THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 140

THURSDAY, 14 FEBRUARY 2019

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1 **Meeting of Senate**

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

2 **Documents**

The Clerk tabled the following documents pursuant to statute:

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

- **Australian Postal Corporation Act 1989**—Australian Postal Corporation (Performance Standards) Regulations 2019 [F2019L00123].
- **Civil Aviation Act 1988**—Civil Aviation Safety Regulations 1998—
  - Centre Wing to Outboard Wing Attachment Joints—AD/PZL/5 Amdt 4 [F2019L00124].
  - Cyclic Control Stick Assembly—AD/BELL 206/99 Amdt 4 [F2019L00127].
- **Consumer Goods (Disposable Cigarette Lighters) Safety Standard 2019** [F2019L00132].
- **Defence Act 1903**—Defence (State of Emergency – Townsville floods) Amendment Determination 2019 (No. 2) [F2019L00128].
- **Fair Work Act 2009**—Fair Work (State Declarations — employer not to be national system employer) Endorsement 2019 (No.1) [F2019L00125].
- **Public Governance, Performance and Accountability Act 2013**—Commonwealth reduced proportional interest in a company—CSIRO Innovation Fund.
- **Sydney Airport Curfew Act 1995**—Dispensation Report—01/19.

The Clerk tabled the following documents pursuant to order:

- Departmental and agency appointments and vacancies—Additional estimates 2018–19—Letters of advice pursuant to the order of the Senate of 24 June 2008—Department of Veterans’ Affairs.
- Environment and Energy portfolio.
- Jobs and Small Business portfolio.
- Prime Minister and Cabinet portfolio (Office for Women).
Departmental and agency grants—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  Department of Jobs and Small Business.
  Department of Veterans’ Affairs.
  Prime Minister and Cabinet portfolio (Office for Women).
  Social Services portfolio.
Estimates hearings—Unanswered questions on notice—Budget estimates 2018-19 (Supplementary)—Statements pursuant to the order of the Senate of 25 June 2014—
  Jobs and Small Business portfolio.
  Treasury portfolio.

3 Committees—Leave to meet during sitting
Committees were authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, as follows:
  Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—from 10.30 am.
  Corporations and Financial Services—Joint Statutory Committee—from 9.35 am.
  Education and Employment References Committee—from 9.30 am.
  National Capital and External Territories—Joint Standing Committee—from 11 am.

4 Consideration of legislation
The Minister for Communications and the Arts (Senator Fifield) moved—That the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017 be listed on the Notice Paper as separate orders of the day.
Question put and passed.
Senator Fifield, by leave, moved—That—
(a) the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
  Telecommunications and Other Legislation Amendment (Miscellaneous Amendments) Bill 2019
  Wine Australia Amendment (Trade with United Kingdom) Bill 2019; and
(b) the Telecommunications and Other Legislation Amendment (Miscellaneous Amendments) Bill 2019 be called on before government business order of the day no. 1 (Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and related bill).

Documents: Senator Fifield tabled the following documents:
Question put.
The Senate divided—
AYES, 46

Senators—

Anning  
Bernardi  
Bilyk  
Birmingham  
Brockman  
Burston  
Canavan  
Cash  
Colbeck  
Collins  
Dodson  
Duniam

Farrell  
Fawcett  
Ferravanti-Wells  
Fifield  
Gallacher  
Gichuhi  
Griff  
Hanson  
Hinch  
Hume  
Keneally  
Ketter

Kitching  
Lines  
Marshall  
Martin  
McAllister  
Molan  
Moore  
O’Neill  
O’Sullivan  
Paton  
Patrick  

Pratt  
Reynolds  
Ruston  
Ryan  
Smith, David  
Smith, Dean*  
Sterle  
Stoker  
Storer  
Urquhart  
Watt

* Tellers

NOES, 10

Senators—

Di Natale  
Faruqi  
Hanson-Young

Leyonhjelm  
McKim  
Rice

Siewert*  
Steele-John  

Waters  
Whish-Wilson

Question agreed to.

5 Parliament House incident

Senator Bernardi, by leave, asked the President a question concerning an incident that occurred outside the Great Hall in Parliament House on 13 February 2019.

The President indicated that he had been in discussions with the Speaker of the House of Representatives and that the matter was being considered as a matter of urgency.

6 Legal and Constitutional Affairs References Committee—Report—Practice of dowry and dowry abuse in Australia

Pursuant to order, the Chair of the Legal and Constitutional Affairs References Committee (Senator Pratt) tabled the following report and documents:

Legal and Constitutional Affairs References Committee—Practice of dowry and the incidence of dowry abuse in Australia—Report, dated February 2019, Hansard record of proceedings, additional information and submissions.

Senator Pratt, by leave, moved—That the Senate take note of the report.

Debate adjourned till a later hour, during the consideration of committee reports under standing order 62(4), Senator Pratt in continuation.

7 Telecommunications and Other Legislation Amendment (Miscellaneous Amendments) Bill 2019

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

Debate resumed.

Proposed reference to committee: Senator Steele-John moved the following amendment:

At the end of the motion, add “and the bill be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 2 April 2019”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

**AYES, 12**

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**NOES, 28**

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* Tellers

Question negatived.

Main question put and passed.

Bill read a second time.

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

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**In the committee**

Bill taken as a whole by leave.

Senator McAllister moved the following amendment:

Page 9 (after line 8), at the end of the bill, add:

Schedule 3—Systemic weakness or systemic vulnerability

*Telecommunications Act 1997*

1 **Section 317B (definition of electronic protection)**

   Repeal the definition.

2 **Section 317B (definition of systemic vulnerability)**

   Repeal the definition.

3 **Section 317B (definition of systemic weakness)**

   Repeal the definition.

4 **Section 317B (definition of target technology)**

   Repeal the definition.
5 Section 317ZG

Repeal the section, substitute:

317ZG Designated communications provider must not be requested or required to implement or build a systemic weakness or systemic vulnerability etc.

(1) A technical assistance request, technical assistance notice or technical capability notice must not have the effect of:
   (a) requesting or requiring a designated communications provider to implement or build a systemic weakness, or a systemic vulnerability; or
   (b) preventing a designated communications provider from rectifying a systemic weakness, or a systemic vulnerability.

(2) The reference in paragraph (1)(a) to implement or build a systemic weakness, or a systemic vulnerability, includes a reference to implement or build a new decryption capability.

(3) The reference in paragraph (1)(a) to implement or build a systemic weakness, or a systemic vulnerability, includes a reference to one or more actions that would render systemic methods of authentication or encryption less effective.

(4) The reference in paragraph (1)(a) to implement or build a systemic weakness, or a systemic vulnerability, includes a reference to any act or thing that would or may create a material risk that otherwise secure information would or may in the future be collected, accessed, used, manipulated, disclosed or otherwise compromised by an unauthorised third party.

(5) The reference in subsection (4) to otherwise secure information includes a reference to the information of, about or relating to any person who is not the subject, or is not communicating directly with the subject, of an investigation to which the relevant technical assistance request, technical assistance notice or technical capability notice relates.

(6) The reference in subsection (4) to an unauthorised third party includes a reference to any person other than:
   (a) the person who is the subject of, or who is a person communicating directly with the subject of, an investigation to which the relevant technical assistance request, technical assistance notice or technical capability notice relates; or
   (b) the person that issued, or asked the Attorney-General to issue, the relevant technical assistance request, technical assistance notice or technical capability notice.

(7) Subsections (2), (3) and (4) are enacted for the avoidance of doubt.

(8) A technical assistance request, technical assistance notice or technical capability notice has no effect to the extent (if any) to which it would have an effect covered by paragraph (1)(a) or (b).
6 Application provision

Section 317ZG of the *Telecommunications Act 1997*, as amended by this Schedule, applies in relation to a technical assistance request, technical assistance notice or technical capability notice given on or after the commencement of this Schedule.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

**AYES, 37**

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* Tellers

Question agreed to.

Senator McAllister moved the following amendment:

Page 9 (after line 8), at the end of the bill, add:

**Schedule 4—Limiting technical assistance requests and technical capability notices to listed acts or things**

*Telecommunications Act 1997*

1 **Subsection 317G(6)**

Omit “that may be specified in a technical assistance request given to a designated communications provider include (but are not limited to)”, substitute “specified in a technical assistance request given to a designated communications provider must be”.

2 **Subsection 317JA(10)**

Omit “that may be specified in a varied technical assistance request include (but are not limited to)”, substitute “specified in a varied technical assistance request must be”.

No. 140—14 February 2019
3 Paragraph 317T(4)(c)
Repeal the paragraph, substitute:
(c) consist of one or more listed acts or things (other than an act or thing covered by paragraph 317E(1)(a));

4 Subsections 317T(5) and (6)
Repeal the subsections.

Debate ensued.

At 11.45 am: The President resumed the chair and the Chair of Committees (Senator Lines) reported progress.

8 Notices
Senator Urquhart: To move on the next day of sitting—That the Senate—
(a) notes:
(i) that only 14 Australian-flagged trading vessels operate in this country,
(ii) that up to 80 Australian seafarers were sacked following the decision by BHP and Bluescope to remove the MV Mariloula and the MV Lowlands Brilliance from their iron ore route between Port Hedland and Port Kembla, replacing them with foreign-flagged vessels with exploited foreign crews getting paid as little as $2 an hour,
(iii) the ongoing failure of the Liberal-National Government to stand up for Australian seafarers and to support the Australian shipping industry, a situation that will be made worse by its Coastal Trading (Revitalising Australian Shipping) Amendment Bill 2017 that could open up more domestic sea freight routes, including Bass Strait, to foreign-flagged ships and exploited foreign crews, and
(iv) that the continued failure of the Liberal-National Government to guarantee that Bass Strait shipping would not be impacted by its proposed legislative changes threatens the jobs of Tasmanian seafarers and leaves Tasmanian exporters at the mercy of decisions in overseas boardrooms; and
(b) calls on the Federal Government to:
(i) support Australian seafarers and the Australian shipping industry and abandon the Coastal Trading (Revitalising Australian Shipping) Amendment Bill 2017, and
(ii) investigate the establishment of an Australian ‘strategic merchant fleet’ in areas of importance to the Tasmanian and Australian economy, such as the importation and distribution of liquid fuel, namely crude oil, aviation fuel and diesel, and quarantining the domestic sea freight task on Bass Strait as part of a ‘strategic fleet’. (general business notice of motion no. 1416)

Senator Rice: To move on the next day of sitting—That the Senate—
(a) notes with alarm that climate change is hitting Australia harder and faster than many have predicted;
(b) is gravely concerned that Australia’s greenhouse pollution is increasing under the current government;
(c) fears that young people, first peoples and vulnerable communities will be forced to bear the brunt of climate damage;

(d) congratulates United States Democrat Member of the House of Representatives, Alexandria Ocasio-Cortez, as well as other members of the House and Senate, on their push for a ‘Green New Deal’; and

(e) calls on the Australian Government to begin a large-scale public works program to combat climate change and provide meaningful employment to people in our country. (general business notice of motion no. 1417)

Senator Griff: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Aged Care Act 1997, and for related purposes. Aged Care Amendment (Resident Welfare and Provider Disclosure) Bill 2019. (general business notice of motion no. 1418)

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

(a) notes that:

(i) in 2015, the Australian Bureau of Statistics reported that there were 164,000 Australians with an autism diagnosis and a prevalence rate of 2.8% for those aged between 5-14 years (around 81,000 children), though this does not reflect the large numbers of autistic adults who remain undiagnosed,

(ii) 85% of Australians have personal contact with an autistic person; despite this, only 29% of Australians believe they understand how to support autistic people, and only 4% of autistic people and their families agree that people in the community know how to support them,

(iii) 29% of all NDIS participants have a primary diagnosis of autism, representing the largest diagnostic cohort in the scheme, and

(iv) waiting times for diagnosis in the public system can be between 12 months to two years;

(b) further notes that:

(i) between 40% to 70% of autistic people experience a co-occurring mental health condition,

(ii) international studies have found that autistic people have a life expectancy between 20 and 36 years shorter than the general population,

(iii) in 2015, the unemployment rate for autistic people was 31.6%, which is three times the rate for all people with disability and almost six times the rate of people without a disability,

(iv) 35% of autistic students achieve Year 10 or below, compared with 17% of all students – only 6.5% have a Bachelor’s degree or above, half the rate of all people with a disability, and

(v) autistic people and their families experience significant social isolation with 51.6% agreeing that they feel socially isolated and 39.3% agreeing that they sometimes feel unable to leave the house due to concerns about discriminatory or negative behaviours in the community;

(c) acknowledges that:

(i) across Europe, a number of countries have developed national autism plans,

(ii) analysis has found that European countries which have a national autism plan or strategy appear to bring about a positive impact and change for autistic people, and
(iii) the Victorian Government inquiry into services for people with autism spectrum disorder recommended the development of a National Autism Strategy, highlighting the benefits, including:

(A) increasing understanding of autism in the community, and

(B) creating a common set of aims for policy makers, service providers, departments and agencies, noting that many of the issues faced by autistic people cut across Commonwealth and state responsibilities;

(d) affirms that a National Autism Strategy would complement the current National Disability Agreement and National Disability Strategy by providing a much-needed cohort-specific response for autism; and

(e) encourages the Government to develop a National Autism Strategy, in partnership with autistic people and their families and carers, to determine a set of actions with measurable outcomes to improve the life outcomes of autistic people. (general business notice of motion no. 1419)

Senators Di Natale and Faruqi: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) between September and October 2018, more than 20 cases of advanced silicosis had been found in Queensland,

(ii) by 26 November 2018, 53 young men, including 11 with progressive massive fibrosis, had been diagnosed with severe progressive silicosis following dust exposure from cutting artificial stone benchtops,

(iii) it is highly likely that many more will soon be detected,

(iv) at present, there is no known treatment that can arrest the progress of this disease,

(v) previous attempts have been made to raise this issue with the Government, but they have not taken action on it,

(vi) the majority of recommendations contained in the report of the Community Affairs References Committee into workplace exposure to toxic dust, received on 31 May 2006, have not been actioned, and

(vii) the only effective action against silicosis is preventing exposure to silica dust; and

(b) calls on the Federal Government to:

(i) fund an initiative to educate workers in at-risk occupations on the dust control measures used in their industry, including:

(A) independent monitoring of dust levels,

(B) training in the selection, maintenance and use of respirators, and

(C) use of measures to control airborne dust, including enforcing an immediate prohibition on dry-cutting techniques,

(ii) conduct comprehensive enforcement of hazardous substances regulations related to silica dust exposure, and

(iii) recognise the need for:

(A) qualified and competent occupational hygienists to be involved in the recognition, evaluation and control of silica exposures, and

(B) establishing a multi-disciplinary Institute of Occupational Health. (general business notice of motion no. 1420)
Senator McGrath: To move on the next day of sitting—That the Senate—

(a) notes that 15 February 2019 was the 77th anniversary of the Fall of Singapore, an event that was considered one of the greatest military defeats in the history of the British Empire;

(b) recognises the heroic role that thousands of Australian troops played in fighting to prevent the Fall of Singapore, alongside their British and Indian compatriots;

(c) further recognises that over 100,000 allied troops were taken as prisoners of war following the Fall of Singapore, including 15,000 Australians;

(d) notes the annual presence of the 2/10th Field Regiment Association of the 8th Division, AIF, at the Singapore Day Memorial Service, held this year on 17 February at Brisbane’s Shrine of Remembrance;

(e) thanks the volunteers who dedicate their time to organise this event; and

(f) recognises and commemorates all men and women who have sacrificed, and continue to sacrifice, in service of this nation. (general business notice of motion no. 142)

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

(a) notes that:

(i) today, on Budget day, the women of Australia will be looking to their government to address economic inequality and women’s financial security,

(ii) the gender pay gap is currently 14.6%, meaning women would have to work an extra 62 days per year to earn the same money as their male counterparts,

