift made for the benefit of the group.

(4) A reference in the definition of known donor in subsection (1) to the donor’s name and address is:
   (a) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—a reference to:
      (i) the name of the association; and
      (ii) the names and addresses of the members of the executive committee (however described) of the association; and
   (b) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to:
      (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
      (ii) the title or other description of the trust fund or the name of the foundation, as the case requires.

(5) A reference in this Subdivision to a thing done by a person includes a reference to a thing done by a person on behalf of the members of an unincorporated association.

306AF Meaning of permitted anonymous gift

Anonymous gifts made at general public activities

(1) An anonymous gift received by or on behalf of a person or entity (the recipient) is a permitted anonymous gift if:
   (a) the amount of the gift is $50 or less; and
   (b) the gift is received at a general public activity (see subsection (3)); and
   (c) a person involved in the organisation of the activity makes a record, for the purpose of this section, of:
      (i) the date, location and nature of the activity; and
      (ii) the names and addresses of the people involved in the collection or receipt of gifts at the activity; and
      (iii) the total amount of anonymous gifts received by or on behalf of the recipient at the activity.

(2) If:
   (a) a particular person makes 2 or more gifts for the recipient at the activity; and
(b) a person involved in the collection or receipt of gifts at the activity knows that the gifts are from the same person, and that the total of the gifts exceeds $50;
then, despite subsection (1), so much of those gifts as equals the excess is not a permitted anonymous gift.

(3) A general public activity is an activity that is conducted in a public place or in some other place to which members of the public have ready access.

Note: General public activities include, for example, street stalls and stalls at fetes.

Anonymous gifts made at private events

(4) An anonymous gift received by or on behalf of a person or entity (the recipient) is a permitted anonymous gift if:
(a) the amount of the gift is $50 or less; and
(b) the gift is received at a private event (see subsection (6)); and
(c) a person involved in the organisation of the event makes a record, for the purpose of this section, of:
(i) the date, location and nature of the event; and
(ii) the number of people who attended the event; and
(iii) the names and addresses of the people involved in the collection or receipt of gifts at the event; and
(iv) the total amount of anonymous gifts received by or on behalf of the recipient at the event; and
(d) if the total amount of anonymous gifts received by or on behalf of the recipient at the event exceeds the amount worked out by multiplying $50 by the number of people who attend the event—within 6 weeks of the event:
(i) the excess is returned; or
(ii) if it is not possible or practicable to return the excess—the amount of the excess is paid to the Commonwealth.

(5) If:
(a) a particular person makes 2 or more gifts for the recipient at the event; and
(b) a person involved in the collection or receipt of gifts at the event knows that the gifts are from the same person, and that the total of the gifts exceeds $50;
then, despite subsection (4), so much of those gifts as equals the excess is not a permitted anonymous gift.

(6) A private event is a function, meeting or other event that is not a general public activity.

Section only applies to gifts of money

(7) This section only applies in relation to gifts of money.
(b) if it is not possible or practicable to return the gift—the amount or value of the gift is paid to the Commonwealth.

306AH  Anonymous gifts: when unlawful for political party, candidate etc. to receive gift

When receiving gift is unlawful

(1)  It is unlawful for an anonymous gift that is not a permitted anonymous gift to be received in any of the following circumstances:
(a)  the gift is received by a registered political party (or by a person acting on behalf of a registered political party);
(b)  the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);
(c)  the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;
(d)  the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period.

Liability for unlawful receipt of gift

(2)  If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a registered political party that is a body corporate (or a person acting on behalf of such a party)</td>
<td>the registered political party.</td>
</tr>
<tr>
<td>2</td>
<td>a registered political party that is not a body corporate (or a person acting on behalf of such a party)</td>
<td>the agent of the registered political party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)</td>
<td>the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on behalf of such a branch)</td>
<td>the agent of the State branch.</td>
</tr>
</tbody>
</table>
Liability for unlawful receipt of gift

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If the recipient is ...</td>
<td>the amount is payable by ...</td>
</tr>
<tr>
<td>5</td>
<td>a candidate (or a person acting on behalf of a candidate)</td>
<td>the candidate and the agent of the candidate.</td>
</tr>
<tr>
<td>6</td>
<td>a member of a group (or a person acting on behalf of a group)</td>
<td>the members of the group and the agent of the group.</td>
</tr>
</tbody>
</table>

(3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.

(4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.

306A1 Anonymous gifts: when unlawful for political party, candidate etc. to receive gift made using anonymous gift

When receiving gift is unlawful

(1) It is unlawful for a person or entity to receive a gift (the political gift) from a person (the donor) if:

(a) the political gift is received in any of the following circumstances:

(i) the gift is received by a registered political party (or by a person acting on behalf of a registered political party);

(ii) the gift is received by a State branch of a registered political party (or by a person acting on behalf of a State branch of a registered political party);

(iii) the gift is received by a candidate (or by a person acting on behalf of a candidate) during the candidacy period;

(iv) the gift is received by a member of a group (or by a person acting on behalf of a group) during the group period; and

(b) an anonymous gift received by the donor enabled the donor to make the political gift; and

(c) the anonymous gift is not a permitted anonymous gift.

