**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**JOURNALS OF THE SENATE**

No. 136

WEDNESDAY, 5 DECEMBER 2018

**Contents**

1 Meeting of Senate ................................................................. 4421
2 Documents.................................................................................. 4421
3 Committees—Leave to meet during sitting..................................... 4422
4 Free trade agreements—Order for production of documents—Failure to comply—Explanation .................................................. 4422
5 Consideration of legislation .......................................................... 4422
6 Intelligence Services Amendment Bill 2018.................................. 4422
7 Foreign Influence Transparency Scheme Legislation Amendment Bill 2018 ................................................................. 4423
8 Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018 ................................................................. 4423
9 Treasury Laws Amendment (2017 Enterprise Incentives No. 1) Bill 2017 ...... 4423
10 Treasury Laws Amendment (2018 Measures No. 4) Bill 2018.............. 4424
11 Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017 ............................................................... 4427
12 Senators’ statements .................................................................. 4427
13 Questions.................................................................................... 4427
14 Protests—Statement by President .................................................. 4427
15 Motions to take note of answers .................................................... 4427
16 Petition ...................................................................................... 4428
17 Tasmania—Tarkine region—Document .......................................... 4428
18 LGBTI Australians—Discrimination—Document ............................. 4428
19 Notices ..................................................................................... 4428
20 Leave of absence ...................................................................... 4440
21 Postponement .......................................................................... 4440
22 Committee—Extension of time to report ........................................ 4441
23 Rural and Regional Affairs and Transport References Committee— References ............................................................................. 4441
24 Major Sporting Events (Indicia and Images) Protection Amendment Bill 2018 ................................................................. 4442
25 Corporations (Aboriginal and Torres Strait Islander) Amendment (Strengthening Governance and Transparency) Bill 2018.............. 4442
26 Aboriginal Land Rights (Northern Territory) Amendment (Land Scheduling) Bill 2018 ................................................................. 4443
27 Routine of business—Valedictory statements................................................ 4443
28 Death of former President of the United States of America George HW Bush ................................................................. 4443
29 Galilee Basin (Coal Prohibition) Bill 2018 ................................................... 4444
30 Dementia ........................................................................... 4444
31 Legal and Constitutional Affairs References Committee—Proposed reference ........................................................................... 4445
32 Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018—Consideration ................................................................. 4445
33 Legal and Constitutional Affairs References Committee—Proposed reference ........................................................................ 4447
34 Adani Carmichael coal mine ..................................................................... 4448
35 Queensland—Pubs and hotels in rural and remote towns .............. 4449
36 Australia Day ............................................................................ 4449
37 Murray-Darling Basin Plan—Climate change ........................................ 4450
38 Postponement ..................................................................... 4451
39 Social planning ...................................................................... 4451
40 Regional Broadband Scheme levy charge ................................................. 4452
41 Disability Support Pension ...................................................................... 4453
42 Regional Forest Agreements—Order for production of documents .......... 4453
43 MY Steve Irwin ........................................................................... 4454
44 Queensland bushfires—Firefighters ....................................................... 4455
45 Postponement ..................................................................... 4456
46 Climate change ...................................................................... 4456
47 Financial sector entities—Tax information—Order for production of documents—Compliance ........................................................................... 4457
48 China—Human rights ........................................................................ 4459
49 Urgency motion—Adani Carmichael coal mine—Climate change ........ 4459
50 Documents—Consideration .................................................................... 4459
51 Committee reports and government responses—Tabling and consideration ................................................................. 4460
52 Live animal exports—Review—Order for production of documents—Document .................................................................................. 4461
53 Financial Wellbeing and Capability activity—Grants—Order for production of documents—Documents ........................................................................... 4461
54 Centrelink—Serco pilot program—Review by KPMG—Order for production of documents—Documents ........................................................................... 4461
55 Liberal Party—Bullying policy—Answer to question—Document ........ 4462
56 Committee membership ...................................................................... 4462
57 Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018 .... 4462
58 Fair Work Amendment (Repeal of 4 Yearly Reviews and Other Measures) Bill 2017 ................................................................. 4462
59 Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017 ................................................................. 4463
60 Adjournment .................................................................................. 4463
61 Attendance .................................................................................. 4463
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 following documents were tabled pursuant to standing order 61(1)(b):

Document presented by the President

Auditor-General’s report for 2018-19

Government 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.]

Repeal of Airworthiness Directive AD/B767/73—CASA ADCX 017/18 [F2018L01657].

Federal Financial Relations (General Purpose Financial Assistance) Determination No. 117 (November 2018) [F2018L01656].

Lands Acquisition Act 1989—Statement describing property acquired by agreement for specified purposes.
3 **Committees—Leave to meet during sitting**

Committees were authorised to meet during the sitting of the Senate, as follows:

Legal and Constitutional Affairs Legislation and References Committees—private meetings otherwise than in accordance with standing order 33(1) on Thursday, 6 December 2018, from 4 pm.

4 **Free trade agreements—Order for production of documents—Failure to comply—Explanation**

Pursuant to order (see entry no. 30, 4 December 2018), the Minister for Trade, Tourism and Investment (Senator Birmingham) provided an explanation of the failure to comply with an order for the production of documents relating to free trade agreements.

The Leader of Pauline Hanson’s One Nation (Senator Hanson) moved—That the Senate take note of the explanation.

Debate ensued.

On the motion of the Minister for Finance and the Public Service (Senator Cormann) the debate was adjourned till the next day of sitting.

5 **Consideration of legislation**

The Minister for Finance and the Public Service (Senator Cormann), by leave, moved—That—

(a) the following bills be called on immediately, in the following order, and the time allotted for all remaining stages of the bills be until 12.30 pm:

Intelligence Services Amendment Bill 2018
Foreign Influence Transparency Scheme Legislation Amendment Bill 2018
Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018
Treasury Laws Amendment (2017 Enterprise Incentives No. 1) Bill 2017
Treasury Laws Amendment (2018 Measures No. 4) Bill 2018; and

(b) paragraph (a) of this order shall operate as a limitation of debate under standing order 142.

Debate ensued.

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

**Question:** That the question be now put—put and passed.

Main question put and passed.

**Statement by leave:** The Leader of the Australian Greens (Senator Di Natale), by leave, made a statement relating to the motion.

6 **Intelligence Services Amendment Bill 2018**

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

Message no. 523, dated 4 December 2018—A Bill for an Act to amend the *Intelligence Services Act 2001*, and for related purposes.
The Assistant Minister for Treasury and Finance (Senator Seselja) 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 Seselja 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 the Minister for Foreign Affairs (Senator Payne) the bill was read a third time.

7 Foreign Influence Transparency Scheme 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. 524, dated 4 December 2018—A Bill for an Act to amend the law in relation to foreign influence transparency, and for related purposes.

The Minister for Foreign Affairs (Senator Payne) 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 Payne 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 the Assistant Minister for Home Affairs (Senator Reynolds) the bill was read a third time.

8 Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018

Order of the day read for the adjourned debate on the motion of the Assistant Minister for Home Affairs (Senator Reynolds)—That this bill be now read a second time.

Debate resumed.

Question put and passed.

Bill read a second time.

No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Minister for Small and Family Business, Skills and Vocational Education (Senator Cash) the bill was read a third time.

9 Treasury Laws Amendment (2017 Enterprise Incentives No. 1) Bill 2017

Order of the day read for the adjourned debate on the motion of the Minister for Communications and the Arts (Senator Fifield)—That this bill be now read a second time.

Debate resumed.
Question put.
The Senate divided—

AYES, 34

Senators—
Bernardi
Bilyk
Brockman
Burston
Bushby
Cameron
Cash
Chisholm
Duniam
Ferravanti-Wells
Galagher
Georgiou
Griff
Hanson
Hinch
Hume*
Keneally
Ketter
Kitching
Leyonhjelm
Lines
McGrath
Molan
Moore
O’Sullivan
Patrick
Pratt
Reynolds
Seselja
Smith, David
Sterle
Storer
Watt

NOES, 9

Senators—
Di Natale
Faruq
Hanson-Young
McKim
Rice
Siewert*
Steele-John
Waters
Whish-Wilson

* Tellers

Question agreed to.
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.

*Explanatory memorandum:* The Assistant Minister for Treasury and Finance (Senator Seselja) tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

Question—That the bill stand as printed—divided, at the request of Senator Seselja, in respect of Schedule 2.

Schedule 2 debated.

Question—That Schedule 2 stand as printed—put and negatived.

Bill, as amended, agreed to and reported with an amendment.

———

On the motion of Senator Seselja the report from the committee was adopted and the bill read a third time.

10 *Treasury Laws Amendment (2018 Measures No. 4) Bill 2018*

Order of the day read for the adjourned debate on the motion of the Minister for Communications and the Arts (Senator Fifield)—That this bill be now read a second time.

Debate resumed.
Senator Whish-Wilson moved the following amendment:
   At the end of the motion, add “but the Senate:
   (a) notes that the current requirement for the payment of the superannuation-guarantee on at least a quarterly basis creates a significant risk of non-compliance and hinders the prompt detection of superannuation guarantee non-payment; and
   (b) calls on the Government to introduce legislation that would require superannuation to be paid in alignment with pay periods stipulated in workplace agreements, or on a monthly basis, whichever is the lesser period”.

Debate ensued.

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

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

Limitation of debate: The time allotted for consideration of the bill expired.

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

Bill read a second time.

The following amendments circulated by the Government were agreed to:

Clause 2, page 3 (table item 13), omit the table item, substitute:

13. Schedules 9 and 10
   The first 1 January, 1 April, 1 July
   or 1 October to occur after the day this Act receives the Royal Assent.