(iii) the fastest-growing cohort of homeless people in Australia is older women,

(iv) one in two women fleeing domestic violence are turned away from refuges due to lack of beds,

(v) there is unmet need for legal advice and support for women due to underfunding of community legal centres,

(vi) one in three women retire with no superannuation, and those who do retire with superannuation do so with just over half the amount that men do,

(vii) women do most of the unpaid care work in society, estimated at more than 60%,

(viii) well over 50% of migrants to Australia are women, and they bear the cost of delays in family reunification processing, and

(ix) budget cuts made in 2014 to frontline domestic violence services have been compounded by continued underfunding; and

(b) calls on the Federal Government in tonight’s Budget to:

(i) restore the Women’s Budget Impact Statement, axed in 2014,

(ii) fully fund family and domestic violence services, by funding frontline crisis services and primary prevention with at least $2.3 billion over the forward estimates,

(iii) commit $16 million to make abortion safe, accessible, legal and free,

(iv) address the housing and homelessness crisis for older women, by providing certainty of funding for transitional housing and crisis services,
(v) extend paid parental leave arrangements to six months with superannuation, and
(vi) increase foreign aid to improve global equality for women through Australia’s international development program. (general business notice of motion no. 1422)

Senator Faruqi: To move on the next day of sitting—That the Senate—
(a) notes:
(i) the inherent conflict of interest present when animal welfare issues are regulated by the Department of Agriculture and Water Resources (the Department),
(ii) that the Department inappropriately influenced the Review of the regulatory capability and culture of the Department of Agriculture and Water Resources in the regulation of live animal exports, also known as the ‘Moss Review’ report,
(iii) that the Department removed words that pointed to its failure in regulating the live export industry and warnings of the risks of corruption, and
(iv) that the Department further outright rejected some of Mr Moss’ draft findings, including dismissing one of the review’s conclusions on the Department’s inability to address livestock mortality as ‘overly simplistic’; and
(b) condemns the Federal Government for interfering with the Moss Review. (general business notice of motion no. 1423)

Senator Anning: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to establish the National Development Bank, and for related purposes. National Development Bank Bill 2019. (general business notice of motion no. 1424)

Senator Anning: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for a plebiscite at the next general election in relation to migration to Australia, and for related purposes. Plebiscite (Allowing Australians to Decide Who Comes Here) Bill 2019. (general business notice of motion no. 1425)

Senator Anning: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for citizen initiated referendums, and for related purposes. Democratising Lawmaking Bill 2019. (general business notice of motion no. 1426)

Senator Anning: To move on the next day of sitting—That the Senate—
(a) notes:
(i) with great concern, growing levels of homelessness amongst Australians, in particular the elderly,
(ii) long waiting lists for public housing, and
(iii) the priority afforded to so-called refugees in the provision of public accommodation; and
(b) calls on state and Federal Governments to give absolute priority in all publicly-funded accommodation to Australian citizens over recent arrivals. (general business notice of motion no. 1427)
9 Selection of Bills—Standing Committee—Report no. 1 of 2019

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

SELECTION OF BILLS COMMITTEE
REPORT NO. 1 OF 2019

1. The committee met in private session on Wednesday, 13 February 2019 at 7.15 pm.

2. The committee recommends that—
   (a) the provisions of the Australian Business Securitisation Fund Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 26 March 2019;
   (b) contingent upon introduction in the House of Representatives, the provisions of the Australian Veterans’ Recognition (Putting Veterans and their Families First) Bill 2019 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 22 March 2019;
   (c) the Banking System Reform (Separation of Banks) Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 13 May 2019;
   (d) the provisions of the Commonwealth Registers Bill 2019, the Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019, the Business Names Registration (Fees) Amendment (Registries Modernisation) Bill 2019, the Corporations (Fees) Amendment (Registries Modernisation) Bill 2019 and the National Consumer Credit Protection (Fees) Amendment (Registries Modernisation) Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 26 March 2019;
   (e) contingent upon introduction in the Senate, the Environment Legislation Amendment (Protecting Dugongs and Turtles) Bill 2019 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 26 March 2019;
   (f) the Export Control Amendment (Banning Cotton Exports to Ensure Water Security) Bill 2019 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 12 August 2019;
   (g) the reporting date for the referral of the provisions of the Export Finance and Insurance Corporation Amendment (Support for Infrastructure Financing) Bill 2019, which was referred by the Senate to the Foreign Affairs, Defence and Trade Legislation Committee pursuant to the adoption of 15th report of 2018, be amended to 26 March 2019;
   (h) the provisions of the Fair Work Amendment (Right to Request Casual Conversion) Bill 2019 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 26 March 2019;
   (i) the provisions of the Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 1 April 2019;
(j) the provisions of the Treasury Laws Amendment (2019 Measures No. 1) Bill 2019 and the Excise Tariff Amendment (Supporting Craft Brewers) Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 26 March 2019;

(k) the provisions of the Treasury Laws Amendment (2019 Petroleum Resource Rent Tax Reforms No. 1) Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 1 April 2019;

(l) the provisions of the Treasury Laws Amendment (Combating Illegal Phoenixing) Bill 2019 be referred immediately to the Economics Legislation Committee for inquiry and report by 26 March 2019; and

(m) the Water Amendment (Purchase Limit Repeal) Bill 2019 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 26 March 2019.

3. The committee recommends that the following bills not be referred to committees:

Broadcasting Services Amendment (Audio Description) Bill 2019
Defence Legislation Amendment Bill 2018
Major Sporting Events (Indicia and Images) Protection Amendment Bill 2018
Military Rehabilitation and Compensation Amendment (Single Treatment Pathway) Bill 2019
Murray-Darling Basin Commission of Inquiry Bill 2019
National Disability Insurance Scheme Amendment (Worker Screening Database) Bill 2019 (Notwithstanding the adoption of the Committee’s 15th report of 2018)
National Integrity Commission Bill 2018 (No. 2)
Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulations References) Bill 2018
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Regulations References) Bill 2018
Parliamentary Service Amendment (Post-election Report) Bill 2018
Social Services Legislation Amendment (Overseas Welfare Recipients Integrity Program) Bill 2019
Tertiary Education Quality and Standards Agency Amendment Bill 2018
Treasury Laws Amendment (Increasing the Instant Asset Write-Off for Small Business Entities) Bill 2019
Treasury Laws Amendment (Mutual Reforms) Bill 2019
Treatment Benefits (Special Access) Bill 2019
Treatment Benefits (Special Access) (Consequential Amendments and Transitional Provisions) Bill 2019
Wine Australia Amendment (Trade with United Kingdom) Bill 2019.

4. The committee deferred consideration of the following bills to its next meeting:

Aged Care Amendment (Movement of Provisionally Allocated Places) Bill 2019
Australian Cannabis Agency Bill 2018
Australian Sports Anti-Doping Authority Amendment (Enhancing Australia’s Anti-Doping Capability) Bill 2019
Combatting Child Sexual Exploitation Legislation Amendment Bill 2019
5. The committee considered the Telecommunications and Other Legislation Amendment (Miscellaneous Amendments) Bill 2019 but was unable to reach agreement.

Dean Smith
Chair
14 February 2019.

Senator Dean Smith moved—That the report be adopted.

Senator Urquhart moved the following amendment:

At the end of the motion, add “and, in respect of the:

(a) Combatting Child Sexual Exploitation Legislation Amendment Bill 2019, the provisions of the bill be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 22 March 2019; and

(b) Treasury Laws Amendment (Consumer Data Right) Bill 2019, the provisions of the bill be referred immediately to the Economics Legislation Committee for inquiry and report on 30 April 2019”.

The question was divided at the request of Senator Dean Smith—

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

Question—That paragraph (b) of the amendment be agreed to—put.
The Senate divided—

AYES, 31

 Senators—

Bilyk
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Carr
Chisholm
Collins
Di Natale
Dodson
Faruqi

Gallacher
Hanson-Young
Keneally
Ketter
Lines
Marshall
McAllister
McCarthy

McKim
O’Neill
Polley
Pratt
Rice
Siewert
Singh
Smith, David

Steele-John
Sterle
Urquhart*
Waters
Watt
Whish-Wilson
Wong

NOES, 33

 Senators—

Anning
Bernardi
Birmingham
Canavan
Cash
Colbeck
Cormann
Dunnam
Fawcett

F ierravanti-Wells
Fifield
Georgiou
Gichi
Griff
Hinch
Hume
Leyonhjelm

Macdonald
McGrath
McKenzie
Molan
O’Sullivan
Paterson
Patrick
Payne

McGrath
Ruston
Ryan
Seselja
Sinodinos
Smith, Dean*
Stoker
Storer

* Tellers

Question negatived.

Main question, as amended, put and passed.

10 Hours of meeting and routine of business—Variation

The Minister for Finance and the Public Service (Senator Cormann), by leave, moved—That, if by 2 pm on Thursday, 14 February 2019, the following bills have not been finally considered:

Treasury Laws Amendment (Protecting Your Superannuation Package) Bill 2018
Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017
Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Bill 2018
Social Services Legislation Amendment (Supporting Retirement Incomes) Bill 2018
Wine Australia Amendment (Trade with United Kingdom) Bill 2019
Treasury Laws Amendment (2018 Measures No. 5) Bill 2018
Aboriginal Land Rights (Northern Territory) Amendment (Land Scheduling) Bill 2018
Electoral Legislation Amendment (Modernisation and Other Measures) Bill 2018
Industrial Chemicals Bill 2017 and related bills,

(a) the routine of business following consideration of the Prime Minister’s annual report on Closing the Gap shall be government business only;
(b) divisions may take place after 4.30 pm;
(c) if, by 7.30 pm, the bills have not been finally considered, the questions on all remaining stages shall be put without debate;
(d) paragraph (c) of this order shall operate as a limitation of debate under standing order 142; and

(e) the question for the adjournment of the Senate shall be proposed after it has completed consideration of the bills listed above, or a motion for the adjournment is moved by a minister, whichever is the earlier.

Question put and passed.

11 Order of business—Rearrangement

The Assistant Minister for International Development and the Pacific (Senator Ruston) moved—That—

(a) the following government business orders of the day be considered from 12.45 pm today:
   Social Services and Other Legislation Amendment (Supporting Retirement Incomes) Bill 2018
   Parliamentary Service Amendment (Post-election Report) Bill 2018
   Defence Legislation Amendment Bill 2018
   No. 4 Major Sporting Events (Indicia and Images) Protection Amendment Bill 2018
   Wine Australia Amendment (Trade with United Kingdom) Bill 2019
   Tertiary Education Quality and Standards Agency Amendment Bill 2018; and

(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question put and passed.

12 Notices of motion withdrawn

Notices of motion withdrawn: Senator Dean Smith, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams) and pursuant to notice of intention given on 13 February 2019, withdrew business of the Senate notices of motion standing in the name of Senator Williams, as follows:

Business of the Senate notices of motion nos 1 and 2 for 4 sitting days after today for the disallowance of the following instruments:
   English Language Proficiency Assessments Exemption 2018 [F2018L01214],
   Number of Cabin Attendants (Alliance Airlines) Direction 2018 [F2018L01244].

Business of the Senate notices of motion nos 1 and 2 for 13 sitting days after today for the disallowance of the following instruments:
   Industry Research and Development (Artificial Intelligence Capability Program) Instrument 2018 [F2018L01419].
   Inspector-General of the Australian Defence Force Amendment Regulations 2018 [F2018L01428].

13 Postponement

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Cameron for today, proposing the disallowance of the Fair Work Amendment (Casual Loading Offset) Regulations 2018, postponed till 2 April 2019.
14 **Committees—Extensions of time to report**

The following committees were granted extensions of time to report:

- Environment and Communications References Committee—Australian content on broadcast, radio and streaming services, extended to 26 March 2019.
- Procedure—Standing Committee—
  - Formal business, extended to 3 April 2019.
  - Parliamentary Code of Conduct, extended to 3 April 2019.

15 **Legal and Constitutional Affairs Legislation Committee—Leave to meet during sitting**

Senator Dean Smith, by leave and at the request of the Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), moved—That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question put and passed.

16 **Notice of motion withdrawn**

Senator Urquhart, at the request of Senator Collins, withdrew general business notice of motion no. 1378 standing in the name of Senator Collins for today, relating to consideration of the Treasury Laws Amendment (2018 Measures No. 5) Bill 2018.

17 **University publishing**

Senator Carr, also on behalf of Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1407—That the Senate—

(a) notes:

(i) the decision of the University of Melbourne Council to change the focus of Melbourne University Press away from its current 70% academic, 30% trade model, to a more narrow academic publisher of research in approved areas, and

(ii) with concern, that this will result in Melbourne University Press no longer continuing to publish serious, topical and popular books of political, social and cultural significance, from both the academy and public thinkers and writers; and

(b) calls on Australian universities to consider a contribution to a national, non-partisan publishing endeavour so that the nation continues to have a strong, independent voice with a mandate to publish books in the public interest, through consortia similar to a funding model like that behind *The Conversation*.

Question put and passed.
18 Legal and Constitutional Affairs References Committee—Reference

Senator Urquhart, at the request of Senators Pratt and Storer and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 8 April 2019:

The ability of consumers and small businesses to exercise their legal rights through the justice system, and whether there are fair, affordable and appropriate resolution processes to resolve disputes with financial service providers, in particular the big four banks considering:

(a) whether the way in which banks and other financial service providers have used the legal system to resolve disputes with consumers and small businesses has reflected fairness and proportionality, including:
   (i) whether banks and other financial service providers have used the legal system to pressure customers into accepting settlements that did not reflect their legal rights,
   (ii) whether banks and other financial service providers have pursued legal claims against customers despite being aware of misconduct by their own officers or employees that may mitigate those claims, and
   (iii) whether banks generally have behaved in a way that meets community standards when dealing with consumers trying to exercise their legal rights;

(b) the accessibility and appropriateness of the court system as a forum to resolve these disputes fairly, including:
   (i) the ability of people in conflict with a large financial institution to attain affordable, quality legal advice and representation,
   (ii) the cost of legal representation and court fees,
   (iii) costs risks of unsuccessful litigation, and
   (iv) the experience of participants in a court process who appear unrepresented;

(c) the accessibility and appropriateness of the Australian Financial Complaints Authority (AFCA) as an alternative forum for resolving disputes including:
   (i) whether the eligibility criteria and compensation thresholds for AFCA warrant change,
   (ii) whether AFCA has the powers and resources it needs,
   (iii) whether AFCA faces proper accountability measures, and
   (iv) whether enhancement to their test case procedures, or other expansions to AFCA’s role in law reform, is warranted;

(d) the accessibility of community legal centre advice relating to financial matters; and

(e) any other related matters.

Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put and passed.
19 Australian Sports Anti-Doping Authority Amendment (Enhancing Australia’s Anti-Doping Capability) Bill 2019

The Assistant Minister for International Development and the Pacific (Senator Ruston), at the request of the Minister for Regional Services, Sport, Local Government and Decentralisation (Senator McKenzie) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—That the following bill be introduced:

A Bill for an Act to amend the Australian Sports Anti-Doping Authority Act 2006, and for related purposes.

Question put and passed.

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

Explanatory memorandum: Senator Ruston tabled an explanatory memorandum relating to the bill.

Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 2 April 2019.

20 Hours of meeting and routine of business—Variation

The Assistant Minister for International Development and the Pacific (Senator Ruston), at the request of the Minister for Communications and the Arts (Senator Fifield) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the hours of meeting for Tuesday, 2 April 2019 be from midday to 6.30 pm and 8.30 pm to adjournment and that the routine of business from 8.30 pm shall be:

(a) Budget statement and documents 2019-20; and

(b) adjournment.

Question put and passed.

