2016-18

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 93

TUESDAY, 27 MARCH 2018

Contents

1 Meeting of Senate .............................................................. 2935
2 Documents ........................................................................ 2935
3 Committee—Leave to meet during sitting .......................... 2936
4 Communications Legislation Amendment (Online Content Services and Other Measures) Bill 2017 .......................................................... 2936
5 Intelligence Services Amendment (Establishment of the Australian Signals Directorate) Bill 2018 .......................................................... 2942
6 Questions ........................................................................... 2942
7 Motions to take note of answers ....................................... 2942
8 Senator Storer—Statement by leave ................................ 2942
9 Notices .............................................................................. 2943
10 Leave of absence .............................................................. 2947
11 Postponements .................................................................. 2948
12 Committee—Extension of time to report ......................... 2948
13 Education and Employment References Committee—Reference ............. 2948
14 Environment and Communications References Committee—Variation of reference .................................................. 2949
15 Stillbirth Research and Education—Select Committee—Appointment ........... 2949
16 Early childhood educators ................................................. 2951
17 Queensland—National Health Reform Agreement funding—Order for production of documents .................................................. 2951
18 Digital encryption technologies ........................................ 2952
19 Federal courts—Funding—Order for production of documents .......... 2953
20 AFL Women’s competition ................................................ 2953
21 Air Services Amendment Bill 2018 .................................... 2954
22 Adolescent girls—Human rights ....................................... 2954
23 Great Australian Bight—Seismic testing ............................ 2955
24 Firearms controls ............................................................... 2956
25 Australian flag .................................................................. 2956
26 ANZAC Day ................................................................. 2957
27 Closing the Gap—Reduction in use of out-of-home care ......... 2957
<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Ms Rebiya Kadeer</td>
</tr>
<tr>
<td>29</td>
<td>Future Submarine Project—Australian Industry Capability Plan—Order for production of documents</td>
</tr>
<tr>
<td>30</td>
<td>Discussion of matter of public importance—Coal mining and power generation</td>
</tr>
<tr>
<td>31</td>
<td>First speech</td>
</tr>
<tr>
<td>32</td>
<td>Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017—Statement by leave</td>
</tr>
<tr>
<td>33</td>
<td>Hours of meeting and routine of business—Variation</td>
</tr>
<tr>
<td>34</td>
<td>Marine Parks Network Management Plans—Proposed disallowance</td>
</tr>
<tr>
<td>35</td>
<td>Adjournment</td>
</tr>
<tr>
<td>36</td>
<td>Attendance</td>
</tr>
</tbody>
</table>
1 Meeting of Senate
The Senate met at midday. The President (Senator the Honourable Scott Ryan) took the chair, read prayers and made an acknowledgement of country.

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

Government document

The Clerk tabled the following documents pursuant to statute:

Broadcasting Services Act 1992—
Commercial Broadcasting Licence Allocation Determination 2018 [F2018L00366].
Variation to Licence Area Plan – Mandurah Radio – 2018 (No. 1) [F2018L00362].
Variation to Licence Area Plans – Warrnambool Radio and Victorian Community Radio – 2018 (No. 1) [F2018L00364].


Financial Sector (Collection of Data) Act 2001—
Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2018 – ARS 115.0 Advanced Measurement Approaches (AMA) to Operational Risk [F2018L00372].
Financial Sector (Collection of Data) (reporting standard) determination No. 8 of 2018 – ARS 118.0 Off-balance Sheet Business [F2018L00363].
Financial Sector (Collection of Data) (reporting standard) determination No. 9 of 2018 – ARS 220.0 Impaired Facilities [F2018L00378].
Financial Sector (Collection of Data) (reporting standard) determination No. 10 of 2018 – ARS 220.3 Prescribed Provisioning [F2018L00379].
Financial Sector (Collection of Data) (reporting standard) determination No. 11 of 2018 – ARS 220.5 Movements in Provisions for Impairment [F2018L00380].
Financial Sector (Collection of Data) (reporting standard) determination No. 12 of 2018 – ARS 222.0 Exposures to Related Entities [F2018L00375].
Financial Sector (Collection of Data) (reporting standard) determination No. 13 of 2018 – ARS 230.0 Commercial Property [F2018L00376].
Financial Sector (Collection of Data) (reporting standard) determination No. 15 of 2018 – ARS 320.1 Debt Securities Held [F2018L00373].
Financial Sector (Collection of Data) (reporting standard) determination No. 16 of 2018 – ARS 320.2 Equity Securities Held [F2018L00381].
Financial Sector (Collection of Data) (reporting standard) determination No. 22 of 2018 – ARS 322.0 Statement of Financial Position (Consolidated) [F2018L00368].

Financial Sector (Collection of Data) (reporting standard) determination No. 23 of 2018 – ARS 323.0 Statement of Financial Position (Licensed ADI) [F2018L00374].

Financial Sector (Collection of Data) (reporting standard) determination No. 24 of 2018 – ARS 325.0 International Operations [F2018L00369].


Financial Sector (Collection of Data) (reporting standard) determination No. 26 of 2018 – ARS 330.1 Interest Income and Interest Expense [F2018L00371].

Financial Sector (Collection of Data) (reporting standard) determination No. 27 of 2018 – ARS 330.2 Other Operating Income [F2018L00367].


Telecommunications Act 1997—Carrier Licence Conditions (Pivit Pty Ltd) Declaration 2013 (Amendment No. 1 of 2018) [F2018L00361].

The Clerk tabled the following document pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2017—Statement of compliance—Australian Public Service Commission.

3 Committee—Leave to meet during sitting

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

National Broadband Network—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 28 March 2018, from 4.30 pm.

4 Communications Legislation Amendment (Online Content Services and Other Measures) Bill 2017

Order of the day read for the further consideration of the bill in committee of the whole.

In the committee

Consideration resumed of the bill—and of the amendments moved by Senator Griff:

Schedule 1, item 13, page 6 (after line 14), after subsection 125A(5), insert:

Prohibition of gambling promotional content between 5.00 am and 8.30 pm

(5A) A gambling promotion program standard must prohibit the broadcast by a broadcasting service of gambling promotional content between 5.00 am and 8.30 pm:

(a) during a broadcast by the service of a sporting event (whether or not the broadcast is live); and

(b) during a broadcast by the service of a program classified as “G”.
Schedule 1, item 13, page 8 (line 23), omit paragraph 125A(11)(b), substitute:

(b) ending:

(i) if the sporting event starts between 5.00 am and 8.30 pm—30 minutes after the conclusion of the sporting event; or

(ii) otherwise—5 minutes after the conclusion of the sporting event.

Schedule 1, item 22, page 22 (after line 3), after subclause 13(1), insert:

Prohibition of gambling promotional content between 5.00 am and 8.30 pm

(1A) The online content service provider rules must prohibit the provision of gambling promotional content by an online content service provider between 5.00 am and 8.30 pm:

(a) during coverage provided by the online content service provider of a sporting event (whether live or not); and

(b) during the provision by the online content service provider of content classified as “G”.

Schedule 1, item 22, page 29 (line 5), omit paragraph 21(1)(b), substitute:

(b) ending:

(i) if the sporting event starts between 5.00 am and 8.30 pm—30 minutes after the conclusion of the sporting event; or

(ii) otherwise—5 minutes after the conclusion of the sporting event.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 12

Senators—

Bartlett
Hanson
Di Natale
Griff*

Hanson-Young
McKim
Patrick

Rhiannon
Rice
Siewert

Steele-John
Rice
Whish-Wilson

Senators—

Abetz
Anning
Birmingham
Brockman
Brown
Burston
Bushby
Cash
Chisholm
Colbeck

Dodson
Duniam
Fawcett
Fifield
Gallacher
Georgiou
Gichuhi
Hanson
Hinch
Hume

Keneally
Ketter
Leyonhjelm
Lines
Martin
McCafferty
Molan
Moore
O’Neill

Paterson
Pratt
Reynolds
Ruston
Smith
Stoker
Urquhart
Watt
Williams

NOES, 38

* Tellers

Question negatived.