Liability for unlawful receipt of gift

(2) If a person or entity specified in column 1 of an item in the following table receives a gift that, under subsection (1), it is unlawful for the person or entity to receive, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.
<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If the recipient is ...</td>
<td>the amount is payable by ...</td>
</tr>
<tr>
<td>1</td>
<td>a registered political party that is a body corporate (or a person acting on behalf of such a party)</td>
<td>the registered political party.</td>
</tr>
<tr>
<td>2</td>
<td>a registered political party that is not a body corporate (or a person acting on behalf of such a party)</td>
<td>the agent of the registered political party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is a body corporate (or a person acting on behalf of such a branch)</td>
<td>the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>a State branch of a registered political party, being a State branch that is not a body corporate (or a person acting on behalf of such a branch)</td>
<td>the agent of the State branch.</td>
</tr>
<tr>
<td>5</td>
<td>a candidate (or a person acting on behalf of a candidate)</td>
<td>the candidate and the agent of the candidate.</td>
</tr>
<tr>
<td>6</td>
<td>a member of a group (or a person acting on behalf of a group)</td>
<td>the members of the group and the agent of the group.</td>
</tr>
</tbody>
</table>

(3) If, under subsection (2), an amount is payable to the Commonwealth by 2 or more persons, those persons are jointly and severally liable for the payment of the amount.

(4) An amount that, under subsection (2), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person or any one or more of those persons.

306AJ Anonymous gifts: when unlawful for person to incur political expenditure using anonymous gift

Persons other than candidates and members of groups (current and former): when incurring expenditure is unlawful

(1) It is unlawful for a person to incur an amount of political expenditure if:
   (a) the person is not, and has not at any time been, a candidate or a member of a group; and
   (b) an anonymous gift received by the person enabled the person to incur the expenditure; and
   (c) the anonymous gift is not a permitted anonymous gift; and
(d) the person is required by section 314AEB to provide a return setting out details of the expenditure (whether or not that return has been provided).

Candidates and members of groups (current and former): when incurring expenditure is unlawful

(2) It is unlawful for a person to incur an amount of political expenditure if:
   (a) the person is, or has at any time been, a candidate or a member of a group; and
   (b) an anonymous gift received by the person enabled the person to incur the expenditure; and
   (c) the anonymous gift is not a permitted anonymous gift.

Liability for unlawful incurring of expenditure

(3) If a person incurs an amount of political expenditure that is unlawful under subsection (1) or (2), an amount equal to the amount of the expenditure is payable to the Commonwealth by the person.

(4) An amount that, under subsection (3), is payable by a person to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

Subdivision E—Other gifts and loans

9 Before section 314AB

Insert:

314AAC Application of Division to gifts that are returned within 6 weeks

Unless the contrary intention appears, this Division does not apply to a gift that is returned within 6 weeks after its receipt.

314AAD Application of Division to anonymous gifts

(1) This Division applies to an anonymous gift within the meaning of Subdivision D of Division 4, whether or not the gift is returned, or the amount or value of the gift is paid to the Commonwealth, within 6 weeks of the receipt of the gift.

(2) If the gift is so returned, or the amount or value of the gift is so paid to the Commonwealth, any return under this Division that includes the amount or value of the gift must also include a statement to the effect that the gift was so returned, or that the amount or value of the gift was so paid to the Commonwealth.

10 At the end of section 314AC

Add:

(4) If the total amount received by, or on behalf of, the party during a reporting period includes one or more permitted anonymous gifts, the return must include, for each general public activity or private event at which the gifts were received:
   (a) the date and nature of the activity or event; and
   (b) the total amount of permitted anonymous gifts received at the activity or event; and
11 Before subsection 315(5)

Insert:

Making a section 306AF record that is false or misleading

(4C) A person commits an offence if:

(a) the person makes a record in relation to an activity or event; and

(b) the record purports to be made for the purpose of section 306AF; and

(c) the person knows that:

(i) the record is false or misleading in a material particular; or

(ii) the record omits a matter or thing without which the record is misleading in a material particular.

Penalty: Imprisonment for 12 months or 120 penalty units, or both.

12 Before subsection 515(11)

Insert:

Unlawful receipt of anonymous gift: situations other than when political party, State branch or associated entity is not a body corporate, or when gift is received by person on behalf of group

(10F) A person commits an offence if:

(a) the person (or a person acting on behalf of the person, but not a person acting on behalf of a group) receives a gift; and

(b) the receipt of the gift is unlawful under subsection 306AH(1) or 306AI(1); and

(c) the person is:

(i) a registered political party that is a body corporate; or

(ii) a State branch of a registered political party, being a State branch that is a body corporate; or

(iii) a candidate; or

(iv) a member of a group; or

(v) an associated entity that is a body corporate.