21 Captain James Cook—240th anniversary of death

Senator McGrath, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1348—That the Senate—

(a) recognises the remarkable life and achievements of Captain James Cook, FRS, who:

(i) was commissioned in 1768 as Commander of the Endeavour for the first of three globe spanning Pacific voyages,

(ii) of particular note, and on his first voyage, observed the 1769 transit of Venus across the Sun, sailed to and mapped the coastline of New Zealand, and on 19 April 1770 reached the south eastern coast of what was to be later known as Australia – the first recorded encounter of a European on the eastern Australian coastline,

(iii) proceeded to map the eastern coastline of Australia, which was vital for the expeditions that followed, and

(iv) continued to explore Australia and New Zealand, mapping the coastline and establishing British sovereignty over the region.

(b) acknowledges the significance of Captain James Cook’s voyages in the exploration and understanding of the Pacific region.

(c) recognises the contributions of Captain James Cook to the development of Australia, including the discovery of Australia and New Zealand, the establishment of British sovereignty and the contribution to scientific knowledge.

(d) commends the leadership and contribution of Captain James Cook to the advancement of exploration and discovery in the Pacific region.

Question put and passed.
was renowned for his superior seamanship, his navigation and cartography skills, his modesty, and for the loyalty he elicited from his crew;

(b) notes that on his third voyage, Captain Cook was killed at Kealakekua Bay, in the Hawaiian Islands, on 14 February 1779;

(c) further notes that, in an era of great explorers and navigators, Captain Cook was first amongst equals; and

(d) commemorates on this day, the 240th anniversary of Captain James Cook’s death, the life of Captain Cook, the significant legacy of scientific and geographical knowledge that he left following his passing, and the significant role he played laying the groundwork for the establishment of our great nation.

Statement by leave: Senator Siewert, by leave, made a statement relating to the motion. Question put and passed.

22 Higher Education Legislation Amendment (Voluntary Student Services and Amenities Fee) Bill 2019

Senator McGrath, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1355—That the following bill be introduced:

A Bill for an Act to prevent higher education providers charging a mandatory student services and amenities fee, and for related purposes.

Question put and passed.

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

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

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

23 Drought, fires and floods—Relief assistance for victims

Motion determined as not formal: The Leader of Pauline Hanson’s One Nation (Senator Hanson) requested that general business notice of motion no. 1360 standing in her name for today, relating to drought relief, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Leave refused: Senator Hanson and the Assistant Minister for International Development and the Pacific (Senator Ruston) sought leave to make statements relating to the motion. Objections were raised and leave was not granted.
24 Violence, abuse and neglect of disabled people—Establishment of a Royal Commission

Senator Steele-John, also on behalf of Senators Brown and Griff, amended general business notice of motion no. 1364 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—

(1) That the Senate—
(a) notes that:
(i) despite the hard-won progress of the disability rights movement, disabled Australians continue to be subjected to discrimination and are routinely denied the rights guaranteed them under international law,
(ii) this discrimination creates and sustains the barriers to employment, education, transport, social and political participation experienced by disabled Australians and, most concerning, manifests itself in horrific violence, abuse and neglect to which they are subjected, and
(iii) from July to September 2018, over 184 incidents of abuse and neglect were reported to the NDIS Quality and Safeguards Commission (the Commission) – the Commission has also released data that shows in the same three months it received 62 reports of expected and unexpected deaths, 91 reports of injuries, 34 complaints against individual staff or service providers and 75 cases of unauthorised restrictive practices; and
(b) calls on the Government to request His Excellency the Governor-General of the Commonwealth of Australia issue Letters Patent to establish a royal commission to inquire into violence, abuse and neglect of people with a disability.

(2) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put.
The Senate divided—

**AYES, 35**

Senators—

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25 Environment Legislation Amendment (Protecting Dugongs and Turtles) Bill 2019

The Leader of Derryn Hinch’s Justice Party (Senator Hinch), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1368—That the following bill be introduced:


Question put and passed.

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

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

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

Reference to committee: Pursuant to order (see entry no. 9), the bill was referred to the Environment and Communications Legislation Committee for inquiry and report by 26 March 2019.

26 Climate change—Pacific region

Motion determined as not formal: Senator Singh requested that general business notice of motion no. 1370 standing in her name for today, relating to climate change in the Pacific region, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

27 Murray-Darling Basin

Senator Storer amended general business notice of motion no. 1374 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) the Murray-Darling Basin needs more water to ensure its survival, the latest evidence of this being the fish-kills at Menindee Lakes,

(ii) the management of the Murray-Darling Basin requires urgent reform,
(iii) the Murray-Darling Basin Royal Commission delivered its findings on 29 January 2019, including recommendations to:

(A) improve transparency by ‘requiring real-time data sharing and publication on water extractions’;
(B) abolish the water buybacks cap of 1500 gigalitres, and
(C) undertake further research into return flows so that we know the effects of irrigation efficiency projects, and

(iv) the Productivity Commission delivered its findings to the Federal Government on 19 December 2018, pointing out that:

(A) the Murray-Darling Basin Authority’s twin roles as overseer of the Plan and its regulator are ‘conflicted and the conflicts will intensity in the next five years’, and
(B) structural separation of the Murray-Darling Basin Authority into a Basin Plan Regulator and Murray-Darling Basin Agency is required to ensure effective implementation of the Plan; and

(b) calls on the Federal Government to:

(i) immediately respond to each and every recommendation proposed by the Murray-Darling Basin Royal Commission and the Productivity Commission’s review of the Murray-Darling Basin Plan, and

(ii) proceed with the structural separation of the Murray-Darling Basin Authority, as proposed by the Productivity Commission.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston) and the Leader of Pauline Hanson’s One Nation (Senator Hanson), by leave, made statements relating to the motion.

The question was divided at the request of Senator Hanson—

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

The Senate divided—

AYES, 38

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NOES, 27

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* Tellers

Question agreed to.
Question—That subparagraph (b)(i) of the motion be agreed to—put.
The Senate divided—

**AYES, 34**

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* Tellers

Question agreed to.

Question—That subparagraph (b)(ii) of the motion be agreed to—put.
The Senate divided—

**AYES, 34**

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* Tellers

Question agreed to.
28 Association for the Conservation of Threatened Parrots—Permission to export birds—Order for production of documents
Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1381—That—

(a) the Senate notes that:

(i) the German-based Association for the Conservation of Threatened Parrots (ACTP) received permission to export 232 birds between 2015 and November 2018 for exhibition purposes,

(ii) among the birds exported were endangered Carnaby’s black cockatoos, vulnerable Baudin’s black cockatoos, naretha bluebonnets, gang-gang cockatoos and mutation varieties of king parrots and galahs,

(iii) the legal import and export of rare and endangered birds is governed by the 1975 Convention on International Trade in Endangered Species (CITES), of which Australia and Germany are signatories, and

(iv) the ACTP has no facilities freely open to the public; and

(b) there be laid on the table by the Minister representing the Minister for the Environment, by 15 February 2019, all documents and correspondence, including meeting minutes, that set out the owners of parrots that were supplied for the ACTP prior to the consignment being collated for export.

Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put.
The Senate divided—

AYES, 36

Senators—

Anning
Brown
Burston
Carr
Chisholm
Collins
Di Natale
Dodson
Farrell

Faruqi
Gallacher
Georgiou
Griff
Hanson
Hanson-Young
Hinch
Keneally
Lines

Marshall
McAllister
McCarthy
McKim
O’Neill
Patrick
Polley
Rice
Siewert

Singh
Smith, David
Steele-John
Sterle
Storer
Urqhart*
Waters
Whish-Wilson

NOES, 24

Senators—

Birmingham
Brockman
Canavan
Cash
Colbeck
Duniam

Fierravanti-Wells
Fifield
Gichuhi
Hume
Leyonhjelm
Macdonald

McGrath
Molan
O’Sullivan
Paterson
Payne
Reynolds

Ruston
Ryan
Seselja
Simdos
Smith, Dean*
Stoker

*Tellers

Question agreed to.
29 **Royal Commission into Institutional Responses to Child Sexual Abuse—Joint Select Committee—Extension of time to report**

The Chair of the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (Senator Hinch), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1401—that—

(a) the time for the presentation of the report of the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse be extended to 2 April 2019; and

(b) a message be forwarded to the House of Representatives seeking the concurrence of the House in this variation to the resolution of appointment of the committee.

Question put and passed.

30 **Gene Technology Regulations 2001—Proposed amendments—Draft advice—Order for production of documents**

Senator Rice amended general business notice of motion no. 1385 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—that there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, by no later than 9.30 am on 18 February 2019: draft advice issued to states and territories by the Department of Agriculture and Water Resources in relation to proposed amendments to the Gene Technology Regulations 2001, discussed at the Legislative and Governance Forum on Gene Technology meeting in October 2018.

*Statement by leave:* The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put.

The Senate divided—

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Question agreed to.

31 **Collapse of Queensland Nickel**

*Motion determined as not formal:* The Leader of Pauline Hanson’s One Nation (Senator Hanson) requested that general business notice of motion no. 1388 standing in her name for today, relating to Queensland Nickel, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

*Leave refused:* Senator Hanson sought leave to make a statement relating to the motion. An objection was raised and leave was not granted.

*Proposed suspension of standing orders:* Senator Hanson moved—that so much of the standing orders be suspended as would prevent the motion being moved immediately and determined without amendment or debate.

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

The Senate divided—

**AYES, 17**

Senators—

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**NOES, 45**

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Question negatived.

*Statement by leave:* The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.
After 12.45 pm—

32 Social Services and Other Legislation Amendment (Supporting Retirement Incomes) Bill 2018
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 534, dated 13 February 2019—A Bill for an Act to amend the law relating to social security and veterans’ entitlements, and for related purposes.
The Assistant Minister for International Development and the Pacific (Senator Ruston) moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
On the motion of Senator Ruston the bill was debated and read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Ruston the bill was read a third time.

33 Parliamentary Service Amendment (Post-election Report) Bill 2018
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
The Assistant Minister for International Development and the Pacific (Senator Ruston) moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
On the motion of Senator Ruston the bill was debated and read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Ruston the bill was read a third time.

34 Defence Legislation Amendment Bill 2018
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 533, dated 13 February 2019—A Bill for an Act to amend the law relating to defence, and for related purposes.
The Assistant Minister for International Development and the Pacific (Senator Ruston) moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
On the motion of Senator Ruston the bill was debated and read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Ruston the bill was read a third time.

35 **Major Sporting Events (Indicia and Images) Protection Amendment Bill 2018**
Order of the day read for the adjourned debate on the motion of the Assistant Minister for International Development and the Pacific (Senator Ruston)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Ruston the bill was read a third time.

36 **Wine Australia Amendment (Trade with United Kingdom) Bill 2019**
Order of the day read for the adjourned debate on the motion of the Assistant Minister for International Development and the Pacific (Senator Ruston)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of Senator Ruston the bill was read a third time.

37 **Order of business—Rearrangement**
The Assistant Minister for International Development and the Pacific (Senator Ruston) moved—That—
(a) the government business order of the day relating to Telecommunications and Other Legislation Amendment (Miscellaneous Amendments) Bill 2019 be postponed till the next day of sitting; and
(b) intervening business be postponed till after consideration of government business order of the day no. 3 (Treasury Laws Amendment (Protecting Your Superannuation Package) Bill 2018).
Question put and passed.

38 **Treasury Laws Amendment (Protecting Your Superannuation Package) Bill 2018**
Order of the day read for the adjourned debate on the motion of the Minister for Trade, Tourism and Investment (Senator Birmingham)—That this bill be now read a second time.
Debate resumed.
At 2 pm: Debate was interrupted while Senator Brockman was speaking.
Minister for Small and Family Business, Skills and Vocational Education—
Statement
Pursuant to order (see entry no. 46, 13 February 2019), the Minister for Small and
Family Business, Skills and Vocational Education (Senator Cash) made a statement
concerning evidence she had given to the 2017-18 supplementary Budget estimates
hearings of the Education and Employment Legislation Committee and the execution
of a search warrant on Australian Workers’ Union premises.

Questions
Questions without notice were answered.

Motions to take note of answers
Senator Cameron moved—That the Senate take note of the answers given by the
Minister for Small and Family Business, Skills and Vocational Education (Senator
Cash) and the Minister for Finance and the Public Service (Senator Cormann) to
questions without notice asked by Opposition senators today relating to the execution
of a search warrant on Australian Workers’ Union premises.
Debate ensued.
Question put and passed.
Senator Faruqi moved—That the Senate take note of the answer given by the Minister
for Resources and Northern Australia (Senator Canavan) to a question without notice
asked by Senator Faruqi today relating to report of the review of the regulatory
capability and culture of the Department of Agriculture and Water Resources in the
regulation of live animal exports.
Question put and passed.

Committee reports and government responses—Tabling and consideration
Pursuant to order, the Chair of the Education and Employment References Committee
(Senator Marshall) tabled the following report and documents:
Education and Employment References Committee—The people behind 000:
mental health of our first responders—Report, dated February 2019, Hansard
record of proceedings, documents presented to the committee, additional
information and submissions.
Senator Marshall moved—That the Senate take note of the report.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

The Chair of the Community Affairs References Committee (Senator Siewert) tabled
the following report:
Community Affairs References Committee—Support for Australia’s thalidomide
Extension of time to report: Senator Siewert moved—That the Senate adopt the
recommendation contained in the interim report to extend the time for the presentation
of the report of the committee to 22 March 2019.
Question put and passed.
Senator Siewert moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Siewert in continuation.

The Chair of the Joint Standing Committee on Electoral Matters (Senator McGrath) tabled the following report:


Senator McGrath moved—That the Senate take note of the report.

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

43 Parliament House incident—Statement by President

The President made a statement relating to an incident between Senator Burston and Mr James Ashby on 13 February 2019.

Statements by leave: Senators Burston and Bernardi and the Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made statements relating to the matter.

44 Committee reports and government responses—Tabling and consideration

Pursuant to order, the Chair of the Select Committee on Charity Fundraising in the 21st Century (Senator Bilyk) tabled the following report and documents:


Senator Bilyk moved—That the Senate take note of the report.

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

Senator Urquhart, at the request of the Chair of the Standing Committee of Privileges (Senator O’Neill), tabled the following report:

Privileges—Standing Committee—173rd report—Person referred to in the Senate: Mr Danny Eid, dated February 2019.

Senator Urquhart moved—That the report be adopted.

Question put and passed.

Response as recommended by the committee incorporated in Hansard accordingly.

Pursuant to order, Senator Whish-Wilson, at the request of the Chair of the Environment and Communications References Committee (Senator Rice), tabled the following report and documents:

Environment and Communications References Committee—Great Barrier Reef 2050 Partnership Program—Report, dated February 2019, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Whish-Wilson moved—That the Senate take note of the report.

Debate adjourned till the next day of sitting, Senator Whish-Wilson in continuation.
Senator Molan, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following reports:


Senator Molan moved—That the Senate take note of the reports.
Debate adjourned till the next day of sitting, Senator Molan in continuation.

The Chair of the Joint Committee of Public Accounts and Audit (Senator Dean Smith) tabled the following reports and documents:

- Public Accounts and Audit—Joint Statutory Committee—
  Executive minutes and responses to the committee recommendations in reports—
  No. 470—Defence sustainment expenditure.

Senator Dean Smith moved—That the Senate take note of the reports.
Debate adjourned till the next day of sitting, Senator Dean Smith in continuation.

Pursuant to order, Senator Urquhart, at the request of the Chair of the Education and Employment References Committee (Senator Marshall), tabled the following report and documents:

- Education and Employment References Committee—Jobactive: failing those it is intended to serve—Report, dated February 2019, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Urquhart moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

Senator Urquhart, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher), tabled the following documents:

- Foreign Affairs, Defence and Trade References Committee—Additional information—
  Impact of Defence training activities and facilities on rural and regional communities—Final report.
  Use of the Quinoline anti-malarial drugs Mefloquine and Tafenoquine in the Australian Defence Force—Report.
Senator Urquhart, on behalf of the Parliamentary Joint Committee on Corporations and Financial Services, tabled the following report and documents:


Senator Urquhart moved—that the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

Senator Urquhart tabled the following report:

Legal and Constitutional Affairs Legislation Committee—Migration Amendment (Strengthening the Character Test) Bill 2018 [Provisions]—Dissenting report from Opposition senators.