Bill further debated.
Senator Hanson-Young moved the following amendments together by leave:

Schedule 1, item 7, page 4 (line 16), at the end of subsection 4(3AB), add:
and; (e) does not take into account the number of end-users of online content services.

Schedule 1, item 7, page 4 (after line 16), after subsection 4(3AB), insert:

(3AC) Despite subsection (1), the Parliament also intends that gambling promotional content provided in conjunction with live coverage of sporting events on broadcasting services, datacasting services, internet services or online content services be regulated in a manner that is consistent across the range of those services.

Schedule 1, item 8, page 4 (before line 19), before the definition of gambling promotional content, insert:

coverage has the same meaning as in Schedule 8.

Schedule 1, item 8, page 4 (before line 21), before the definition of online content service, insert:

in conjunction with, when used in relation to live coverage of a sporting event, has the same meaning as in Schedule 8.

live, in relation to coverage of a sporting event, has the same meaning as in Schedule 8.

Schedule 1, item 8, page 4 (after line 23), after the definition of online content service provider, insert:

sporting event has the same meaning as in Schedule 8.

Schedule 1, page 5 (after line 7), after item 12, insert:
12A After subsection 123(4)

Insert:

(4A) Despite subsection (4), if:
(a) a group representing a particular section of the broadcasting industry develops a code of practice to be observed in the conduct of the broadcasting operations of that section of the industry; and
(b) the code covers the provision of gambling promotional content by that section of the industry;
the ACMA must not include the code in the Register of codes of practice unless the ACMA is satisfied that the code is consistent with the objects of this Act and the regulatory policy set out in section 4.

(4B) If:
(a) a group representing a particular section of the broadcasting industry amends a code of practice to be observed in the conduct of the broadcasting operations of that section of the industry; and
(b) the amendments relate to the provision of gambling promotional content by that section of the industry; and
(c) the ACMA is not satisfied that the amendments are consistent with the objects of this Act and the regulatory policy set out in section 4;
the ACMA may remove the code from the Register of codes of practice.

Schedule 1, item 13, page 5 (after line 21), after subsection 125A(3), insert:

(3A) Despite anything in section 44 of the Legislation Act 2003, section 42 of that Act (disallowance of legislative instruments) applies to a direction under subsection (1) of this section.

Schedule 1, item 13, page 8 (line 21), omit “5 minutes”, substitute “30 minutes”.

Schedule 1, item 13, page 9 (after line 3), after subsection 125A(14), insert:

**Audience share not relevant**

(14A) A gambling promotion program standard must not make provision for or in relation to a matter by reference to the size of the audience of a broadcast.

Schedule 1, item 22, page 23 (after line 5), after subclause 13(4), insert:

**Number of end-users not relevant**

(4A) The online content service provider rules must not make provision for or in relation to a matter by reference to the number of end-users of an online content service provider.

Schedule 1, item 22, page 24 (lines 12 and 13), omit paragraph 15(5)(a).

Schedule 1, item 22, page 24 (lines 25 and 26), omit paragraph 15(6)(a).

Schedule 1, item 22, page 25 (lines 1 to 18), omit subclauses 15(7) to (10).

Schedule 1, item 22, page 29 (line 3), omit “5 minutes”, substitute “30 minutes”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 12**

Bartlett  
Di Natale  
Griff  
Hanson-Young  
McKim  
Patrick  
Rhiannon  
Rice  
Siewert*  
Steele-John  
Storer  
Whish-Wilson

**NOES, 32**

Anning  
Brockman  
Burston  
Bushby  
Colbeck  
Duniam  
Farrell  
Fifield  
Gallacher  
Georgiou  
Gichuhi  
Hanson  
Hinch  
Hume  
Keneally  
Ketter  
Kitching  
Leyonhjelm  
Lines  
Martin  
McCarthy  
Molan  
Moore  
O’Neill  
Paterson  
Reynolds  
Singh  
Smith  
Stoker  
Urquhart  
Watt*  
Williams

*Tellers

Question negatived.

Senator Hanson-Young moved the following amendments together by leave:

Schedule 1, item 13, page 8 (line 23), omit “5 minutes”, substitute “30 minutes”.

Schedule 1, item 22, page 29 (line 5), omit “5 minutes”, substitute “30 minutes”.

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

**AYES, 12**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Bartlett</th>
<th>Di Natale</th>
<th>Griff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hanson-Young</td>
<td>McKim</td>
<td>Patrick</td>
</tr>
<tr>
<td>Rhiannon</td>
<td>Rice</td>
<td>Siewert*</td>
<td>Steele-John</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Storer</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Whish-Wilson</td>
</tr>
</tbody>
</table>

**NOES, 31**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Anning</th>
<th>Brockman</th>
<th>Burston</th>
<th>Bushby</th>
<th>Colbeck</th>
<th>Duniam</th>
<th>Farrell</th>
<th>Fifield</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Georgiou</td>
<td>Gichuhi</td>
<td>Hanson</td>
<td>Hinch</td>
<td>Hume</td>
<td>Keneally</td>
<td>Ketter</td>
<td>Kitching</td>
</tr>
<tr>
<td>Leyonhjelm</td>
<td>Lines</td>
<td>Martin</td>
<td>Hinch</td>
<td>Molan</td>
<td>Moore</td>
<td>O’Neill</td>
<td>O’Neill</td>
<td>Paterson</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>McCarthy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Tellers

Question negatived.

Senator O’Neill moved the following amendment:

Schedule 1, item 22, page 18 (after line 25), after paragraph 3(1)(q), insert:

(qa) a service provided by the Special Broadcasting Service Corporation; or

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 30**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Bartlett</th>
<th>Brown</th>
<th>Cameron</th>
<th>Carr</th>
<th>Chisholm</th>
<th>Collins</th>
<th>Di Natale</th>
<th>Dodson</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Farrell</td>
<td>Hanso</td>
<td>Keneally</td>
<td>Ketter*</td>
<td>Kitching</td>
<td>Leyonhjelm</td>
<td>Lines</td>
<td>Martin</td>
</tr>
<tr>
<td></td>
<td>Farrelly</td>
<td>Young</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>McCarthy</td>
<td>McKim</td>
<td>Moore</td>
<td>O’Neill</td>
<td>Pratt</td>
<td>Rhiannon</td>
<td>Rice</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Whish-Wilson</td>
</tr>
</tbody>
</table>

**NOES, 31**

<table>
<thead>
<tr>
<th>Senators</th>
<th>Abetz</th>
<th>Anning</th>
<th>Birmingham</th>
<th>Brockman</th>
<th>Burston</th>
<th>Bushby</th>
<th>Canavan</th>
<th>Cash</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Colbeck</td>
<td>Duniam</td>
<td>Fieravanti-Wells</td>
<td>Fifield</td>
<td>Georgiou</td>
<td>Gichuhi</td>
<td>Griff</td>
<td>Hanson</td>
</tr>
<tr>
<td></td>
<td>Hinch</td>
<td>Hume</td>
<td>McGrath</td>
<td>Molan</td>
<td>Paterson</td>
<td>Patrick</td>
<td>Payne</td>
<td>Reynolds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Scullion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Tellers

Question negatived (and see below).