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

Unlawful receipt of gift: registered political parties, State branches and associated entities that are not bodies corporate

(10G) A person commits an offence if:

(a) a gift is received by (or by a person acting on behalf of) any of the following (the recipient):

(i) a registered political party that is not a body corporate;

(ii) a State branch of a registered political party, being a State branch that is not a body corporate;

(iii) an associated entity that is not a body corporate; and

(b) the receipt of the gift is unlawful under subsection 306AH(1) or 306AI(1); and
(c) the recipient is specified in column 1 of an item in the following table, and the person is specified in column 2 of that item.

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a registered political party</td>
<td>the registered officer of the party, the secretary of the party (as defined in section 123), or the agent of the party.</td>
</tr>
<tr>
<td>2</td>
<td>a State branch of a registered political party, being a State branch that itself is a registered political party</td>
<td>the registered officer of the party that is the State branch, the secretary of that party (as defined in section 123), or the agent of that party.</td>
</tr>
<tr>
<td>3</td>
<td>a State branch of a registered political party, being a State branch that is not itself a registered political party</td>
<td>a member of the executive committee of the State branch.</td>
</tr>
<tr>
<td>4</td>
<td>an associated entity</td>
<td>the financial controller of the associated entity.</td>
</tr>
</tbody>
</table>

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

(10H) A person does not commit an offence against subsection (10B) if:
(a) the person does not know of the circumstances because of which the receipt of the gift is unlawful; or
(b) the person takes all reasonable steps to avoid those circumstances occurring.

Note: A defendant bears an evidential burden of proof in relation to the matters in subsection (10C) (see subsection 13.3(3) of the Criminal Code).

Unlawful receipt of gift: person acting on behalf of group

(10J) A person commits an offence if:
(a) the person receives a gift; and
(b) in receiving the gift, the person is acting on behalf of a group; and
(c) the receipt of the gift is unlawful under subsection 306AH(1) or 306AI(1).

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

Unlawful incurring of expenditure

(10K) A person commits an offence if:
(a) the person incurs expenditure; and
(b) the incurring of the expenditure is unlawful under subsection 306AJ(1) or (2).

Penalty: Imprisonment for 12 months or 240 penalty units, or both.

13 Before subsection 315(11)

Insert:

Prosecutions to be brought within 3 years

14 After section 315

Insert:

315AA Recovery of undisclosed gifts

(1) Subject to subsection (2), for the purpose of this section, a gift is an undisclosed gift if:

(a) any of the following provisions (the disclosure provision) requires details (however described) of the gift to be included in a return:

(i) subsection 304(2) or (3);
(ii) section 314AC;
(iii) section 314AC, as it applies for the purpose of section 314AEA;
(iv) section 314AEC; and

(b) either:

(i) the return has not been furnished by the time required by this Part; or
(ii) the return has been furnished by that time, but it does not include the required details of the gift.

(2) If:

(a) a notice is served on a person under subsection 318(2) in relation to a return; and

(b) the notice requires the person to furnish certain particulars in relation to a gift within a specified period (the extension period);

then:

(c) paragraph (1)(b) of this section has effect in relation to the return as if it referred to the end of the extension period (rather than the time by which the return is required to be furnished); and

(d) if the particulars are furnished as required by the notice at or before the end of the extension period, subsection (1) has effect as if those particulars had been included in the return.

(3) If the disclosure provision in relation to an undisclosed gift is specified in column 1 of an item in the following table, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.
### Liability for receipt of undisclosed gifts

<table>
<thead>
<tr>
<th>Items</th>
<th>Column 1 If the provision is ...</th>
<th>Column 2 the amount is payable by ...</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>subsection 304(2)</td>
<td>the agent who is required to furnish the return.</td>
</tr>
<tr>
<td>2</td>
<td>subsection 304(3)</td>
<td>the agent who is required to furnish the return.</td>
</tr>
<tr>
<td>3</td>
<td>section 314AC</td>
<td>the agent who is required to furnish the return.</td>
</tr>
<tr>
<td>4</td>
<td>section 314AC, as it applies for the purpose of section 314AEA</td>
<td>the financial controller who is required to furnish the return.</td>
</tr>
<tr>
<td>5</td>
<td>section 314AEC</td>
<td>the person who is required to furnish the return.</td>
</tr>
</tbody>
</table>

(4) An amount that, under subsection (3), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

#### 15 Subsection 315A(1)

Repeal the subsection, substitute:

**315A Recovery of amounts due to the Commonwealth**

(1) If, under a provision of this Part, an amount may be recovered by the Commonwealth as a debt due to the Commonwealth, an action to recover the amount may be brought in the name of the Commonwealth by the Electoral Commissioner.

(2) Any process in the action required to be served on the Commonwealth may be served on the Electoral Commissioner.

(3) Nothing in this section is intended to limit the operation of section 61 or 63 of the *Judiciary Act 1903*.