Senator Urquhart moved—that the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

Senator Urquhart, at the request of the Chair of the Community Affairs References Committee (Senator Siewert), tabled the following documents:

Community Affairs References Committee—Report—Accessibility and quality of mental health services in rural and remote Australia—Additional information.

Senator Urquhart, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bilyk), tabled the following report:


Senator Urquhart moved—that the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Urquhart in continuation.

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

Scrutiny of Bills—Standing Committee—

Senator Urquhart, on behalf of the Parliamentary Joint Committee on Law Enforcement, tabled the following document:

Senator Urquhart, at the request of the Chair of the Standing Committee of Senators’ Interests (Senator Bilyk), tabled the following document:

Senators’ Interests—Standing Committee—Report—Register of senators’ interests incorporating statements of registrable interests and notifications of alterations lodged between 1 July and 31 December 2018—Corrigendum.

45 **Australian parliamentary delegation to Mexico and Peru—Document**

Senator Urquhart, by leave, tabled the following document:

Mexico and Peru—Report of the Australian parliamentary delegation, 22 September to 1 October 2018.

46 **Australian parliamentary delegation to Democratic Republic of Timor-Leste—Document**

Senator Urquhart, by leave, tabled the following document:

Democratic Republic of Timor-Leste—Report of the Australian parliamentary delegation, 28 October to 1 November 2018.

47 **Australian parliamentary delegation to New Zealand and Canada—Document**

Senator Urquhart, by leave, tabled the following document:


48 **Committee reports and government responses—Tabling and consideration**

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

Foreign Affairs, Defence and Trade References Committee—United Nations Sustainable Development Goals (SDG)—Report, dated February 2019, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

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

Senator Dean Smith, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following reports:

Intelligence and Security—Joint Statutory Committee—


Senator Dean Smith moved—that the Senate take note of the reports.

Debate adjourned till the next day of sitting, Senator Dean Smith in continuation.
Senator Dean Smith, at the request of the Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), tabled the following reports:

Regulations and Ordinances—Standing Committee—
Senator Dean Smith moved—That the Senate take note of the reports.
Debate adjourned till the next day of sitting, Senator Dean Smith in continuation.

Senator Dean Smith on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following reports:

Human Rights—Joint Statutory Committee—
Senator Dean Smith moved—That the Senate take note of the reports.
Debate adjourned till the next day of sitting, Senator Dean Smith in continuation.

Senator Dean Smith, at the request of the chairs of the respective committees, tabled the following documents:

Additional estimates 2016-17—Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 14 June 2017 and 4 December 2018—Defence portfolio.
Additional estimates 2017-18—Finance and Public Administration Legislation Committee—Additional information received on 11 December 2018—Prime Minister and Cabinet portfolio.
Budget estimates 2018-19—
Community Affairs Legislation Committee—Additional information—
Department of Human Services.
Health portfolio.
Social Services portfolio.
Finance and Public Administration Legislation Committee—Additional information received between 24 August and 15 October 2018—
Indigenous matters across portfolios.
Prime Minister and Cabinet portfolio.
Budget estimates 2018-19 (Supplementary)—
Finance and Public Administration Legislation Committee—Hansard record of proceedings, documents presented to the committee and additional information.
Foreign Affairs, Defence and Trade Legislation Committee—
Additional information received between 5 December 2018 and 12 February 2019—
Defence portfolio.
Foreign Affairs and Trade portfolio.
Hansard record of proceedings, documents presented to the committee and additional information.
Senator Dean Smith, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following report:


Senator Dean Smith moved—That the Senate take note of the report.
Debate adjourned till the next day of sitting, Senator Dean Smith in continuation.

Senator Dean Smith, at the request of the Chair of the Community Affairs Legislation Committee (Senator Gichuhi), tabled the following document:


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


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

Legal and Constitutional Affairs Legislation Committee—Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018—Report, dated February 2019, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Pursuant to order, Senator Dean Smith, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Abetz), tabled the following report and documents:

Foreign Affairs, Defence and Trade Legislation Committee—Defence Amendment (Sovereign Naval Shipbuilding) Bill 2018—Report, dated February 2019, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Dean Smith tabled the following documents:


Foreign Affairs, Defence and Trade References Committee—Report—Australia’s trade and investment relationships with the countries of Africa—Government response, dated February 2019.

Senator Dean Smith moved—That the Senate take note of the documents.

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

49 Estimates of proposed additional expenditure for 2018-19—Portfolio additional estimates statement—Department of Parliamentary Services—Document
The Acting Deputy President (Senator Marshall) tabled the following document:

Estimates of proposed expenditure for 2018-19—Portfolio additional estimates statements—Department of Parliamentary Services.

50 Particulars of proposed additional expenditure—2018-19—Documents
The Assistant Minister for Treasury and Finance (Senator Seselja) tabled the following documents:

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2019 [Appropriation Bill (No. 3) 2018-2019].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2019 [Appropriation Bill (No. 4) 2018-2019].

Particulars of proposed additional expenditure in relation to the Parliamentary Departments in respect of the year ending on 30 June 2019 [Appropriation (Parliamentary Departments Bill (No. 2) 2018-2019).

Senator Seselja, by leave, moved—That—

(a) the documents, together with the final budget outcome 2017-18 (see entry no. 2, 15 October 2018) and the advances under the annual Appropriation Acts for 2017-18 (see entry no. 2, 13 February 2019), be referred to committees for examination and report; and

(b) consideration of the advances provided under the annual Appropriation Acts be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question put and passed.
Estimates of proposed additional expenditure for 2018-19—Portfolio additional estimates statements—Portfolios and executive departments—Documents

The Assistant Minister for Treasury and Finance (Senator Šeselja) tabled the following documents:

Estimates of proposed additional expenditure for 2018-19—Portfolio additional estimates statements—Portfolios and executive departments—
- Agriculture and Water Resources portfolio.
- Attorney-General’s portfolio.
- Communications and the Arts portfolio.
- Defence portfolio.
- Department of Human Services.
- Department of Veterans’ Affairs.
- Education and Training portfolio.
- Environment and Energy portfolio.
- Finance portfolio.
- Foreign Affairs and Trade portfolio.
- Health portfolio.
- Home Affairs portfolio.
- Industry, Innovation and Science portfolio.
- Infrastructure and Regional Development portfolio.
- Jobs and Small Business portfolio.
- Prime Minister and Cabinet portfolio.
- Social Services portfolio.
- Treasury portfolio.

Closing the gap report—Ministerial statement—Documents

The Minister for Indigenous Affairs (Senator Scullion) tabled the following documents:

Closing the Gap report—
- Ministerial statement by the Prime Minister (Mr Morrison), dated 14 February 2019
- Prime Minister’s report 2019.

Senator Scullion moved—That the Senate take note of the documents.
Debate ensued.
Debate adjourned till the next day of sitting, Senator Paterson in continuation.

Senator Collins—Imminent retirement—Statement by leave

Senator Collins, by leave, made a statement relating to her imminent retirement.

Senator Canavan—Acquisition of interests by family members—Statement by leave

The Minister for Resources and Northern Australia (Senator Canavan), by leave, made a statement relating to the recent acquisition by members of his family of interests in a coal mine.
55 Explanatory memoranda

The Assistant Minister for Treasury and Finance (Senator Seselja) tabled the following documents:

Supplementary explanatory memoranda—

Electoral Legislation Amendment (Modernisation and Other Measures) Bill 2018.
Industrial Chemicals Charges (Customs) Bill 2017.
Industrial Chemicals Charges (Excise) Bill 2017.
Industrial Chemicals Charges (General) Bill 2017.
Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 [2].

56 Treasury Laws Amendment (Protecting Your Superannuation Package) Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for Trade, Tourism and Investment (Senator Birmingham)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

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

In the committee

Bill taken as a whole by leave.

The Minister for Finance and the Public Service (Senator Cormann) withdrew the amendments to the bill circulated by the Government.

Senator O’Neill moved the following amendments together by leave:

Schedule 2, page 10 (before line 5), before item 1, insert:

1A Subsection 10(1) (after paragraph (h) of the definition of reviewable decision)

Insert:

(haa) a decision of the Regulator refusing to make a declaration under section 68AADC; or

Schedule 2, item 1, page 10 (line 14), omit “13”, substitute “16”.
Schedule 2, item 1, page 10 (line 19), omit “13”, substitute “16”.
Schedule 2, item 1, page 10 (line 28), omit “13”, substitute “16”.
Schedule 2, item 1, page 11 (line 8), omit “13”, substitute “16”.
Schedule 2, item 1, page 11 (line 11), omit “13”, substitute “16”.
Schedule 2, item 1, page 12 (line 14), omit “1 April”, substitute “1 October”.


Schedule 2, item 1, page 14 (after line 28), after section 68AAD, insert:

**68AADA Sections 68AAB and 68AAC do not apply if section 68AADC declaration in force**

Sections 68AAB and 68AAC do not apply in relation to a kind of member of a regulated superannuation fund if a section 68AADC declaration specifying that kind of member of the fund is in force.

**68AADB Application for section 68AADC declaration**

(1) A trustee of a regulated superannuation fund may apply to the Regulator for a written declaration that sections 68AAB and 68AAC do not apply in relation to a specified kind of member of the fund.

(2) The application must:
   (a) be in writing; and
   (b) be in a form approved, in writing, by the Regulator.

**68AADC Declaration that sections 68AAB and 68AAC do not apply**

(1) On receiving an application under section 68AADB for a written declaration that sections 68AAB and 68AAC do not apply in relation to a specified kind of member of a regulated superannuation fund, the Regulator must decide:
   (a) to make the declaration; or
   (b) to refuse to make the declaration.

(2) The Regulator must not make the declaration unless the Regulator is satisfied that if the fund were to provide a benefit to, or in respect of, a member of the specified kind under a choice product or MySuper product held by the member by taking out or maintaining insurance, doing so would:
   (a) be consistent with the fund’s insurance management framework (however described); and
   (b) not unreasonably erode the retirement savings of a member of that kind; and
   (c) either:
      (i) represent exceptionally good value for money for a member of that kind; or
      (ii) meet a need for insurance of a member of that kind, having regard to the matters specified in subsection (3).

(3) The following matters are specified for the purposes of subparagraph (2)(c)(ii):
   (a) the level of workplace, occupational or other risk faced by a member of that kind;
   (b) the extent and nature of the financial commitments, including commitments to dependents, of a member of that kind;
   (c) any other matter advanced by the applicant consistently with the fund’s obligations to its members.

(4) If the Regulator decides to refuse to make the declaration, the Regulator must give the applicant a written notice setting out the decision and the reasons for it.

(5) A declaration made under subsection (1) is not a legislative instrument.
Schedule 2, item 3, page 16 (line 4), omit “1 July 2019”, substitute “1 January 2020”.

Schedule 2, item 3, page 16 (line 14), omit “1 April”, substitute “1 October”.

Schedule 2, item 3, page 16 (line 18), omit “1 May”, substitute “1 November”.

Schedule 2, item 3, page 16 (line 22), omit “1 July 2019”, substitute “1 January 2020”.

Schedule 2, item 3, page 16 (line 25), omit “13”, substitute “16”.

Schedule 2, item 3, page 16 (line 33), omit “13”, substitute “16”.

Schedule 2, item 3, page 17 (line 11), omit “1 April”, substitute “1 October”.

Schedule 2, item 4, page 17 (line 26), omit “1 July 2019”, substitute “1 January 2020”.

Schedule 2, item 4, page 17 (line 28), omit “1 April”, substitute “1 October”.

Schedule 2, item 4, page 17 (line 32), omit “1 April”, substitute “1 October”.

Schedule 2, item 4, page 18 (line 1), omit “1 May”, substitute “1 November”.

Schedule 2, item 4, page 18 (line 5), omit “1 July 2019”, substitute “1 January 2020”.

Schedule 2, item 4, page 18 (line 10), omit “1 April”, substitute “1 October”.

Schedule 2, item 4, page 18 (line 28), omit “1 April”, substitute “1 October”.

Schedule 2, item 4, page 19 (line 5), omit “1 April”, substitute “1 October”.

Schedule 2, item 4, page 19 (line 9), omit “1 April”, substitute “1 October”.

Schedule 2, item 4, page 19 (line 12), omit “1 July 2019”, substitute “1 January 2020”.

Schedule 2, item 4, page 19 (line 15), omit “1 April”, substitute “1 October”.

Schedule 2, item 5, page 19 (lines 34 and 35), omit “1 July 2019”, substitute “1 January 2020”.

Schedule 3, item 21, page 25 (lines 12 and 13), omit the definition of inactivelow-balance account in section 8, substitute:

inactive low-balance account: see subsections 20QA(1) and (1A).

Schedule 3, item 30, page 27 (line 13), omit “13”, substitute “16”.

Schedule 3, item 30, page 28 (line 2), omit “13”, substitute “16”.

Schedule 3, item 30, page 28 (after line 15), after subsection 20QA(1), insert:

(1A) However, an account in a fund that is a regulated superannuation fund is taken not to be an inactive low-balance account if:
(a) the account is held on behalf of a member of the fund; and
(b) any of the following occurred in relation to the member in the last 16 months:
    (i) the member changed the member’s investment options under the fund;
    (ii) the member made changes in relation to the member’s insurance coverage under the fund;
    (iii) the member made or amended a binding beneficiary nomination;
    (iv) the member, by written notice given to the Regulator, declared that the member was not a member of an inactive low-balance account;
(v) the superannuation provider was owed an amount in respect of the member.

Schedule 3, item 32, page 42 (line 19), after “must”, insert “, within 28 days of becoming satisfied as mentioned in paragraph (1)(b),”.

Schedule 3, item 32, page 42 (lines 27 to 29), omit paragraph 24NA(2)(d).

Schedule 3, item 32, page 42 (line 34), omit “(c), (d) and (e)”, substitute “(c) and (e)”.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

**AYES, 24**

Bilyk
Burston
Cameron
Carr
Chisholm
Dodson
Farrell
Gallacher
Hinch
Keneally
Ketter
Kitching
Lines
McAllister
McCarthy
Moore
O’Neill
Polley
Pratt
Smith, David
Storer
Watt*
Wong

**NOES, 38**

Bernardi
Birmingham
Brockman
Canavan
Colbeck
Cormann
Di Natale
Duniam
Faruqi
Fawcett
Jim Watters
Kitching
Ketter
McAllister
McCarthy
Moore
O’Neill
Polley
Reynolds
Rice
Ruston
Ryan
McGrath

* Tellers

Question negatived.

Senator Whish-Wilson withdrew amendments circulated by the Australian Greens.

Question—That the bill stand as printed—divided, at the request of Senator Whish-Wilson, in respect of sections 68AAB and 68AAC in item 1 and items 4 and 5 of Schedule 2.

Limitation of debate: The time allotted for the consideration of the bill and 11 other bills expired.

Question—That sections 68AAB and 68AAC in item 1 and items 4 and 5 of Schedule 2 stand as printed—put.

The committee divided—

**AYES, 3**

Bernardi
Griff*
Patrick

* Tellers
Sections and items negatived.