At the request of Senator Siewert, the question was put again, by leave.

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

AYES, 31

Senators—

Bartlett  Farrell  McCarthy  Singh
Brown  Hanson-Young  McKim  Steele-John
Cameron  Keneally  Moore  Sterle
Carr  Ketter*  O’Neill  Storer
Chisholm  Kitching  Pratt  Urquhart
Collins  Leyonhjelm  Rhiannon  Watt
Di Natale  Lines  Rice  Whish-Wilson
Dodson  Martin  Siewert

NOES, 31

Senators—

Abetz  Colbeck  Hinch  Ruston
Anning  Duniam  Hume  Ryan
Birmingham  Ferravanti-Wells  McGrath  Scullion
Brockman  Fifield  Molan  Seselja
Burston  Georgiou  Paterson  Smith
Bushby  Gichuhi  Patrick  Stoker
Canavan  Griff  Payne  Williams*
Cash  Hanson  Reynolds

* Tellers

The ayes and noes were equal and so the question was negatived.

Senator Hanson-Young moved the following amendments together by leave:

Clause 3, page 2 (after line 11), at the end of the clause, add:

Note: The provisions of the Legislation (Exemptions and Other Matters) Regulation 2015 amended or inserted by this Act, and any other provisions of those regulations, may be amended or repealed by regulations made under section 62 of the Legislation Act 2003 (see subsection 13(5) of that Act).

Schedule 1, page 5 (after line 7), after item 12, insert:

12A Subsection 122(7) (note)
Repeal the note.

Page 34 (after line 26), at the end of the bill, add:

Schedule 2—Program standards

Legislation (Exemptions and Other Matters) Regulation 2015

1 Section 10 (table item 8)
Repeal the item, substitute:

8 An amendment made under section 128 of the Broadcasting Services Act 1992 to a standard under Part 9 of that Act

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 11

Senators—

Bartlett  Hinch  Rhiannon  Steele-John
Di Natale  Martin  Rice  Whish-Wilson
Hanson-Young  McKim  Siewert*
NOES, 35

Senator—

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Duniam</td>
<td>Ketter*</td>
<td>Pratt</td>
</tr>
<tr>
<td>Anning</td>
<td>Fawcett</td>
<td>Kitching</td>
<td>Ruston</td>
</tr>
<tr>
<td>Brockman</td>
<td>Fifield</td>
<td>McCarthy</td>
<td>Scullion</td>
</tr>
<tr>
<td>Burston</td>
<td>Gallacher</td>
<td>Molan</td>
<td>Smith</td>
</tr>
<tr>
<td>Bushby</td>
<td>Georgiou</td>
<td>Moore</td>
<td>Sterle</td>
</tr>
<tr>
<td>Cameron</td>
<td>Gichuhi</td>
<td>O’Neill</td>
<td>Stoker</td>
</tr>
<tr>
<td>Cash</td>
<td>Griff</td>
<td>Paterson</td>
<td>Storer</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Hanson</td>
<td>Patrick</td>
<td>Williams</td>
</tr>
<tr>
<td>Dodson</td>
<td>Hume</td>
<td>Payne</td>
<td></td>
</tr>
</tbody>
</table>

* Tellers

Question negatived.

Bill agreed to and reported without amendment.

On the motion of the Minister for Communications (Senator Fifield) the report from the committee was adopted and the bill read a third time.

5 Intelligence Services Amendment (Establishment of the Australian Signals Directorate) Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for International Development and the Pacific (Senator Fierravanti-Wells)—That this bill be now read a second time.

Debate resumed.

At 2 pm: Debate was interrupted while Senator Reynolds was speaking.

6 Questions

Questions without notice were answered.

7 Motions to take note of answers

Senator Sterle moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for International Development and the Pacific (Senator Fierravanti-Wells) to questions without notice asked by opposition senators today relating to proposed company tax cuts.

Debate ensued.

Question put and passed.

Senator Whish-Wilson 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 Whish-Wilson today relating to proposed company tax cuts.

Question put and passed.

8 Senator Storer—Statement by leave

Senator Storer, by leave, informed the Senate of his designation as a whip for the purposes of standing order 24A, relating to the Selection of Bills Committee.
9 Notices

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

(a) notes that:

(i) the Garvan Institute of Medical Research (the Garvan Institute) has completed the first cancer research project using the DreamLab app in half the time it would have otherwise taken,

(ii) the DreamLab app, developed in partnership with Vodafone Foundation, uses the processing power of idle smartphones to give the Garvan Institute free access to a supercomputer resource, to allow it to conduct ground-breaking cancer research,

(iii) its first project, Project Decode, mapped the genome of breast, ovarian, prostate and pancreatic cancer patients to help researchers better understand these cancers based on a patient’s DNA profile,

(iv) the mapping highlighted genome clusters and has allowed the researchers to see patterns they can now explore further,

(v) Project Decode was completed with 121,000 app users, whose idle smartphones crunched 75 million calculations, since being launched in November 2015,

(vi) the Garvan Institute intends to make the research data publically available for other researchers to use, and plans to publish the findings of this project in a research journal in June, and

(vii) the Garvan Institute’s other DreamLab project, Project Genetic Profile, is decoding brain, lung, melanoma and sarcoma cancers, and is one-fifth of the way towards completion;

(b) further notes that:

(i) this work is part of the Garvan Institute’s ongoing effort to tackle rare and less common cancers,

(ii) the Garvan Institute’s Genomic Cancer Medicine Program, in Sydney, has taken close to 1000 Australians with rare and less common cancers since October 2016,

(iii) the Garvan Institute aims to make this program available nationally, by linking with cancer centres in all states and territories, so patients do not need to travel to Sydney, and

(iv) the Garvan Institute’s research, plus its national approach to treating cancer patients with high unmet needs, contributes to the evidence base state and federal governments need to make informed decisions about genomic and precision medicine; and

(c) calls on senators who want to play their part in this research to download and use the DreamLab app, if they have not already done so, to help accelerate this research, and for those who have already used the app to continue their contribution to this ground-breaking cancer research. (general business notice of motion no. 783)

The Chair of the Select Committee into the Political Influence of Donations (Senator Di Natale): To move on the next day of sitting—That the time for the presentation of the report of the Select Committee into the Political Influence of Donations be extended to 10 May 2018. (general business notice of motion no. 784)
Senator Brown: To move on the next day of sitting—That there be laid on the table by the Minister for Finance, by no later than 5 pm on 28 March 2018:

(a) all correspondence between the Minister for Finance and the Minister for Agriculture and Water Resources relating to the Australian Pesticides and Veterinary Medicines Authority (APVMA) Digital Strategy; and

(b) a copy of the APVMA Digital Strategy. (general business notice of motion no. 785)

Senator Steele-John: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) in March 2017, the United States of America (US) Full House Committee on Oversight and Government Reform heard that approximately half of adult Americans’ photographs are in a Facial Recognition Technology (FRT) database – FRT has accuracy deficiencies leading to misidentifying female and African American individuals at a higher rate; human verification is often insufficient as a backup and can allow for racial bias; the Federal Bureau of Investigation (FBI) accepts an error rate of 15% in its system, and that the FBI used FRT for years without first publishing a privacy impact assessment and went to great lengths to exempt itself from certain provisions of the Privacy Act,

(ii) in June 2016, the US Government Accountability Office analysed the FBI’s use of FRT and found it to be lacking in accountability, accuracy and oversight, with key concerns that the FBI system does not test for false positives or for racial bias,

(iii) FRT is subject to biases based on the data sets provided and the conditions in which algorithms are created, and