#### 16 Subsections 316(2A) and (2B)

Repeal the subsections, substitute:

(2A) An authorised officer may, for the purpose of finding out whether a person or entity specified in column 1 of an item in the following table has complied with this Part or has done something that is unlawful under this Part, by notice to a person who is, or has at any time been, a person specified in column 2 of that item, require the person:

(a) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or

(b) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.
Use of compliance powers

<table>
<thead>
<tr>
<th>Items</th>
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</tr>
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<tr>
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<td>6</td>
<td>a person who has furnished a return under section 305A, 305B, 314AEB or 314AEC</td>
<td>the person, any person acting on behalf of the person or (if the person is a body corporate) any officer of the person.</td>
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<td>a prescribed person</td>
<td>the prescribed person, any person acting on behalf of the prescribed person or (if the prescribed person is a body corporate) any officer of the prescribed person.</td>
</tr>
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</table>

(2AA) A notice to a person under subsection (2A) is to be served personally or by post on the person.
(2AB) Subsection (2A), as it applies in relation to a person who has furnished a return under section 305A, 305B, 314AEB or 314AEC, is not limited just to compliance in relation to that return or the period to which that return relates.

(2B) If a notice under subsection (2A) requires an officer of a political party or branch (other than an agent) to appear before an authorised officer under paragraph (2A)(b), then the agent of the political party or branch is entitled:
(a) to attend at the proceeding under paragraph (2A)(b); or
(b) to nominate another person, in writing, to attend on behalf of the agent.

Part 2—Application provisions
17 Amendments applying to gifts received on or after the commencement of this Schedule
(1) The amendments made by this Schedule apply to gifts received on or after the commencement of this Schedule.
(2) To avoid doubt, a gift made before the commencement of this Schedule is not a permitted anonymous gift.

18 Amendments applying to elections the writs for which are issued on or after the commencement of this Schedule
The amendments made by items 5, 6 and 7 of this Schedule apply in relation to elections the writs for which are issued on or after the commencement of this Schedule.

19 Amendments applying to acts or omissions occurring on or after the commencement of this Schedule
The amendments made by item 12 of this Schedule apply in relation to acts and omissions that occur on or after the commencement of this Schedule.

Page 26 (after line 25), at the end of the bill, add:

Schedule 2—Other amendments
Part 1—Main amendments
Commonwealth Electoral Act 1918
1 Subsection 17A(1)
Omit “(1)”.

2 Subsection 17A(1)
Omit all the words after “compliance with a notice under subsection 316(2A),”, substitute “unless, in the opinion of the Electoral Commission, the information relates to an offence that has, or may have been, committed against section 315”.

3 Subsection 17A(2)
Repeal the subsection.
4 Subsection 287(2)
Repeal the subsection, substitute:

(2) If this Part requires something to be lodged, given or furnished to the Electoral Commission, the thing is taken to be so lodged, given or furnished if it is lodged at the principal office of the Electoral Commission in Canberra.

5 After subsection 287(4A)
Insert:

(4B) For the purposes of this Part, electoral expenditure incurred by or with the authority of a division of a State branch of a political party is treated as being incurred by that State branch.

6 At the end of Division 1 of Part XX
Add:

287C Commonwealth may not recover the amount of a gift twice
Despite anything in this Part, if the Commonwealth has recovered the amount or value of a gift as a debt due to the Commonwealth under a provision of this Part, the Commonwealth may not recover the amount or value of that gift as a debt due to the Commonwealth under another provision of this Part.

7 Subsection 304(2)
Omit “15 weeks”, substitute “8 weeks”.

8 Subsection 304(3)
Omit “15 weeks”, substitute “8 weeks”.

9 At the end of section 304
Add:

Nil returns

(9) If no details are required to be included in a return under this section in respect of a candidate, the return must still be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

(10) If no details are required to be included in a return under this section in respect of a group, the return must still be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

10 Paragraph 305A(3)(a)
Omit “15 weeks”, substitute “8 weeks”.

11 Section 307
Repeal the section.

12 Subsections 315(1) to (4)
Repeal the subsections, substitute:

Failing to furnish a Division 4, 5 or 5A return

(1) A person commits an offence if:

(a) the person is required to furnish a return under Division 4, 5 or 5A; and
(b) the person fails to furnish the return to the Electoral Commission by the time required by that Division.

Penalty: 120 penalty units.

Furnishing a Division 4, 5 or 5A return that is incomplete

(2) A person commits an offence if:
(a) the person is required to furnish a return under Division 4, 5 or 5A; and
(b) the person furnishes a return to the Electoral Commission; and
(c) the return purports to be a return under that Division; and
(d) the return is incomplete.

Penalty: 120 penalty units.

(3) For the purpose of subsection (2) a return is **incomplete** if it does not contain all the information that is required to be included in the return by Division 4, 5 or 5A (as the case requires) or by the approved form for the return.

Failing to retain records as required by section 317

(4) A person commits an offence if:
(a) the person is required by section 317 to retain records; and
(b) the person fails to retain the records as required by that section.

Penalty: 120 penalty units.

Furnishing a Division 3 claim that is false or misleading

(4A) A person commits an offence if:
(a) the person lodges a claim with the Electoral Commission; and
(b) the claim purports to be a claim under Division 3; and
(c) the person knows that:
   (i) the claim is false or misleading in a material particular; or
   (ii) the claim omits a matter or thing without which the claim is misleading in a material particular.