The following amendments circulated by the Australian Greens were agreed to:

<table>
<thead>
<tr>
<th>Section</th>
<th>Item</th>
<th>Page</th>
<th>Line</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule 2, item 1</td>
<td>page 10 (line 14)</td>
<td>10</td>
<td>14</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 2, item 1</td>
<td>page 10 (line 19)</td>
<td>10</td>
<td>19</td>
<td>omit “13”, substitute “16”.</td>
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<td>Schedule 2, item 1</td>
<td>page 10 (line 28)</td>
<td>10</td>
<td>28</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 2, item 1</td>
<td>page 11 (line 8)</td>
<td>11</td>
<td>8</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 2, item 1</td>
<td>page 11 (line 11)</td>
<td>11</td>
<td>11</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 2, item 1</td>
<td>page 14 (line 25)</td>
<td>14</td>
<td>25</td>
<td>omit “Sections 68AAA, 68AAB and 68AAC do”, substitute “Section 68AAA does”.</td>
</tr>
<tr>
<td>Schedule 2, item 1</td>
<td>page 14 (line 27)</td>
<td>14</td>
<td>27</td>
<td>omit “Sections 68AAA, 68AAB and 68AAC do”, substitute “Section 68AAA does”.</td>
</tr>
<tr>
<td>Schedule 2, item 2</td>
<td>page 15 (lines 22 and 23)</td>
<td>15</td>
<td>22</td>
<td>omit the heading to subsection 68AAA(8A), substitute:</td>
</tr>
<tr>
<td><strong>Inactive accounts</strong></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Schedule 2, item 2</td>
<td>page 15 (line 28)</td>
<td>15</td>
<td>28</td>
<td>omit “, 68AAB or 68AAC”.</td>
</tr>
<tr>
<td>Schedule 2, item 2</td>
<td>page 15 (line 33)</td>
<td>15</td>
<td>33</td>
<td>omit “, 68AAB or 68AAC”.</td>
</tr>
<tr>
<td>Schedule 2, item 3</td>
<td>page 16 (line 25)</td>
<td>16</td>
<td>25</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 2, item 3</td>
<td>page 16 (line 33)</td>
<td>16</td>
<td>33</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 2, item 6</td>
<td>page 20 (line 5)</td>
<td>20</td>
<td>5</td>
<td>omit “items 3 and 4”, substitute “item 3”.</td>
</tr>
<tr>
<td>Schedule 3, item 21</td>
<td>page 25 (lines 12 and 13)</td>
<td>25</td>
<td>12</td>
<td>omit the definition of <strong>inactive low-balance account</strong> in section 8, substitute:</td>
</tr>
<tr>
<td><strong>inactive low-balance account</strong>: see subsections 20QA(1) and (1A).</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schedule 3, item 30</td>
<td>page 27 (line 13)</td>
<td>30</td>
<td>13</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 3, item 30</td>
<td>page 27 (line 29 to 34)</td>
<td>30</td>
<td>29</td>
<td>omit subparagraph 20QA(1)(a)(ix).</td>
</tr>
<tr>
<td>Schedule 3, item 30</td>
<td>page 28 (line 2)</td>
<td>30</td>
<td>2</td>
<td>omit “13”, substitute “16”.</td>
</tr>
<tr>
<td>Schedule 3, item 30</td>
<td>page 28 (after line 15), after subsection 20QA(1), insert:</td>
<td>30</td>
<td></td>
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</tr>
<tr>
<td><strong>(1A) However, an account in a fund that is a regulated superannuation fund is taken not to be an inactive low-balance account if:</strong></td>
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<tr>
<td>(a) the account is held on behalf of a member of the fund; and</td>
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</tbody>
</table>
(b) any of the following occurred in relation to the member in the last 16 months:
(i) the member changed the member’s investment options under the fund;
(ii) the member made changes in relation to the member’s insurance coverage under the fund;
(iii) the member made or amended a binding beneficiary nomination;
(iv) the member, by written notice given to the Commissioner, declared that the member was not a member of an inactive low-balance account;
(v) the superannuation provider was owed an amount in respect of the member.

Schedule 3, item 30, page 28 (line 21), omit “(v), (viii) and (ix)”, substitute “(v) and (viii)”.

Schedule 3, item 32, page 42 (after line 18), after subsection 24NA(1), insert:

(1A) The Commissioner must pay the superannuation amount in accordance with subsection (2) within 28 days after the Commissioner is satisfied it is possible to pay that amount in accordance with that subsection.

Bill reported with amendments.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

57 Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017

Limitation of debate: The time allotted for the consideration of the bill expired (see entry no. 10).

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

Senator O’Neill, by leave, withdrew amendments circulated by the Opposition.

The following amendments circulated by the Opposition were considered:

Schedule 5, page 22 (after line 8), after item 2, insert:

2A Subsection 10(1) (definition of connected entity)

Repeal the definition, substitute:

connected entity, in relation to an RSE licensee of a registrable superannuation entity, means:
(a) an associated entity (within the meaning of the Corporations Act 2001) of the RSE licensee; and
(b) if the RSE licensee is a group of individual trustees—an entity that has the capacity to determine or influence decisions made by one or more members of the group in relation to the registrable superannuation entity; and
(c) any other entity of a kind prescribed by the regulations.
Schedule 5, item 11, page 23 (after line 24), after paragraph 131D(1)(c), insert:

(ca) the RSE licensee, or the registrable superannuation entity of the RSE licensee, has failed to meet a benchmark that relates to the licensee or entity; or

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 32

Senators—

Bilyk  Faruqi  McAllister  Singh
Brown  Gallacher  McCarthy  Smith, David
Burston  Hanson-Young  McKim  Steele-John
Cameron  Hinch  Moore  Storer
Carr  Keneally  O’Neill  Waters
Di Natale  Ketter  Pratt  Watt*
Dodson  Kitching  Rice  Whish-Wilson
Farrell  Lines  Siewert  Wong

NOES, 29

Senators—

Bernardi  Fierravanti-Wells  Martin  Ruston
Birmingham  Fifield  McGrath  Ryan
Brockman  Gichuhi  McKenzie  Scullion
Canavan  Griff  Molan  Seselja
Colbeck  Hume  Paterson  Smith, Dean
Cormann  Leyonhjelm  Patrick  Stoker
Duniam  Macdonald  Reynolds  Williams*
Fawcett

* Tellers

Question agreed to.

The following amendments circulated by the Government and amendments to those amendments circulated by the Opposition were considered:

Amendments circulated by the Government:

No. 1—Clause 2, page 2 (table item 4), omit “7 and 8”, substitute “7, 8 and 9”.

No. 2—Schedule 1, page 3 (line 1) to page 5 (line 8), omit the Schedule, substitute:

Schedule 1—Annual outcomes assessment

Superannuation Industry (Supervision) Act 1993

1 Subsection 10(1) (subparagraph (a)(i) of the definition of enhanced director obligations)

Repeal the subparagraph, substitute:

(i) a covenant referred to in paragraph 52A(2)(f), as it relates to covenants referred to in subsection 52(9), (12) or (13); and

2 Subsection 10(1) (subparagraph (a)(i) of the definition of enhanced trustee obligations)

Omit “, as enhanced by the obligations imposed under section 29VN”.

3 Subsection 10(1) (definition of superannuation entity director)

Omit “29VO(3)”, substitute “52A(7)”.

4 Division 6 of Part 2C
Repeal the Division.

5 Section 51A
Omit “, and each obligation referred to in sections 29VN and 29VO,”.

6 At the end of section 52
Add:

*Covenants relating to regulated superannuation funds—annual outcomes assessments*

(9) If the entity is a regulated superannuation fund (other than a regulated superannuation fund with fewer than 5 members), the covenants referred to in subsection (1) include the following covenants by each trustee of the entity:

(a) to determine, in writing, on an annual basis, for each MySuper product and choice product offered by the entity, whether the financial interests of the beneficiaries of the entity who hold the product are being promoted by the trustee, having regard to:

(i) if the product is a MySuper product—a comparison of the MySuper product with other MySuper products offered by other regulated superannuation funds, based on the factors mentioned in subsection (10), and a comparison of the MySuper product with any other benchmarks set under the prudential standards; and

(ii) if the product is a choice product—a comparison of the choice product with benchmarks set under the prudential standards; and

(iii) the factors mentioned in subsection (11);

(b) to make the determination referred to in paragraph (a), and a summary of the assessments and comparisons on which the determination is based, publicly available on the website of the entity;

(c) to do so within 28 days after the determination is made;

(d) to keep the determination, and the summary of the assessments and comparisons on which the determination is based, on the website until a new determination is made as referred to in paragraph (a).

(10) In comparing a MySuper product with other MySuper products, the trustees must compare each of the following:

(a) the fees and costs that affect the return to the beneficiaries holding the MySuper products;

(b) the return for the MySuper products (after the deduction of fees, costs and taxes);

(c) the level of investment risk for the MySuper products;

(d) any other matter set out in the prudential standards.

(11) In determining whether the financial interests of the beneficiaries of the entity who hold a MySuper product or choice product are being promoted by the trustee, the trustee must assess each of the following:

(a) whether the options, benefits and facilities offered under the product are appropriate to those beneficiaries;
(b) whether the investment strategy for the product, including the level of investment risk and the return target, is appropriate to those beneficiaries;
(c) whether the insurance strategy for the product is appropriate to those beneficiaries;
(d) whether any insurance fees charged in relation to the product inappropriately erode the retirement income of those beneficiaries;
(e) any other relevant matters, including any matters set out in the prudential standards.

Covenants relating to regulated superannuation funds—promoting financial interests of beneficiaries

(12) If the entity is a regulated superannuation fund (other than a regulated superannuation fund with fewer than 5 members), the covenants referred to in subsection (1) include a covenant by each trustee of the entity to promote the financial interests of the beneficiaries of the entity who hold a MySuper product or a choice product, in particular returns to those beneficiaries (after the deduction of fees, costs and taxes).

Covenants relating to regulated superannuation funds—MySuper products

(13) If the entity is a regulated superannuation fund that offers a MySuper product, the covenants referred to in subsection (1) include the following covenants by each trustee of the entity:
(a) to include in the investment strategy for the MySuper product the details of the trustee’s determination of the matters mentioned in paragraph (9)(a);
(b) to include in the investment strategy for the MySuper product, and update each year:
   (i) the investment return target over a period of 10 years for the assets of the entity that are attributed to the MySuper product; and
   (ii) the level of risk appropriate to the investment of those assets.

7 At the end of section 52A
Add:

Superannuation entity director

(7) A superannuation entity director is a person whose profession, business or employment is or includes acting as director of a corporate trustee of a superannuation entity and investing money on behalf of beneficiaries of the superannuation entity.

8 Subsections 55(5) and (6)
Omit “, and all of the obligations referred to in sections 29VN and 29VO,.”.

9 Subsection 55(7)
Omit “, section 29VP”.

10 After section 55C
   Insert:
   55D Governing rules void to the extent that they are inconsistent with obligations in relation to annual outcomes assessments and MySuper products

   A provision of the governing rules of a regulated superannuation fund is void to the extent that it is inconsistent with:
   (a) a covenant referred to in subsection 52(9), (12) or (13) that is contained, or taken to be contained, in the governing rules of the fund; or
   (b) if the trustee of the fund is a body corporate—a covenant referred to in paragraph 52A(2)(f) that is contained, or taken to be contained, in the governing rules of the fund, to the extent that the covenant relates to a covenant referred to in subsection 52(9), (12) or (13).

11 Paragraph 323(1)(b)
   Repeal the paragraph, substitute:
   (b) proceedings under subsection 55(3).

No. 3—Schedule 3, page 8 (line 1) to page 9 (line 5), omit the Schedule, substitute:

Schedule 3—Penalties for contravening covenants

Superannuation Industry (Supervision) Act 1993

1 After section 54A
   Insert:
   54B Civil and criminal consequences for contravening sections 52 and 52A covenants

   Section 52 covenants
   (1) A person must not contravene a covenant that:
       (a) is to the effect of a covenant set out in section 52; and
       (b) is contained, or taken to be contained, in the governing rules of superannuation entity.

   Section 52A covenants
   (2) A person must not contravene a covenant that:
       (a) is to the effect of a covenant set out in section 52A; and
       (b) is contained, or taken to be contained, in the governing rules of a superannuation entity.

Contravention has civil and criminal consequences

(3) Subsections (1) and (2) are civil penalty provisions as defined by section 193, and Part 21 therefore provides for civil and criminal consequences of contravening, or being involved in a contravention of, those subsections.

(4) A contravention of subsection (1) or (2) does not result in the invalidity of a transaction.

(5) This section does not limit the operation of section 55.
Note: A contravention of subsection (1) or (2) may result in an action to recover loss or damage under section 55.

54C Other covenants must not be contravened

(1) A person must not contravene any other covenant contained, or taken to be contained, in the governing rules of a superannuation entity.

(2) A contravention of subsection (1) is not an offence.

(3) A contravention of subsection (1) does not result in the invalidity of a transaction.

(4) This section does not limit the operation of section 55.

Note: A contravention of subsection (1) may result in an action to recover loss or damage under section 55.

2 Section 55 (heading)

Repeal the heading, substitute:

55 Recovering loss or damage for contravention of covenant

3 Subsections 55(1) and (2)

Repeal the subsections.

4 Subsection 55(3)

Omit “contravention of subsection (1)”, substitute “contravention of subsection 54B(1), 54B(2) or 54C(1)”.

5 Paragraph 55(4A)(a)

Omit “contravened subsection (1)”, substitute “contravened subsection 54B(2) or 54C(1)”.

6 Before paragraph 193(a)

Insert:

(aa) subsection 54B(1);
(ab) subsection 54B(2);

7 Application

The amendments made by this Schedule apply in relation to contraventions occurring on or after the day this Schedule commences.

No. 4—Schedule 4, item 8, page 13 (lines 23 and 24), omit “, or referred to in section 29VN or 29VO”.

No. 5—Schedule 4, item 10, page 15 (line 16), omit “, or referred to in section 29VN or 29VO”.

No. 6—Schedule 4, item 10, page 17 (line 34), omit “, or referred to in section 29VN or 29VO”.

No. 7—Schedule 4, item 10, page 18 (line 13), omit “, or referred to in section 29VN or 29VO”.

No. 8—Schedule 4, item 10, page 18 (lines 19 and 20), omit “, or referred to in section 29VN or 29VO”.

No. 9—Schedule 4, item 10, page 19 (lines 11 and 12), omit “, or referred to in section 29VN or 29VO”.

No. 10—Schedule 4, item 11, page 20 (lines 23 and 24), omit “, or referred to in section 29VN or 29VO”.
No. 11—Schedule 6, item 1, page 37 (lines 11 to 17), omit paragraph 1017BB(1)(a), substitute:

(a) sufficient information to identify each investment item (a **disclosable item**) allocated to the investment option at the end of the reporting day that:

(i) is held by the reporting entity, an associated entity of the reporting entity or a pooled superannuation trust; and

(ii) is neither an investment in an associated entity of the reporting entity, nor an investment in a pooled superannuation trust;

No. 12—Schedule 6, item 3, page 39 (lines 7 to 11), omit the definition of **investment option** in subsection 1017BB(6), substitute:

**investment option** means:

(a) an investment option (within the ordinary meaning of that expression) within a choice product or MySuper product; or

(b) a choice product, or a MySuper product, that does not contain multiple investment options.

No. 13—Schedule 6, item 3, page 39 (after line 14), after the definition of **member** in subsection 1017BB(6), insert:

**MySuper product** has the same meaning as in the **Superannuation Industry (Supervision) Act 1993**.

No. 14—Schedule 6, item 17, page 40 (line 20), omit “31 December 2018”, substitute “31 December 2019”.

No. 15—Schedule 6, item 19, page 41 (line 11), omit “31 December 2018”, substitute “31 December 2019”.

No. 16—Schedule 7, item 5, page 43 (after line 29), after subsection 29P(3), insert:

(3A) Despite subsection 14(2) of the **Legislation Act 2003**, regulations made for the purposes of paragraph (3)(b) may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) any matter contained in a reporting standard, made by APRA under the **Financial Sector (Collection of Data) Act 2001**, as in force or existing from time to time.