(iv) the National Facial Biometric Matching Capability, based on the FBI’s Next Generation Identification program, is subject to the same risks of bias and error rates; and

(b) calls on the Federal Government to ensure that:

(i) all steps are taken to minimise bias and error rates in government facial recognition systems, including testing for false positives and racial bias, and

(ii) government agencies using facial recognition systems comply with the Privacy Act, and maintain transparency, accountability, accuracy and oversight. (general business notice of motion no. 786)

Senator Steele-John: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) in 2013, the United Nations General Assembly affirmed that the rights held by people offline must also be protected online, and it called upon all States to respect and protect the right to privacy in digital communication,

(ii) social media and online platforms that base their businesses on customer surveillance and advertising are not respecting or protecting individuals’ right to privacy,
(iii) on 25 May 2018, the European Union’s General Data Protection Regulation (GDPR) will come into effect, for all companies that hold data within or as a result of doing business with citizens of the European Union (EU),

(iv) under the GDPR, consent must be explicit for data collected and for the purposes for which data is used, and individuals will have the right of access to their personal data and information about how this personal data is being processed, a right to request erasure of personal data related to them, and a right to be able to transfer personal data from one electronic processing system to and into another,

(v) the GDPR will include a strict data protection compliance regime with severe penalties of up to 4% of worldwide turnover or 20 million Euro, whichever is higher, and

(vi) the GDPR represents current best practice regarding standards for the protection of data and, as many Australian businesses will need to comply with the GDPR, implementing a similar regime in Australia would be the most cost-effective way to improve data protection standards; and

(b) calls on the Federal Government to:

(i) support Australian businesses in complying with the GDPR, and

(ii) look to the GDPR as a model of international best practice for privacy protections for Australians against companies that employ surveillance capitalism. (general business notice of motion no. 787)

Senator Patrick: To move on the next day of sitting—that the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 18 September 2018:

The proposed Comprehensive and Progressive Agreement for Trans-Pacific Partnership, with particular reference to:

(a) Australia’s economy and trade;

(b) Australia’s domestic labour market testing obligations and laws regarding wages, conditions and entitlements of Australian workers and temporary work visa holders;

(c) Australian investment;

(d) the effect of Investor-State Dispute Settlement provisions;

(e) Australia’s health, environmental, social and cultural policies, including regulation of essential services;

(f) rights for consumers; and

(g) any other related matters.

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

(a) notes that:

(i) 31 March 2018 is Transgender Day of Visibility, and

(ii) Transgender Day of Visibility is an opportunity to publicly affirm and celebrate trans and gender-diverse people’s lives, their stories and their contributions to our communities; and

(b) calls on all parliamentarians to:

(i) recognise and celebrate the many and varied contributions of trans and gender-diverse people,
(ii) commit to elevating the voices and stories of trans and gender-diverse people in this Parliament, and

(iii) support the provision of essential health, social, cultural, and community services for trans and gender-diverse people and their families, delivered with the meaningful input and involvement of these communities. (general business notice of motion no. 788)

Senators O’Sullivan and Williams: To move on the next day of sitting—That the Senate—

(a) acknowledges that:

(i) some financial services entities, including authorised deposit-taking institutions, registrable superannuation entities, insurers, statutory authorities, corporate Commonwealth entities, and those holding a financial services licence are yet to publically clarify their position on waiving confidentiality and non-disclosure arrangements for those individuals or organisations looking to lodge a submission to the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (the Royal Commission), and

(ii) the opening address by Commissioner Kenneth Hayne, QC, at the Royal Commission on 12 February 2018 stated: ‘A confidentiality or non-disparagement clause in an agreement will not act as a reasonable excuse against production in answer to a notice to produce or a summons’ and ‘It seems to me to follow that answering a notice or summons would not amount to a breach of any confidentiality or non-disparagement clause’; and

(b) adopts a unified position that:

(i) no individual or organisation should be prevented or deterred from lodging a submission to the Royal Commission due to pre-existing confidentiality obligations in non-disclosure or other agreements (NDAs),

(ii) where an NDA would prevent or deter the lodgement of a submission by a person, the relevant financial service entity should waive the NDA in circumstances where the person seeking to lodge the submission so desires, and

(iii) where an NDA would prevent or deter the lodgement of a submission by a person, the relevant Commonwealth statutory authority, corporate Commonwealth entity or government business enterprise should waive the NDA in circumstances where the person seeking to lodge the submission so desires. (general business notice of motion no. 789)

Senators Siewert and McKim: To move on the next day of sitting—That the Senate—

(a) notes with deep concern reports that Indigenous rangers could be caught up in the Government’s proposed foreign interference laws, in particular, the Foreign Influence Transparency Scheme Bill 2017;

(b) expresses confusion that Indigenous rangers could find themselves cast as foreign agents by advocating in favour of their program, simply because they are funded by an American charitable trust;

(c) affirms that the Indigenous rangers program plays a critical role in protecting country, and providing meaningful employment opportunities for Aboriginal and Torres Strait Islander Peoples;
(d) further affirms the importance of advocacy and civil society in a healthy democracy; and

(e) calls on the Federal Government to:
   (i) abandon its package of legislation relating to foreign influence, including the Foreign Influence Transparency Scheme Bill 2017, the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017, and the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017, and
   (ii) go back to the drawing board and adequately consult with those affected by the legislation. (general business notice of motion no. 790)

Senator Urquhart: To move on the next day of sitting—That the Senate requires the Environment and Communications Legislation Committee to meet on 10 April 2018, from 2 pm to 4 pm, in Canberra, to further consider the 2017-18 additional estimates in the Communications and Arts portfolio, and the NBN Co, and that the Minister for Communications and the Minister for the Arts (Senator Fifield) be in attendance, as well as Mr Morrow, Mr Rue, Mr McInerney, Mr Ryan and Ms Lovell from NBN Co. (general business notice of motion no. 791)

The Assistant Minister to the Prime Minister (Senator McGrath): To move on the next day of sitting—That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Higher Education Support Legislation Amendment (Student Loan Sustainability) Bill 2018, allowing it to be considered during this period of sittings.

Document: Senator McGrath tabled the following document:
   Consideration of legislation—Statement of reasons for introduction and passage of the bill in the 2018 autumn sittings.

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 1 to 4 standing in his name for that day for the disallowance of the following instruments:
   Broadcasting Services (Technical Planning) Guidelines (Consequential Amendments) Instrument 2017 (No. 2) [F2017L01302]
   Retirement Savings Accounts Tax File Number approval No. 1 of 2017 [F2017L01270]
   Migration Agents (IMMI 17/047: CPD Activities, Approval of CPD Providers and CPD Provider Standards) Instrument 2017 [F2017L01236].

Senator Williams, by leave, made a statement relating to the matter.

10 Leave of absence
Senator Bushby, by leave, moved—That leave of absence be granted to Senator McKenzie for today, for personal reasons.

Question put and passed.
11 Postponements
Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Pratt for today, proposing the disallowance of instruments made under the *Environment Protection and Biodiversity Conservation Act 1999*, postponed till 28 March 2018.

General business notice of motion no. 767 standing in the name of Senator Griff for today, relating to autism, postponed till 28 March 2018.

12 Committee—Extension of time to report
The following committee was granted an extension of time to report:

Environment and Communications References Committee—Australian content on broadcast, radio and streaming services, extended to 15 August 2018.