14. Schedule 11
   1 July 2019.

Schedule 9, item 2, page 64 (table item 12.2.5), omit the table item, substitute:

12.2.5 Sydney Chevra Kadisha
   the gift must be made after 31 December 2017 and before 1 January 2021

Page 65 (after line 2), at the end of the bill, add:

Schedule 10—Further deductible gift recipients

Income Tax Assessment Act 1997

1 Subsection 30-25(2) (at the end of the table)
   Add:

2.2.45 Smile Like Drake Foundation Limited
   the gift must be made after 8 March 2018 and before 9 March 2023

2.2.46 The Q Foundation Trust
   the gift must be made after 31 December 2017 and before 1 January 2023
2 Subsection 30-45(2) (at the end of the table)
Add:

4.2.44 Victorian Pride Centre Ltd the gift must be made after 8 March 2018 and before 9 March 2023

3 Section 30-90 (at the end of the table)
Add:

10.2.9 Australian Sports Foundation Charitable Fund the gift must be made after 30 June 2018 and before 1 July 2023

4 Section 30-95 (at the end of the table)
Add:

11.2.11 Australian Women Donors Network the gift must be made after 8 March 2018 and before 9 March 2023

5 Section 30-105 (at the end of the table)
Add:

13.2.24 Paul Ramsay Foundation Limited the gift must be made after 30 June 2018 and before 1 July 2020

6 Section 30-315 (after table item 27)
Insert:

27AAAA Australian Sports Foundation Charitable Fund item 10.2.9
27AAAB Australian Women Donors Network item 11.2.11

7 Section 30-315 (after table item 82A)
Insert:

83 Paul Ramsay Foundation Limited item 13.2.24

8 Section 30-315 (after table item 94)
Insert:

94AA Q Foundation Trust item 2.2.46

9 Section 30-315 (table items 111A, 111AAA and 111AA)
Repeal the items, substitute:

111AA Sir William Tyree Foundation item 2.2.18
111AB Smile Like Drake Foundation Limited item 2.2.45
111AC Social Traders Ltd item 13.2.5
111A Social Ventures Australia Limited item 13.2.16

10 Section 30-315 (after table item 121A)
Insert:

121B Victorian Pride Centre Ltd item 4.2.44
Schedule 11—Extending DGR status to entities promoting Indigenous languages

*Income Tax Assessment Act 1997*

1 **Subsection 30-300(2)**

Omit “arts of”, substitute “arts or languages of”.

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

Bill read a third time.

11 **Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and the Public Service (Senator Cormann)—That this bill be now read a second time.

Debate resumed.

*At 12.45 pm:* Debate was interrupted while Senator O’Neill was speaking.

12 **Senators’ statements**

Senators made statements.

*At 2 pm—*

13 **Questions**

Questions without notice were answered.

14 **Protests—Statement by President**

The President made a statement relating to protests in Parliament House today.

15 **Motions to take note of answers**

Senator O’Neill moved—That the Senate take note of the answers given by the Minister for Finance and the Public Service (Senator Cormann) to questions without notice asked by Senators Singh and Brown today relating to energy policy.

Debate ensued.

Question put and passed.

Senator Steele-John moved—That the Senate take note of the answer given by the Minister for Small and Family Business, Skills and Vocational Education (Senator Cash) to a question without notice asked by Senator Steele-John today relating to the Telecommunications and Other Legislation Amendment (Assistance and Access) Bill 2018.

Question put and passed.
16 Petition
The following petition, lodged with the Clerk by Senator Fierravanti-Wells, was received:

From 11,457 petitioners, requesting that the Senate call on the Federal Government to maintain the current provisions in the Sex Discrimination Act 1984 that ensure freedom for faith-based schools.

Statement by leave: Senator Fierravanti-Wells, by leave, made a statement relating to the matter.

17 Tasmania—Tarkine region—Document
Senator McKim, by leave, tabled the following document:

Tasmania—Tarkine region—Petitioning document from 270,000 signatories.

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

18 LGBTI Australians—Discrimination—Document
Senator Waters, by leave, tabled the following document:

LGBTI Australians—Discrimination—Petitioning document from 469 signatories concerning the protection of LGBTI people from discrimination.

19 Notices
The Minister for Finance and the Public Service (Senator Cormann): To move on the next day of sitting—

(1) That the following matter be referred to the Joint Standing Committee on Electoral Matters established in the next Parliament, for commencement of a review on the second anniversary for the Royal Assent of the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018:


The review will consider:

(a) the operation of the amendments during the federal election immediately following the enactment of the amendments;
(b) the clarity of public guidance products issued by regulators;
(c) how the Bill’s objectives can continue to be achieved in the most effective way while minimising red tape; and
(d) any impacts from the amendments that are relevant to issue-based advocacy.

(2) That the committee report within 6 months of receiving the reference.

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

(a) notes that:

(i) according to the 2016 National Drug Strategy Household Survey:

(A) 6.3% of, or 1.3 million, Australians over the age of 14 reported having used methamphetamines,

(B) among recent methamphetamine users, more than half (57%) reported using crystal methamphetamine,
of those who had used methamphetamines, including ice, in the past 12 months, 20.4% used these drugs weekly or daily,

rates of methamphetamine use were 2.5 times as high among people living in remote or very remote areas, compared to rates among those living in major cities or regional areas, and

young people aged between 18 and 24 years old living in rural areas are more likely to report recent drug use, compared to their city counterparts.

(ii) on 23 November 2018, the Minister for Health, Mr Hunt, announced a $20 million funding package to boost drug and alcohol treatment services in South Australia, particularly in regional and rural areas,

(iii) this funding will be available over three years and will be provided as grants of up to $2.5 million in locations specified as ‘areas of need’, comprising the Fleurieu region, Peterborough and the Mid North, Port Augusta, Ceduna, Murray Bridge, Playford, Port Adelaide and Onkaparinga,

(iv) all other areas of South Australia, including Mount Gambier, have been locked out of applying for this funding,

(v) there is no detox service offered in the Mount Gambier Hospital,

(vi) rehabilitation facilities are offered only in shared houses or family houses,

(vii) clients wishing to detox must travel nearly 500 km to Adelaide to do so,

(viii) counselling staff are under-resourced, with some seeing up to 7 clients per day, leaving little time for follow-up letters for their clients to doctors, lawyers or other relevant ongoing referrals, and

(ix) the wait time for a person to see a drug or alcohol counsellor in the Mount Gambier region is up to three to four weeks; and
(b) notes that 2019 marks:
   (i) the 30th anniversary of the Dalai Lama being awarded the Nobel Peace Prize, in October 1989, for his efforts in the struggle of the liberation of Tibet, and his efforts for a peaceful resolution instead of using violence, and
   (ii) the 60th anniversary of the September 1954 meeting of Chairman Mao and the Dalai Lama in Beijing; and
(c) calls on the Australian Government to maintain an active engagement with China on human rights issues. (general business notice of motion no. 1326)

Senator Griff: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) the report of the Community Affairs References Committee, Value and affordability of private health insurance and out-of-pocket medical costs, was presented almost a year ago, on 19 December 2017,
   (ii) the report made 19 recommendations designed to ease the burden of rising medical costs on consumers, such as recommending that the Department of Health publish the fees of individual medical practitioners in a searchable database,
   (iii) on 13 November 2018, the Senate agreed to an order for the production of documents for the government response to the report,
   (iv) on 14 November 2018, the Minister representing the Minister for Health advised the President of the Senate in writing that the Government was in the late stages of finalising its response and expected to table the response in November 2018, and
   (v) the Government has yet to table a response to this report; and
(b) orders that there be laid on the table by the Minister representing the Minister for Health, by 5 pm on 6 December 2018, the government response to the recommendations of the report. (general business notice of motion no. 1327)

Senator Patrick: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to provide for security background checks of Ministers of State, and for related purposes. Ministers of State (Checks for Security Purposes) Bill 2018. (general business notice of motion no. 1328)

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to re-establish confidence in the banking system, to separate retail commercial banking activities involving the holding of deposits from wholesale and investment banking involving risky activities, and for other purposes. Banking System Reform (Separation of Banks) Bill 2018. (general business notice of motion no. 1329)

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the Senate calls on the Government to immediately withdraw from the United Nations’ flawed and damaging Paris Climate deal. (general business notice of motion no. 1330)

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the Senate—
   (a) acknowledges that ASIO and the Australian Federal Police have extensive data on the country-of-origin of potential extremists;
   (b) notes that in other issues in relation to the immigration system, when rorts and problems are identified from certain countries, the tap is turned off; and
(c) calls on the Federal Government to introduce a travel ban, similar to that imposed by the Trump Administration in the United States of America, on people from countries that are known sources of radicalism coming into Australia. (general business notice of motion no. 1331)

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the Senate—

(a) acknowledges that:

(i) male suicides increase significantly over Christmas, and

(ii) discriminatory aspects of Australia’s family law system, which acts to separate children from parents and grandparents at Christmas time, contribute to this increase; and

(b) calls on the Federal Government to take urgent steps to deal with discriminatory aspects of the Australian family law system. (general business notice of motion no. 1332)

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

(a) notes that:

(i) Micah, a movement of Australian Christians, churches and organisations, are raising their voices for a world free from poverty – this week hundreds of Christian delegates from across our country gathered in Parliament House for ‘Voices for Justice 2018’, to share their concern for the world’s poor, oppressed and displaced and to advocate for doing more for the world’s poorest, those trapped in slavery and the displaced,

(ii) significant progress has been made in recent decades as the world increased its focus on the problems of global poverty, however, these gains are fragile as climate change, conflicts and governance concerns are threatening to push more people into poverty and vulnerability and undo the progress to this point, and