No. 17—Page 52 (after line 3), at the end of the bill, add:

**Schedule 9—Superannuation trustees not to incentivise employers**

**Superannuation Industry (Supervision) Act 1993**

1 Subparagraph 6(1)(a)(ix)

Repeal the subparagraph, substitute:

(ix) Part 21 (except to the extent that it relates to section 68A);

2 After subparagraph 6(1)(c)(iii)

Insert:

and (iv) Part 21, to the extent that it relates to section 68A;
3 Section 68A (heading)
Repeal the heading, substitute:

68A Trustees must not use goods or services to influence employers

4 Subsection 68A(1)
Repeal the subsection, substitute:

(1) A trustee of a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund, must not:
(a) supply, or offer to supply, goods or services to a person, or a relative or associate of a person; or
(b) supply, or offer to supply, goods or services to a person, or a relative or associate of a person, at a particular price; or
(c) give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of goods or services to a person, or a relative or associate of a person;
if that action could reasonably be expected to:
(d) influence the choice of the fund into which the person pays superannuation contributions for employees of the person who have no chosen fund; or
(e) influence the person to encourage one or more of the person’s employees to remain, or apply or agree to be, a member of the fund.

Note: Under the Superannuation Guarantee (Administration) Act 1992, employers will need to pay contributions for an employee who has no chosen fund into a fund chosen by the employer, in order to meet the choice of fund requirement and so avoid an increased individual superannuation guarantee shortfall for the employee. There are other limits on the fund that may be chosen by the employer (see Part 3A of that Act).

5 Subsection 68A(3)
Repeal the subsection, substitute:

(3) A trustee of a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund, must not refuse to:
(a) supply, or offer to supply, goods or services to a person, or a relative or associate of a person; or
(b) supply, or offer to supply, goods or services to a person, or a relative or associate of a person, at a particular price; or
(c) give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of goods or services to a person, or a relative or associate of a person;
if it is reasonable to conclude that the refusal is given because:
(d) the person has not chosen the fund as the fund into which the person pays superannuation contributions for employees of the person who have no chosen fund; or
(e) the person has not encouraged one or more of the person’s employees to remain, or apply or agree to be, a member of the fund.

Note: Under the Superannuation Guarantee (Administration) Act 1992, employers will need to pay contributions for an employee who has no chosen fund into a fund chosen by the employer, in order to meet the choice of fund requirement and so avoid an increased individual superannuation guarantee shortfall for the employee. There are other limits on the fund that may be chosen by the employer (see Part 3A of that Act).

6 After subsection 68A(4)

Insert:

Civil penalty provisions

(4A) Subsections (1) and (3) are civil penalty provisions as defined in section 193, and Part 21 therefore provides for civil and criminal consequences of contravening, or being involved in a contravention of, those subsections.

7 After paragraph 193(c)

Insert:

(caa) subsection 68A(1);
(cab) subsection 68A(3);

8 Changes to ban on incentives for choosing a default fund

(1) The amendments made by item 4 of this Schedule, and items 6 and 7 of this Schedule to the extent that the amendments relate to subsection 68A(1) of the Superannuation Industry (Supervision) Act 1993, apply where a trustee of a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund:

(a) supplies, or offers to supply, goods or services to a person, or a relative or associate of a person; or
(b) supplies, or offers to supply, goods or services to a person, or a relative or associate of a person, at a particular price; or
(c) gives or allows, or offers to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of goods or services to a person, or a relative or associate of a person;

on or after the day on which this Schedule commences.

(2) The amendments made by item 5 of this Schedule, and items 6 and 7 of this Schedule to the extent that the amendments relate to subsection 68A(3) of the Superannuation Industry (Supervision) Act 1993, apply where a regulated superannuation fund, or an associate of a trustee of a regulated superannuation fund, refuses to:

(a) supply, or offer to supply, goods or services to a person, or a relative or associate of a person; or
(b) supply, or offer to supply, goods or services to a person, or a relative or associate of a person, at a particular price; or
(c) give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply, or the proposed supply, of goods or services to a person, or a relative or associate of a person;

on or after the day on which this Schedule commences.

Amendments to Government amendments nos 2, 3 and 12 circulated by the Opposition:

Amendment no. 2, before item 1, insert:

1A Subsection 10(1) (after the definition of authorised person)

Insert:

benchmark means a benchmark mentioned in, or specified in regulations made for the purposes of, subparagraphs 52(9)(a)(i) and (ii) and paragraph 52(9)(aa).

1AA Subsection 10(1) (after the definition of Commissioner)

Insert:

comparable choice products, in relation to a choice product, means a class of choice product specified in regulations made for the purposes of this definition that the choice product is to be compared with.

Amendment no. 2, item 6, subparagraph 52(9)(a)(i), omit “set under the prudential standards”, substitute “specified in regulations made for the purposes of this subparagraph”.

Amendment no. 2, item 6, subparagraph 52(9)(a)(ii), omit the subparagraph, substitute:

(ii) if the product is a choice product—a comparison of the choice product with the comparable choice products in relation to the choice product, based on factors mentioned in subsection (10A), and a comparison of the choice product with any other benchmarks specified in regulations made for the purposes of this subparagraph; and

Amendment no. 2, item 6, after paragraph 52(9)(a), insert:

(aa) to determine, in writing, on an annual basis, whether each trustee of the entity is promoting the financial interests of the beneficiaries of the fund, as assessed against benchmarks specified in regulations made for the purposes of this subparagraph;

Amendment no. 2, item 6, after subsection 52(10), insert:

(10A) In comparing a choice product with the comparable choice products in relation to the choice product, the trustees must compare each of the following:

(a) the fees and costs that affect the return to the beneficiaries holding the choice products;
(b) the return for the choice products;
(c) the level of investment risk for the choice products;
(d) any other matter specified in the prudential standards.
Amendment no. 3, after item 6, insert:

6A Subsection 196(3)

Omit “2,000”, substitute “2,400”.

Amendment no. 12, omit the definition of investment option, substitute:

investment option, for a registrable superannuation entity, means:

(a) an investment pool maintained within the entity; or
(b) a financial product made available to a member of the entity:

(i) that is a managed investment scheme or other pooled investment; and
(ii) in respect of which section 1012IA applies if there is, or will be, a regulated acquisition of the product (within the meaning of that section).

Question—That the amendments to proposed Government amendments nos 2, 3 and 12 circulated by the Opposition be agreed to—put.

The Senate divided—

AYES, 32

Senators—

Bilyk
Brown
Burston
Cameron
Carr
Carr
Di Natale
Doddson
Farrell
Faruqi
Gallacher
Hanson-Young
Hinch
Keneally
Ketter
Kitching
Lines
McAllister
McCarty
McKim
Moore
O’Neill
Pratt
Rice
Siewert
Singh
Smith, David
Steele-John
Storer
Waters
Whish-Wilson
Brown
Gallacher
Hinch
Keneally
Ketter
Kitching
Lines
McAllister
McCarty
McKim
Moore
O’Neill
Pratt
Rice
Siewert
Singh
Smith, David
Steele-John
Storer
Waters
Whish-Wilson

NOES, 27

Senators—

Bernardi
Brockman
Canavan
Colbeck
Cormann
Cormann
Cormann
Fawcett
Fierravanti-Wells
Fifield
Gichuhi
Griff
Hume
Leyonhjelm
Macdonald
Martin
McGrath
McKenzie
Molan
Paterson
Patrick
Reynolds

Ruston
Ryan
Scullion
Sebelja
Sthoker
Williams*

*Tellers

Question agreed to.

Question—That the amendments circulated by the Government, as amended, be agreed to—put and passed.

The following amendments circulated by the Australian Greens were considered:

Clause 2, page 2 (at the end of the table), add:

5. Schedule 9 1 July 2020.
Page 52 (after line 3), at the end of the bill, add:

**Schedule 9—Amendments commencing on 1 July 2020**

**Superannuation Guarantee (Administration) Act 1992**

1 At the end of subsection 32C(2)

Add:

; and (f) the trustee of the fund is not any of the following:

(i) an ADI within the meaning of the *Banking Act 1959*;

(ii) a related body corporate (within the meaning of that Act) of such an ADI;

(iii) a subsidiary (within the meaning of that Act) of such an ADI;

(iv) an associate (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) of such an ADI.

**Superannuation Industry (Supervision) Act 1993**

2 Subsection 29S(1)

After “RSE licensee”, insert “(other than an ineligible licensee)’’.

3 At the end of section 29S

Add:

**Ineligible licensee**

(8) In this section:

*ineligible licensee* means an RSE licensee that is:

(a) an ADI within the meaning of the *Banking Act 1959*; or

(b) a related body corporate (within the meaning of that Act) of such an ADI; or

(c) a subsidiary (within the meaning of that Act) of such an ADI; or

(d) an associate of such an ADI.

Question—That the amendments be agreed to—put.

The Senate divided—

AYES, 10

Senators—

Di Natale  Hinch  Siewert*  Waters
Faruqi  McKim  Steele-John  Whish-Wilson
Hanson-Young  Rice

*Senator summarised in list.
Question negatived.

The following amendments circulated by the Australian Greens were considered:

Schedule 8, page 50 (before line 11), before item 3, insert:

2A After paragraph 13(4A)(a)

Insert:

(aa) the extent to which the profits of the investor is attributable to deductions made by the investor;

(ab) if the return on the investment made by the investor is passed on (in whole or in part) to members of a regulated superannuation entity of the RSE licensee—the effect of any deduction by the investor on the amount passed on to the members;

(ac) if the investor is a person connected with the RSE licensee—the relationship between the RSE licensee and the investor;

Schedule 8, item 3, page 50 (line 11) to page 51 (line 18), omit the item, substitute:

3 After subsection 13(4C)

Insert:

(4D) A reporting standard may require an RSE licensee to provide information in relation to any money, consideration or other benefit given to an entity (the receiving entity) by the RSE licensee or a person connected with the RSE licensee (the paying entity) out of the assets, or assets derived from assets, of a registrable superannuation entity of the RSE licensee, including information about the following:

(a) details of the receiving entity;

(b) details of how the money, consideration or benefit is given to the receiving entity;

(c) if the receiving entity is not the RSE licensee—the relationship between the receiving entity and the paying entity;

(d) the purpose for which the money, consideration or other benefit is given;

(e) the way in which the money, consideration or other benefit is used by the receiving entity, and any entity with which that entity deals, including the extent to which the receiving entity’s profit is attributable to that money, consideration or other benefit.
(4E) If:
(a) a reporting standard requires an RSE licensee to provide information (the required information) in relation to any money, consideration or other benefit given to a receiving entity by a paying entity out of the assets, or assets derived from assets, of a registrable superannuation entity of the RSE licensee; and
(b) the money, consideration or other benefit is given under a contract or other arrangement between the paying entity and the receiving entity;
the contract or arrangement is taken to include:
(c) a term requiring the paying entity, at the time the money, consideration or benefit is given or as soon as reasonably practicable after that time, to notify the receiving entity that the money, consideration or benefit is given out of assets, or assets derived from, a registrable superannuation entity; and
(d) a term requiring the receiving entity, if notified by the paying entity in accordance with paragraph (c), to, as soon as reasonably practicable after being notified, provide the paying entity with the required information of which the receiving party is aware.

(4F) A person is connected with an RSE licensee for the purposes of subsection (4D) if the person is:
(a) a related body corporate of the RSE licensee; or
(b) a custodian in relation to assets, or assets derived from assets, of the RSE licensee’s registrable superannuation entities, and in relation to the RSE licensee or a related body corporate of the RSE licensee; or
(c) a person who, under a contract or other arrangement with the RSE licensee or a person mentioned in paragraphs (a) or (b):
   (i) invests assets, or assets derived from assets, of the RSE licensee’s registrable superannuation entities; or
   (ii) provides a financial service (within the meaning of section 766A of the Corporations Act 2001) in relation to assets, or assets derived from assets, of the RSE licensee’s registrable superannuation entities.

(4G) Subsections (4D) and (4E) do not apply in relation to any money, consideration or other benefit given to another entity by the RSE licensee if it is an investment of assets, or assets derived from assets, of the RSE licensee’s registrable superannuation entities by the RSE licensee.

Schedule 8, item 4, page 51 (line 35) to page 52 (line 3), omit all the words from and including “another entity” to the end of the item, substitute “an entity by the RSE licensee, or a person connected with the RSE licensee, out of the assets, or assets derived from assets, of a registrable superannuation entity of the RSE licensee, then the RSE licensee is not required to comply with the reporting standard to the extent that it requires the RSE licensee to provide that particular information.”

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

**AYES, 31**

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**NOES, 27**

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* Tellers

Question agreed to.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

58 **Treasury Laws Amendment (Strengthening Corporate and Financial Sector Penalties) Bill 2018**

Limitation of debate: The time allotted for the consideration of the bill expired (see entry no. 10).

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

The following amendments circulated by the Australian Greens were negativend:

Schedule 1, item 117, page 54 (lines 17 to 24), omit paragraph 1317G(4)(c), substitute:

(c) 10% of the annual turnover of the body corporate for the 12 month period ending at the end of the month in which the body corporate contravened, or began to contravene, the civil penalty provision.

Schedule 2, item 8, page 97 (lines 19 to 26), omit paragraph 12GBCA(2)(c), substitute:

(c) 10% of the annual turnover of the body corporate for the 12 month period ending at the end of the month in which the body corporate contravened, or began to contravene, the civil penalty provision.
Schedule 3, item 7, page 128 (lines 22 to 29), omit paragraph 167B(2)(c), substitute:

(c) 10% of the annual turnover of the body corporate for the 12 month period ending at the end of the month in which the body corporate contravened, or began to contravene, the civil penalty provision.

Schedule 4, item 4, page 166 (lines 19 to 26), omit paragraph 75D(2)(c), substitute:

(c) 10% of the annual turnover of the body corporate for the 12 month period ending at the end of the month in which the body corporate contravened, or began to contravene, the civil penalty provision.

The following amendments circulated by the Opposition were agreed to:

Schedule 1, item 117, page 57 (lines 22 to 24), omit subparagraph 1317G(4)(c)(ii), substitute:

(ii) if the amount worked out under subparagraph (i) is greater than an amount equal to 2.5 million penalty units—2.5 million penalty units.

Schedule 2, item 8, page 100 (lines 24 to 26), omit subparagraph 12GBCA(2)(c)(ii), substitute:

(ii) if the amount worked out under subparagraph (i) is greater than an amount equal to 2.5 million penalty units—2.5 million penalty units.

Schedule 3, item 7, page 131 (lines 27 to 29), omit subparagraph 167B(2)(c)(ii), substitute:

(ii) if the amount worked out under subparagraph (i) is greater than an amount equal to 2.5 million penalty units—2.5 million penalty units.

Schedule 4, item 4, page 169 (lines 24 to 26), omit subparagraph 75D(2)(c)(ii), substitute:

(ii) if the amount worked out under subparagraph (i) is greater than an amount equal to 2.5 million penalty units—2.5 million penalty units.

Schedule 1, item 73, page 19 (line 7), omit “10”, substitute “15”.

Schedule 1, item 140, page 66 (table item dealing with subsection 184(1), column headed “Penalty”), omit “10”, substitute “15”.

Schedule 1, item 140, page 66 (table item dealing with subsection 184(2), column headed “Penalty”), omit “10”, substitute “15”.

Schedule 1, item 140, page 66 (table item dealing with subsection 184(3), column headed “Penalty”), omit “10”, substitute “15”.

Schedule 1, item 140, page 66 (table item dealing with subsection 344(2), column headed “Penalty”), omit “10”, substitute “15”.

Schedule 1, item 140, page 71 (table item dealing with subsection 596AB(1), column headed “Penalty”), omit “10”, substitute “15”.

Schedule 1, item 140, page 73 (table item dealing with subsection 601FD(4), column headed “Penalty”), omit “10”, substitute “15”.

