



## Notices and Postponements

**TO:** Government Whip  
Opposition Whip  
The Nationals Whip  
Australian Greens Whip  
Nick Xenophon Team Whip  
Pauline Hanson's One Nation Whip  
Senator Bernardi  
Senator Gichuhi  
Senator Lambie  
Senator Leyonhjelm  
Manager of Government Business  
Manager of Opposition Business  
Leader of the Government in the Senate  
Leader of the Opposition in the Senate  
Leader of the Australian Greens  
Leader of Derryn Hinch's Justice Party  
Leader of Pauline Hanson's One Nation  
Senate Parliamentary Liaison Officer  
Clerk / Deputy Clerk of the Senate  
Clerk Assistant (Procedure)  
Hansard

The following notices and postponements were lodged in the Senate today, **Wednesday, 16 August 2017**. The text of the notices may be subject to editing.

Rachel Callinan  
**Clerk Assistant (Table)**

# Senator McKim

## Notice of Motion

### Order for production of documents

I give notice that, on the next day of sitting, I shall move—

That the Senate:

- (1) notes media reports which contain many of the details of arrangements between the Australian Government and the Government of the United States of America for the resettlement of refugees and asylum seekers on Manus Island and Nauru;
- (2) notes the failure of the Minister representing the Minister for Immigration and Border Protection to comply with the order of the Senate made on 8 February 2017 to provide to the Senate all information relating to the refugee resettlement deal for people on Manus Island and Nauru between Australia and the United States of America;
- (3) also notes that the Minister's response, tabled on 15 February 2017, does not set out the particular harm to the public interest that would result by providing these documents, but instead relies on a letter to the Senate Legal and Constitutional Affairs References Committee, dated 7 January 2017, in relation to a tangentially related inquiry;
- (4) does not accept that a blanket claim to withhold information from the Senate and its committees regarding the government's negotiations for the resettlement of asylum seekers on Manus Island and Nauru meets the terms of the Senate order of continuing effect relating to public interest immunity claims;
- (5) orders that there be laid on the table, no later than 4 September 2017, by the Minister representing the Minister for Immigration and Border Protection, all documents and correspondence held by the Department of Immigration and Border Protection or the Minister for Immigration and Border Protection or members of his staff, created after 1 November 2015, relating to the resettlement of asylum seekers or refugees previously and currently on Manus Island and Nauru, including, but not limited to:

①  
Lodged  
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- (a) the terms of the arrangement, or arrangements, with the United States of America;
- (b) all letters and emails between the department and the Minister;
- (c) all briefing notes, including all ministerial briefing notes;
- (d) all internal departmental emails and memos; and
- (e) all recorded or noted phone calls and meetings, including meeting agendas and minutes, and the names and positions of persons present.

Senator Nick McKim

<sup>15</sup>  
~~14~~ August 2017

NOTICE OF MOTION

16 August 2017

**Senator Xenophon**

To move on the 17th August 2017:

That—

1. The Senate notes that:

- a. The Foreign Minister has denied Witness K, a former public servant and Australian citizen, an Australian Passport.
- b. The denial was made on the advice of the Australian Security Intelligence Service (ASIS), a competent authority for the purpose of the Passport Act.
- c. Denying an Australian citizen a passport is a serious restriction of liberty and must not be done lightly.
- d. During Budget Estimates questions were put to the Attorney General (representing the Foreign Minister) as to the appropriateness of ASIS being relied upon as a competent authority in the circumstances of the case. The Attorney General took the question on notice.
- e. After consideration the Government has advised that the questions put to the Attorney General are properly questions for the ASIS.
- f. Although there is no constraint prohibiting ASIS from appearing at Estimates hearings, they do not normally do so.
- g. The FADT Legislation Committee has declined to invite ASIS to appear at the October 2017 Supplementary Estimates hearings

2. The Senate orders that the Australian Security Intelligence Service appear before the FADT Legislation Committee October 2017 Supplementary Estimates hearings.

② Lodged  
16/8/17  
B

## Senator Xenophon

To move on the 17 August 2017:

That—

1. The Senate notes that:
  - a. ASC Pty Ltd is a Government Business Enterprise, ultimately owned by the Taxpayer.
  - b. Early in its deliberations on the future submarine project, Defence made a decision to not involve ASC in any substantive work on the future submarine, a fact only revealed to the Senate at a 20 June 2017 Economics Reference Committee Hearing.
  - c. On 11 October 2016, in response to a strategic review of ASC that was conducted in 2015, the Government announced that it was splitting ASC group into three entities:
    - a. Shipbuilding
    - b. Submarine Sustainment
    - c. Infrastructure
  - d. Defence has made a decision to exclude ASC from the any management role in the Future Frigate program, a plan also withheld from the Senate.
2. The Senate orders that there be laid on the table by the start of business on 04 September 2017 by the Minister representing the Minister for Defence:
  - a. The report of the strategic review of ASC Pty Ltd that was conducted in 2015.
  - b. All unclassified portions of the Future Frigate tender documentation set.