(iii) since September 2013, the Australian International Development Assistance budget has been reduced by the Abbott-Turnbull-Morrison Government, and is now at 0.22% of gross national income; and

(b) calls upon the Federal Government to consider the voices of the Micah delegates and their concerns about the need for investment in a global response to ending the desperate impact of poverty. (general business notice of motion no. 1333)

Senator Steele-John: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Broadcasting Services Act 1992, and for related purposes. Broadcasting Services Amendment (Audio Description) Bill 2018. (general business notice of motion no. 1334)

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

(a) notes that:

(i) independent reviews conducted by the Regional Telecommunications Review Committee, the Productivity Commission and the Australian National Audit Office have all issued critical reports on the Universal Service Obligation (USO),

(ii) the Productivity Commission has found that the number of Australian payphones has almost halved over the past decade,
(iii) the Department of Communications and the Arts estimates that 22% of copper services and 9% of payphones have been phased out since 2012,

(iv) Telstra is currently paid almost $300 million a year to maintain these services under the USO,

(v) the Department of Communications and the Arts estimates the equivalent universal broadband delivery obligation on NBN Co for fixed wireless and satellite in regional areas will cost the entity in excess of $800 million per annum, if operating on a full cost-recovery basis, and

(vi) on 5 December 2018, the Minister for Communications and the Arts announced that the Government does not intend to change current USO arrangements, despite the Minister’s report stating that ‘Network Strategies concluded that the delivery of voice services using wireless (mobile and fixed) and satellite technologies would be more cost effective than the current arrangements’, and ‘Potential savings in the hundreds of millions of dollars over the period from 2020 to 2032 were identified’; and

(b) calls on the Federal Government to:

(i) release high-level cost modelling of the USO reform options, and

(ii) release the advice provided by NBN Co about the financial costs of servicing additional ADSL customers by 20 December 2018. (general business notice of motion no. 1335)

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

(a) notes that:

(i) changes to the in home childcare program, including to the hourly rate cap, have had the unintended consequence of leaving hundreds of families with complex childcare needs without affordable childcare, which affects their ability to work, attend medical appointments and respite,

(ii) this group includes parents and carers with significant medical problems, including terminal illness and mental health issues, as well as children with developmental delays and severe disabilities, and

(iii) although some of these families have transitioned to the National Disability Insurance Scheme, many have not;

(b) recognises that, although there were problems with the in home childcare program, some families with complex needs are facing a childcare crisis as a result of the changes;

(c) further notes that numerous providers have been forced to close as a result, and a large number of carers have been left without job; and

(d) calls on the Federal Government to provide emergency funding for sufficient childcare subsidies to high-needs families affected by the change and to provide a long-term solution to this issue. (general business notice of motion no. 1336)

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

(a) notes that:

(i) the National Rental Affordability Scheme (NRAS) will soon start to phase out this year after the Abbott Government made the decision to discontinue it in 2014,
(ii) hundreds of dwellings will be dropping off the scheme in a matter of months, yet there has been no replacement scheme or extension to the NRAS announced by the Government, and

(iii) many vulnerable people will be left unable to access affordable housing and could face homelessness; and

(b) calls on the Federal Government to urgently commit to a replacement scheme or an extension of the NRAS. (general business notice of motion no. 1337)

Senator Whish-Wilson: To move on the next day of sitting—That the Senate—

(a) notes the intention of the Assistant Treasurer, Mr Robert, to be the guest of honour at a Liberal Party fundraising lunch on the Sunshine Coast on 19 December 2018, for which the topic of discussion will be the ramifications of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry;

(b) notes how distasteful it is for the Assistant Treasurer to be seeking to use the Royal Commission as a platform for party fundraising, and how some victims of financial misconduct are likely to find this offensive;

(c) notes that the Assistant Treasurer has failed to progress a number of pieces of legislation through the Senate; and

(d) calls on the Assistant Treasurer to concentrate his energies on passing legislation that would prevent further instances of financial misconduct and would put consumers in a stronger position to get a fair deal from banks, superannuation funds and other financial service providers. (general business notice of motion no. 1338)

The Leader of Derryn Hinch’s Justice Party (Senator Hinch): To move on the next day of sitting—That the Senate—

(a) recognises:

(i) the sovereign right of Indigenous Australians to hunt culturally significant species under the Native Title Act 1993 (the Act), and

(ii) that while native title was envisaged to maintain this cultural connection, hunting rights under the Act must still be subject to laws which relate to animal cruelty; and

(b) notes that:

(i) the populations of both dugongs and sea turtles have declined significantly over the past 15 years,

(ii) this population decline is due to cumulative pressures, such as ocean acidification, pollution, commercial fishing and other human impacts that include Indigenous hunting,

(iii) protections for dugong and turtle populations from threats of poaching, illegal commercial trade and illegal transportation were supposedly enhanced in 2013 by the tripling of financial penalties for such practices within the Great Barrier Reef Marine Park,

(iv) there is little information regarding the number of dugongs and sea turtles killed by hunters, and there have been credible allegations raised within local Indigenous communities of animal cruelty committed by those who purport to be hunting under native title,

(v) such allegations include the use of high-power motorboats, machetes and other cruel methods which maim animals and leave them suffering before dying.
(vi) Indigenous leaders are calling out for help to ensure that culturally significant practices are not undermined by the illegal actions of others,

(vii) several Indigenous clans have adopted sustainable take practices through Traditional Use of Marine Resource Agreements and some have called for zero take of endangered species, and

(viii) in the first sitting week of 2019, Senator Hinch will be introducing a bill to stop the cruel slaughter of endangered creatures, like dugongs and sea turtles. (general business notice of motion no. 1339)

The Leader of the Australian Greens (Senator Di Natale): To move on the next day of sitting—That the Senate—

(a) notes with deep concern:

(i) Cambodia’s recent sham election, held on 29 July 2018, against a backdrop of democratic suppression, including the jailing (and subsequent house arrest) of Opposition Leader Kem Sokha, the dissolution of the main opposition party, the Cambodia National Rescue Party (CNRP), and attacks on the free press, and

(ii) That Cambodia’s Hun Sen regime has not taken steps to reinstate the banned CNRP, nor has it dismissed charges against political activists, including Kem Sokha;

(b) further notes:

(i) Australia’s key leadership role in the Paris Peace Accord of 1991, which provides for periodic and genuine elections in Cambodia,

(ii) that, in March 2018, Australia and 44 other countries delivered a Joint statement to the UN Human Rights Council, noting ‘an electoral process from which the main democratic opposition party has been arbitrarily excluded cannot be considered genuine or legitimate’,

(iii) that the UN’s former Special Representative for Human Rights in Cambodia, the Honourable Michael Kirby, stated in July 2018 that ‘the actions in Cambodia against the opposition parties are so extreme that they well merit a strong response from the democratic Parliament of Australia’,

(iv) that the United States Government has implemented targeted sanctions against the Cambodian regime,

(v) on 18 September 2018, the European Parliament declared that the ‘political structure of Cambodia can no longer be considered a democracy’, and the European Commission has begun a process to withdraw special tax concessions for Cambodia,

(vi) Human Rights Watch’s report, Cambodia’s dirty dozen, profiling 12 senior generals in the military, police and the gendarmerie responsible for serious and systematic human rights violations, and

(vii) allegations, aired on Four Corners, of money laundering, visa fraud and tax evasion by members of Cambodia’s regime, and the political activities of the Cambodian Embassy in recruiting members of the Cambodian community in Australia to join Cambodia’s ruling party;

(c) declares that Cambodia’s Government is neither democratic, legitimate nor representative of the will of the Cambodian people; and
calls on the Australian Government to implement targeted sanctions, including travel bans and asset freezes against individuals in Cambodia’s Hun Sen regime involved in human rights abuses or directly and substantially undermining democracy in Cambodia. *(general business notice of motion no. 1340)*

Senators Griff, Moore and Singh: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) the Youth Representative Consultation Report is due to be released this week,
(ii) the report, written by Mr Amos Washington, the 2018 Youth Representative to the United Nations, is the culmination of consultations with thousands of young people across the country and a six-week placement at the Australian Permanent Mission to the United Nations, where the Youth Representative worked on behalf of young Australians,
(iii) the Youth Representative Program provides young Australians with an important platform to have their voices heard around Australia and on the international stage,
(iv) the report identifies mental health and wellbeing, discrimination and inequality, and education as the top issues facing young Australians, and
(v) while the vast majority of young people surveyed are interested in current global events and in learning more about how the government makes decisions, less than one in five of the young people surveyed feel like their opinions are represented by politicians in government;

(b) supports the Youth Representative’s efforts to provide young Australians with an opportunity to have their perspectives heard and considered;

(c) recognises the importance of supporting the wellbeing of young Australians;

(d) recognises that young people have perspectives that can enrich policy conversations;

(e) emphasises the need to continually consider how young people can be further involved in policy decision-making; and

(f) commits to:

(i) supporting the Youth Representative Program into the future,
(ii) exploring opportunities for meaningful consultation with young people when creating policy, and
(iii) placing the needs of young Australians at the forefront of policymaking. *(general business notice of motion no. 1341)*

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the Senate calls on the Federal Government to establish a royal commission to inquire into the child support system and the family law system, with the terms of reference to include:

(a) the conduct of lawyers and costs of legal advice;

(b) the adequacy of legal aid and its budget;

(c) the cost of transcripts of court proceedings;

(d) the costs, adequacy and effectiveness of supervised visitation;

(e) the conduct and costs of those providing expert advice including psychologists;

(f) the cost and cause of delays;
(g) the use of courts at night;
(h) the effectiveness and efficiency of the child support system;
(i) suicides related to the child support system and the family law system; and
(j) the experience of children. (*general business notice of motion no. 1342*)