Schedule 1, item 140, page 73 (table item dealing with subsection 601FE(4), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 75 (table item dealing with subsection 601UAA(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 75 (table item dealing with subsection 601UAB(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 77 (table item dealing with subsection 727(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 77 (table item dealing with subsection 728(3), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 83 (table item dealing with subsection 952D(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 83 (table item dealing with subsection 952D(2), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 83 (table item dealing with subsection 952F(2), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 83 (table item dealing with subsection 952F(3), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 83 (table item dealing with subsection 952F(4), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 83 (table item dealing with subsection 952L(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 85 (table item dealing with subsection 993B(3), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 86 (table item dealing with subsection 1021D(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 86 (table item dealing with subsection 1021D(2), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with section 1041A, column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with subsection 1041B(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with subsection 1041C(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with section 1041D, column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with section 1041E, column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with section 1041F, column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with section 1041G, column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with subsection 1043A(1), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 1, item 140, page 88 (table item dealing with subsection 1043A(2), column headed “Penalty”), omit “10”, substitute “15”.
Schedule 5, item 2, page 187 (lines 10 to 13), omit the item, substitute:

2 Schedule 3 (table item dealing with subsection 596AB(1))

Repeal the item, substitute:
Subsections 596AB(1), (1A), (1B) 15 years imprisonment and (1C)

Question—that the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

59 Treasury Laws Amendment (2018 Measures No. 5) Bill 2018

Limitation of debate: The time allotted for the consideration of the bill expired (see entry no. 10).

Question—that this bill be now read a second time—put and passed.

Bill read a second time.

Senator O’Neill, by leave, withdrew amendments circulated by the Opposition.

Question—that Schedules 2 and 3 stand as printed—put and negatived.

The following amendment circulated by the Government was agreed to:

Clause 2, page 2 (table items 3 and 4), omit the table items.

The following amendments circulated by the Opposition were considered:

Clause 2, page 2 (at the end of the table), add:

6. Schedule 5 The day after this Act receives the Royal Assent.

Page 17 (after line 2), at the end of the bill, add:

Schedule 5—Small business access to justice

Australian Small Business and Family Enterprise Ombudsman Act 2015

1 At the end of section 7

Add:

; and (h) conduct within the meaning of the Competition and Consumer Act 2010.

2 At the end of section 15

Add:

; (c) to give assistance under Division 3A of Part 4 in advising on and preparing a person’s case for a no adverse costs order under subsection 82(4) of the Competition and Consumer Act 2010.

3 After subparagraph 23(h)(ii)

Insert:

(iiia) assistance being given under section 74B (assistance in relation to a no adverse costs order in proceedings to recover the amount of any loss or damage as a result of contraventions of the Competition and Consumer Act 2010);
4 At the end of section 65
Add:

; (g) conduct, within the meaning of the *Competition and Consumer Act 2010*, that:

(i) may be in contravention of a provision of Part IV of that Act; and

(ii) affects, or may affect, a small business or family enterprise.

5 After Division 3 of Part 4
Insert:

Division 3A—Assistance where there may be a contravention of the *Competition and Consumer Act 2010*

74A Application of this Division
This Division applies if the relevant action in relation to which a person requests the Ombudsman to give assistance is conduct, within the meaning of the *Competition and Consumer Act 2010*, that:

(a) may be in contravention of a provision of Part IV of that Act; and

(b) affects, or may affect, a small business or family enterprise.

74B Ombudsman may give assistance in relation to costs order
(1) The Ombudsman may assist the person by doing either or both of the following:

(a) advising the person on the arguments that might be made, and the evidence that might be adduced, to satisfy a court that an order under subsection 82(4) of the *Competition and Consumer Act 2010* should be made (a no adverse costs order in proceedings to recover the amount of any loss or damage as a result of contraventions of that Act);

(b) preparing arguments that might be made in satisfying a court that an order under that subsection should be made.

(2) Nothing in this section limits the functions, duties and powers of the Ombudsman under this Part in relation to the relevant action.

6 At the end of Division 2 of Part 5
Add:

91A Disclosure for the purposes of a no adverse costs order under the *Competition and Consumer Act 2010*

(1) This section applies if the relevant action in relation to which a person (the *applicant*) requests the Ombudsman to give assistance is conduct, within the meaning of the *Competition and Consumer Act 2010*, that:

(a) may be in contravention of a provision of Part IV of that Act; and

(b) affects, or may affect, a small business or family enterprise.
(2) A person assisting small business/family enterprise may disclose to the applicant any document or information obtained by the person assisting small business/family enterprise in the course of performing functions or duties, or exercising powers, in relation to assistance given to the applicant under section 74B.

Note: Section 74B allows the Ombudsman to give assistance in relation to a no adverse costs order in proceedings to recover the amount of any loss or damage as a result of contraventions of the *Competition and Consumer Act 2010*. This assistance may include advising the applicant on the arguments that might be made, and the evidence that might be adduced, in pursuing a no adverse costs order, and preparing arguments.

*Competition and Consumer Act 2010*

7 At the end of section 82

Add:

*No adverse costs orders*

(3) A person who brings an action under subsection (1) in relation to a contravention of a provision of Part IV may at any time during proceedings on the matter seek an order under subsection (4) from the court hearing, or that will hear, the matter.

(4) The court may order that the applicant is not liable for the costs of any respondent to the proceedings, regardless of the outcome or likely outcome of the proceedings.

(5) The court may only make an order under subsection (4) if the court is satisfied that:

(a) the action raises a reasonable issue for trial; and
(b) the action raises an issue that is not only significant for the applicant, but may also be significant for other persons or groups of persons; and
(c) the disparity between the financial position of the applicant and the financial position of the respondent or respondents is such that the possibility of a costs order that does not favour the applicant might deter the applicant from pursuing the action.

(6) The court may satisfy itself of the matters in subsection (5) by having regard only to the documents filed with the court in the proceedings.

(7) A person who appeals a decision of the court under subsection (4) is liable for any costs in relation to the appeal.

8 Application

The amendment of section 82 of the *Competition and Consumer Act 2010* made by this Schedule applies in relation to actions under subsection 82(1) of that Act brought on or after 1 July 2019.

Question—That the amendments be agreed to—put and passed. All Government senators, by leave, recorded their votes for the noes.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.
60 **Aboriginal Land Rights (Northern Territory) Amendment (Land Scheduling) Bill 2018**

*Limitation of debate:* The time allotted for the consideration of the bill expired (*see entry no. 10*).

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

61 **Electoral Legislation Amendment (Modernisation and Other Measures) Bill 2018**

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

Message no. 531, dated 12 February 2019—A Bill for an Act to amend the law relating to elections and referendums, and for related purposes.

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

Question put and passed.

Bill read a first time.

*Limitation of debate:* The time allotted for the consideration of the bill expired (*see entry no. 10*).

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

Question put and passed.

Bill read a second time.

Question—That items 1, 2, 7 to 21, 23 to 27, 52 to 58, 60, 61, 64, 69, 88 to 91, 95 to 104, 130, 131, 137 to 153 and 174 of Schedule 2, and Schedule 3, stand as printed—put and negatived.

The following amendments circulated by the Government were agreed to:

Clause 2, page 2 (table item 3), omit the table item.

Schedule 2, item 78, page 49 (line 9), omit “offices”, substitute “places”.

Schedule 2, item 79, page 49 (lines 25 to 27), omit subparagraph 340(1)(b)(ii), substitute:

(ii) a pre-poll voting office or office of a DRO at which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, for the election; and

Schedule 2, item 79, page 49 (line 31), after “a pre-poll voting office”, insert “or office of a DRO”.

Schedule 2, item 79, page 50 (lines 1 and 2), omit “the pre-poll voting office”, substitute “the office”.

Schedule 2, item 80, page 50, (lines 16 to 18), omit subparagraph 340(1A)(b)(ii), substitute:

(ii) a pre-poll voting office or office of a DRO at which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, for the election; and
Schedule 2, item 80, page 50 (line 22), after “a pre-poll voting office”, insert “or office of a DRO”.
Schedule 2, item 80, page 50 (lines 24 and 25), omit “the pre-poll voting office”, substitute “the office”.
Schedule 2, item 81, page 50 (line 27), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.
Schedule 2, item 82, page 50 (line 30), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.
Schedule 2, item 84, page 51 (line 2), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of a DRO”.
Schedule 2, item 86, page 51 (line 7), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.
Schedule 2, item 87, page 51 (line 10), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.
Schedule 2, item 164, page 67 (line 2), omit “offices”, substitute “places”.
Schedule 2, item 165, page 67 (lines 16 to 18), omit subparagraph 131(1)(b)(ii), substitute:

(ii) a pre-poll voting office or office of a DRO at which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, for the referendum; and

Schedule 2, item 165, page 67 (line 24), after “a pre-poll voting office”, insert “or office of a DRO”.
Schedule 2, item 165, page 67 (lines 26 and 27), omit “the pre-poll voting office”, substitute “the office”.
Schedule 2, item 166, page 68 (lines 6 to 8), omit subparagraph 131(1A)(b)(ii), substitute:

(ii) a pre-poll voting office or office of a DRO at which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, for the referendum; and

Schedule 2, item 166, page 68 (line 14), after “a pre-poll voting office”, insert “or office of a DRO”.
Schedule 2, item 166, page 68 (lines 16 and 17), omit “the pre-poll voting office”, substitute “the office”.
Schedule 2, item 167, page 68 (line 19), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.
Schedule 2, item 168, page 68 (line 22), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.
Schedule 2, item 170, page 68 (line 26), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of a DRO”.
Schedule 2, item 172, page 69 (line 8), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.
Schedule 2, item 173, page 69 (line 11), omit “or pre-poll voting office”, substitute “, pre-poll voting office or office of the DRO”.

Question—That the remaining stages of this bill be agreed to and this bill be now passed.

Bill read a third time.
Industrial Chemicals Bill 2017
Industrial Chemicals (Consequential Amendments and Transitional Provisions) Bill 2017
Industrial Chemicals (Notification and Assessment) Amendment Bill 2017
Industrial Chemicals Charges (General) Bill 2017
Industrial Chemicals Charges (Customs) Bill 2017
Industrial Chemicals Charges (Excise) Bill 2017

Limitation of debate: The time allotted for the consideration of the bills expired (see entry no. 10).

Question—That these bills be now read a second time—put and passed.

Bills read a second time.

The following amendments to the Industrial Chemicals Bill 2017 circulated by Centre Alliance were negatived:

Proposed Government amendment no. 1, after paragraph 96A(2)(a), insert:

(aa) contain information the person had regard to in determining that the introduction would be an exempted introduction; and

Proposed Government amendment no. 1, after subsection 96A(3), insert:

(3A) The Executive Director must, as soon as reasonably practicable after receiving the declaration, publish the declaration on the AICIS website.

(3B) However, the Executive Director must delete from the declaration as published any information in the declaration that is protected information.

Page 25 (after line 28), after clause 24, insert:

24A Introductions not authorised as exempted or reported introductions—strict liability offence and civil penalty provision

(1) A person contravenes this subsection if:

(a) the person introduces an industrial chemical on the basis the introduction is authorised by section 26 or 27; and

(b) the introduction is not authorised by section 26 or 27.

(2) Subsection (1) does not apply if the introduction of the industrial chemical is otherwise authorised under this Act.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the Criminal Code and section 96 of the Regulatory Powers Act).

Strict liability offence

(3) A person commits an offence of strict liability if the person contravenes subsection (1).

Penalty: 120 penalty units.

Civil penalty provision

(4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 1000 penalty units.
24B Introductions not authorised as exempted or reported introductions—fault-based offence

(1) A person commits an offence if:
   (a) the person introduces an industrial chemical on the basis the introduction is authorised by section 26 or 27; and
   (b) the introduction is not authorised by section 26 or 27; and
   (c) the person knew, or was reckless or negligent as to the fact, the introduction was not authorised by section 26 or 27.

(2) Subsection (1) does not apply if the introduction of the industrial chemical is otherwise authorised under this Act.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the Criminal Code).

Penalty for individuals

(3) An offence against subsection (1) committed by an individual is punishable on conviction by imprisonment for not more than 5 years, a fine not more than 2,000 penalty units, or both.

Penalty for body corporate

(4) An offence against subsection (1) committed by a body corporate is punishable on conviction by a fine not more than the greatest of the following:
   (a) 4,000 penalty units;
   (b) 2% of the annual turnover of the body corporate during the period (the turnover period) of 12 months ending at the end of the month in which the industrial chemical was introduced.

(5) For the purposes of this section, the annual turnover of a body corporate, during the turnover period, is the sum of the values of all the supplies that the body corporate, and any body corporate related to the body corporate, have made, or are likely to make, during that period, other than the following supplies:
   (a) supplies made from any of those bodies corporate to any other of those bodies corporate;
   (b) supplies that are input taxed;
   (c) supplies that are not for consideration (and are not taxable supplies under section 72-5 of the A New Tax System (Goods and Services Tax) Act 1999);
   (d) supplies that are not made in connection with an enterprise that the body corporate carries on.

(6) Expressions used in subsection (5) that are also used in the A New Tax System (Goods and Services Tax) Act 1999 have the same meaning in that subsection as they have in that Act.

(7) The question whether 2 bodies corporate are related to each other is to be determined for the purposes of this section in the same way as for the purposes of the Corporations Act 2001.
Alternative verdict

(8) In a trial for an offence against subsection (1), the trier of fact may find the defendant not guilty of that offence but guilty of an offence under section 24A if:
(a) the trier of fact is not satisfied that the defendant is guilty of the offence against subsection (1); and
(b) the trier of fact is satisfied that the defendant is guilty of the offence under section 24A; and
(c) the defendant has been accorded procedural fairness in relation to that finding of guilt.

24C Criminal liability of executive officers of bodies corporates in relation to introductions of industrial chemicals

(1) An executive officer of a body corporate contravenes this subsection if:
(a) the body corporate commits an offence under section 24A or 24B; and
(b) the executive officer knew that, or was reckless or negligent as to whether, the offence would be committed; and
(c) the officer was in a position to influence the conduct of the body corporate in relation to the commission of the offence; and
(d) the officer failed to take all reasonable steps to prevent the commission of the offence.

(2) The maximum penalty for an offence against subsection (1) is the maximum penalty that a court could impose in respect of an individual for the offence committed by the body corporate.

(3) An executive officer of a body corporate means a person (whether or not a director of the body) who is concerned in, or takes part in, the management of the body.

Clause 97, page 81 (after line 14), after paragraph (2)(b), insert:
(ba) contain information the person had regard to in determining that the proposed introduction would be a reported introduction; and

Clause 97, page 81 (lines 22 to 24), omit paragraphs (3)(b) and (c), substitute:
(b) the proposed end use for the industrial chemical.

Page 82 (after line 7), after subclause 97(5), add:
(6) The Executive Director must, as soon as reasonably practicable after receiving the report, publish on the AICIS website the information mentioned in paragraph (2)(ba).

Page 82 (after line 13), after clause 98, insert:
98A Reports for exempted introduction

(1) If a person introduces an industrial chemical on the basis the introduction is an exempted introduction, the person must give the Executive Director a report in accordance with subsection (2) as soon as reasonably practicable after the industrial chemical’s introduction.

(2) The report must:
(a) be in the approved form; and
(b) contain information the person had regard to in determining that the introduction would be an exempted introduction; and
(c) be accompanied by any fee prescribed by the rules for the purposes of this paragraph.

(3) The Executive Director must, as soon as reasonably practicable after receiving the report, publish the report on the AICIS website.

(4) A person commits an offence of strict liability if the person contravenes subsection (1).
Penalty: 60 penalty units.

Page 86 (after line 4), after clause 101, insert:

101A Publication of information relating to risks of an industrial chemical to human health or the environment

(1) The Executive Director must cause to be published, as soon as reasonably practicable, on the AICIS website any information relating to the risks of an industrial chemical to human health or the environment that was relied on in determining:
(a) whether the industrial chemical is to be listed on the Inventory; or
(b) whether the introduction of the industrial chemical is an exempted introduction; or
(c) whether the introduction of the industrial chemical is a reported introduction; or
(d) whether an assessment certificate, commercial evaluation authorisation or exceptional circumstances authorisation for the introduction of the industrial chemical should be issued.