13 Education and Employment References Committee—Reference
Senator Urquhart, 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 Education and Employment References Committee for inquiry and report by 5 December 2018:

The role of Commonwealth, state and territory Governments in addressing the high rates of mental health conditions experienced by first responders, emergency service workers and volunteers, with particular reference to:

(a) the nature and underlying causes of mental health conditions experienced by first responders, emergency service workers and volunteers;

(b) research identifying linkages between first responder and emergency service occupations, and the incidence of mental health conditions;

(c) management of mental health conditions in first responder and emergency services organisations, factors that may impede adequate management of mental health within the workplace and opportunities for improvement, including:

(i) reporting of mental health conditions,

(ii) specialised occupational mental health support and treatment services,

(iii) workers’ compensation,

(iv) workplace culture and management practices,

(v) occupational function and return-to-work arrangements,

(vi) collaboration between first responder and emergency services organisations,

(vii) post-retirement mental health support services, and

(viii) resource allocation; and

(d) any other related matters.

Question put and passed.
Environment and Communications References Committee—Variation of reference

The Chair of the Environment and Communications References Committee (Senator Rice), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—that the terms of reference for the inquiry of the Environment and Communications References Committee into the rehabilitation of mining and resources projects, agreed to on 8 February 2017, be amended to read as follows:

The rehabilitation of mining and resources projects and power station ash dams as it relates to Commonwealth responsibilities, for example under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), with regard to:

(a) the cost of outstanding rehabilitation obligations of currently operating projects;
(b) the adequacy of existing regulatory, policy and institutional arrangements to ensure adequate and timely rehabilitation;
(c) the adequacy and transparency of financial mechanisms, including assurances, bonds and funds, to ensure that mining and resources projects and power station ash dams are rehabilitated without placing a burden on public finances;
(d) the effectiveness of current Australian rehabilitation practices in safeguarding human health and repairing and avoiding environmental damage;
(e) the effectiveness of existing abandoned mines programs, with regard to repairing environmental damage and safeguarding human health;
(ea) the effectiveness of existing and past power station ash dams with regard to repairing environmental damage and safeguarding human health;
(f) whether any mining, resources or electricity generation companies have engaged in conduct designed to avoid fulfilling their rehabilitation obligations;
(g) the potential social, economic and environmental impacts, including on matters of national environmental significance under the EPBC Act, of inadequate rehabilitation;
(h) the potential social, economic and environmental benefits of adequate rehabilitation, including job opportunities in communities affected by job losses in the mining, resources and electricity generation sectors;
(i) international examples of effective rehabilitation policy and practice;
(j) proposals for reform of rehabilitation of mining and resources projects and power station ash dams; and
(k) any other related matters.

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

Question put and passed.

Stillbirth Research and Education—Select Committee—Appointment

Senator Keneally, also on behalf of Senators McCarthy, Leyonhjelm, Anning, Hinch, Hanson, Molan, Patrick, Griff and Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 778—

(1) That a select committee, to be known as the Select Committee on Stillbirth Research and Education, be established to inquire into and report on the future of stillbirth research and education in Australia, with particular reference to:

(a) consistency and timeliness of data available to researchers across states, territories and federal jurisdictions;
(b) coordination between Australian and international researchers;
(c) partnerships with the corporate sector, including use of innovative new
technology;
(d) sustainability and propriety of current research funding into stillbirth,
and future funding options, including government, philanthropic and
corporate support;
(e) research and education priorities and coordination, including the role
that innovation and the private sector can play in stillbirth research and
education;
(f) communication of stillbirth research for Australian families, including
culturally and linguistically appropriate advice for Indigenous and
multicultural families, before and during a pregnancy;
(g) quantifying the impact of stillbirths on the Australian economy; and
(h) any related matters.

(2) That the committee present its final report on or before the second sitting
Thursday of 2019.

(3) That the committee consist of six senators, as follows:
   (a) two nominated by the Leader of the Government in the Senate;
   (b) two nominated by the Leader of the Opposition in the Senate;
   (c) one nominated by the Leader of the Australian Greens; and
   (d) one nominated by minor party and independent senators.

(4) That:
   (a) participating members may be appointed to the committee on the
       nomination of the Leader of the Government in the Senate, the Leader
       of the Opposition in the Senate or any minority party or independent
       senator; and
   (b) participating members may participate in hearings of evidence and
deliberations of the committee, and have all the rights of members of the
committee, but may not vote on any questions before the committee.

(5) That the committee may proceed to the dispatch of business notwithstanding
that not all members have been duly nominated and appointed and
notwithstanding any vacancy.

(6) That the committee elect as chair one of the members nominated by the Leader
of the Opposition in the Senate, and as deputy chair a member nominated by
the committee.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting
of the committee or the position of chair is temporarily vacant.

(8) That, in the event of an equality of voting, the chair, or the deputy chair when
acting as chair, have a casting vote.

(9) That the committee and any subcommittee have power to send for and examine
persons and documents, to move from place to place, to sit in public or in
private, notwithstanding any prorogation of the Parliament or dissolution of the
House of Representatives, and have leave to report from time to time its
proceedings and the evidence taken and such interim recommendations as it
may deem fit.

(10) That the committee have power to appoint subcommittees consisting of 3 or
more of its members, and to refer to any such subcommittee any of the matters
which the committee is empowered to consider.
(11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(12) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Statements by leave: Senator Keneally and the Assistant Minister to the Prime Minister (Senator McGrath), by leave, made statements relating to the motion.
Question put and passed.

16 Early childhood educators

Senator Hanson-Young, also on behalf of Senator Lines, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 768—That the Senate—

(a) notes that:
   (i) on 27 March 2018, early childhood educators all across Australia will walk off the job, demanding the Government value their work and fund fair pay,
   (ii) early childhood educators provide a vital service in the development of young minds, and
   (iii) qualified early childhood educators can earn as little as $21 per hour, which is half the average wage;
(b) recognises early childhood educators are not being paid a wage commensurate with the value of their social contribution; and
(c) commends early childhood union, United Voice, for their leadership on this campaign, and encourages all childcare educators to participate in standing strong for fair pay.

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

17 Queensland—National Health Reform Agreement funding—Order for production of documents

Senator Urquhart, at the request of Senator Chisholm and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 772—That there be laid on the table by the Minister representing the Minister for Health, by no later than noon on 28 March 2018, documents held or prepared by the Department of Health, National Health Funding Administrator, the office of the Minister for Health and/or the office of the Prime Minister:

(a) listing for each of the years 2014-15, 2015-16, and 2016-17, the amount:
   (i) remitted by the Commonwealth for block funded public hospital services in Queensland under the National Health Reform Agreement,
   (ii) remitted by the Commonwealth for activity-based funded public hospital services in Queensland under the National Health Reform Agreement,
   (iii) remitted by Queensland for block funded public hospital services in Queensland under the National Health Reform Agreement, and
(iv) remitted by Queensland for activity-based funded public hospital services in Queensland under the National Health Reform Agreement;

(b) listing for each of the years 2017-18, 2018-19 and 2019-20, the amount projected to be paid by the Commonwealth in respect of public hospital services in Queensland and incorporated in the current budget forward estimates;

(c) source documentation and data for the information in (a) and (b), including documents disclosing any workings or calculations required to provide the information; and

(d) documents, including briefing notes, internal memoranda, and emails disclosing evidence for the claim by Government members that Queensland reduced public hospital expenditure by $63.8 million in the 2017-18 state budget.

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

Question put and passed.

18 Digital encryption technologies

Senator Steele-John, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 773—That the Senate—

(a) notes that:

(i) strong digital encryption protects the personal and financial information of millions of people,

(ii) encryption is an important tool to prevent identity theft and other crime,

(iii) encryption ensures that public interest whistleblowers, journalists and other civil society actors can conduct their activities more securely,

(iv) the Government, through services such as Medicare and Centrelink, and digital platforms such as myGov, depends on encryption to keep client information safe, and

(v) any decrease in public trust in digital systems and services will present an obstacle to the Government’s agile innovation agenda; and

(b) calls on the Government to:

(i) support the continued development and use of strong encryption technologies,

(ii) resist any push from other governments to weaken encryption on personal devices, and

(iii) work with law enforcement to develop alternative avenues to obtain information through warrants and targeted surveillance that does not put every Australian at greater risk of identity theft.