③ Lodged  
16/8/17  
②

## NOTICE OF MOTION

16 August 2017

I give notice that on the next day of sitting I shall move that

The Senate –

1. notes:

- a. Concerning reports that over two dozen members of the Australian Defence Force will take part in the annual Ulchi-Freedom Guardian war games alongside American and South Korean troops later this month;
- b. The war games will take place against a backdrop of escalating tensions between the United States and North Korea, and a heightened risk of miscalculation leading to war;
- c. North Korea routinely denounces the war games as preparation for an invasion, and in 2016 conducted a nuclear test following the exercises;
- d. The participation of ADF personnel in Ulchi-Freedom Guardian will insert Australia into a potentially very dangerous conflict between unpredictable nuclear states.

2. Calls on the Government to:

- a. Immediately withdraw Australian participation in the Ulchi-Freedom war games;
- b. Directly urge US President Donald Trump to de-escalate tensions, rather than continue to ratchet them up.

Senator Peter Whish-Wilson

Australian Greens

④ Lodged  
16/8/17  
B

# Senator Farrell

## Notice of Motion

### Senator Farrell

I give notice that, on the next day of sitting, I shall move that the following bill be introduced:

A Bill for an Act to establish the High Speed Rail Planning Authority, and for related purposes

Short title: **High Speed Rail Planning Authority Bill 2017**

⑤ Lodged  
16/8/17  
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16 August 2017

## NOTICE OF MOTION

I give notice that on the next day of sitting I shall move that –

The following matter be referred to the Environment and Communications References Committee for inquiry and report by 29 November 2017:

The waste and recycling industry in Australia, with particular reference to:

- (a) the quantity of solid waste generated and the rate of diversion of solid waste for recycling;
- (b) the accreditation and management of landfills;
- (c) the extent of illegal landfilling;
- (d) the role of landfill levies in determining the end destination of material, including the hypothecation of collected levies for enforcement and waste diversion purposes;
- (e) the role of different incentives and collection methods in determining the quality and quantity of material collected for recycling;
- (f) the destination of material collected for recycling including the extent of material reprocessing and the stockpiling of collected material;
- (g) the current economic conditions in the industry including the market for material collected for recycling;
- (h) the transportation of solid waste across state boundaries;
- (i) the role of the Australian Government in providing a coherent, efficient and environmentally responsible approach to solid waste management, including by facilitating a federal approach; and
- (j) any other related matters.

Senator Peter Whish-Wilson  
Senator for Tasmania

⑥ Laid  
16/8/17  
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I give notice that on the next day of sitting I shall move that:

1. The Senate notes that the Prime Minister has written to the Opposition Leader to express concerns that there may be more Senators and Members of the House of Representatives who are ineligible under Section 44 of the Constitution
2. a) The Legal and Constitutional Affairs References Committee report by 14 September 2017 on the following matters:
  - i. The eligibility of Senators in the 45<sup>th</sup> Parliament under Section 44 of the Constitution in so far as it relates to being 'a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power';
  - ii. The legal liability of Senators who know, or have grounds to suspect, that they are ineligible for office but do not come forward with that information, and whether they are defrauding the Commonwealth;
  - iii. Any other related matters;
- b) For the purposes of carrying out the inquiry, the Committee must as soon as practicable, with the approval of the President, appoint an independent auditor, or auditors, with expertise in migration, citizenship and constitutional law to assist the Committee;
- c) The independent auditor or auditors will be able to request to the Committee to use its powers to order the production of documents from Senators and order them to appear as witnesses and answer questions.
- d) On behalf of the Committee, the independent auditor or auditors may present to representatives of foreign governments in Australia and seek information.