Senator Hanson-Young: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) a six year survey of the Great Australian Bight (the Bight), conducted as part of a joint effort by the South Australian Research and Development Institute, Commonwealth Scientific and Industrial Research Organisation, the University of Adelaide, Flinders University and BP, has discovered more than 400 previously unknown species,
   (ii) the Bight is one of the most biodiverse places on the planet,
   (iii) BP and Equinor’s own modelling of an oil spill in the Bight show the scale of disaster that is possible, and
   (iv) Equinor plans to commence drilling in the Bight as early as next year;

(b) calls on the Federal Government to suspend all current oil and gas exploration and drilling licences, and move to ban future oil and gas drilling in the Bight. (*general business notice of motion no. 1343*)

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

(a) notes the threat that crocodiles pose to humans, livestock and aquaculture in central, north and far north Queensland;
(b) recognises that, whilst it is always an admirable goal to protect and conserve wildlife species, measures to minimise the risk of monetary damage, injury or death to humans should always take precedence – that is, that human lives are more important than crocodiles;
(c) recognises that states and territories are responsible for managing crocodiles, including for public safety; and
(d) calls on states and territories to consider all options for the protection of human lives consistent with national law, including sustainable culls. (*general business notice of motion no. 1344*)

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

(a) notes that:
   (i) trust in Australian democracy has halved in the past decade, with fewer than 41% of Australian citizens reporting a sense of satisfaction with the way democracy works, down from 86% in 2007, according to research from the Museum of Australian Democracy and the University of Canberra published today,
   (ii) women are generally less satisfied with democracy and more distrusting of politicians and political institutions – those most critical of the current state of our democracy are women in their forties who are struggling on less than $50,000 a year,
   (iii) people most likely to feel satisfied with the status quo include those aged 55 and over, and those earning more than $200,000 a year,
(iv) the three main grievances electors have with Australia’s democratic system are politicians not being accountable for broken promises; politicians not dealing with the issues that really matter; and big business having too much power,

(v) plummeting levels of trust in politics-as-usual is prompting young people to mobilise in unprecedented numbers, with thousands of schoolchildren protesting the Government’s lack of long-term policies for climate justice over the last week, across all Australian capitals, and

(vi) younger voters are concerned that their vote does not count because of the overwhelming influence of political donations, which result in more and more people being denied necessary resources and basic human rights; and

(b) calls on the Federal Government to:
   (i) ban corporate donations from vested interests that seek to influence government policy,
   (ii) cap all other donations to political parties to $1000 per year, and
   (iii) take measures to increase the participation of women and people from minority backgrounds in Australia’s political system. (general business notice of motion no. 1345)

Senators Siewert, Dodson and Scullion: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) this year’s Indigenous Governance Awards were held on 23 November in Melbourne, and
   (ii) the Awards identify, celebrate and promote effective Indigenous governance, which is about Aboriginal and Torres Strait Islander peoples making and implementing decisions about their communities, lives and futures;

(b) recognises the calibre of the nine finalists for the Awards; and

(c) congratulates the winning organisations of the 2018 Indigenous Governance Awards. (general business notice of motion no. 1346)

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

(a) takes note of the importance of the fishing industry to the Queensland economy, which was worth $294 million in 2015-16, and the particular significance of this industry to Queensland’s coastal towns;

(b) notes the excellent occasion that is the Hervey Bay Seafood Festival, held annually on the second Sunday in August, the only such event in Australia managed by the men and women who catch the seafood;

(c) recognises the positive impact the Hervey Bay Seafood Festival has on the local economy, with over 50% of patrons travelling to Hervey Bay from other areas;

(d) further notes that the team behind the Festival, Hervey Bay Seafood Inc, have also launched ‘Wide Bay Wild Catch’ – a promotional brand to showcase the story of the resident seafood industry, the men and women across all sectors of seafood in the region from Rainbow Beach north to Bundaberg, and their pride in legendary local seafood for seafood lovers the world over; and
(e) commends Hervey Bay Seafood Inc for their brilliant work in promoting local seafood products in the Wide Bay region, and for providing another draw point for tourists to the region. (general business notice of motion no. 1347)

Senator McGrath: To move on 14 February 2019—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) 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. (general business notice of motion no. 1348)

Senator Farrell: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Defence, by no later than 3.30 pm on 6 December 2018, the schedule of special purpose flights for the period 1 January to 30 June 2018. (general business notice of motion no. 1349)

Senator O’Neill: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) the law of parliamentary privilege is intended to protect the ability of legislative Houses, their members and committees, to exercise their authority and perform their duties without undue external interference, and
   (ii) an aspect of that law is the protection of the legislature against improper interference by the judiciary and the executive;
(b) further notes and affirms that:
   (i) the powers, privileges and immunities of the Senate and the House of Representatives are secured through s.49 of the Constitution, and include the traditional freedoms formulated in Article 9 of the Bill of Rights 1688, protecting speech and debates in Parliament against being impeached or questioned in any court or place out of Parliament,
   (ii) the protection of privileged material in proceedings of courts and tribunals, descended from Article 9, is declared and enacted in s.16 of the Parliamentary Privileges Act 1987,
the protections recited in Article 9 and secured through s.49 are not confined to courts and tribunals, but also encompass the protection of privileged material against incursion by the executive and executive agencies,

(iv) the protection of privileged material against seizure by executive agencies under warrant is acknowledged and secured by a settlement between the legislature and the executive, whose purpose is to ensure that search warrants are executed without improperly interfering with the functioning of Parliament, and

(v) the National AFP Guideline developed under this settlement is intended to enable informed claims of privilege to be made and determined, with seized material sealed with a third party until those claims are resolved;

(c) declares, for the avoidance of doubt:

(i) that the right of the Houses to determine claims of privilege over material sought to be seized or accessed by executive agencies adheres regardless of the form of the material, the means by which those agencies seek seizure or access, and the procedures followed, and

(ii) in particular, that these rights adhere against the covert use of intrusive powers, by which agencies may seek to seize or access information connected to parliamentary proceedings without the use or presentation of warrants;

(d) requires the executive and executive agencies to observe the rights of the Senate, its committees and members in determining whether and how to exercise their powers in matters which might engage questions of privilege; and

(e) calls on the Attorney-General, as a matter of urgency, to work with the Presiding Officers of the Parliament to develop a new protocol for the execution of search warrants and the use by executive agencies of other intrusive powers, which complies with the principles and addresses the shortcomings identified in reports tabled in the 45th Parliament by the Senate Committee of Privileges and the House of Representatives Committee of Privileges and Members Interests. (general business notice of motion no. 1350)

Senator Patrick: To move on the next day of sitting—That all circulated amendments to the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 4 February 2019.

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

(a) notes:

(i) the recent Maldivian presidential election held on 23 September 2018, and

(ii) that His Excellency Ibrahim Mohamed Solih, candidate for the Maldivian Democratic Party, as part of a coalition of opposition parties, was victorious as the Maldives’ democratically-elected President;

(b) formally extends its congratulations to His Excellency Ibrahim (Ibu) Mohamed Solih on his election as President of the Republic of Maldives; and

(c) acknowledges the desire of The Maldives to be re-admitted to the Commonwealth of Nations. (general business notice of motion no. 1351)
Senators Siewert, Pratt, McKenzie, Waters, O’Neill, Polley, Hanson-Young, Stoker, Gichuhi, Fierravanti-Wells, Ruston, Payne, Cash, Moore, Reynolds, Brown, Kitching, Hurne, Rice, Faruqi, Singh, Lines, Wong, Collins, Urquhart, McAllister, Keneally, Bilyk and McCarthy: To move on the next day of sitting—that the Senate—

(a) notes the success of Australian women surfers in recent world titles;
(b) congratulates Ms Stephanie Gilmore on winning her seventh world surfing championship, and Ms Shakira Westdorp on winning her third consecutive world paddleboard title; and
(c) encourages young women everywhere to discover their dreams and follow the knowledge they can expect to be recognised and supported to succeed. (general business notice of motion no. 1352)

Intention to withdraw: The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion standing in his name, as follows:

Business of the Senate notice of motion no. 1 for 5 sitting days after today for the disallowance of the Financial Framework (Supplementary Powers) Amendment (Defence Measures No. 1) Regulations 2018 [F2018L01128].

Business of the Senate notice of motion no. 3 for 8 sitting days after today for the disallowance of the Banking (prudential standard) determination No. 4 of 2018 – Prudential Standard APS 221 Large Exposures [F2018L01190].

Notices of motion withdrawn:

The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to notice of intention given on 4 December 2018, withdrew business of the Senate notice of motion no. 1 standing in his name for today for the disallowance of the National Vocational Education and Training Regulator Amendment (Enforcement and Other Measures) Regulations 2018 [F2018L01034].

Senator Patrick withdrew general business notice of motion no. 1227 standing in his name for today, proposing a temporary order relating to formal business.

The Assistant Minister for International Development and the Pacific (Senator Ruston) withdrew government business notice of motion no. 5 standing in her name for today, relating to the consideration of legislation.

20 Leave of absence

Senator Bushby, by leave, moved—that leave of absence be granted to Senator Dean Smith for 5 and 6 December 2018, for personal reasons.

Question put and passed.

21 Postponement

Business was postponed as follows:

General business notice of motion no. 1309 standing in the name of Senator Anning for today, relating to the UN Global Compact on Refugees, postponed till 6 December 2018.
22 Committee—Extension of time to report
The following committee was granted an extension of time to report:

Community Affairs References Committee—Aged care assessment and accreditation, extended to 3 April 2019.