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

Question put and passed.
19 Federal courts—Funding—Order for production of documents
Senator Griff, also on behalf of Senators Hanson and Hinch, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 774—That—

(a) the Senate notes that:
   (i) on 20 March 2018, the Senate agreed to an order for the production of documents directing that there be laid on the table by the Minister representing the Attorney-General, by 9.30 am on 22 March 2018:
      (A) the March 2014 KPMG report into the funding of federal courts, and
      (B) the Ernst & Young costings in response to the KPMG report, and
   (ii) to date, the Minister has failed to comply with the order for the production of documents;
(b) the Senate requires the Minister to table documents in full compliance with the above order for the production of documents by 5 pm on 27 March 2018; and
(c) in the event that the Minister does not table documents in full compliance with the order, the Senate orders that:
   (i) the Minister representing the Attorney-General is required to attend the Senate at 9.30 am on 28 March 2018, prior to government business being called on, to explain why the Minister has not complied with the order of the Senate of 20 March 2018,
   (ii) in the event that the Minister provides an explanation, any senator may, without notice, move a motion to take note of the Minister’s statement,
   (iii) in the event that the Minister does not provide an explanation, any senator may, without notice, move a motion with regard to the Minister’s failure to provide an explanation, and
   (iv) any motion under paragraph (c)(ii) or (iii) may be debated for no longer than 1 hour, and have precedence over all government business until determined.

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

20 AFL Women’s competition
Senator Rice, also on behalf of Senators Reynolds, Kitching and Farrell, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 780—That the Senate—

(a) congratulates the players, coaching staff, supporters and clubs involved in the second season of the AFL Women’s competition, in particular the 2018 AFLW Premiers, the Western Bulldogs, and runners-up, the Brisbane Lions;
(b) notes the ongoing growth in girls’ and women’s involvement in Australian Rules football, including:
   (i) during 2017, more than 460,000 participants across all levels, representing 30% of all participation in the game, and
   (ii) in 2017, 1,690 women’s community club teams taking the field, representing a 76% increase in teams; and
(c) calls on the Government to take action to support women’s participation in Australian Rules football, and to support fair pay for its professional players.

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

Question put and passed.

21 **Air Services Amendment Bill 2018**

Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 781—That the following bill be introduced:

A Bill for an Act to amend the law in relation to air services, and for related purposes.

Question put and passed.

Senator Rice presented the bill and 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 Rice moved—That this bill be now read a second time.

*Explanatory memorandum:* Senator Rice, by leave, tabled an explanatory memorandum relating to the bill.

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

22 **Adolescent girls—Human rights**

Senator Urquhart, at the request of Senators Moore and Di Natale and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 782—That the Senate—

(a) notes that:

(i) there are half a billion adolescent girls aged between 10 to 19 in the developing world today,

(ii) adolescent girls in the developing world are our next generation of women leaders, workers and mothers,

(iii) when we create the conditions for adolescent girls to fulfil their right to gender equality, to be healthy, educated, safe and economically empowered, they have the power to lift their families out of poverty and transform their nation’s economies,

(iv) the United Nations Population Fund has recognised girls aged 10 as the key group whose potential, if unlocked, will create the economic and social conditions needed to achieve the 2030 Agenda for Sustainable Development, and

(v) in recognition of the potential of adolescent girls all around the world, Plan International Australia has, this week, launched the new report, *Half a billion reasons: How investing in adolescent girls can change the world*, providing a global snapshot of the key challenges that girls face in the developing world and a road map for transforming their lives;
(b) further notes that the global community can transform the lives of adolescent girls by:
   (i) protecting every adolescent girl’s right to be free from gender-based violence and harmful practices such as child marriage and female genital mutilation,
   (ii) promoting the health, well-being and rights of adolescent girls through access to sexual and reproductive health information and services,
   (iii) fighting poverty by giving adolescent girls access to quality, inclusive and equitable secondary education,
   (iv) growing a country’s economic prosperity by economically empowering girls and young women,
   (v) empowering and protecting adolescent girls during disasters and emergencies, and
   (vi) creating the conditions for adolescent girls to be change agents and leaders;

(c) calls on all parliamentarians to support adolescent girls globally, committing to strengthen gender equality for adolescent girls around the world; and

(d) calls on the Australian Government to prioritise adolescent girls’ human rights in Australia’s foreign policy, overseas aid, development and trade.

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

Question put and passed.

23 Great Australian Bight—Seismic testing

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 769—That the Senate—

(a) notes that:
   (i) the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is currently considering an application from Petroleum Geoservices Australia to conduct 3D and 2D seismic surveys in environmentally sensitive waters off Port Lincoln and Kangaroo Island,
   (ii) seismic testing involves blasting 260 decibels of sound every 10 seconds, and
   (iii) this volume is louder than a space shuttle launch from its launch pad, a nuclear bomb from its epicentre, and the sound produced at the epicentre of Krakatoa’s volcanic eruption in 1883, which was audible 4500 kms away from its source;

(b) further notes that:
   (i) if approved, the seismic testing program would impact the direct migratory path of southern Bluefin tuna, southern right whales and sperm whales, and
   (ii) a seismic test of this proposed scale can result in death;

(c) commends the actions of the Kangaroo Island Council, the Australian Southern Bluefin Tuna Industry Association, Sea Shepherd, the Australian Marine Conservation Society, the Wilderness Society, Greenpeace and concerned local community members in drawing attention to the potential harm that this seismic testing program could create if approved by NOPSEMA; and
(d) calls on the Federal Government to prohibit seismic testing in the Great Australian Bight.

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

Question put.

The Senate divided—

AYES, 11

<table>
<thead>
<tr>
<th>Senators</th>
<th>Bartlett</th>
<th>Hanson-Young</th>
<th>Rhiannon</th>
<th>Steele-John</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Di Natale</td>
<td>McKim</td>
<td>Rice</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td></td>
<td>Griff</td>
<td>Patrick</td>
<td>Siewert*</td>
<td></td>
</tr>
</tbody>
</table>

NOES, 30

<table>
<thead>
<tr>
<th>Senators</th>
<th>Abetz</th>
<th>Collins</th>
<th>McAllister</th>
<th>Reynolds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Anning</td>
<td>Duniam</td>
<td>McCarthy</td>
<td>Ryan</td>
</tr>
<tr>
<td></td>
<td>Brockman</td>
<td>Farrell</td>
<td>McGrath</td>
<td>Scullion</td>
</tr>
<tr>
<td></td>
<td>Burston</td>
<td>Fawcett</td>
<td>Molan</td>
<td>Smith</td>
</tr>
<tr>
<td></td>
<td>Bushby</td>
<td>Gallacher</td>
<td>Moore</td>
<td>Stokes</td>
</tr>
<tr>
<td></td>
<td>Cameron</td>
<td>Gichahu</td>
<td>O’Neill</td>
<td>Urquhart*</td>
</tr>
<tr>
<td></td>
<td>Chisholm</td>
<td>Hinch</td>
<td>Paterson</td>
<td>Williams</td>
</tr>
<tr>
<td></td>
<td>Colbeck</td>
<td>Leyonhjelm</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Tellers

Question negatived.