Note: The Executive Director may disclose protected information if the information is disclosed in the course of exercising powers, or performing functions or duties, under this Act (see section 116).

(2) To avoid doubt, the Executive Director is to publish the information even if the information is protected information.

The following amendments and requests for amendments circulated by the Government were agreed to:

Amendments to the Industrial Chemicals Bill 2017 circulated by the Government:
No. 1—Page 81 (before line 2), before clause 97, insert:

96A Post-introduction declarations for exempted introductions

(1) A person contravenes this subsection if:
(a) the person first introduces an industrial chemical during a registration year; and
(b) the introduction is an exempted introduction; and
(c) the person does not make the declaration mentioned in subsection (2) within 4 months after the start of the last month of that registration year.

(2) The declaration must:
(a) be in the approved form; and
(b) contain the information prescribed by the rules for the purposes of this paragraph for the type of exempted introduction.

(3) The rules may prescribe circumstances in which subsection (1) does not apply.
Fault-based offence

(4) A person commits an offence if the person contravenes subsection (1). Penalty: 300 penalty units.

Strict liability offence

(5) A person commits an offence of strict liability if the person contravenes subsection (1). Penalty: 60 penalty units.

Civil penalty provision

(6) A person is liable to a civil penalty if the person contravenes subsection (1). Civil penalty: 300 penalty units.

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

2. Sections 3 to 180

1 July 2020

No. 3—Clause 9, page 14 (line 22), omit “1 September 2018”, substitute “1 September 2020”.

No. 4—Clause 103, page 88 (lines 9 and 10), omit “1 July 2018”, substitute “1 July 2020”.

No. 5—Clause 168, page 137 (line 7), omit “1 July 2018”, substitute “1 July 2020”.

No. 6—Clause 11, page 17 (line 2), after “Parts 1, 4, 7, 9 and 10”, insert “and Division 4 of Part 6”.

No. 7—Clause 26, page 26 (line 29), at the end of subclause (3), add:

; (e) the volume of the industrial chemical that is introduced in a period.

No. 8—Clause 27, page 27 (line 29), at the end of subclause (3), add:

; (f) the volume of the industrial chemical that is introduced in a period.

No. 9—Clause 41, page 35 (lines 17 and 18), omit “to remove the person as a holder of the certificate”, substitute “to be removed as a holder of the certificate”.

No. 10—Clause 86, page 72 (line 28), omit “has conducted an evaluation”, substitute “has completed an evaluation”.

No. 11—Clause 95, page 78 (line 29), omit “has conducted an evaluation”, substitute “has completed an evaluation”.

No. 12—Clause 102, page 87 (line 7), after “must”, insert “, or must not,”.

No. 13—Clause 102, page 87 (lines 16 and 17), omit subclause (3), substitute:

(3) Without limiting paragraph (1)(b), the rules may:

(a) prescribe different requirements for different categories of introduction; and

(b) prescribe a requirement that a person must obtain the approval of the Executive Director before having regard to particular information in determining the category of introduction.
113A Executive Director may request further information

(1) The Executive Director may, by written notice given to an applicant, request further information to be provided for the purposes of considering the application.

(2) The information must be given within the period specified in the notice, which must not be less than 20 working days after the day the notice is given.

(3) If the requested information is not provided within the period mentioned in subsection (2), the Executive Director may take the application to be withdrawn.

No. 15—Clause 117, page 101 (line 1), omit paragraph (2)(a), substitute:

(a) a Commonwealth entity (within the meaning of the Public Governance, Performance and Accountability Act 2013);

No. 16—Clause 163, page 130 (line 10), after “conditions”, insert “or restrictions”.

No. 17—Clause 163, page 130 (after line 11), after subclause (1), insert:

(1A) Without limiting paragraph (1)(b), the conditions or restrictions that may be imposed include that the introduction or export of the industrial chemical must be approved by the Executive Director.

(1B) A person may apply to the Executive Director for the approval.

No. 18—Clause 166, page 134 (at the end of the table), add:

<table>
<thead>
<tr>
<th>No.</th>
<th>Decision under the rules that is specified in the rules to be a decision that is reviewable under this section</th>
<th>The provision specified in the rules as the provision under which the decision is made</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>A decision under the rules that is specified in the rules to be a decision that is reviewable under this section</td>
<td>The provision specified in the rules as the provision under which the decision is made</td>
</tr>
</tbody>
</table>

No. 19—Clause 167, page 136 (after line 4), after paragraph (1)(d), insert:

(da) subject to subsection (1B), not contain any information prescribed by the rules for the purposes of this paragraph; and

No. 20—Clause 167, page 136 (after line 11), after subclause (1), insert:

(1A) To avoid doubt:

(a) the rules may provide for applications to be made under the rules; and

(b) this section applies in relation to such applications.

(1B) The rules may provide that the restriction in paragraph (1)(da) does not apply in relation to particular information, if the inclusion of the information in the application is approved by the Executive Director.

No. 21—Clause 167, page 136 (line 13), after “this Act”, insert “or the rules”.
No. 22—Clause 169, page 140 (after table item 10), insert:

<table>
<thead>
<tr>
<th>10A</th>
<th>Information is requested from an applicant under section 113A</th>
<th>The day notice of the request is given</th>
<th>The earlier of:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>(a) the day a complete response is given to the request; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(b) the last day of the period specified in the notice in accordance with subsection 113A(2)</td>
</tr>
</tbody>
</table>

No. 23—Clause 169, page 140 (at the end of the table), add:

<table>
<thead>
<tr>
<th>12</th>
<th>A circumstance prescribed by the rules for the purposes of this item</th>
<th>The day prescribed by the rules for the purposes of this item</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The day prescribed by the rules for the purposes of this item</td>
<td></td>
</tr>
</tbody>
</table>

Amendments to the Industrial Chemicals (Consequential Amendments and Transitional Provisions) Bill 2017 circulated by the Government:

Schedule 2, item 1, page 5 (line 20), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 2, page 6 (line 4), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 2, page 6 (line 8), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 2, page 6 (line 12), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 2, page 6 (line 16), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 3, page 6 (lines 18 and 19), omit “1 September 2017”, substitute “1 September 2019”.
Schedule 2, item 3, page 6 (line 21), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 3, page 6 (line 23), omit “1 September 2017”, substitute “1 September 2019”.
Schedule 2, item 5, page 7 (line 8), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 5, page 7 (line 10), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 6, page 8 (line 3), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 6, page 8 (line 5), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 6, page 8 (line 8), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 6, page 8 (line 19), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 7, page 8 (line 24), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 8, page 9 (lines 4 and 5), omit “on and after 1 July 2018, in relation to the registration year beginning on 1 September 2017”, substitute “on and after 1 July 2020, in relation to the registration year beginning on 1 September 2019”.
Schedule 2, item 9, page 9 (lines 8 to 10), omit “1 July 2018, the person was registered under the old law in relation to the registration year beginning on 1 September 2018”, substitute 1 July 2020, the person was registered under the old law in relation to the registration year beginning on 1 September 2020”.

Amendments to the Industrial Chemicals (Consequential Amendments and Transitional Provisions) Bill 2017 circulated by the Government:
Schedule 2, item 9, page 9 (lines 13 to 15), omit “1 July 2018, to be registered under the new law for the registration year beginning on 1 September 2018”, substitute “1 July 2020, to be registered under the new law for the registration year beginning on 1 September 2020”.

Schedule 2, item 10, page 9 (line 29), omit “1 September 2018”, substitute “1 September 2020”.

Schedule 2, item 10, page 9 (line 30), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 10, page 10 (line 3), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 11 (line 6), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 11 (line 9), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 11 (line 12), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 13, page 12 (line 5), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 13, page 12 (line 8), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 17, page 12 (line 29), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 17, page 13 (lines 1 and 2), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 17, page 13 (line 5), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 18, page 13 (line 28), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 18, page 13 (line 31), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 19, page 14 (line 5), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 19, page 14 (line 8), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 19, page 14 (line 11), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 21, page 15 (line 9), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 21, page 15 (line 12), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 26, page 16 (line 11), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 26, page 16 (line 14), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 26, page 16 (line 17), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 28, page 17 (line 13), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 28, page 17 (line 16), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 33, page 18 (line 16), omit “1 September 2017”, substitute “1 September 2019”.

Schedule 2, item 33, page 18 (line 25), omit “1 July 2019”, substitute “1 July 2021”.

Schedule 2, item 11, page 10 (line 3), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 11 (line 20), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 11 (line 29), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 11 (line 38), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 12 (line 3), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 12 (line 9), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 12 (line 15), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 12 (line 31), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 12 (line 39), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 13 (line 5), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 13 (line 30), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 13 (line 39), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 14 (line 3), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 14 (line 9), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 14 (line 39), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 15 (line 5), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 15 (line 30), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 15 (line 39), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 16 (line 3), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 16 (line 9), omit “1 July 2018”, substitute “1 July 2020”.

Schedule 2, item 11, page 16 (line 39), om
Schedule 2, item 33, page 18 (line 29), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 34, page 19 (line 7), omit “1 September 2017”, substitute “1 September 2019”.
Schedule 2, item 34, page 19 (line 15), omit “1 July 2019”, substitute “1 July 2021”.
Schedule 2, item 34, page 19 (line 18), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 35, page 20 (lines 3 and 4), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 35, page 20 (line 8), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 37, page 21 (line 16), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 37, page 21 (line 19), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 39, page 23 (line 5), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 39, page 23 (line 10), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 40, page 23 (line 19), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 40, page 23 (line 23), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 41, page 24 (line 18), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 41, page 24 (line 21), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 42, page 24 (line 30), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 42, page 25 (line 1), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 43, page 25 (line 25), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 48, page 29 (line 8), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 48, page 29 (line 10), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 48, page 29 (line 15), omit “1 July 2018”, substitute “1 July 2020”.
Schedule 2, item 50, page 30 (line 15), omit “1 July 2020”, substitute “1 July 2022”.
Schedule 2, item 50, page 30 (line 19), omit “1 July 2020”, substitute “1 July 2022”.
Schedule 2, item 4, page 7 (lines 1 to 5), omit paragraph (1)(b), substitute:

(b) until that decision is made, a permit granted under subsection 30A(3) of the old law is taken to be an authorisation for the introduction of the industrial chemical for the purposes of paragraph 24(1)(b) of the new law so long as the introduction is in accordance with any conditions that are specified in the permit under subsection 30A(10) of the old law.

Schedule 2, item 11, page 11 (line 23), omit “(other than paragraph (2)(e))”.

Schedule 2, item 18, page 13 (lines 22 to 27), omit paragraph (1)(a), substitute:

(a) the application is for a commercial evaluation permit relating to an industrial chemical under subsection 21B(1) of the old law; and

Schedule 2, item 21, page 15 (lines 3 to 8), omit paragraph (1)(a), substitute:

(a) the application is for a low volume permit in respect of an industrial chemical under subsection 21R(1) of the old law; and

Schedule 2, item 28, page 17 (lines 7 to 12), omit paragraph (1)(a), substitute:

(a) the application is for a controlled use permit in respect of an industrial chemical under subsection 22B(1) of the old law; and

Request for amendment to the Industrial Chemicals Charges (General) Bill 2017 circulated by the Government:

That the House of Representatives be requested to make the following amendment:

Clause 7, page 3 (line 27), after “registration year”, insert “or a financial year”.

Request for amendment to the Industrial Chemicals Charges (Customs) Bill 2017 circulated by the Government:

That the House of Representatives be requested to make the following amendment:

Clause 7, page 3 (line 24), after “registration year”, insert “or a financial year”.

Request for amendment to the Industrial Chemicals Charges (Excise) Bill 2017 circulated by the Government:

That the House of Representatives be requested to make the following amendment:

Clause 7, page 3 (line 24), after “registration year”, insert “or a financial year”.

Senator O’Neill, the Leader of Derryn Hinch’s Justice Party (Senator Hinch), the Leader of the Australian Greens (Senator Di Natale) and Senator Patrick, by leave, withdrew amendments to the bills circulated by the Opposition, Derryn Hinch’s Justice Party, the Australian Greens and the Centre Alliance respectively.

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

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

Environment and Communications Legislation Committee—
  Appointed—
    Substitute member: Senator Hanson-Young to replace Senator Rice for the
    committee’s inquiry into the Water Amendment (Purchase Limit Repeal)
    Bill 2019
    Participating member: Senator Rice

Rural and Regional Affairs and Transport Legislation Committee—
  Appointed—
    Substitute member: Senator Hanson-Young to replace Senator Rice for the
    committee’s inquiry into the Export Control Amendment (Banning Cotton
    Exports to Ensure Water Security) Bill 2019
    Participating member: Senator Rice.

Question put and passed.

64 Treasury Laws Amendment (2017 Enterprise Incentives No. 1) Bill 2017
  Treasury Laws Amendment (2018 Measures No. 4) Bill 2018
Messages from the House of Representatives were reported agreeing to the
amendments made by the Senate to the following bills:
  Message no. 528, dated 12 February 2019—Treasury Laws Amendment (2017
  Enterprise Incentives No. 1) Bill 2017.
  Message no. 529, dated 12 February 2019—Treasury Laws Amendment (2018
  Measures No. 4) Bill 2018.

65 Telecommunications Legislation Amendment Bill 2018
A message from the House of Representatives was reported returning the following
bill without amendment:
  Message no. 535, dated 14 February 2019—Telecommunications Legislation
  Amendment Bill 2018.

66 Governor-General’s messages—Assent to laws
Messages from His Excellency the Governor-General were reported, informing the
Senate that he had assented to the following laws:
  8 December 2018—Message no. 61—Telecommunications and Other Legislation
  10 December 2018—Messages nos—
    62—
    Aged Care Quality and Safety Commission Act 2018 (Act no. 149, 2018)
    Aged Care Quality and Safety Commission (Consequential Amendments
    Customs Amendment (Product Specific Rule Modernisation) Act 2018 (Act
    no. 151, 2018)
    Foreign Influence Transparency Scheme Legislation Amendment Act 2018
    (Act no. 152, 2018).
63—

Modern Slavery Act 2018 (Act no. 153, 2018)
My Health Records Amendment (Strengthening Privacy) Act 2018 (Act no. 154, 2018)

64—

Copyright Amendment (Online Infringement) Act 2018 (Act no. 157, 2018)
Defence Amendment (Call Out of the Australian Defence Force) Act 2018 (Act no. 158, 2018)

65—

Intelligence Services Amendment Act 2018 (Act no. 161, 2018)
Migration Amendment (Family Violence and Other Measures) Act 2018 (Act no. 162, 2018)
Road Vehicle Standards Act 2018 (Act no. 163, 2018)

66—

Road Vehicle Standards Charges (Imposition—Customs) Act 2018 (Act no. 165, 2018)
Road Vehicle Standards Charges (Imposition—Excise) Act 2018 (Act no. 166, 2018)

11 December 2018—Message no. 67—

Fair Work Amendment (Family and Domestic Violence Leave) Act 2018 (Act no. 169, 2018)

67 Income Tax (Managed Investment Trust Withholding Tax) Amendment Bill 2018
Income Tax Rates Amendment (Sovereign Entities) Bill 2018

Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:


The Minister for Communications and the Arts (Senator Fifield) moved—that these bills may proceed without formalities, may be taken together and be now read a first time.

Question put and passed.
Bills read a first time.
Senator Fifield moved—That these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 2 April 2019.

68 Next meeting of Senate
The Minister for Communications and the Arts (Senator Fifield) moved—That the Senate, at its rising, adjourn till Tuesday, 2 April 2019, at midday, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.
Question put and passed.

69 Leave of absence
The Minister for Communications and the Arts (Senator Fifield) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.
Question put and passed.

70 Adjournment
The President proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 9.01 pm till Tuesday, 2 April 2019 at midday.

71 Attendance
Present, all senators except Senator Abetz (on leave).

RICHARD PYE
Clerk of the Senate

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