23 Rural and Regional Affairs and Transport References Committee—References
Senator Urquhart, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 3—
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the second sitting day in August 2019:

The provision of rescue, firefighting and emergency response at Australian airports, with particular reference to:

(a) the current standards applicable to the provision of aerodrome rescue and firefighting services relating to community safety and emergency personnel safety;
(b) the standards for the provision of emergency response at Australian airports, including emergency medical response and response to structure fires and other incidents;
(c) the comparison of safe systems of emergency response standards and systems of work for firefighting and rescue operations for structure fires, aircraft rescue, emergency medical response and other emergency incidents;
(d) the consideration of best practice, including relevant international standards;
(e) the mechanisms and criteria for the review of the provisions of safety standards for the provision of rescue and firefighting services, if any;
(f) a review of Airservices Australia policy and administration of aviation rescue and firefighting services;
(g) the effectiveness and independence of the regulator, the Civil Aviation Safety Authority (CASA), to uphold aviation rescue and firefighting safety standards;
(h) the impact on Australia’s national and international reputation and aviation safety record as a result of any lowering of aviation rescue and firefighting services; and
(i) any other related matters.

Question put and passed.
Senator Urquhart, at the request of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Sterle) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 4—
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the second sitting day in August 2019:

The policy, regulatory, taxation, administrative and funding priorities for Australian shipping, with particular reference to:

(a) new investment in Australian ships and building a maritime cluster in Australia;
(b) the establishment of an efficient and commercially-oriented coastal ship licensing system and foreign crew visa system;
(c) the interaction with other modes of freight transport, non-freight shipping and government shipping;
(d) maritime security, including fuel security and foreign ship and crew standards;
(e) environmental sustainability;
(f) workforce development and the seafarer training system;
(g) port infrastructure, port services and port fees and charges; and
(h) any related matters.

Question put and passed.

24 Major Sporting Events (Indicia and Images) Protection Amendment Bill 2018

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 Major Sporting Events (Indicia and Images) Protection Act 2014, 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, 12 February 2019.

25 Corporations (Aboriginal and Torres Strait Islander) Amendment (Strengthening Governance and Transparency) Bill 2018

The Assistant Minister for International Development and the Pacific (Senator Ruston), at the request of the Minister for Indigenous Affairs (Senator Scullion) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 2—That the following bill be introduced:

A Bill for an Act to amend the law in relation to Aboriginal and Torres Strait Islander corporations, 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, 12 February 2019.

26 Aboriginal Land Rights (Northern Territory) Amendment (Land Scheduling) Bill 2018

The Assistant Minister for International Development and the Pacific (Senator Ruston), at the request of the Minister for Indigenous Affairs (Senator Scullion) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 3—That the following bill be introduced:

A Bill for an Act to amend the Aboriginal Land Rights (Northern Territory) Act 1976, 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, 12 February 2019.

27 Routine of business—Valedictory statements

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. 4—That, on Wednesday, 13 February 2019, consideration of the business before the Senate shall be interrupted at 5 pm, but not so as to interrupt a senator speaking, to enable valedictory statements to be made relating to Senator Williams.

Question put and passed.

28 Death of former President of the United States of America George HW Bush

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1299—That the Senate—

(a) acknowledges that President Donald J Trump has declared 5 December 2018 to be a national day of mourning for the American people; and

(b) expresses its condolences to the Bush family and the American people on the passing of their 41st President, George HW Bush.

Question put and passed.
29 **Galilee Basin (Coal Prohibition) Bill 2018**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1314—That the following bill be introduced:

A Bill for an Act to prohibit the mining of thermal coal in the Galilee Basin, and for related purposes.

Question put and passed.

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

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

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

30 **Dementia**

Senator Urquhart, at the request of Senator Polley and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1324—That the Senate—

(a) notes that:

(i) there are more than 436,000 Australians living with dementia, with around 244 diagnosed with dementia each day,

(ii) without a medical breakthrough, the number of people living with dementia is projected to increase to 590,000 in just 10 years and almost 1.1 million by 2058, and

(iii) dementia is the leading cause of death for Australian women, and within the next five years will be the leading cause of death for all Australians;

(b) acknowledges:

(i) the estimated 1.5 million Australians involved in the care of someone living with dementia who are often unrecognised or acknowledged for their tireless work,

(ii) that people living with dementia, their families and carers are significantly lonelier than the general public, and

(iii) that while Christmas represents joy and happiness for many of us, it can also be a very lonely, confusing and stressful time for those living with dementia and their carers; and

(c) urges all levels of Government to:

(i) remind those in their community to be mindful and patient if working in retail or other services, and

(ii) continue raising awareness of dementia so that people living with dementia and their families are better supported and included in their communities.

*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.
31 Legal and Constitutional Affairs References Committee—Proposed reference

Senator Patrick, 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 matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 1 April 2019:

(a) the Administrative Appeals Tribunal Act 1975 (the Act) and the operation of the Administrative Appeals Tribunal including, but not limited to, management of caseloads, administrative resources, processes relating to the selection and appointment of non-judicial Tribunal members, and functions performed by Tribunal members under legislation other than the Act; and

(b) any related matters.

Senator Bernardi, by leave, moved the following amendment:

After paragraph (a), insert:

(aa) the status, progress and implementation of recommendations by the statutory review of the Tribunal by the Honourable Ian Callinan, AC, QC

(ab) whether the determinations of the Tribunal have been in accordance with community expectations, particularly in the immigration jurisdiction; and

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

Main question put.

The Senate divided—

AYES, 17

Bernardi Griff McKim Steele-John
Burston Hanson-Young Patrick* Storer
Di Natale Hinch Rice Waters
Faruqi Leyonhjelm Siewert Whish-Wilson

NOES, 33

Abetz Duniam McGrath Ruston
Bilyk Fieravanti-Wells McKenzie Ryan
Brockman Fifield Molan Smith, David
Bushby Gallacher Moore Sterle
Cameron Hume O’Neill Stoker
Carr Keneally O’Sullivan Urquhart*
Chisholm Kitching Pratt Watt
Colbeck Lines Reynolds Williams

* Tellers

Question negatived.

32 Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018—Consideration

Senator McKim, also on behalf of Senator Storer, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1311—That—

(a) the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 be called on at 6 pm on Wednesday, 5 December 2018, and have precedence over all government business until determined;
(b) if, by 7.10 pm the bill has not been finally considered, the questions on all remaining stages shall be put without debate; and

(c) paragraph (b) of this order shall operate as a limitation of debate under standing order 142.

Leave refused: Senator McKim sought leave to move an amendment to the motion. An objection was raised and leave was not granted.

Suspension of standing orders: Senator McKim, at the request of the Leader of the Australian Greens (Senator Di Natale) and pursuant to contingent notice of motion, moved—That so much of the standing orders be suspended as would prevent Senator McKim moving an amendment to the motion.

Question put.

The Senate divided—

AYES, 35

Senators—

<table>
<thead>
<tr>
<th>Bilyk</th>
<th>Gallacher</th>
<th>McKim</th>
<th>Smith, David</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown</td>
<td>Griff</td>
<td>Moore</td>
<td>Steele-John</td>
</tr>
<tr>
<td>Burston</td>
<td>Hanson-Young</td>
<td>O’Neill</td>
<td>Sterle</td>
</tr>
<tr>
<td>Cameron</td>
<td>Hinch</td>
<td>Patrick</td>
<td>Storer</td>
</tr>
<tr>
<td>Carr</td>
<td>Ketter</td>
<td>Polley</td>
<td>Urquhart*</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Kitching</td>
<td>Pratt</td>
<td>Waters</td>
</tr>
<tr>
<td>Collins</td>
<td>Leyonhjelm</td>
<td>Rice</td>
<td>Watt</td>
</tr>
<tr>
<td>Di Natale</td>
<td>Lines</td>
<td>Siewart</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Faruqi</td>
<td>McAllister</td>
<td>Singh</td>
<td></td>
</tr>
</tbody>
</table>

NOES, 26

Senators—

<table>
<thead>
<tr>
<th>Abetz</th>
<th>Colbeck</th>
<th>Hume</th>
<th>Reynolds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bernardi</td>
<td>Cormann</td>
<td>Macdonald</td>
<td>Ruston</td>
</tr>
<tr>
<td>Birmingham</td>
<td>Duniam</td>
<td>McGrath</td>
<td>Ryan</td>
</tr>
<tr>
<td>Brockman</td>
<td>Fawcett</td>
<td>McKenzie</td>
<td>Scullion</td>
</tr>
<tr>
<td>Bushby*</td>
<td>Fierravanti-Wells</td>
<td>Molan</td>
<td>Stoker</td>
</tr>
<tr>
<td>Canavan</td>
<td>Fifield</td>
<td>O’Sullivan</td>
<td>Williams</td>
</tr>
<tr>
<td>Cash</td>
<td>Gichuhi</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Tellers

Question agreed to.

Senator McKim moved the following amendment:

Omit paragraphs (a) and (b), substitute:

(a) the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill 2018 be called on at 12.45 pm on Thursday, 6 December 2018, and have precedence over all government business until determined;

(b) if, by 1.50 pm the bill has not been finally considered, the questions on all remaining stages shall be put without debate; and

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

Main question, as amended, put.
The Senate divided—

AYES, 33

Senators—

Bilyk
Brown
Cameron
Carr
Chisholm
Collins
Di Natale
Faruqi
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lines
McAllister
McKim
Moore
O’Neill
Patrick
Polley
Pratt
Rice
Siewert
Smith, David
Steele-John
Sterle
Storer
Urquhart*
Watt
Whish-Wilson

NOES, 28

Senators—

Abetz
Bernardi
Birmingham
Brockman
Burston
Bushby*
Canavan
Cash
Colbeck
Cormann
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gichuhi
Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Molan
O’Sullivan
Reynolds
Ruston
Ryan
Scullion
Stoker
Williams

* Tellers

Question agreed to.