Senator Richard Di Natale  
Leader of the Australian Greens

Nick Xenophon

Jacqueline Lawrie

Senator Derryn Hinch

Senator Hanson

(7) Lodged  
16/8/17  
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# Senator McAllister

## Notice of Motion

**Senator McAllister**

Mr President

I give notice that, on the next day of sitting, I shall move that the Senate:

(1) acknowledges that:

- a. in 2013, the Commonwealth government recognised that our schools desperately needed to be resourced properly, and signed agreements with the states to provide that much needed funding;
- b. the Prime Minister's new education funding plan:
  - i. cuts \$17 billion from Australian schools;
  - ii. originally did not include any requirement for any state government to increase their school funding;
  - iii. cancels the current NSW Agreement on schools funding, locking in a lower 2017 level of funding for the next ten years;
- c. these cuts mean:
  - i. larger class sizes;
  - ii. fewer specialist teachers for literacy and numeracy;
  - iii. less support for students with disabilities and behaviour issues;
  - iv. reduced training and development for teachers;

⑧ Lodged  
16/8/17  
P

- (2) calls on the government to commit to the full, original Gonski needs-based funding model, designed to give schools the resources required to deliver high quality education for all students, noting that this model has been a great success for public schools; and
- (3) notes the importance of elected representatives listening to their communities, and thanks the concerned parents and citizens who contacted senators to encourage them to:
- a. take a stand for public education
  - b. vote against the Australian Education Amendment Bill 2017; and
  - c. properly fund the Gonski reforms put in place by the Commonwealth government in 2013.



## **STANDING COMMITTEE ON REGULATIONS AND ORDINANCES**

**Chair of the Standing Committee on Regulations and Ordinances  
(Senator Williams)**

**At Giving of Notices**

**Wednesday, 16 August 2017**

Mr President

I give notice on behalf of the committee that, 15 sitting days after today,  
I shall move that the following instrument be disallowed:

- Civil Aviation Order 95.10 Instrument 2017 [F2017L00480]

Senator John Williams

[*Legislation Act 2003* provisions apply to the instrument: must be resolved within 15 sitting days after today or the instrument will be deemed to have been disallowed.]

⑨ Lodged  
16/8/17



## **STANDING COMMITTEE ON REGULATIONS AND ORDINANCES**

**Chair of the Standing Committee on Regulations and Ordinances  
(Senator Williams)**

**At Giving of Notices**

**Wednesday, 16 August 2017**

Mr President

I give notice on behalf of the committee that, 15 sitting days after today,  
I shall move that the following instrument be disallowed:

- Competition and Consumer (Industry Code—Sugar) Regulations 2017 [F2017L00387]

Senator John Williams

[*Legislation Act 2003* provisions apply to the instrument: must be resolved within 15 sitting days after today or the instrument will be deemed to have been disallowed.]

⑩ Lodged  
16/8/17  
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## **STANDING COMMITTEE ON REGULATIONS AND ORDINANCES**

**Chair of the Standing Committee on Regulations and Ordinances  
(Senator Williams)**

**At Giving of Notices**

**Wednesday, 16 August 2017**

Mr President

I give notice on behalf of the committee that, 15 sitting days after today,  
I shall move that the following instrument be disallowed:

- Legal Services Directions 2017 [F2017L00369]

~Senator John Williams

[*Legislation Act 2003* provisions apply to the instrument: must be resolved within 15 sitting days after today or the instrument will be deemed to have been disallowed.]

⑪ Lodged  
16/8/17  
AB

# Senator Rice

## Notice of Motion

### Senator Rice

I give notice that, on 5 September 2017, I shall move that the following bill be introduced:

A Bill for an Act to repeal the Regional Forest Agreements Act 2002, and for related purposes

Short title: **Regional Forest Agreements Legislation (Repeal) Bill 2017**

Sen. Janet Rice

16/8/17.

(12)  
Lodged  
16/8/17  
B

## Notice of Motion

Mr President

I give notice that, on the next day of sitting, I shall move –

That the Senate-

1. Condemns the move by the City of Yarra Council to change the way it marks Australia Day;
2. Endorses the remarks by the Prime Minister that this attack on Australia Day by the City of Yarra is a repudiation of the values of 'freedom, a fair go, mateship and diversity';
3. Stands resolute in its view that Australia Day is a day that all Australians come together as a nation to celebrate the values that make Australia great and make people proud of Australia citizenship;
4. Notes that all Australian States and Territories have celebrated Australia Day on 26 January since 1935; and
5. Calls on the Australian Government to strip the City of Yarra Council of its authorisation to conduct citizenship ceremonies.

Senator Dean Smith

(13)  
Lodged  
16/8/17



16 August 2017

**NOTICE OF MOTION**

I give notice that on the next day of sitting I shall move –

That the Senate –

- (a) notes that on 14 August the Royal Commission into Institutional Responses to Child Sexual Abuse released a report on criminal justice and made 85 recommendations to reform the Australian criminal justice system to ensure a fairer response for victims of institutional child sexual abuse;
- (b) acknowledges the report outlines a sweep of legislative and policy changes including:
  - (i) reform to policy and prosecution responses,
  - (ii) criminalising failure to report child sexual abuse in institutions, including information given during religious confessions,
  - (iii) sentencing standards in historical cases, and
  - (iv) introduced or amended legislation to adopt a 'broad grooming offence'; and
- (c) urges the Attorney-General to work with states and territories to progress implementation of its recommendations.