Penalty: Imprisonment for 2 years or 240 penalty units, or both.

Note: See also subsections (5) and (6).

Furnishing a Division 4, 5 or 5A return that is false or misleading

(4B) A person commits an offence if:
(a) the person furnishes a return to the Electoral Commission; and
(b) the return purports to be a return under Division 4, 5 or 5A; and
(c) the person knows that:
   (i) the return is false or misleading in a material particular; or
   (ii) the return omits a matter or thing without which the return is misleading in a material particular.

Penalty: Imprisonment for 12 months or 120 penalty units, or both.

Additional orders if person convicted of offence against subsection (4A)

13 Subsection 315(5)

Omit “subsection (3) or (4)”, substitute “subsection (4A)”. 
14 Before subsection 315(6A)
   Insert:
   Giving another person false or misleading information for a
   Division 3 claim

15 Subsection 315(6A) (penalty)
   Repeal the penalty, substitute:
   Penalty: Imprisonment for 2 years or 240 penalty units, or both.

16 Before subsection 315(7)
   Insert:
   Giving another person false or misleading information for a
   Division 4, 5 or 5A return

17 Subsection 315(7) (penalty)
   Repeal the penalty, substitute:
   Penalty: Imprisonment for 12 months or 120 penalty units, or both.

18 Before subsection 315(8)
   Insert:
   Effect of continued failure to furnish a Division 4, 5 or 5A return.

19 Before subsection 315(11)
   Insert:
   Prosecutions to be brought within 3 years

20 After section 315
   Insert:

315AA Recovery of undisclosed gifts
   (1) Subject to subsection (2), for the purpose of this section, a gift is an
   undisclosed gift if:
   (a) any of the following provisions (the disclosure provision)
      requires details (however described) of the gift to be included in
      a return:
      (i) subsection 304(2) or (3);
      (ii) section 314AC;
      (iii) section 314AC, as it applies for the purpose of
            section 314AEA;
      (iv) section 314AEC; and
   (b) either:
      (i) the return has not been furnished by the time required by
          this Part; or
      (ii) the return has been furnished by that time, but it does not
           include the required details of the gift.
   (2) If:
      (a) a notice is served on a person under subsection 318(2) in relation
          to a return; and
      (b) the notice requires the person to furnish certain particulars in
          relation to a gift within a specified period (the extension period);
then:
(c) paragraph (1)(b) of this section has effect in relation to the return as if it referred to the end of the extension period (rather than the time by which the return is required to be furnished); and
(d) if the particulars are furnished as required by the notice at or before the end of the extension period, subsection (1) has effect as if those particulars had been included in the return.

(3) If the disclosure provision in relation to an undisclosed gift is specified in column 1 of an item in the following table, an amount equal to the amount or value of the gift is payable to the Commonwealth by the person or persons specified in column 2 of that item.

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<td>section 314AEC</td>
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(4) An amount that, under subsection (3), is payable by a person or persons to the Commonwealth may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against that person.

21 Section 315A (heading)
Repeal the heading, substitute:

315A Recovery of amounts due to the Commonwealth

22 Subsection 315A(1)
Repeal the subsection, substitute:

(1) If, under a provision of this Part, an amount may be recovered by the Commonwealth as a debt due to the Commonwealth, an action to recover the amount may be brought in the name of the Commonwealth by the Electoral Commissioner.
23 Subsections 316(2A) and (2B)

Repeal the subsections, substitute:

(2A) An authorised officer may, for the purpose of finding out whether a person or entity specified in column 1 of an item in the following table has complied with this Part or has done something that is unlawful under this Part, by notice to a person who is, or has at any time been, a person specified in column 2 of that item, require the person:
(a) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or
(b) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.

### Use of compliance powers

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Use of compliance powers

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(2AA) A notice to a person under subsection (2A) is to be served personally or by post on the person.

(2AB) Subsection (2A), as it applies in relation to a person who has furnished a return under section 305A, 305B, 314AEB or 314AEC, is not limited just to compliance in relation to that return or the period to which that return relates.

(2B) If a notice under subsection (2A) requires an officer of a political party or branch (other than an agent) to appear before an authorised officer under paragraph (2A)(b), then the agent of the political party or branch is entitled:

- (a) to attend at the proceeding under paragraph (2A)(b); or
- (b) to nominate another person, in writing, to attend on behalf of the agent.

24 Subsection 316(2C)
Omit “(2A)(d)”, substitute “(2A)(b)”.

25 Subsection 316(5) (penalty)
Repeal the penalty, substitute:

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

26 Subsection 316(5A) (penalty)
Repeal the penalty, substitute:

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

27 Subsections 316(5B) and (5C)
Repeal the subsections.

28 Subsection 316(6) (penalty)
Repeal the penalty, substitute:

Penalty: Imprisonment for 12 months or 60 penalty units, or both.
29 Subsection 319A(9)
Omit “subsection 315(2), (3) or (4)”, substitute “subsection 315(2), (4A) or (4B)”.