33 Legal and Constitutional Affairs References Committee—Proposed reference

Senator McKim, pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 5—

(1) That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 1 July 2019:

The form and structure of a legislated Charter of Rights in Australia.

(2) That, in undertaking the inquiry, the committee consider:

(a) the effectiveness of current laws and mechanisms for protecting human rights in Australia;

(b) the operation and effectiveness of human rights legislation in Victoria and the Australian Capital Territory;

(c) previous reviews and inquiries in Australia on the issue of human rights legislation;

(d) the objectives of the legislation and rights to be protected;

(e) how the legislation would apply to the making of laws, courts and tribunals, public authorities and other entities;

(f) the implications of laws and decisions not being consistent with the legislation;

(g) the implications of the legislation for existing statutory complaints processes; and

(h) the functions and responsibilities under the legislation.

Statements by leave: Senators Chisholm and McKim, by leave, made statements relating to the motion.

Question put.
The Senate divided—

<table>
<thead>
<tr>
<th>AYES, 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senators—</td>
</tr>
<tr>
<td>Di Natale</td>
</tr>
<tr>
<td>Faruqi</td>
</tr>
<tr>
<td>Griff</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOES, 44</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senators—</td>
</tr>
<tr>
<td>Abetz</td>
</tr>
<tr>
<td>Bernardi</td>
</tr>
<tr>
<td>Bitik</td>
</tr>
<tr>
<td>Brockman</td>
</tr>
<tr>
<td>Burston</td>
</tr>
<tr>
<td>Bushby</td>
</tr>
<tr>
<td>Cameron</td>
</tr>
<tr>
<td>Canavan</td>
</tr>
<tr>
<td>Carr</td>
</tr>
<tr>
<td>Cash</td>
</tr>
<tr>
<td>Chisholm</td>
</tr>
</tbody>
</table>

* Tellers

Question negatived.

34 **Adani Carmichael coal mine**

Senator Waters, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1313—That the Senate notes that the Adani Carmichael coal mine could be stopped by:

(a) review of its environmental approval under section 145 of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act), based on new information, such as the Intergovernmental Panel on Climate Change’s climate warnings or the evidence of Adani’s overseas and domestic breaches;

(b) refusal of their draft groundwater management plan; or

(c) refusal of approval under the Act for the pipeline the mine requires, the North Galilee Water scheme.

*Statements by leave*: The Assistant Minister for International Development and the Pacific (Senator Ruston) and Senator Chisholm, by leave, made statements relating to the motion.

Question put.

The Senate divided—

<table>
<thead>
<tr>
<th>AYES, 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senators—</td>
</tr>
<tr>
<td>Di Natale</td>
</tr>
<tr>
<td>Faruqi</td>
</tr>
<tr>
<td>Hanson-Young</td>
</tr>
</tbody>
</table>
Question negatived.

35 **Queensland—Pubs and hotels in rural and remote towns**

Senator McGrath, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1316—That the Senate—

(a) recognises the hardships faced by rural and remote towns in Queensland, which range from the physical threats of harsh droughts and bushfires, to the mental health threats associated with isolation, such as depression and loneliness;

(b) notes:

( i ) the important social and economic benefits that pubs and hotels confer on rural and remote towns in Queensland, and

(ii) that pubs and hotels in rural and remote Queensland towns operate in environments vastly different to hotels in larger commercial centres; and

(c) supports any proposals that reduce the burden of licensing fees on these social and economic hubs.

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

36 **Australia Day**

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1318—That the Senate—

(a) notes that:

(i) on 26 January 1788, the First Fleet arrived at Port Jackson, and Arthur Phillip raised the Union Jack on the land of the Eora nation,

(ii) this is now recognised by many Australians as an invasion that had catastrophic and tragic consequences for the peoples and nations who had lived here for many tens of thousands of years, and for their descendants, and

(iii) 26 January 2019 marks over 230 years of on-going dispossession and colonisation for First Nations peoples;

(b) acknowledges that by continuing to celebrate Australia on 26 January we ignore the truth about our shared history;

(c) urges all Australians to respectfully engage in conversations about changing the date of Australia Day; and
(d) calls on the Federal Government to engage and consult with First Nations peoples about changing the date of Australia Day, so that all Australians can participate in celebrating this national day.

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

Question put.

The Senate divided—

AYES, 10

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Di Natale</td>
<td>McKim</td>
<td>Steele-John</td>
<td>Waters</td>
</tr>
<tr>
<td>Faruqi</td>
<td>Rice</td>
<td>Storer</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Hanson-Young</td>
<td>Siewert*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOES, 41

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Duniam</td>
<td>Leyonhjelm</td>
<td>Pratt</td>
</tr>
<tr>
<td>Bilyk</td>
<td>Fierravanti-Wells</td>
<td>Lines</td>
<td>Reynolds</td>
</tr>
<tr>
<td>Brockman</td>
<td>Fifield</td>
<td>McGrath</td>
<td>Ruston</td>
</tr>
<tr>
<td>Bushby</td>
<td>Gallacher</td>
<td>McKenzie</td>
<td>Ryan</td>
</tr>
<tr>
<td>Cameron</td>
<td>Georgiou</td>
<td>Molan</td>
<td>Scullion</td>
</tr>
<tr>
<td>Canavan</td>
<td>Griff</td>
<td>Moore</td>
<td>Smith, David</td>
</tr>
<tr>
<td>Carr</td>
<td>Hinch</td>
<td>O’Neill</td>
<td>Sterle</td>
</tr>
<tr>
<td>Cash</td>
<td>Hume</td>
<td>O’Sullivan</td>
<td>Stoker</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Ketter</td>
<td>Patrick</td>
<td>Urquhart*</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Kitching</td>
<td>Polley</td>
<td>Williams</td>
</tr>
<tr>
<td>Collins</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Tellers

Question negatived.

37 Murray-Darling Basin Plan—Climate change

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1320—That the Senate—

(a) notes that:

(i) the Murray-Darling Basin Plan (the Plan) has come under serious scrutiny from both the South Australian Royal Commission and the recent inquiry by the Rural and Regional Affairs and Transport References Committee, and

(ii) the Plan has no provisions to address the impacts of climate change on the Murray-Darling Basin; and

(b) calls on the Federal Government to take the threat of climate change seriously, and include the impacts of climate change within the Plan.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston) and Senator Chisholm, by leave, made statements relating to the motion.

Question put.
The Senate divided—

AYES, 13

<table>
<thead>
<tr>
<th>Senators</th>
<th>Ayes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Di Natale</td>
<td>Hinch</td>
</tr>
<tr>
<td>Faruqi</td>
<td>McKim</td>
</tr>
<tr>
<td>Griff</td>
<td>Patrick</td>
</tr>
<tr>
<td>Hanson-Young</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rice</td>
</tr>
</tbody>
</table>
|            | Siewert*
|            | Storer |
|            | Waters |

NOES, 39

<table>
<thead>
<tr>
<th>Senators</th>
<th>Noes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Collins</td>
</tr>
<tr>
<td>Bilyk</td>
<td>Duniam</td>
</tr>
<tr>
<td>Brockman</td>
<td>Fieravanti-Wells</td>
</tr>
<tr>
<td>Bushby</td>
<td>Fifield</td>
</tr>
<tr>
<td>Cameron</td>
<td>Gallacher</td>
</tr>
<tr>
<td>Canavan</td>
<td>Georgiou</td>
</tr>
<tr>
<td>Carr</td>
<td>Hume</td>
</tr>
<tr>
<td>Cash</td>
<td>Ketter</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Kitching</td>
</tr>
<tr>
<td>Colbeck</td>
<td>Leyonhjelm</td>
</tr>
<tr>
<td></td>
<td>Lines</td>
</tr>
<tr>
<td></td>
<td>McGrath</td>
</tr>
<tr>
<td></td>
<td>McKenzie</td>
</tr>
<tr>
<td></td>
<td>Molan</td>
</tr>
<tr>
<td></td>
<td>Moore</td>
</tr>
<tr>
<td></td>
<td>O'Neill</td>
</tr>
<tr>
<td></td>
<td>O'Sullivan</td>
</tr>
<tr>
<td></td>
<td>Polley</td>
</tr>
<tr>
<td></td>
<td>Pratt</td>
</tr>
<tr>
<td></td>
<td>Reynolds</td>
</tr>
<tr>
<td></td>
<td>Ryan</td>
</tr>
<tr>
<td></td>
<td>Smith, David</td>
</tr>
<tr>
<td></td>
<td>Sterle</td>
</tr>
<tr>
<td></td>
<td>Stokes</td>
</tr>
<tr>
<td></td>
<td>Smith, David</td>
</tr>
<tr>
<td></td>
<td>Watt</td>
</tr>
<tr>
<td></td>
<td>Williams</td>
</tr>
</tbody>
</table>

* Tellers

Question negatived.

38 Postponement

Senator Rice, also on behalf of Senator Pratt, by leave, postponed general business notice of motion no. 1208 standing in their names for today, relating to equality for LGBTIQ+ Australians and their families, till the next day of sitting.