24 **Firearms controls**

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 771—That the Senate—

(a) notes that:

(i) former Prime Minister, Mr John Howard, and former Deputy Prime Minister, Mr Tim Fisher, led the introduction of the National Firearms Agreement (NFA) in 1996,

(ii) a 2016 study, *Association between gun law reforms and intentional firearm deaths in Australia*, found that, in the 20 years since the NFA was implemented, there have been no mass shootings in Australia, and

(iii) on 24 March 2018, the March for Our Lives took place in the United States of America, calling for stricter controls on firearms; and

(b) congratulates everyone who is making their voice heard on the important issue of reducing violence involving firearms.

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

Question put and passed.

25 **Australian flag**

Senator Anning amended general business notice of motion no. 776 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) good men and women have fought and died to protect the Australian flag,
(ii) our flag represents our nation and our values and is bound with our history and heritage,
(iii) in the lead-up to ANZAC Day, it is important that we seek to protect and defend the Australian flag against the actions of those that attack our history and tradition, and
(iv) radical actions have been seen at past Australia Day and ANZAC Day ceremonies, and that these are completely disrespectful and un-Australian;

(b) expresses the opinion that it should be illegal to burn the Australian flag; and
(c) calls on the Government to legislate to create a criminal offence for a person to maliciously and intentionally burn, deface, destroy or trample the Australian flag.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath), Senator Chisholm and the Leader of the Australian Greens (Senator Di Natale), by leave, made statements relating to the motion.

The question was divided at the request of Senator McGrath—

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

Question—That paragraphs (b) and (c) of the motion be agreed to—put and negatived.

26 ANZAC Day

Senator Anning, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 777—That the Senate—

(a) recognises the courageous and selfless sacrifice of the Australian ‘Digger’;
(b) shows continued support for ANZAC Day as a national day of memorial for all those who have served our nation, some paying the ultimate sacrifice, so that we may enjoy our freedoms;
(c) encourages all Australians to partake in ANZAC Day ceremonies; and
(d) calls on the Government to create a commemorative ANZAC Centenary Medal, which would be available to:

(i) all service personnel who were enlisted on 25 April 2015 and a period of 12 months prior, and
(ii) all service personnel who have been deployed overseas.

Statements by leave: Senator Anning, the Assistant Minister to the Prime Minister (Senator McGrath) and Senators Chisholm and Whish-Wilson, by leave, made statements relating to the motion.

The question was divided at the request of Senator McGrath—

Question—That paragraphs (a) to (c) of the motion be agreed to—put and passed.

Question—That paragraph (d) of the motion be agreed to—put and negatived.

27 Closing the Gap—Reduction in use of out-of-home care

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 779—That the Senate—

(a) notes that the Government is currently undertaking a refresh of the Closing the Gap targets;
(b) acknowledges that:

(i) Aboriginal children are over-represented in child protection systems around the country, and are more than nine times more likely than their non-Aboriginal counterparts to be placed in out-of-home care,

(ii) there is a pressing need to address the underlying causes of over-representation, and improve the life outcomes of Aboriginal children taken into care, and

(iii) Aboriginal children have a right to be safe, and to be connected to kin and culture, in line with the National Framework for Protecting Australia’s Children 2009-2020;

(c) recognises the need for Aboriginal-led solutions in Aboriginal communities, rather than top-down approaches from Government; and

(d) urges the Government to include reducing out-of-home care in the refreshed Closing the Gap targets, and ensure that vulnerable families are receiving the support they need for improved outcomes and safety of children.

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

Question put.

The Senate divided—

AYES, 31

Senators—

Bartlett
Brown
Burston
Cameron
Carr
Chisholm
Collins
Di Natale
Farrell
Gallacher
Georgiou
Griff
Hanson-Young
Keneally
Kitching
McAllister
McCarthy
McKim
Moore
O’Neill
Patrick
Rhiannon
Rice
Siewert
Singh
Steele-John
Sterle
Urquhart*
Watt
Whish-Wilson

NOES, 25

Senators—

Abetz
Anning
Birmingham
Brockman
Bushby*
Canavan
Colbeck
Duniam
Fawcett
Fieravanti-Wells
Fifield
Gichuhi
Hinch
Leyonhjelm
McGrath
Molan
Paterson
Payne
Reynolds
Ryan
Scullion
Seselja
Smith
Stoker
Williams

* Tellers

Question agreed to.

28 Ms Rebiya Kadeer

Motion determined as not formal: Senator Hanson-Young requested that general business notice of motion no. 770 standing in her name for today, relating to Ms Rebiya Kadeer, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senator Hanson-Young and the Assistant Minister to the Prime Minister (Senator McGrath), by leave, made statements relating to the motion.
29 Future Submarine Project—Australian Industry Capability Plan—Order for production of documents

Senator Patrick amended general business notice of motion no. 775 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That—

(1) The Senate notes that:

(a) on 12 February 2018, the Senate agreed to an order for the production of documents, directed at the Minister representing the Minister for Defence Industry, for the Australian Industry Capability Plan submitted by DCNS (now Naval Group) to the Department of Defence in its response to the Future Submarine Competitive Evaluation Process (CEP);

(b) the order followed a lack of clarity as to the minimum level of Australian industry involvement expectations of Government for the Future Submarine Project;

(c) on 15 February 2018, the duty minister tabled a letter in response to both orders for production claiming public interest immunity and stated that release of the document would:

(i) affect the commercial interests of Naval Group, and
(ii) adversely affect Australia’s international relations,

and advised the Senate that the Government was awaiting the outcome of an Information Commissioner Review into freedom of information (FOI) exemptions claimed over the same document;

(d) it was conceded by government in 1992, that the fact that a freedom of information request for information has been or could be refused under the FOI Act is not a legitimate basis for a claim of public interest immunity in a parliamentary forum;

(e) on 25 June 2014, the Senate passed a resolution declaring that declining to provide documents or answer questions on the basis that an FOI request has been made for the same information is an unacceptable response, is not supported by the FOI Act and shows a profound lack of respect for the Senate and its committees;

(f) a Senate claim of commercial confidentiality must be carefully advanced and claimed narrowly so as to recognise the public interest that lies in openness and transparency on this very important project;

(g) the claim that the release of the documents will affect international relations is not properly made out and is flawed (and has not even been advanced by the Department of Defence as a concern in the Information Commissioner Review) because the document which is the subject of the order is a document of a French-law Public Limited Company, not a document of the French State; and

(h) orders for the production of documents are a key Senate tool used to ensure effective oversight of Government, and must be responded to by Ministers with utmost consideration, care and accuracy.

(2) The Minister for Defence be required to attend the Senate at the conclusion of question time on 10 May 2018 to make a statement, of not more than 20 minutes, addressing why the Minister:

(a) has advanced a claim showing a profound lack of respect for the Senate;
(b) offered a broad confidentiality claim that does not correctly balance the public interest in knowing what DCNS promised, in respect of Australian industry involvement in our largest ever Defence project; and

c) has advanced a claim that releasing the document to the Senate would affect Australia’s international relations knowing that this claim is inconsistent with the position of her own Department.

(3) Any senator may move a motion to take note of the Minister’s statement, and any such motion may be debated for no longer than 1 hour, and have precedence over all government business until determined.

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

Question put.