30 Subsections 320(4) and (5)
Repeal the subsections, substitute:

(4) Nothing in this section requires the Electoral Commission to make a copy of a claim or return available for inspection or perusal, or to provide a copy of a claim or return, sooner after lodgement of the claim or return than is reasonably practicable.

Part 2—Application and saving provisions

31 Amendments applying to elections the writs for which are issued on or after the commencement of this Schedule
The amendments made by items 4, 5 and 9 of this Schedule apply in relation to elections the writs for which are issued on or after the commencement of this Schedule.

32 Amendments applying to acts or omissions occurring on or after commencement of this Schedule
The amendments made by the following items of this Schedule apply in relation to acts and omissions that occur on or after the commencement of this Schedule:

(a) items 12 to 17;
(b) items 25 to 29.

33 Amendments applying to returns a person becomes required to furnish on or after the commencement of this Schedule
The amendment made by item 20 of this Schedule applies in relation to returns a person becomes required to furnish on or after the commencement of this Schedule.

34 Saving of notices under subsection 316(2A)
A notice given before the commencement of this Schedule under subsection 316(2A) of the Commonwealth Electoral Act 1918 as then in force has effect on and after the commencement of this Schedule as if it had been given under that subsection as amended by item 24 of this Schedule.

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

AYES, 22

Senators—

Brown  Ketter  McLucas  Polley
Bullock  Lazarus  Moore  Sterle
Cameron  Madigan  Muir  Urquhart (Teller)
Collins  Marshall  O’Neill  Wang
Dastyari  McAllister  Peris  Wong
Gallacher  McEwen

Question negatived.

Senator Muir moved the following amendments together by leave:

Page 26 (after line 26), at the end of the bill, add:

**Schedule 2—Other amendments**

**Commonwealth Electoral Act 1918**

1 **Subsections 269(1) and (1A)**

   Repeal the subsections, substitute:

   (1) A ballot paper in a Senate election is not informal under paragraph 268(1)(b) if the voter has marked the ballot paper in accordance with subsection 239(2).

2 **Subsection 269(2)**

   Omit “or paragraph (1)(b) of this section” (wherever occurring).

3 **Subsections 272(1) and (2)**

   Repeal the subsections, substitute:

   (1) This section applies if a ballot paper for a Senate election is marked in accordance with subsection 239(2).

   (2) The ballot paper is taken to have been marked as if, instead of the numbers written in squares printed on the ballot paper above the line in relation to groups of candidates (each group being a preferred group):

      (a) each candidate in a preferred group was given a different number starting from 1; and

      (b) candidates in a preferred group were numbered consecutively starting with the candidate whose name on the ballot paper is at the top of the group to the candidate whose name is at the bottom; and

      (c) the order in which candidates in different preferred groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot paper, starting with the group marked 1; and

      (d) when all the candidates in a preferred group have been numbered, the candidate whose name is at the top of the next preferred group is given the next consecutive number.

4 **Subsection 282(4)**

   Omit “or paragraph 269(1)(b) (wherever occurring)”.

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**NOES, 36**

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</table>
5 Application provisions

The amendments made by this Schedule apply in relation to elections the writs for which are issued on or after the commencement of this Schedule.

Clause 2, page 2 (table item 1), omit the table item, substitute:

1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table

   The day after this Act receives the Royal Assent.

2. Schedule 1

   The day after this Act receives the Royal Assent.

3. Schedule 2

   The day that is 6 years after the day that this Act receives the Royal Assent.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 6

Day

Lazarus

Leyonhjelm

Muir (Teller)

Wang

NOES, 50

Senators—

Back Edwards Moore Scullion

Brandis Fawcett Nash Seselja

Brown Fifield O’Neill Siewert

Bullock Gallacher O’Sullivan Simms

Bushby Hanson-Young Parry Sinodinos

Cameron Johnston Paterson Smith

Canavan Ketter Peris Sterle

Cash Lindgren Polley Urquhart (Teller)

Colbeck Ludlam Reynolds Waters

Collins Macdonald Rhiannon Whish-Wilson

Cormann Marshall Rice Wong

Dastyari McGrath Ruston Xenophon

Di Natale McKenzie

Question negatived.

Question—That the bill, as amended, be agreed to—put
The committee divided—

AYES, 37

Senators—

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NOES, 24

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Question agreed to.

Bill to be reported with amendments.

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

Senator Cormann moved—That the report from the committee be adopted.

Question put.

The Senate divided—

AYES, 36

Senators—

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<td>Polley</td>
<td>Sterle</td>
<td>Urquhart (Teller)</td>
<td>Wang</td>
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Question agreed to.
Senator Cormann moved—That this bill be now read a third time.

Debate ensued.

Senator Wong, pursuant to standing order 122(3), moved the following amendment:

Omit “now”, substitute “this day 6 months”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

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Question negatived.

Main question put.

The Senate divided—

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Question agreed to.
Bill read a third time.

30 APPROPRIATION BILL (NO. 3) 2015-2016

APPROPRIATION BILL (NO. 4) 2015-2016

Order of the day read for the adjourned debate on the motion of the Minister for Vocational Education and Skills (Senator Ryan)—That these bills be now read a second time.

Debate resumed.

Senator Leyonhjelm moved the following amendment in respect of Appropriation Bill (No. 3) 2015-2016:

At the end of the motion add “but given that:

(a) section 54 of the Constitution prescribes that the bills appropriating moneys for the ordinary annual services of the Government shall deal only with such appropriations; and

(b) appropriations for expenditure on new policies are not appropriations for the ordinary annual services of the Government and the Cities and the Built Environment Taskforce has been ‘established’ as part of a ‘new’ Cities Agenda,

the Senate calls on the Government to respect the powers of the Senate and place such programs in appropriation bills other than those for the ordinary annual services of the Government”.

Debate ensued.

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

Main question put and passed.

Bills read a second time.

No amendments or requests for amendments to the bills were circulated and the bills were not considered in committee.

On the motion of the Cabinet Secretary (Senator Sinodinos) the bills were read a third time.

31 DAIRY PRODUCE AMENDMENT (DAIRY SERVICE LEVY POLL) 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 this bill be now read a second time—and on the amendment moved by Senator Leyonhjelm:

At the end of the motion, add “and the bill be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 12 May 2016”.

Debate resumed.
Question—That the amendment be agreed to—put and negatived.
Main question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Ruston the bill was read a third time.

32 TRADE LEGISLATION AMENDMENT BILL (NO. 1) 2016
Order of the day read for the adjourned debate on the motion of the Minister for Communications (Senator Fifield)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Minister for Tourism and International Education (Senator Colbeck) the bill was read a third time.

33 LAW AND JUSTICE LEGISLATION AMENDMENT (NORTHERN TERRITORY LOCAL COURT) BILL 2016
Order of the day read for the adjourned debate on the motion of the Minister for Employment (Senator Cash)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

34 BIOLOGICAL CONTROL AMENDMENT BILL 2016
Order of the day read for the adjourned debate on the motion of the Minister for Employment (Senator Cash)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

35 TERRITORIES LEGISLATION AMENDMENT BILL 2016
PASSENGER MOVEMENT CHARGE AMENDMENT (NORFOLK ISLAND) BILL 2016
Order of the day read for the adjourned debate on the motion of the Minister for Employment (Senator Cash)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.
On the motion of the Minister for Regional Development (Senator Nash) the bills were read a third time.

36 **MIGRATION LEGISLATION AMENDMENT (CESSATION OF VISA LABELS) BILL 2015**
Order of the day read for the adjourned debate on the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister to the Prime Minister (Senator McGrath) the bill was read a third time.

37 **COMMITTEE MEMBERSHIP**
The President informed the Senate that he had received letters requesting changes in the membership of committees.
The Minister for Communications (Senator Fifield), by leave, moved—That senators be discharged from and appointed to committees as follows:

**Education and Employment Legislation Committee**—
Appointed—
Substitute member: Senator Rice to replace Senator Simms for the committee’s inquiry into the Fair Work Amendment (Protecting Australian Workers) Bill 2016
Participating member: Senator Simms

**Environment and Communications References Committee**—
Appointed—
Substitute member: Senator McKim to replace Senator Waters for the committee’s inquiry into fires in remote Tasmanian wilderness affecting the Tasmanian Wilderness World Heritage Area
Participating member: Senator Waters

**Health—Select Committee**—
Appointed—
Substitute members:
Senator Cameron to replace Senator McAllister from 2 to 5 May 2016
Senator Dastyari to replace Senator McAllister on 4 May 2016
Senator Ketter to replace Senator McAllister on 6 May 2016
Participating member: Senator McAllister
Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Hanson-Young to replace Senator McKim for the committee’s inquiries into the provisions of the Customs and Other Legislation Amendment Bill 2016, and into the provisions of the Migration Amendment (Family Violence and Other Measures) Bill 2016
Participating member: Senator McKim

Scrutiny of Government Budget Measures—Select Committee—
Appointed—
Substitute members:
Senator Brown to replace Senator Lines from 21 March to 30 April 2016
Senator Carr to replace Senator Urquhart from 21 March to 10 April 2016
Participating members: Senators Lines and Urquhart

Rural and Regional Affairs and Transport References Committee—
Appointed—
Substitute member: Senator Rice to replace Senator Whish-Wilson for the committee’s inquiry into the state of Australia’s rail industry
Participating member: Senator Whish-Wilson.

Question put and passed.

38 PRIMARY INDUSTRIES LEVIES AND CHARGES COLLECTION AMENDMENT BILL 2016
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
The Minister for Communications (Senator Fifield) 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 Fifield moved—that this bill be now read a second time.
Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Rural and Regional Affairs and Transport Legislation Committee to report on the bill, 12 May 2016.

39 SOCIAL SERVICES LEGISLATION AMENDMENT (ENHANCED WELFARE PAYMENT INTEGRITY) BILL 2016
SOCIAL SERVICES LEGISLATION AMENDMENT (INTEREST CHARGE) BILL 2016
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 584, dated 17 March 2016—A Bill for an Act to amend the law relating to family assistance, paid parental leave, social security and student assistance, and for related purposes.
Message no. 586, dated 18 March 2016—A Bill for an Act to amend the law relating to family assistance, paid parental leave, social security and student assistance, and for related purposes.
The Minister for Communications (Senator Fifield) moved—That these bills may proceed without formalities, may be taken together and be now read a first time. Question put and passed. Bills read a first time. Senator Fifield moved—That these bills be now read a second time. Consideration of legislation: Pursuant to order, the debate was adjourned and the resumption of the debate made an order of the day for the day fixed for the Community Affairs Legislation Committee to report on the bills, 20 June 2016. Senator Fifield moved—That the bills be listed on the Notice Paper as separate orders of the day. Question put and passed.

40 FOREIGN AFFAIRS—MALAYSIA AIRLINES FLIGHT MH370—MINISTERIAL STATEMENT—DOCUMENT
The Minister for Communications (Senator Fifield) tabled the following document:
Foreign affairs—Malaysia Airlines Flight MH370—Statement to mark the second anniversary of the disappearance of Malaysia Airlines Flight MH370—Ministerial statement by the Minister for Infrastructure and Transport (Mr Chester), dated 3 March 2016.

41 AUSTRALIAN CRIME COMMISSION AMENDMENT (NATIONAL POLICING INFORMATION) BILL 2015—EXPLANATORY MEMORANDUM—ADDENDUM
The Minister for Communications (Senator Fifield) tabled an addendum to the explanatory memorandum relating to the Australian Crime Commission Amendment (National Policing Information) Bill 2015.

42 ADMINISTRATION—INFRASTRUCTURE INVESTMENT PROGRAM—COMMUNICATIONS CAMPAIGN—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENTS
The Minister for Communications (Senator Fifield) tabled the following documents:
Administration—Infrastructure Investment program—Communications campaign—Letters to the President of the Senate responding to the order of the Senate of 29 February 2016 and raising public interest immunity claims from: Minister for Infrastructure and Transport (Mr Chester), dated 9 March 2016, and attachments. Minister for Regional Development (Senator Nash), dated 15 March 2016.

43 DEFENCE—SUBMARINES TENDER PROCESS—LEGAL ADVICE—ORDER FOR PRODUCTION OF DOCUMENTS—DOCUMENT
The Minister for Communications (Senator Fifield) tabled the following document:
Defence—Submarines tender process—Legal advice—Letter to the President of the Senate from the Minister for Defence (Senator Payne), dated 16 March 2016, responding to the order of the Senate of 3 March 2016 and raising a public interest immunity claim.
44 Education—School Funding—Indexation—Order for Production of Documents—Documents

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

Education—School funding—Indexation—Letter from the Minister for Education and Training (Senator Birmingham) to the Clerk of the Senate (Dr Laing), dated 15 March 2016, responding to the order of the Senate of 3 March 2016 and raising public interest immunity claims, and attachments.

45 Next Meeting of Senate

The Minister for Communications (Senator Fifield) moved—that the Senate, at its rising, adjourn till Tuesday, 10 May 2016, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

The Leader of the Opposition in the Senate (Senator Wong) moved the following amendment:

At the end of the motion, add “but, before fixing a time for the purpose of this order, the President or the Deputy President must secure in writing the concurrence of an absolute majority of senators, for which purpose the leader or deputy leader of a party may be taken to represent all members of that party”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 31

Brown
Bullock
Cameron
Carr
Conroy
Dastyari
Day
Di Natale
Gallacher
Hanson-Young
Lazarus
Leyonhjelm
Ludlam
Marshall
McAllister
McEwen (Teller)

McLucas
Moore
Muir
O’Neill
Peris
Rhiannon
Rice
Simms
Sterle
Urqhart
Wang
Waters
Whish-Wilson
Wong

NOES, 22

Back
Brandis
Brashby (Teller)
Canavan
Cash
Colbeck

Edwards
Fifield
Johnston
Macdonald
McGrath
McKenzie

Nash
O’Sullivan
Paterson
Reynolds
Ruston
Simmons
Ryan
Scullion
Seselja
Sinodinos
Smith

Question agreed to.

Main question, as amended, put and passed.
46 LEAVE OF ABSENCE
The Minister for Communications (Senator Fifield) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.
Debate ensued.
Question put and passed.

47 ADJOURNMENT
Pursuant to order (see entry no. 6, 15 March 2016), the Senate adjourned at 2.26 pm on Friday, 18 March 2016 till Tuesday, 10 May 2016 at 12.30 pm.

48 ATTENDANCE
Present, all senators except Senators Fierravanti-Wells*, Heffernan*, McKim* and Singh* (*on leave).

ROSEMARY LAING
Clerk of the Senate