39 Social planning

The Leader of the Australian Greens (Senator Di Natale), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1306—That the Senate—

(a) congratulates the Scanlon Foundation on the release of the 2018 mapping social cohesion report;
(b) recognises that:
   (i) the mapping social cohesion report is one of the most comprehensive research reports of its kind where, over the past decade, 48,000 people have been polled on a range of social and economic issues,
   (ii) Australians continue to believe that multiculturalism has been good for the country, with this figure rising to 85% in 2018, and
   (iii) the top three concerns for Australians in 2018 were underemployment and poverty, climate change, and the quality of our government and politicians;
(c) calls on senators to:
   (i) cease attacking our diverse communities on the false pretence that Australians do not support a multicultural Australia, and
   (ii) recognise that the research presented in the mapping social cohesion report suggests that any concern around population is closely linked to issues of housing, public transport and underemployment; and
(d) calls on the Federal and various state governments to address the issue of poor social planning and their failure to provide essential public services for Australians.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston) and the Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made statements relating to the motion.

The question was divided at the request of Senator Ruston—
Question—That paragraphs (a) to (c) of the motion be agreed to—put and passed.
Question—That paragraph (d) of the motion be agreed to—put and passed.

Regional Broadband Scheme levy charge

Senator Urquhart, also on behalf of Senators O’Neill and Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1307—That the Senate—

(a) notes that:

(i) the Minister for Communications and the Arts (the Minister) is seeking to legislate a $7.10 per month broadband levy, on the basis that it would offset the costs of regional National Broadband Network (NBN) services,

(ii) the Federal Government has not updated its proposed levy charge to reflect the latest $700 million cost increase in the regional NBN fixed-wireless rollout,

(iii) this lack of transparency means that the proposed levy formula will eventually produce a higher than expected charge in the future, if legislated,

(iv) the report of the Joint Standing Committee on the National Broadband Network (the Committee) into the rollout of the NBN in rural and regional areas, which was presented on 19 November 2018, addresses the Minister’s lack of transparency in recommendation 19, which states: ‘The committee recommends the Government update its Regional Broadband Scheme levy modelling to account for the cost increases that have occurred since the original modelling was undertaken in 2015. The Government should report to the committee within two weeks of the tabling of this report to advise what the updated levy amount is’,

(v) Government members of the committee agreed to recommendation 19,

(vi) the Government has since failed to advise the committee of the updated levy amount by 3 December 2018, in accordance with recommendation 19, and

(vii) the Minister is seemingly unable to deliver anything on time; and

(b) calls on the Federal Government to:

(i) stop hiding the full impact of its proposed Regional Broadband Scheme levy charge on consumers, and be transparent about its future impact, and

(ii) take urgent steps to comply with recommendation 19 of the report of the Committee, and provide the Committee with an estimate of the updated Regional Broadband Scheme levy charge by 21 December 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 and passed.

41 Disability Support Pension
Senator Urquhart, at the request of Senator Brown and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1308—That the Senate—
(a) notes that:
   (i) people with disability make up 18% of the population, but 30% of people entering prison,
   (ii) the existing policy of suspending the Disability Support Pension for people in prison for up to two years helps to protect people with disability, who are already marginalised and experiencing severe hardship, when they exit prison,
   (iii) people with disability are at particular risk upon leaving prison and should be properly supported at this critical time – to avoid recidivism, homelessness and social isolation, and
   (iv) the Federal Government’s plan to reduce the allowable suspension period for the Disability Support Pension for people in prison from two years to thirteen weeks, from January 2019, will have negative consequences for individuals and the community; and
(b) calls on the Federal Government to abandon its plan to reduce the Disability Support Pension suspension period for people exiting prison.
Question put and passed.

42 Regional Forest Agreements—Order for production of documents
Senator Rice, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1310—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 6 December 2018, any documents relating to the variation, renewal, roll-over or extension of the following Regional Forest Agreements:
(a) New South Wales – Eden;
(b) New South Wales – North East; and
(c) New South Wales – Southern.
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.
43 MY Steve Irwin

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1312—That the Senate—

(a) notes the service of the Sea Shepherd’s MY Steve Irwin in defence of the world’s oceans and marine life through a total of 18 campaigns over the past 10 years, including:


(ii) one Kimberley whale defence campaign: Operation Kimberley Miinimbi (2012),

(iii) two Great Australian Bight oil drilling campaigns: Operation Jeedara (2016) and Operation Jeedara II (2018),

(iv) one Great Barrier Reef coal mining campaign: Operation Reef Defence (2018),

(v) one Southern Ocean illegal, unreported and unregulated fishing campaign: Operation Icefish 2 (2015), and

(vi) one Southern Indian Ocean illegal, unreported and unregulated fishing campaign: Operation Driftnet (2016); and

(b) calls on the Federal Government to:

(i) officially recognise the service of the MY Steve Irwin, and

(ii) honour its 2013 election commitment and send a customs vessel to the Southern Ocean this summer to monitor Japanese whaling, especially given the absence of the Sea Shepherd.

Statements by leave: Senator Whish-Wilson and the Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 31

Senators—

<table>
<thead>
<tr>
<th>Bilyk</th>
<th>Griff</th>
<th>O’Neill</th>
<th>Steele-John</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown</td>
<td>Hanson-Young</td>
<td>Patrick</td>
<td>Sterle</td>
</tr>
<tr>
<td>Carr</td>
<td>Hinch</td>
<td>Polley</td>
<td>Storer</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Ketter</td>
<td>Pratt</td>
<td>Urquhart*</td>
</tr>
<tr>
<td>Collins</td>
<td>Kitching</td>
<td>Rice</td>
<td>Waters</td>
</tr>
<tr>
<td>Di Natale</td>
<td>Lines</td>
<td>Siewert</td>
<td>Watt</td>
</tr>
<tr>
<td>Faruq</td>
<td>McKim</td>
<td>Singh</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Gallacher</td>
<td>Moore</td>
<td>Smith, David</td>
<td></td>
</tr>
</tbody>
</table>
### Queensland bushfires—Firefighters

Senator McGrath, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1315—That the Senate—

(a) recognises:
   (i) the crucial role that all firefighting and emergency service personnel play as the front-line response to emergencies and disasters,
   (ii) the heroic efforts of the many volunteer firefighters who, without payment, risk their lives to fight bushfires, and
   (iii) the importance of allowing landholders the flexibility to clear and maintain proper firebreaks on their properties;

(b) notes that under the Queensland Labor Government’s vegetation management legislation, Queensland farmers and landholders are prevented from adequately protecting their properties from the risk of bushfires through back burning and clearing firebreaks; and

(c) thanks the many firefighters who have travelled interstate to assist in combating the bushfires currently threatening Queensland.

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

The question was divided at the request of Senator Chisholm—

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

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

The Senate divided—

<table>
<thead>
<tr>
<th>NOES, 25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
</tr>
<tr>
<td>Birmingham</td>
</tr>
<tr>
<td>Brockman</td>
</tr>
<tr>
<td>Bushby*</td>
</tr>
<tr>
<td>Canavan</td>
</tr>
<tr>
<td>Cash</td>
</tr>
<tr>
<td>Colbeck</td>
</tr>
</tbody>
</table>

* Tellers

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

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

The Senate divided—

**AYES, 28**

<table>
<thead>
<tr>
<th>Senator</th>
<th>Gallacher</th>
<th>O’Neill</th>
<th>O’Sullivan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bilyk</td>
<td>Brown</td>
<td>Carr</td>
<td>Chisholm</td>
</tr>
<tr>
<td>Gallacher</td>
<td>Ketter</td>
<td>Kitching</td>
<td>Lines</td>
</tr>
<tr>
<td>O’Neill</td>
<td>Polley</td>
<td>Rice</td>
<td>Siewert</td>
</tr>
<tr>
<td>Steele-John</td>
<td>Sterle</td>
<td>Waters</td>
<td>Watt</td>
</tr>
</tbody>
</table>

* Tellers

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

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

**45 Postponement**

Senator McKim, by leave, postponed general business notice of motion no. 1319 standing in his name for today, relating to a proposal for a luxury camp on Hall Island, Tasmania, till the next day of sitting.

**46 Climate change**

Senator Hanson-Young amended general business notice of motion no. 1321 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) national emissions levels for the June quarter 2018 increased 1.3% relative to the previous quarter on a seasonally-adjusted and weather normalised basis,

(ii) with emissions continuing to rise, and no clear plan to reduce them, we are set to miss our Paris targets, and
(iii) the Minister for the Environment, Ms Price, will represent Australia at the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP24); and

(b) calls on the Federal Government to make the following short statement to the COP24: Australia has not taken seriously its responsibilities to meeting its Paris Commitments, and will dramatically lift its ambitions to play its part in averting the climate crisis.

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, 30

Senators—

Bilyk
Brown
Carr
Chisholm
Collins
Di Natale
Faruqi
Gallacher

Griff
Hanson-Young
Ketter
Kitching
Lines
Mckim
Moore
O’Neill

Patrick
Polley
Pratt
Rice
Stewart
Singh
Smith, David

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

NOES, 26

Senators—

Abetz
Birmingham
Brockman
Bushby*
Canavan
Cash
Colbeck

Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Hinch

Hume
Leyonhjelm
McGrath
McKenzie
Molan
O’Sullivan

Reynolds
Ruston
Ryan
Scullion
Stoker
Williams

* Tellers

Question agreed to.

47 Financial sector entities—Tax information—Order for production of documents—Compliance

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1322—

(1) That the Senate notes that—

(a) on 16 October 2018, the Senate ordered the Commissioner of Taxation to provide information (company names) to the Economics Legislation Committee related to designated financial entities that have lodged late, or not yet lodged, a corporate income tax return;

(b) on 5 November 2018, the Minister for Finance and the Public Service advanced a public interest immunity claim on the grounds that the disclosure of individual taxpayer information to the committee will harm the public interest by undermining public confidence in taxation laws and taxation administration;
(c) on 26 November 2018, the Senate categorically rejected this public interest immunity claim stating that:

(i) there are few circumstances in which a corporation can be of the view they are entitled to anonymity in circumstances where they have breached taxation law, and

(ii) disclosing the names of financial entities that have not complied with tax laws does not undermine taxation laws and taxation administration, but rather may serve to encourage compliance with taxation laws,

and ordered the Commissioner of Taxation to comply with the balance of the order agreed to by the Senate on 16 October 2018; and

(d) the Commissioner of Taxation has not complied with the order of the Senate.