The Senate divided—

AYES, 31

<table>
<thead>
<tr>
<th>Senators—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartlett</td>
</tr>
<tr>
<td>Brown</td>
</tr>
<tr>
<td>Cameron</td>
</tr>
<tr>
<td>Carr</td>
</tr>
<tr>
<td>Chisholm</td>
</tr>
<tr>
<td>Collins</td>
</tr>
<tr>
<td>Di Natale</td>
</tr>
<tr>
<td>Farrell</td>
</tr>
</tbody>
</table>

NOES, 24

<table>
<thead>
<tr>
<th>Senators—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
</tr>
<tr>
<td>Anning</td>
</tr>
<tr>
<td>Birmingham</td>
</tr>
<tr>
<td>Brockman</td>
</tr>
<tr>
<td>Bushby*</td>
</tr>
<tr>
<td>Canavan</td>
</tr>
</tbody>
</table>

* Tellers

Question agreed to.

30 Discussion of matter of public importance—Coal mining and power generation

The President informed the Senate that, at 8.30 am today, two senators had each submitted a letter in accordance with standing order 75. The proposal to be submitted to the Senate was determined by lot.

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

The need for Australia to phase out existing thermal coal mining and coal-fired power stations, commit to no new coal mines, and ensure that coal-reliant communities are fairly transitioned into new and meaningful employment.

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

After 5 pm: Discussion was interrupted.

31 First speech

Pursuant to order, Senator Keneally made her first speech.
Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017—Statement by leave

The Minister for Finance (Senator Cormann), by leave, made a statement relating to the Treasury Laws Amendment (Enterprise Tax Plan No. 2) Bill 2017. Senator Farrell, by leave, moved—that the Senate take note of the statement. Debate ensued.

Question put and passed.

Hours of meeting and routine of business—Variation

Leave refused: The Minister for Finance (Senator Cormann) sought leave to move a motion to vary the hours of meeting and routine of business for today. An objection was raised and leave was not granted.

Suspension of standing orders: Senator Cormann, 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 provide that a motion relating to the hours of meeting and routine of business may be moved immediately and determined without amendment or debate.

Closure: Senator Cormann moved—that the question be now put.

Question—That the question be now put—put.

The Senate divided—

AYES, 35

<table>
<thead>
<tr>
<th>Abetz</th>
<th>Cormann</th>
<th>Hume</th>
<th>Ruston</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anning</td>
<td>Duniam</td>
<td>Leyonhjelm</td>
<td>Ryan</td>
</tr>
<tr>
<td>Birmingham</td>
<td>Fawcett</td>
<td>Martin</td>
<td>Scullion</td>
</tr>
<tr>
<td>Brockman</td>
<td>Fifield</td>
<td>McGrath</td>
<td>Seselja</td>
</tr>
<tr>
<td>Burston</td>
<td>Georgiou</td>
<td>Molan</td>
<td>Smith*</td>
</tr>
<tr>
<td>Bushby</td>
<td>Gichuhi</td>
<td>Paterson</td>
<td>Stoker</td>
</tr>
<tr>
<td>Canavan</td>
<td>Griff</td>
<td>Patrick</td>
<td>Storer</td>
</tr>
<tr>
<td>Cash</td>
<td>Hanson</td>
<td>Payne</td>
<td>Williams</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Hinch</td>
<td>Reynolds</td>
<td></td>
</tr>
</tbody>
</table>

NOES, 29

<table>
<thead>
<tr>
<th>Bartlett</th>
<th>Farrell</th>
<th>McCarthy</th>
<th>Siewert</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown</td>
<td>Gallacher</td>
<td>McKim</td>
<td>Singh</td>
</tr>
<tr>
<td>Cameron</td>
<td>Hanson-Young</td>
<td>Moore</td>
<td>Steele-John</td>
</tr>
<tr>
<td>Carr</td>
<td>Ketter</td>
<td>O'Neill</td>
<td>Sterle</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Kitching</td>
<td>Pratt</td>
<td>Urquhart*</td>
</tr>
<tr>
<td>Collins</td>
<td>Lines</td>
<td>Rhiannon</td>
<td>Watt</td>
</tr>
<tr>
<td>Di Natale</td>
<td>McAllister</td>
<td>Rice</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Dodson</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Tellers

Question agreed to.

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

AYES, 34

Senators—

Abetz  Cormann  Leyonhjelm  Ruston
Anning  Duniam  Martin  Ryan
Birmingham  Fawcett  McGrath  Scullion
Brockman  Fifield  Molan  Seselja
Burston  Georgiou  Paterson  Smith*
Bushby  Gichuhi  Patrick  Stoker
Canavan  Griff  Payne  Storer
Cash  Hanson  Reynolds  Williams
Colbeck  Hume

NOES, 30

Senators—

Bartlett  Farrell  McCarthy  Siewart
Brown  Gallacher  McKinnon  Singh
Cameron  Hanson-Young  Moore  Steele-John
Carr  Hinch  O'Neill  Sterle
Chisholm  Ketter  Pratt  Urquhart*
Collins  Kitching  Rhiannon  Watt
Di Natale  Lines  Rice  Whish-Wilson
Dodson  McAllister

* Tellers

Question agreed to.

Senator Cormann moved—that a motion relating to the hours of meeting and routine of business may be moved immediately and determined without amendment or debate. Question put and passed.

Senator Cormann moved—that today—

(a) the business of the Senate notice of motion proposing the disallowance of five instruments made under the Environment Protection and Biodiversity Conservation Act 1999 relating to Marine Parks Network Management Plans, standing in the name of Senator Pratt, be called on immediately and have precedence over all other business; and

(b) the Senate shall adjourn without debate after the disallowance motion has concluded, or at midnight, whichever is the earlier, or a motion for the adjournment is moved by a minister.

Question put.

The Senate divided—

AYES, 34

Senators—

Abetz  Cormann  Leyonhjelm  Ruston
Anning  Duniam  Martin  Ryan
Birmingham  Fawcett  McGrath  Scullion
Brockman  Fifield  Molan  Seselja
Burston  Georgiou  Paterson  Smith*
Bushby  Gichuhi  Patrick  Stoker
Canavan  Griff  Payne  Storer
Cash  Hanson  Reynolds  Williams
Colbeck  Hume
Senator Pratt, pursuant to notice, moved business of the Senate notice of motion no. 1—that the following instruments, made under the Environment Protection and Biodiversity Conservation Act 1999, be disallowed:

- Temperate East Marine Parks Network Management Plan 2018 [F2018L00321]
- North-west Marine Parks Network Management Plan 2018 [F2018L00322]
- South-west Marine Parks Network Management Plan 2018 [F2018L00326]

Debate ensued.

**NOES, 30**

Senators—

- Bartlett
- Brown
- Cameron
- Carr
- Chisholm
- Collins
- Di Natale
- Dodson
- Farrell
- Gallacher
- Hanson-Young
- Hinch
- Ketter
- Kitching
- Lines
- McAllister
- McCarthy
- McKim
- Moore
- O’Neill
- Pratt
- Rhiannon
- Rice
- Siewert
- Singh
- Steele-John
- Steele-John
- Steele-John
- Urquhart
- Watt
- Whish-Wilson

* Tellers

Question agreed to.

**34 Marine Parks Network Management Plans—Proposed disallowance**

**AYES, 28**

Senators—

- Bartlett
- Brown
- Cameron
- Carr
- Chisholm
- Collins
- Di Natale
- Dodson
- Farrell
- Gallacher
- Hanson-Young
- Hinch
- Ketter*
- Kitching
- Lines
- McAllister
- McCarthy
- McKim
- Moore
- O’Neill
- Pratt
- Rhiannon
- Rice
- Siewert
- Singh
- Steele-John
- Steele-John
- Urquhart
- Watt
- Whish-Wilson

* Tellers

Question negatived.
35 Adjournment
   Pursuant to order (see entry no. 33), the Senate adjourned at 7.41 pm till Wednesday, 28 March 2018 at 9.30 am.

36 Attendance

   RICHARD PYE
   Clerk of the Senate