Senator Rachel Siewert

Lodged 14 16/8/17  
RSP

# Senator McKim

## Notice of Motion

### Order for production of documents

I give notice that, on the next day of sitting, I shall move—

That the Senate:

- (1) orders that there be laid on the table, no later than the next day of sitting, by—
  - (a) the Minister representing the Minister for Immigration and Border Protection, all documents and correspondence held by the Department of Immigration and Border Protection or the Minister for Immigration and Border Protection or members of his staff, relating to Mr Hamed Shamshiripour who died on Manus Island on or about 7 August 2017, including, but not limited to:
    - (i) all letters, emails, briefing notes, memoranda and records of telephone calls between the Department of Immigration and Border Protection and the Minister and his office related to requests to transfer Mr Shamshiripour to Australia for the purpose of providing physical or mental health treatment;
    - (ii) details of all requests received by the Department of Immigration and Border Protection or the Minister and his office to transfer Mr Shamshiripour to Australia for the purpose of providing physical or mental health treatment;
    - (iii) all internal emails held or created by the Department of Immigration and Border Protection relating to a decision to transfer or not to transfer Mr Shamshiripour to Australia for the purpose of providing physical or mental health treatment;
    - (iv) all details of the occasions on which Mr Shamshiripour was transferred to Australia or another country other than Papua New Guinea for the purpose of physical or mental health treatment, including the date and duration of his transfer, the location or locations of transfer and treatment, including the service provider of the treatment;

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- (v) all details of Mr Shamshiripour's detention, both onshore and offshore, including the dates and locations of detention, transfer or transit facilities;
- (vi) all incident reports created by service providers, contractors, officers of the Commonwealth or Papua New Guinea, related to or concerning Mr Shamshiripour, including audio visual documents that are referred to or attached to incident reports;
- (vii) all letters, emails, briefing notes, memoranda and records of telephone calls and all internal emails created or held by the Department of Immigration and Border Protection or the Minister for Immigration and Border Protection and members of his staff related to the repatriation of Mr Shamshiripour's body to Australia;
- (b) the Minister representing the Minister for Health, all documents and correspondence held by the Department of Health or the Minister for Health or members of his staff, relating to Mr Hamed Shamshiripour including, but not limited to all letters, emails, briefing notes, memoranda, records of telephone calls and requests for advice or an opinion in relation to Mr Shamshiripour;
- (c) the Minister for Employment, in her capacity as Minister administering the *Safety, Rehabilitation and Compensation Act 1988*, and in all other capacities, all documents held by Comcare, the Minister and her office relating to Mr Hamed Shamshiripour, including but not limited to:
  - (i) all requests received for the transfer of Mr Shamshiripour to Australia for the purpose of receiving physical or mental health treatment;
  - (ii) the occasions on which Mr Shamshiripour was transferred to Australia or another country other than Papua New Guinea for the purpose of physical or mental health treatment, including the date and duration of his transfer, the location or locations of transfer and treatment, including the service provider of the treatment;
  - (iii) all incident reports created by service providers, contractors, officers of the Commonwealth or Papua New Guinea, related to or concerning Mr Shamshiripour, including audio visual documents that are referred to or attached to incident reports;
  - (iv) any notifications received by Comcare relating to injuries or incidents arising out of the detention of Mr Shamshiripour, including references to Comcare of any material relating to Mr Shamshiripour from Commonwealth Departments and Agencies;
- (d) the Minister representing the Minister for Foreign Affairs, all documents held by the Department of Foreign Affairs and Trade, the

Minister and her office relating to Mr Hamed Shamshiripour, including but not limited to:

- (i) all requests received for the transfer of Mr Shamshiripour to Australia for the purpose of receiving physical or mental health treatment; and
- (ii) all letters, emails, briefing notes, memoranda and records of telephone calls and all internal emails created or held by the Department of Foreign Affairs or the Minister and members of her staff related to the repatriation of Mr Shamshiripour's body to Australia.

Senator Nick McKim

## POSTPONEMENT OF BUSINESS

**CLERK:**

Postponement notifications have been lodged as follows:

Senator	Category of business	From	To
Rice	GB NOM No. 371	17 August 2017	7 September 2017

Committees have lodged extension notifications as indicated at item 7 on today's  
Order of Business—

Committee	From	To

**Date: 16 August 2017**