(2) That the Senate orders the Commissioner of Taxation to provide the remaining documents required by the order of 16 October 2018 to the Economics Legislation Committee by no later than 6 pm on 5 December 2018.

(3) That, on 6 December 2018, the Economics Legislation Committee report to the Senate, prior to government business being called on, whether the documents have been provided to the committee in accordance with paragraph (2).

(4) That the Senate cautions the Commissioner of Taxation that failure to comply with a lawful order of the Senate may be treated as a contempt.

Statements by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston) and Senator Patrick, by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 34

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bernardi</td>
<td>Georgiou</td>
<td>Moore</td>
<td>Smith, David</td>
</tr>
<tr>
<td>Bilyk</td>
<td>Griff</td>
<td>O’Neill</td>
<td>Steele-John</td>
</tr>
<tr>
<td>Brown</td>
<td>Hanson-Young</td>
<td>Patrick</td>
<td>Sterle</td>
</tr>
<tr>
<td>Carr</td>
<td>Hinch</td>
<td>Polley</td>
<td>Storer</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Ketter</td>
<td>Pratt</td>
<td>Urquhart*</td>
</tr>
<tr>
<td>Collins</td>
<td>Kitching</td>
<td>Rice</td>
<td>Waters</td>
</tr>
<tr>
<td>Di Natale</td>
<td>Leyonhjelm</td>
<td>Siewart</td>
<td>Watt</td>
</tr>
<tr>
<td>Faruq</td>
<td>Lines</td>
<td>Singh</td>
<td>Whish-Wilson</td>
</tr>
<tr>
<td>Gallagher</td>
<td>McKim</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOES, 23

<table>
<thead>
<tr>
<th>Senators</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz</td>
<td>Colbeck</td>
<td>Hume</td>
<td>Ruston</td>
</tr>
<tr>
<td>Birmingham</td>
<td>Duniam</td>
<td>McGrath</td>
<td>Ryan</td>
</tr>
<tr>
<td>Brockman</td>
<td>Fawcett</td>
<td>McKenzie</td>
<td>Scullion</td>
</tr>
<tr>
<td>Bushby*</td>
<td>Fierravanti-Wells</td>
<td>Molan</td>
<td>Stoker</td>
</tr>
<tr>
<td>Canavan</td>
<td>Fifield</td>
<td>O’Sullivan</td>
<td>Williams</td>
</tr>
<tr>
<td>Cash</td>
<td>Gichuhi</td>
<td>Reynolds</td>
<td></td>
</tr>
</tbody>
</table>

* Tellers

Question agreed to.
48 **China—Human rights**

*Motion determined as not formal:* The Leader of the Australian Greens (Senator Di Natale) requested that general business notice of motion no. 1317 standing in his name for today, relating to human rights issues in China, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

*Statements by leave:* Senator Di Natale and the Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made statements relating to the motion.

49 **Urgency motion—Adani Carmichael coal mine—Climate change**

The Acting Deputy President (Senator Hume) informed the Senate that the following proposed motion submitted by the Leader of the Australian Greens (Senator Di Natale) under standing order 75 had been selected for discussion today—That, in the opinion of the Senate, the following is a matter of urgency:

Stopping Adani’s Carmichael coal mine, which would pose no sovereign risk to Australia, and the need to show leadership to address the great challenge of climate change.

The proposal was supported by four senators.

Senator Di Natale moved the motion.

Debate ensued.

Question put.

The Senate divided—

<table>
<thead>
<tr>
<th>AYES</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Di Natale</td>
<td>McKim</td>
</tr>
<tr>
<td>Faruqi</td>
<td>Rice</td>
</tr>
<tr>
<td>Hanson-Young</td>
<td>Siewert*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOES</th>
<th>28</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bernardi</td>
<td>Fierravanti-Wells</td>
</tr>
<tr>
<td>Brockman</td>
<td>Gallacher</td>
</tr>
<tr>
<td>Burston</td>
<td>Georgiou</td>
</tr>
<tr>
<td>Cameron</td>
<td>Hanson</td>
</tr>
<tr>
<td>Chisholm</td>
<td>Hinch</td>
</tr>
<tr>
<td>Duniam</td>
<td>Hume</td>
</tr>
<tr>
<td>Farrell</td>
<td>Keneally</td>
</tr>
</tbody>
</table>

*Tellers

Question negatived.

50 **Documents—Consideration**

A document tabled earlier today *(see entry no. 2)* was considered as follows:

Motion to take note of document no. 7 moved by Senator Urquhart. Consideration to resume on Thursday at general business.
A document tabled on 4 December 2018 (see entry no. 2, 4 December 2018) was considered as follows:

Australian Building and Construction Commission—Performance of the functions and the exercise of powers of the Australian Building and Construction Commissioner—Quarterly report for the period 1 July to 30 September 2018. Motion to take note of document moved by Senator Urquhart. Consideration to resume on Thursday at general business.

Order of the day no. 21 relating to documents was called on but no motion was moved.

Committee reports and government responses—Tabling and consideration

The Acting Deputy President (Senator Williams) tabled the following report:


Pursuant to order, the Chair of the Select Committee into the obesity epidemic in Australia (Senator Di Natale) tabled the following report and documents:

Obesity epidemic in Australia—Select Committee—Final report, dated December 2018, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Di Natale moved—That the Senate take note of the report.

Debate ensued.

Question put and passed.

Senator Hume, on behalf of the Parliamentary Joint Committee on Intelligence and Security, tabled the following report and documents:


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

Question put and passed.

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


Senator Urquhart, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, 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 report:


Senator Hume, on behalf of the Parliamentary Joint Committee on Human Rights, tabled the following report:


52 **Live animal exports—Review—Order for production of documents—Document**

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

Live animal exports—Review—Order of 28 November 2018—Letter to the President of the Senate from the Minister for Resources and Northern Australia (Senator Canavan) responding to the order.

53 **Financial Wellbeing and Capability activity—Grants—Order for production of documents—Documents**

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

Financial Wellbeing and Capability activity—Grants—Order of 28 November 2018—Letter to the President of the Senate from the Minister for Communications and the Arts (Senator Fifield), dated 4 December 2018, and attachments as follows—

Letter to the President of the Senate from the Minister for Families and Social Services (Mr Fletcher), dated 4 December 2018, responding to the order and raising public interest immunity claims, and attachments.

54 **Centrelink—Serco pilot program—Review by KPMG—Order for production of documents—Documents**

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

Centrelink—Serco pilot program—Review by KPMG—Order of 3 December 2018—Letter to the President of the Senate from the Minister for Communications and the Arts (Senator Fifield), dated 4 December 2018, and attachment as follows—

Letter to the President of the Senate from the Minister for Human Services and Digital Transformation (Mr Keenan), dated 4 December 2018, responding to the order and raising a public interest immunity claim.
55 **Liberal Party—Bullying policy—Answer to question—Document**

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

Liberal Party—Bullying policy—Answer to question—Letter to the President of the Senate from the Minister for Finance and the Public Service (Senator Cormann), dated 4 December 2018, providing information concerning a question without notice asked by Senator Farrell on 3 December 2018.

56 **Committee membership**

The Acting Deputy President (Senator Williams) informed the Senate that the President had received letters nominating senators to be members of a committee.

The Assistant Minister for Treasury and Finance (Senator Seselja), by leave, moved—That senators be appointed to the Select Committee into Fair Dinkum Power, as follows:

Appointed—Senators Chisholm, McAllister, McGrath and Paterson

Question put and passed.

57 **Fair Work Amendment (Family and Domestic Violence Leave) Bill 2018**

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

Message no. 525, dated 4 December 2018—A Bill for an Act to amend the *Fair Work Act 2009* to provide for unpaid family and domestic violence leave, and for related purposes.

The Assistant Minister for Treasury and Finance (Senator Seselja) 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 Seselja moved—That this bill 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, 12 February 2019.

58 **Fair Work Amendment (Repeal of 4 Yearly Reviews and Other Measures) Bill 2017**

A message from the House of Representatives was reported disagreeing to the amendments made by the Senate to the following bill:


Ordered, on the motion of the Assistant Minister for Treasury and Finance (Senator Seselja), that the message be considered in committee of the whole immediately.
In the committee
Senator Seselja moved—that the committee does not insist on its amendments to which the House of Representatives has disagreed.
Question put and passed.
Resolution reported.

The Acting Deputy President (Senator Williams) resumed the chair and the Temporary Chair of Committees reported that the committee had considered message no. 526 from the House of Representatives relating to the Fair Work Amendment (Repeal of 4 Yearly Reviews and Other Measures) Bill 2017 and had resolved not to insist on the amendments made by the Senate to which the House had disagreed.
On the motion of Senator Seselja the report from the committee was adopted.

59 Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017
Order of the day read for the adjourned debate on the motion of the Minister for Finance and the Public Service (Senator Cormann)—That this bill be now read a second time.
Debate resumed.
At 7.20 pm: Debate was interrupted while Senator Hume was speaking.

60 Adjournment
The Acting Deputy President (Senator Ketter) proposed the question—that the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.45 pm till Thursday, 6 December 2018 at 9.30 am.

61 Attendance
Present, all senators except Senators Anning, Marshall*, Martin*, Paterson*, Sinodinos* and Dean Smith* (*on leave).

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate