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1 **Meeting of Senate**

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

2 **Documents**

The Clerk tabled the following documents pursuant to statute:

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

- **A New Tax System (Family Assistance) Act 1999**—
  - Family Assistance (Immunisation Principles and Vaccination Schedules) (DSS) Determination 2018 [F2018L00876].
  - Family Tax Benefit (Meeting the Health Check Requirement) Determination 2018 [F2018L00877].

- **Aged Care Act 1997**—Aged Care (Subsidy, Fees and Payments) Amendment (July Indexation) Determination 2018 [F2018L00892].


- Commissioner of Taxation—Public Rulings—
  - Taxation Determinations—
    - Addendum—TD 93/142.


- **Migration Act 1958**—Migration Regulations 1994—

- **National Disability Insurance Scheme Act 2013**—National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018 [F2018L00887].

- **Norfolk Island Act 1979**—Norfolk Island Land Transfer (Mulberry Lane) Ordinance 2018 [F2018L00880].


- **Sydney Airport Curfew Act 1995**—Dispensation Reports—
  - 07/18.
  - 08/18.
3 National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018

Foreign Influence Transparency Scheme Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for Education and Training (Senator Birmingham)—That these bills be now read a second time—and on the amendment moved by Senator McKim:

At the end of the motion, add “and the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2018”.

Debate resumed.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 15

Bartlett
Bernardi
Di Natale
Griff

Hanson-Young
Hinch
Leyonhjelm
McKim

Patrick
Rhiannon
Rice
Siewert*

Steele-John
Storer
Whish-Wilson

NOES, 40

Abetz
Anning
Bilyk
Brockman
Burston
Bashby
Chisholm
Colbeck
Collins
Duniam

Fawcett
Fierravanti-Wells
Gallacher
Georgiou
Gichuhi
Hume
Keneally
Ketter*
Kitching
Lines

Marshall
Martin
McAllister
McCarthy
Molan
Moore
O’Neill
O’Sullivan
Paterson
Pratt

Reynolds
Ruston
Ryan
Seselja
Smith, David
Smith, Dean
Sterle
Stoker
Watt
Wong

*Tellers

Question negatived.
Proposed reference to committee: Senator Siewert moved the following amendment:

At the end of the motion, add “and the Foreign Influence Transparency Scheme Bill 2018 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2018”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 14

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<tr>
<th>Senators—</th>
<th>Bartlett</th>
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<td>Di Natale</td>
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<td>Siewert*</td>
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<td>Hanson-Young</td>
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NOES, 41

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<td>Farrell</td>
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* Tellers

Question negatived.

Proposed reference to committee: Senator Patrick moved the following amendment:

At the end of the motion, add “and:

(a) the amendments circulated by Senator Patrick on sheet 8446 be referred to the Parliamentary Joint Committee on Intelligence and Security for inquiry and report by 13 August 2018; and

(b) further consideration of the bills be made an order of the day for the first sitting day after the committee has reported”.

Question—That the amendment be agreed to—put.

The Senate divided—

AYES, 14

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<td>McKim</td>
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<td>Hanson-Young</td>
<td>Patrick</td>
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NOES, 41

Senators—

Abetz
Anning
Bilyk
Brockman
Burston
Bushby
Chisholm
Colbeck
Collins
Dunniam
Farrell
Fierravanti-Wells
Fawcett
Gallacher
Georgiou
Gichuhi
Hume
Keneally
Ketter
Kitching
Lines
Marshall
Martin
McAllister
McCarthy
Molan
Moore
O’Neill
O’Sullivan
Paterson
Pratt
Reynolds
Ruston
Ryan
Seselja
Smith, David
Smith, Dean
Sterle
Stoker
Watt
Wong

* Tellers

Question negatived.
Main question put.
The Senate divided—

AYES, 42

Senators—

Abetz
Anning
Bilyk
Brockman
Burston
Bushby*
Colbeck
Collins
Dunniam
Farrell
Fawcett
Fierravanti-Wells
Gallacher
Georgiou
Gichuhi
Griff
Hume
Keneally
Ketter
Kitching
Lines
Marshall
Martin
McAllister
McCarthy
Molan
Moore
O’Neill
O’Sullivan
Paterson
Pratt
Reynolds
Ruston
Ryan
Seselja
Smith, David
Smith, Dean
Sterle
Stoker
Watt
Wong

NOES, 12

Senators—

Bartlett
Di Natale
Hanson-Young
Hinch
Leyonhjelm
McKim
Rhiannon
Rice
Siewert*
Simmel
Rhiannon
Rhiannon
Rhiannon

* Tellers

Question agreed to.
Bills read a second time.
The Senate resolved itself into committee for the consideration of the bills.

In the committee.

Leave refused: An objection was raised to the bills being taken together.

National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018—

Bill taken as a whole, by leave, debated.

At 11.45 am: The President resumed the chair and the Temporary Chair of Committee (Senator Whish-Wilson) reported progress.
4 Petitions
The following 2 petitions, lodged with the Clerk by the senators indicated, were received:

Senator Abetz, from 426 petitioners, requesting that the Senate enact legislation to repeal and reverse the effects of all laws passed to give effect to the result of the same-sex marriage postal survey of 2017.

Senator Duniam, from 10,499 petitioners, requesting that the Senate review the child support system and consider a system that ensures individual case assessments.

5 Notices
The Minister for Education and Training (Senator Birmingham): To move on the next day of sitting—That consideration of the business before the Senate on Monday, 13 August 2018 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable valedictory statements to be made relating to Senator Rhiannon.

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

(a) notes that:

(i) non-government organisations and media in Bangladesh have reported that Bangladeshi security forces have killed more than 100 people since May this year,

(ii) United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, has called for the extra-judicial killing of suspected drug offenders to be ‘immediately halted’ and for the perpetrators to be brought to justice, and

(iii) Human Rights Watch has reported that members of civil society groups face death threats, attacks from extremist groups and escalating harassment and surveillance by security forces; and

(b) calls on the Minister for Foreign Affairs (Ms Bishop) to:

(i) encourage the Bangladeshi Government to adopt and adhere to democratic and judicial processes and to hold free and fair elections under the auspices of a neutral authority,

(ii) assist the Bangladeshi Government to alleviate the ongoing humanitarian crisis in Bangladesh, and

(iii) call for the immediate release of all political prisoners in Bangladesh.

(general business notice of motion no. 927)

6 Selection of Bills—Standing Committee—Report no. 7 of 2018
The Chair of the Selection of Bills Committee (Senator Bushby) tabled the following report:

SELECTION OF BILLS COMMITTEE
REPORT NO. 7 OF 2018

1. The committee met in private session on Wednesday, 27 June 2018 at 7:20 pm. As resolved at the previous meeting, three members of the New South Wales Legislative Council Selection of Bills Committee attended the meeting to observe proceedings.
2. The committee recommends that—
   (a) contingent upon introduction in the House of Representatives, the provisions of the Defence Amendment (Call Out of the Australian Defence Force) Bill 2018 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 3 September 2018;
   (b) the Defence Amendment (Sovereign Naval Shipbuilding) Bill 2018 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 15 October 2018;
   (c) contingent upon introduction in the House of Representatives, the provisions of the Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 13 August 2018;
   (d) contingent upon introduction in the House of Representatives, the provisions of the Modern Slavery Bill 2018 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 August 2018; and
   (e) the provisions of the Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Bill 2018 and the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2018 be referred immediately to the Economics Legislation Committee for inquiry and report by 13 August 2018;
   (f) the provisions of the Unexplained Wealth Legislation Amendment Bill 2018 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 6 August 2018.

3. The committee recommends that the following bills not be referred to committees:
   Customs Tariff Amendment (Incorporation of Proposals) Bill 2018
   Export Control Amendment (Equine Live Export for Slaughter Prohibition) Bill 2018
   Office of National Intelligence Bill 2018
   Office of National Intelligence (Consequential and Transitional Provisions) Bill 2018
   Telecommunications Legislation Amendment Bill 2018.

4. The committee deferred consideration of the following bills to its next meeting:
   Commonwealth Inscribed Stock Amendment (Restoring the Debt Ceiling) Bill 2018
   Freedom of Speech Legislation Amendment (Censorship) Bill 2018
   Freedom of Speech Legislation Amendment (Insult and Offend) Bill 2018
   Freedom of Speech Legislation Amendment (Security) Bill 2018
   Legislation Amendment (Sunsetting Review and Other Measures) Bill 2018
   Therapeutic Goods Amendment (2018 Measures No. 1) Bill 2018
   Treasury Laws Amendment (Financial Sector Regulation) Bill 2018.

5. Agenda item 3 (Committee membership) deferred until the next meeting.

David Bushby
Chair
28 June 2018.
Senator Bushby moved—That the report be adopted.
Question put and passed.

7 Order of business—Rearrangement

The Minister for Education and Training (Senator Birmingham) moved—That—

(a) the following government business orders of the day be considered from 12.45 pm today:
   Farm Household Support Amendment Bill 2018
   No. 8 Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2018
   No. 9 Australian Research Council Amendment Bill 2018
   No. 10 Corporations (Fees) Amendment (ASIC Fees) Bill 2018
       National Consumer Credit Protection (Fees) Amendment (ASIC Fees) Bill 2018
       Superannuation Auditor Registration Imposition Amendment (ASIC Fees) Bill 2018
       Superannuation Industry (Supervision) Amendment (ASIC Fees) Bill 2018
   No. 11 Australian Astronomical Observatory (Transition) Bill 2018
   No. 12 Health Legislation Amendment (Improved Medicare Compliance and Other Measures) Bill 2018
   No. 13 Commerce (Trade Descriptions) Amendment Bill 2018
   No. 14 Social Services Legislation Amendment (Payments for Carers) Bill 2018
       Corporations Amendment (Asia Region Funds Passport) Bill 2018
   No. 15 Corporations (Review Fees) Amendment Bill 2018
   No. 16 Broadcasting Legislation Amendment (Foreign Media Ownership and Community Radio) Bill 2017; and

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

Senator Collins, by leave, moved the following amendment:

Omit all words after “That”, substitute:

(a) the following orders of the day shall have precedence over all other government business until determined:
   (i) the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018 and the Foreign Influence Transparency Scheme Bill 2018,
   (ii) the National Housing Finance and Investment Corporation Bill 2018 and the National Housing Finance and Investment Corporation (Consequential Amendments and Transitional Provisions) Bill 2018,
   (iii) Interactive Gambling Amendment (Lottery Betting) Bill 2018,
   (iv) Farm Household Support Amendment Bill 2018,
   (v) Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2018,
   (vi) Australian Research Council Amendment Bill 2018,
Corporations (Fees) Amendment (ASIC Fees) Bill 2018,
National Consumer Credit Protection (Fees) Amendment (ASIC Fees) Bill 2018,
Superannuation Auditor Registration Imposition Amendment (ASIC Fees) Bill 2018,
Superannuation Industry (Supervision) Amendment (ASIC Fees) Bill 2018,
Australian Astronomical Observatory (Transition) Bill 2018,
Health Legislation Amendment (Improved Medicare Compliance and Other Measures) Bill 2018,
Commerce (Trade Descriptions) Amendment Bill 2018, and
Social Services Legislation Amendment (Payments for Carers) Bill 2018;
the routine of business from not later than 4.30 pm today shall be consideration of the bills listed in paragraph (a) only;
divisions may take place after 4.30 pm; and
the Senate shall adjourn without debate after proceedings on the bills are concluded.
Question—That the amendment be agreed to—put and passed.

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

AYES, 51

Abetz
Anning
Bilyk
Birmingham
Brockman
Brown
Burston
Bushby*
Cameron
Carr
Chisholm
Collins

Cormann
Duniam
Farrell
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Georgiou
Gichuhi
Hanson
Hume
Keneally
Ketter

Kitting
Lines
Marshall
Martin
McAllister
McCarthy
McGrath
Molan
Moore
O’Neill
O’Sullivan
Paterson
Payne

Pratt
Ruston
Ryan
Seselja
Singh
Smith, David
Sterle
Stoker
Urquhart
Watt
Williams
Wong

NOES, 14

Bartlett
Di Natale
Griff
Hanson-Young

Hinch
Leyonhjelm
McKim
Patrick

Rhiannon
Rice
Siewert*
Steele-John
Storer
Whish-Wilson

* Tellers

Question agreed to.
8 **Intelligence and Security—Joint Statutory Committee—Leave to meet during sitting**

Senator Bushby, by leave and on behalf of the Parliamentary Joint Committee on Intelligence and Security, moved—that the Parliamentary Joint Committee on Intelligence and Security be authorised to hold a private hearing during the sitting of the Senate today, from 4 pm.

Question put and passed.

9 **Leave of absence**

Senator Urquhart, by leave, moved—that leave of absence be granted to Senator Dodson for today, for personal reasons.

Question put and passed.

10 **Postponement**

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing a reference to the Education and Employment References Committee, postponed till 14 August 2018.

11 **Consideration of legislation**

The Assistant Minister to the Prime Minister (Senator McGrath), at the request of the Minister for Education and Training (Senator Birmingham) and pursuant to notice of motion not objected to as a formal motion, moved government business notice of motion no. 1—that the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Corporations Amendment (Asia Region Funds Passport) Bill 2018
- Farm Household Support Amendment Bill 2018.

Question put and passed.

12 **Special purpose flights—Order for production of documents**

Senator Chisholm, at the request of Senator Farrell and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 915—that there be laid on the table by the Minister for Defence (Senator Payne), by no later than 3.30 pm on 28 June 2018, the schedule of special purpose flights for the period from 1 July to 31 December 2017.

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

Question put and passed.

13 **In-vitro-fertilisation clinics**

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 917—that the Senate—

(a) acknowledges that on 25 July 2018, the world’s first IVF (in-vitro fertilisation) baby, Louise Joy Brown, celebrates her 40th birthday;

(b) notes that:

(i) IVF clinics provide a valuable service to the Australian community,
(ii) there is a lack of publicly available performance data for individual IVF clinics – an annual report is produced by the University of New South Wales’s National Perinatal Epidemiology and Statistics Unit (NPESU), but it only provides a national overview of the performance of participating clinics,

(iii) no clinic-specific information is made public – IVF clinics can choose what information they disclose, if any, relating to their own success rates,

(iv) according to the 2014 NPESU report, live birth rates between fertility clinics varied from between 9% and 24% for fresh cycles, and in 2012, the difference in live birth rates between clinics was as low as 4% and as high as 31%, the most recent report, for 2015, did not disclose these statistics,

(v) in 2015, Richard Henshaw, a senior fertility expert with the Monash group of IVF clinics told the ABC’s AM program that clinics in the top 25th percentile cost Medicare around $2 million to produce 100 live births, and clinics in the bottom 25th percentile cost Medicare triple that amount to produce 100 live births,

(vi) the average cost of one IVF cycle in Australia (excluding other ancillary treatments) is $9290, with estimated out of pocket costs being $4502,

(vii) lack of transparency rewards poor performing clinics while denying consumers the opportunity to make an informed choice about their treatment options,

(viii) in the United States of America, the Centers for Disease Control and Prevention publish performance data for 463 IVF clinics in a searchable database, broken down by procedures, pregnancies and live birth rates, and

(ix) in the United Kingdom, the Human Fertilisation and Embryology Authority publishes broad performance data for individual clinics and allows patients to rate clinics and see whether the clinic meets formal inspector standards; and

(c) calls on the Federal Government to work with industry to publish individual clinic performance data in a searchable database to ensure Australian families are able to make an informed choice in relation to their fertility treatment.

Question put and passed.

14 Future Submarine Project—Final cost estimate template—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. 919—That the Senate—

(a) notes that:

(i) on 20 June 2018, the Senate agreed to an order for the production of documents directed at the Minister representing the Minister for Defence Industry (Senator Payne) for the following from the Final Cost Estimate Template that DCNS submitted in response to the Future Submarine Competitive Evaluation Process (CEP):

(A) the summary sheet total ‘Australian Build Price’, and

(B) the total sustainment cost from year one to year 40, including labour, material and other costs,
(ii) the Minister has not tabled the information and has advanced a claim of public interest immunity on the basis that the material is commercially confidential, and

(iii) it is a long accepted view that total values are not commercial in confidence, noting the following:

(A) total costs that do not detail the scope of supply and/or services offered do not reveal any commercially sensitive information,

(B) AUSTENDER publishes total costs of all contracts,

(C) on 3 April 2018, the Department of Defence publicly released the total offer price in Luerssen’s Offshore Patrol Vessel tender responses,

(D) the numbers sought in the order are for prices for a pre-concept design to meet purported unique requirements of the Royal Australian Navy’s submarine force, not a real submarine design,

(E) the Department of Defence recognises the pre-concept design numbers in the tender response bear little resemblance to the likely cost of the submarines and their sustainment, which will be finalised in 2022, following the conclusion of a critical design project review,

(F) the prices being requested are not subject to any tender or ongoing negotiations,

(G) the future submarine CEP tender documents provided to DCNS stated that the contractor acknowledges that as a Commonwealth agency, the Commonwealth is subject to legislative and administrative accountability and transparency requirements of the Commonwealth, including disclosures to ministers and other government representatives, the Parliament and its committees, and

(H) total cost information is information to which the Senate must have access to ensure it can properly perform its oversight functions; and

(b) does not accept the public interest immunity claim made by the Minister representing the Minister for Defence Industry in relation to the order for the production of documents numbered 862, and requires the Minister to table documents in full compliance with order for the production of documents numbered 862 by the conclusion of business on 28 June 2018.

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

Question put and passed.

15 Australia and the United States of America—100 years of mateship

Senator Cormann, also on behalf of Senators Wong, Payne, Farrell, Hinch, Griff, Bernardi, Hanson, Burston, Anning and Kitching, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 925—That the Senate—

(a) notes that:

(i) Australian and United States (US) troops first fought together in and won the Battle of Hamel on the Western Front in France on 4 July 1918, under the command of Australian General John Monash,
(ii) the hard fought victory achieved by the combined forces at Hamel helped turn the tide of World War I,

(iii) Australia has fought together with the US in every major conflict since 1918,

(iv) more than 100,000 Australian service members have given the ultimate sacrifice alongside fellow servicemen and women from the US,

(v) Australia and the United States of America officially established bilateral diplomatic relations on 8 January 1940,

(vi) Australia and the US formalised their security alliance with the signing of the Australia, New Zealand, United States Security Treaty, at San Francisco on 1 September 1951 (commonly known as the ANZUS Treaty),

(vii) the ANZUS Treaty was invoked for the first and only time in response to the terrorist attacks on the US on 11 September 2001,

(viii) Australia and the US share information essential for security and defence through the Five Eyes intelligence alliance,

(ix) the Force Posture Agreement between the Government of Australia and the Government of the United States of America, made on 12 August 2014 in Sydney, enables closer security and defence cooperation between the two allies,

(x) Australia and the US conduct diverse joint military exercises and training to enhance capabilities throughout the world, and Australia hosts US Marines at bases in the Northern Territory,

(xi) Australia and the US work closely in a number of international fora, including the Group of Twenty (G20),

(xii) the Australia–United States Free Trade Agreement, signed on 18 May 2004 in Washington, came into effect on 1 January 2005,

(xiii) Australia and the US conduct $68.5 billion in two way trade and have an investment relationship valued at $1.6 trillion, and

(xiv) 4 July 2018 marks the 100-year anniversary of the Battle of Hamel and serves as the date on which Australia and the US celebrate the first 100 years of Mateship;

(b) commemorates the 100-year anniversary of the Battle of Hamel, forging the unique and enduring relationship between Australia and the US;

(c) reaffirms the strong military alliance between Australia and the US; and

(d) supports continued diplomatic, security, and economic cooperation between Australia and the US.

Statements by leave: Senator Whish-Wilson and the Minister for Finance (Senator Cormann), by leave, made statements relating to the motion.

Question put and passed.
16 National Partnership Agreement on Implementing Water Reform in the Murray-Darling Basin—Order for production of documents

Senator Burston, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 926—That there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources (Senator Canavan), by no later than 10 am on 20 July 2018, all documents and correspondence:

(a) relating to the Department of Agriculture and Water Resources 2016-17 assessment of New South Wales (NSW) compliance with the National Partnership Agreement on Implementing Water Reform in the Murray-Darling Basin;

(b) from the Murray-Darling Basin Authority to the NSW Government or the Department of Agriculture and Water Resources relating to the 2016-17 assessment of NSW compliance with the National Partnership Agreement on Implementing Water Reform in the Murray-Darling Basin; and

(c) from the Commonwealth Environmental Water Holder to the NSW Government or the Department of Agriculture and Water Resources relating to the 2016-17 assessment of NSW compliance with the National Partnership Agreement on Implementing Water Reform in the Murray-Darling Basin.

Question put and passed.

17 Goods and Services Tax revenue distribution—Western Australia

Senator Georgiou, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 913—That the Senate—

(a) notes that:

(i) senators have a duty to act in the interests of both the nation and of the states they represent,

(ii) in 2017-18, the GST (goods and services tax) revenue distribution to Australian states and territories averaged $2561 per person overall, however Western Australians received just $882 per person, being less than a third of the average,

(iii) no other state or territory received less than $2200 per person, with Tasmanians receiving $4624, South Australians $3690 and Victorians $2389,

(iv) in 2016-17, Western Australia accounted for 35% of the nation’s exports, and Western Australia is by far the country’s leading state on a balance of payments basis,

(v) every other Australian state is subsidised by Western Australia and, according to analysis conducted by the Productivity Commission, over $3.6 billion a year is being drained from WA, and

(vi) both Labor and Liberal Western Australian state governments have called on the Federal Government to increase Western Australia’s GST distribution;

(b) recognises that the government has the power to immediately increase the share of GST revenue that Western Australia receives; and

(c) calls on the Government to increase the GST distribution share that Western Australia receives to at least the average level.
Statement by leave: The Assistant Minister to the Prime Minister (Senator McGrath), by leave, made a statement relating to the motion.

Question put and negatived.

18 Importation of pepper spray, mace and tasers

Senator Anning, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 914—That the Senate—

(a) notes:

(i) the recent spate of horrific violent crimes against women,
(ii) that the first duty of government is to ensure that its innocent citizens are protected from harm,
(iii) that police cannot be everywhere at all times, so in order to ensure citizens are protected from harm, all citizens must have the absolute right to self-defence,
(iv) that the ability of individuals to defend themselves varies with the strength, age, fitness and skill of the individual, with women and the elderly generally more vulnerable,
(v) that vulnerable people need some form of defence against violent individuals of superior strength,
(vi) the non-lethal nature of pepper spray, mace and tasers and the fact that prior training or skill is not required to use them for self-defence, and
(vii) the ease, affordability and convenience of pepper spray, mace and tasers as a means of self-defence by women;

(b) accepts that access to a means of self-protection by women in particular would provide greatly increased security and confidence that they will not become just another assault, rape or murder statistic; and

(c) calls on the Australian Government to:

(i) allow the importation of pepper spray, mace and tasers for individual self-defence, and
(ii) encourage state governments to legalise and actively promote the carrying of pepper spray, mace and tasers by women for personal protection.

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

Question put.

The Senate divided—

AYES, 5

Senators—

Anning*    Burston    Georgiou    Leyonhjelm
Bernardi
NOES, 46

Senators—

Abetz                  Di Natale                  Martin                  Rhiannon
Bartlett               Duniam                    McCarthy                 Rice
Bilyk                  Fierravanti-Wells           McGrath                 Ryan
Birmingham             Gallacher                  McKim                   Siewert
Brockman               Gichuhi                    Moore                   Steele-John
Brown                  Griff                      O’Neill                 Sterle
Bushby                 Hanson-Young               Paterson                 Stoker
Cameron                Hinch                      Patrick                 Storer
Carr                   Hume                       Payne                   Urquhart*
Chisholm               Keneally                   Pratt                   Watt
Colbeck                Kitching                   Reynolds                 Whish-Wilson
Collins                Marshall

*Tellers

Question negatived.

19 Environment and Communications References Committee—Reference

The Deputy Chair of the Environment and Communications References Committee (Senator Duniam), pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 2—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 17 September 2018:

The extent to which gaming micro-transactions for chance-based items, sometimes referred to as ‘loot boxes’, may be harmful, with particular reference to:

(a) whether the purchase of chance-based items, combined with the ability to monetise these items on third-party platforms, constitutes a form of gambling; and

(b) the adequacy of the current consumer protection and regulatory framework for in-game micro transactions for chance-based items, including international comparisons, age requirements and disclosure of odds.

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

Question put and passed.

20 Venezuela

Motion determined as not formal: Senator O’Sullivan requested that general business notice of motion no. 918 standing in his name for today, relating to Venezuela, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senator O’Sullivan and Senator Chisholm, by leave, made statements relating to the motion.

Document: Senator Chisholm, by leave, tabled the following document:

Venezuela—Statement by Chair of G20 on electoral process in Venezuela, dated 21 May 2018 [unofficial translation].
21 Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

Senator Anning, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 920—That the Senate—

(a) notes that:

(i) the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (the Royal Commission) has received more than 6800 submissions,

(ii) the Royal Commission is underfunded and does not have adequate time to hear submissions from many regional farmers, and

(iii) as reported in The Australian on 26 June 2018, the Royal Commission’s Letters Patent are drafted in a way that excludes receivers, administrators and insolvency professionals, who often act unconscionably and unethically towards farmers; and

(b) calls on the Government to:

(i) facilitate the amendment of the Letters Patent to include examination of the conduct of administrators, receivers, controllers, restructuring advisors, turnaround advisors, pre-insolvency advisors or insolvency practitioners, particularly when these entities act against farmers,

(ii) extend the final reporting period by 12 months to enable the Royal Commission to hear more submissions, and

(iii) increase funding to the Royal Commission to enable it to hear more submissions.

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

Question put.

The Senate divided—

AYES, 18

Senators—

Anning* Georgiou McKim Siewert
Bartlett Griff Patrick Steele-John
Bernardi Hanson-Young Rhiannon Storer
Burston Hinch Rice Whish-Wilson
Di Natale Leyonhjelm

NOES, 36

Senators—

Abetz Collins Kitching Pratt
Bilyk Duniam Marshall Reynolds
Birmingham Farrell Martin Ryan
Brockman Fierravanti-Wells McCarthy Singh
Bushby Gallacher McGrath Smith, David
Cameron Gichuhi Molan Sterle
Carr Hume Moore Stoker
Chisholm Keneally O’Neill Urquhart*
Colbeck Ketter Paterson Watt

* Tellers

Question negatived.
Senator Whish-Wilson, also on behalf of Senators Burston, Hinch, Anning, Patrick, Leyonhjelm and Georgiou, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 923—That the Senate—

(a) notes that, at the Brisbane hearings of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, Commissioner Hayne has stated that:

(i) not everyone who wants their case to be dealt with publicly will be called before the Royal Commission, and

(ii) examination of farm finance case studies was going to take longer than expected, and has delayed examination of natural disaster insurance cases as a result;

(b) notes that the above illustrates that the Royal Commission has not been given sufficient time to properly examine all of the issues within its terms of reference; and

(c) calls on the Government to extend the Royal Commission by a period of at least twelve months.

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

Question put and passed.

22 South Australian Murray-Darling Basin Royal Commission

Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 921—That the Senate—

(a) considers that all governmental agencies, when invited, should seek to participate willingly and transparently with the ongoing South Australian Murray-Darling Basin Royal Commission; and

(b) condemns the Government for its decision to prevent the Murray-Darling Basin Authority from appearing before the South Australian Murray-Darling Basin Royal Commission.

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

Question put.

The Senate divided—

AYES, 35

Senators—

Bartlett

Bernardi

Bilyk

Brown

Burston

Cameron

Carr

Chisholm

Collins

Di Natale

Farrell

Gallacher

Georgiou

Griff

Hanson-Young

Keneally

Ketter

Kitching

Marshall

McKim

Moore

O’Neill

Patrick

Pratt

Rhiannon

Rice

Siewert

Singh

Smith, David

Steele-John

Sterle

Storer

Urquhart*

Watt

Whish-Wilson
23 Committee membership

The President informed the Senate that he had received a letter requesting changes in the membership of a committee.

The Assistant Minister to the Prime Minister (Senator McGrath), by leave, moved—That Senator Steele-John replace Senator Rice on the Environment and Communications References Committee for the committee’s inquiry into gaming micro-transactions, and Senator Rice be appointed as a participating member.

Question put and passed.

24 Order of business—Rearrangement

Senator Birmingham, by leave, moved—That the following bills be considered till not later than 2 pm, before returning to the order of government business given precedence earlier today (see entry no. 7):

(a) Farm Household Support Amendment Bill 2018;
(b) Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2018;
(c) Australian Research Council Amendment Bill 2018;
(d) Corporations (Fees) Amendment (ASIC Fees) Bill 2018
   National Consumer Credit Protection (Fees) Amendment (ASIC Fees) Bill 2018
   Superannuation Auditor Registration Imposition Amendment (ASIC Fees) Bill 2018
   Superannuation Industry (Supervision) Amendment (ASIC Fees) Bill 2018;
(e) Australian Astronomical Observatory (Transition) Bill 2018;
(f) Health Legislation Amendment (Improved Medicare Compliance and Other Measures) Bill 2018;
(g) Commerce (Trade Descriptions) Amendment Bill 2018;
(h) Social Services Legislation Amendment (Payments for Carers) Bill 2018;
(i) Corporations Amendment (Asia Region Funds Passport) Bill 2018;
(j) Corporations (Review Fees) Amendment Bill 2018; and

Question put and passed.
25 **Farm Household Support Amendment Bill 2018**
Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

26 **Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2018**
Order of the day read for the adjourned debate on the motion of the Minister for Communications (Senator Fifield)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

27 **Australian Research Council Amendment Bill 2018**
Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

28 **Corporations (Fees) Amendment (ASIC Fees) Bill 2018**
**National Consumer Credit Protection (Fees) Amendment (ASIC Fees) Bill 2018**
**Superannuation Auditor Registration Imposition Amendment (ASIC Fees) Bill 2018**
**Superannuation Industry (Supervision) Amendment (ASIC Fees) Bill 2018**
Order of the day read for the adjourned debate on the motion of the Minister for Indigenous Affairs (Senator Scullion)—That these bills be now read a second time.
Debate resumed.
Question put and passed.
Bills read a second time.
No amendments to the bills were circulated and no senator required that they be considered in committee.

On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bills were read a third time.

29 **Australian Astronomical Observatory (Transition) Bill 2018**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

30 **Health Legislation Amendment (Improved Medicare Compliance and Other Measures) Bill 2018**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of Senator Ruston the bill was read a third time.

31 **Commerce (Trade Descriptions) Amendment Bill 2018**

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

Debate resumed.

Question put and passed.

Bill read a second time.

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

On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

32 **Social Services Legislation Amendment (Payments for Carers) Bill 2018**

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

Debate resumed.

Question put and passed.

Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.

On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

33 Corporations Amendment (Asia Region Funds Passport) Bill 2018
Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

34 Corporations (Review Fees) Amendment Bill 2018
Order of the day read for the adjourned debate on the motion of the Minister for Communications (Senator Fifield)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bill was read a third time.

35 Broadcasting Legislation Amendment (Foreign Media Ownership and Community Radio) Bill 2017
Order of the day read for the adjourned debate on the motion of the Assistant Minister to the Prime Minister (Senator McGrath)—That this bill be now read a second time.
Debate resumed.

Declaration of interest: Senator Bartlett declared an interest in relation to the bill.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Assistant Minister for Science, Jobs and Innovation (Senator Seselja) the bill was read a third time.

36 National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018
Foreign Influence Transparency Scheme Bill 2018
Order of the day read for the further consideration of the bills in committee of the whole.
In the committee

National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018—
Consideration resumed of the bill.
Bill further debated.

At 2 pm: The President resumed the chair and the Temporary Chair of Committees (Senator Marshall) reported progress.

37 Shadow ministry—Document
The Leader of the Opposition in the Senate (Senator Wong), by leave, made a statement relating to changes to shadow ministerial arrangements and tabled a document showing the Opposition shadow ministry, dated 28 June 2018.

38 Questions
Questions without notice were answered.

Document: The Leader of the Opposition in the Senate (Senator Wong), by leave, tabled the following document:

Further questions without notice were answered.

39 Department of the Senate—Usher of the Black Rod—Mr Brien Hallett—Retirement—Statement by President
The President made a statement relating to the impending retirement of Mr Brien Hallett, Usher of the Black Rod in the Department of the Senate.

Statements by leave: The Leader of the Government in the Senate (Senator Cormann), the Leader of the Opposition in the Senate (Senator Wong) and Senator Steele-John, by leave, made statements relating to the matter.

40 Conduct—Statement by leave
Senator Hanson-Young, by leave, made a statement relating to conduct in the Senate during a division earlier today.

41 Motions to take note of answers
Senator Cameron moved—that the Senate take note of the answers given by the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Singh, Marshall and Keneally today relating to company tax cuts.
Debate ensued.
Question put and passed.

Senator McKim moved—that the Senate take note of the answer given by the Minister for Communications (Senator Fifield) to a question without notice asked by Senator McKim today relating to transparency in the justice system.
Question put and passed.
Committee membership
The Acting Deputy President (Senator Kitching) informed the Senate that the President had received a letter nominating a senator to be a member of a committee. The Minister for Education and Training (Senator Birmingham), by leave, moved—That Senator David Smith be appointed as a member of the Joint Standing Committee on the National Capital and External Territories. Question put and passed.

Treasury Laws Amendment (Protecting Your Superannuation Package) Bill 2018
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 433, dated 28 June 2018—A Bill for an Act to amend the law relating to superannuation, and for related purposes.
The Minister for Education and Training (Senator Birmingham) 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 Birmingham moved—that this bill be now read a second time.
Consideration of legislation: Pursuant to order, the debate was adjourned till the day fixed for the Economics Legislation Committee to report on the bill, 13 August 2018.

Australian parliamentary delegation to the Republic of Korea and Japan—Document
Senator Lines, by leave, tabled the following document:
Senator Lines moved—that the Senate take note of the document. Question put and passed.

Committee reports and government responses—Tabling and consideration
Senator Fawcett, at the request of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Reynolds), tabled the following documents:
Foreign Affairs, Defence and Trade Legislation Committee—Additional estimates 2017-18—Additional information received between 9 May and 26 June 2018—Defence portfolio.

Senator Macdonald, on behalf of the Joint Standing Committee on Northern Australia, tabled the following report and documents:
Senator Macdonald moved—that the Senate take note of the report. Debate ensued.
Debate adjourned till the next day of sitting, Senator Bartlett in continuation.
Senator Urquhart, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher), tabled the following documents:

Foreign Affairs, Defence and Trade References Committee—Report—Implications of climate change for Australia’s national security—Additional information.

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

Economics References Committee—Future of Australia’s naval shipbuilding industry—Final report, dated June 2018, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

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

Debate ensued.

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

46 National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018
Foreign Influence Transparency Scheme Bill 2018

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

In the committee

National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018—

Consideration resumed of the bill.

Bill further debated.

Senator McKim moved the following amendment:

Page 3 (after line 11), after clause 3, insert:

4 Sunset provision

This Act is repealed at the start of the day 3 years after the day this Act receives the Royal Assent.

Question—that the amendment be agreed to—put.

The committee divided—

AYES, 14

Senators—

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<th>Hinch</th>
<th>Rhiannon</th>
<th>Steele-John</th>
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<td>Di Natale</td>
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<td>Griff</td>
<td>McKim</td>
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<td>Hanson-Young</td>
<td>Patrick</td>
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Question negatived.

Question—That the bill stand as printed—divided at the request of Senator McKim in respect of Schedule 1, item 8, sections 82.5 and 82.6.

The committee divided—

AYES, 38

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<th>Senators—</th>
<th>Anning</th>
<th>Bilyk</th>
<th>Birmingham</th>
<th>Brockman</th>
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Sections agreed to. Senator McKim moved the following amendments together by leave:

Schedule 1, item 8, page 14 (after line 9), at the end of section 82.10 of the *Criminal Code*, add:

(3) It is a defence to a prosecution for an offence by a person against this Division if the person engaged in the conduct in the course of criticising or protesting any of the following:

(a) a law in force in the Commonwealth or in a State or Territory;
(b) a proposed law of the Commonwealth or of a State or Territory;
(c) a policy of the Commonwealth Government or of a State or Territory government;
(d) a decision or action, or proposed decision or action, of a public official;
(e) a decision or action of a member of:
   (i) the Parliament of the Commonwealth; or
   (ii) a parliament of a State; or

*Tellers*
(iii) the legislative assembly of a Territory;
(f) the outcome of an election or similar political process.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Schedule 1, item 8, page 30 (after line 7), at the end of section 91.4 of the Criminal Code, add:

(4) It is a defence to a prosecution for an offence by a person against this Subdivision that the person dealt with the information or article in the course of:
(a) making or reporting a statement in the public interest or for an artistic or academic purpose; or
(b) contributing to a discussion or debate that is of public interest or has an artistic or academic purpose; or
(c) making or publishing a report of an event, or matter, of public interest; or
(d) bringing a matter concerning Australia’s compliance with international law to the attention of a public international organisation of which Australia is a member.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Schedule 1, item 8, page 34 (after line 7), at the end of section 91.9 of the Criminal Code, add:

(3) It is a defence to a prosecution for an offence by a person against this Subdivision that the person dealt with the information or article in the course of:
(a) making or reporting a statement in the public interest or for an artistic or academic purpose; or
(b) contributing to a discussion or debate that is of public interest or has an artistic or academic purpose; or
(c) making or publishing a report of an event, or matter, of public interest; or
(d) bringing a matter concerning Australia’s compliance with international law to the attention of a public international organisation of which Australia is a member.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Schedule 1, item 8, page 36 (line 2), before “It”, insert “(1)”.  

Schedule 1, item 8, page 36 (after line 11), at the end of section 91.13 of the Criminal Code, add:

(2) It is a defence to a prosecution for an offence by a person against this Subdivision that the person dealt with the information or article in the course of:
(a) making or reporting a statement in the public interest or for an artistic or academic purpose; or
(b) contributing to a discussion or debate that is of public interest or has an artistic or academic purpose; or
(c) making or publishing a report of an event, or matter, of public interest; or
(d) bringing a matter concerning Australia’s compliance with international law to the attention of a public international organisation of which Australia is a member.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Schedule 1, item 8, page 40 (line 25), before “It”, insert “(1)”.

Schedule 1, item 8, page 40 (after line 32), at the end of section 92.5 of the Criminal Code, add:

(2) It is a defence to a prosecution for an offence by a person against this Subdivision that the person engaged in the conduct in the course of:

(a) making or reporting a statement in the public interest or for an artistic or academic purpose; or

(b) contributing to a discussion or debate that is of public interest or has an artistic or academic purpose; or

(c) making or publishing a report of an event, or matter, of public interest; or

(d) bringing a matter concerning Australia’s compliance with international law to the attention of a public international organisation of which Australia is a member.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 12

Senators—

Bartlett
Di Natale
Hanson-Young

Hinch
Leyonhjelm
McKim

Rhiannon
Rice
Siewert*

Steele-John
Rice
Whish-Wilson

NOES, 34

Senators—

Anning
Bilyk
Brockman
Brashby
Cameron
Canavan
Chisholm
Colbeck
Duniam

F ierravanti-Wells
Gallacher
Georgiou
Gichuhi
Griff
Hume
Ketter
Kitching
Lines

Marshall
Martin
McAllister
McCarthy
Molan
O’Neill
O’Sullivan
Paterson

Patrick
Seselja
Smith, David
Smith, Dean
Sterle
Stoker
Urquhart*

Senator Patrick moved the following amendments together by leave:

Clause 2, page 3 (at the end of the table), add:

10. Schedule 7 The day after this Act receives the Royal Assent.
Page 86 (after line 10), at the end of the bill, add:

**Schedule 7—Amendments relating to oversight of intelligence agencies**

**Intelligence Services Act 2001**

1 **Paragraph 29(1)(a)**

After “to review the”, insert “activities,”.

2 **Subsection 29(3)**

Repeal the subsection, substitute:

(3) The functions of the Committee do not include:

(a) reviewing information provided by, or by an agency of, a foreign government where that government does not consent to the disclosure of the information; or

(b) conducting inquiries into individual complaints about the activities of ASIO, ASIS, AGO, DIO, ASD, ONA, AFP or the Immigration and Border Protection Department.

3 **After section 29**

Insert:

29A **Ceasing or suspending review of agency activities**

_Certificate received from responsible Minister_

(1) If:

(a) the Committee undertakes a review under section 29 of an activity by ASIO, ASIS, AGO, DIO, ASD or ONA; and

(b) the relevant responsible Minister is of the opinion that:

(i) the activity is an ongoing operation; and

(ii) the review would interfere with the proper performance by the relevant body of its functions or otherwise prejudice Australia’s national security or the conduct of Australia’s foreign relations;

the Minister may give to the Committee a certificate in relation to the matter stating the Minister’s opinion and the reasons for it.

(2) The Minister must give a copy of a certificate under subsection (1) to the President of the Senate and to the Speaker of the House of Representatives.

(3) A decision of the Minister under subsection (1) must not be questioned in any court or tribunal.

(4) Where the Minister gives a certificate under subsection (1) in relation to a review, the Committee must cease or suspend the review.

(5) Subsection (4) has effect subject to subsection (7).

*Review by Inspector-General of Intelligence and Security*

(6) Where a Minister has given a certificate to the Committee under subsection (1) the Committee may refer the certificate to the Inspector-General of Intelligence and Security.
(7) Within 30 days after the Inspector-General of Intelligence and Security is referred the certificate, the Inspector-General must:

(a) review the certificate and consider:
    (i) whether the activity is an ongoing operation; and
    (ii) whether it is reasonable to conclude that a review by the Committee would interfere with the proper performance by the relevant body of its functions or otherwise prejudice Australia’s national security or the conduct of Australia’s foreign relations; and

(b) provide written advice to the Committee setting out the Inspector-General’s opinion in relation to the matters set out in subparagraphs (a)(i) and (ii).

(8) If the Inspector-General advises the Committee under subsection (7) that the activity is not an ongoing operation, or that the review would not cause interference with the proper functioning of the relevant body or otherwise prejudice Australia’s national security or the conduct of Australia’s foreign relations, the Committee may proceed with the review, or commence a new review into the activity.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 14

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

NOES, 33

Bilyk  Gallacher  McAllister  Smith, David
Brockman  Gichuhi  McCarthy  Smith, Dean
Bushby  Hume  Molan  Sterle
Cameron  Ketter  O’Neill  Stoker
Canavan  Kitching  Paterson  Urquhart*
Chisholm  Lines  Pratt  Watt
Colbeck  Macdonald  Seselja  Williams
Duniam  Martin  Singh  Wong

* Tellers

Question negatived.

Senator Patrick moved the following amendments together by leave:

Clause 2, page 3 (at the end of the table), add:

11. Schedule 8 The day after this Act receives the Royal Assent.
Page 86 (after line 10), at the end of the bill, add:

Schedule 8—Amendments relating to access to information

Archives Act 1983

1 At the end of Division 4 of Part V

Add:

55B Reporting on external legal expenses

(1) The annual report prepared by the Director-General under section 46 of the Public Governance, Performance and Accountability Act 2013 for a period must:
   (a) list each application to the Archives for access to a record in which external legal expenses have been incurred by the Archives; and
   (b) provide the particulars of the external legal expenses incurred by the Archives in relation to each of those applications.

(2) The particulars published under subsection (1) must include the total external legal expenses incurred by the Archives in relation to each application including, but not limited to, any external legal expenses incurred:
   (a) in making an initial decision in relation to an application for access to a record;
   (b) as part of an internal reconsideration of a decision under section 42;
   (c) as part of a review by the Tribunal of a decision of the Archives; and
   (d) as part an appeal to the Federal Court of Australia from a decision of the Tribunal.

(3) In this section:

   external legal expenses includes:
   (a) any fees or other expenses charged to the Archives for the provision of legal advice by external legal advisers (including any fees charged by the Australian Government Solicitor (the AGS)); and
   (b) any fees or other expenses charged to the Archives by external legal advisers associated with specific litigation in relation to an application (including any fees charged by the AGS).

Note: Section 55P of the Judiciary Act 1903 provides that the AGS may charge for services.

Australian Information Commissioner Act 2010

2 At the end of section 10

Add:

   (3) However, the Information Commissioner must not review decisions under Part VII of the Freedom of Information Act 1982 unless he or she holds the qualifications mentioned in subsection 14(3).
3 Subsection 12(2)
Repeal the subsection, substitute:

(2) The Privacy Commissioner may also perform the freedom of information functions (except he or she must not review decisions under Part VII of the Freedom of Information Act 1982 unless he or she holds the qualifications mentioned in subsection 14(3)).

4 At the end of section 14
Add:

Separate commissioners to be appointed

(5) The same person must not simultaneously hold more than one appointment (including an acting appointment) as an information officer.

Note: For acting appointments, see section 21.

Information officer positions not to be vacant for more than 3 months

(6) The office of an information officer must not be left vacant for more than 3 months.

5 Subsection 21(1) (note)
Omit “Note”, substitute “Note 1”.

6 At the end of subsection 21(1)
Add:

Note 2: Subsection 14(5) provides that the same person must not simultaneously hold more than one appointment (including an acting appointment) as an information officer.

Note 3: Subsection 14(6) provides that the office of an information officer must not be left vacant for more than 3 months.

Freedom of Information Act 1982

7 Subsection 4(1)
Insert:

transfer application has the meaning given by subsection 55JB(2).

8 Subsection 11C(6)
Repeal the subsection, substitute:

Time for publication

(6) The agency or Minister must comply with this section in the period commencing on the tenth working day after the day the person is given access to the document and concluding on the 14th working day after the day the person is given access to the document.
9 After section 55E

Insert:

55EA Procedure in IC review—consistent application of exemptions by decision-maker

Where an agency or Minister who made the relevant IC reviewable decision:
(a) provides assistance to the Information Commissioner under section 55DA; or
(b) is required to provide an adequate statement of reasons under section 55E; or
(c) provides any other information, submission or document to the Information Commissioner as part of an IC review;
the agency or Minister must not, in providing the assistance, adequate statement of reasons or other information, rely on any exemptions in Divisions 2 and 3 of Part IV that were not relied upon in making the IC reviewable decision.

10 At the end of Division 6 of Part VII

Add:

55JA Procedure in IC review—notice requirement if lengthy review

(1) The Information Commissioner must, as soon as practicable, notify an IC review applicant if:
(a) he or she considers that it is likely that more than 120 days will elapse between:
   (i) the time the relevant IC review application is received by the Information Commissioner; and
   (ii) the time that a decision will be made by the Information Commissioner under section 55K; or
(b) 120 days has elapsed since the time the relevant IC review application was received by the Information Commissioner.

(2) The notice must state that an application to transfer the IC review application to the Tribunal may be made under section 55JB.

55JB Procedure in IC review—transfer to Tribunal

(1) If the Information Commissioner has issued a notice under section 55JA, an IC review applicant may apply to transfer their IC review application to the Tribunal.

(2) An application under subsection (1) is to be known as a transfer application.

(3) A transfer application must be in writing and must be sent to the Information Commissioner.

(4) A transfer application must be made within 28 days after the day on which the notice under section 55JA was given to the IC review applicant.

(5) A transfer application is not required to be accompanied by any fee.

(6) On receipt of a transfer application the Information Commissioner must:
(a) transfer the IC review application to the Tribunal; and
(b) give the Tribunal any information or documents that relate to the
review in the possession, or under the control, of the Information
Commissioner; and
(c) notify the IC review applicant in writing that the IC review
application has been transferred.

(7) An IC review application transferred under subsection (6) is taken to
be an application to the Tribunal for a review of the relevant decision
made in accordance with the requirements of section 29 of
Administrative Appeals Tribunal Act 1975.

11 After subsection 57A(1)
Insert:

(1A) To avoid doubt, if an IC review application is transferred to the
Tribunal under section 55JB the Tribunal may review the IC
reviewable decision to which the IC review application relates.

12 After section 93
Insert:

93AA Reporting on external legal expenses

(1) The annual report prepared by the principal officer of an agency must:
(a) list each request made under section 15 to:
   (i) access a document of the agency; or
   (ii) access an official document of the agency’s responsible
        Minister
        in which external legal expenses have been incurred by the
        agency; and
(b) provide the particulars of the external legal expenses incurred by
    the agency in relation to each of those requests.

(2) The particulars published under subsection (1) must include the total
external legal expenses incurred by the agency in relation to each
request including, but not limited to, any external legal expenses
incurred:
(a) in making an initial decision in response to the request;
(b) as part of an internal review;
(c) as part of an IC review;
(d) as part of an appeal to the Federal Court of Australia on a
    question of law under Division 10 of Part VII;
(e) as part of a review by the Tribunal under Part VIIA;
(f) as part of an appeal to the Federal Court of Australia from a
decision of the Tribunal.

(3) In this section:
external legal expenses includes:
(a) any fees or other expenses charged to an agency for the provision
    of legal advice by external legal advisers (including any fees
    charged by the Australian Government Solicitor (the AGS)); and
(b) any fees or other expenses charged to an agency by external legal
    advisers associated with specific litigation in relation to a request
    (including any fees charged by the AGS).
Note: Section 55P of the Judiciary Act 1903 provides that the AGS may charge for services.

Debate ensued.
Question—That the amendments be agreed to—put and negatived.
Bill agreed to without amendment.

**Foreign Influence Transparency Scheme Bill 2018**—
Bill, taken as a whole by leave, agreed to without amendment.
Bills reported without amendment.

On the motion of the Assistant Minister for Science, Jobs and Immigration (Senator Seselja) the report from the committee was adopted.
Senator Seselja moved—That these bills be now read a third time.
Debatced ensued.
Question put.
The Senate divided—

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* Tellers

Question agreed to.
Bills read a third time.

**National Housing Finance and Investment Corporation Bill 2018**

Order of the day read for the adjourned debate on the motion of the Minister for International Development and the Pacific (Senator Fierravanti-Wells)—That these bills be now read a second time.
Debate resumed.
Document: Senator Cameron, by leave, tabled the following document:
National Housing Finance and Investment Corporation Bill 2018 and National Housing Finance and Investment Corporation (Consequential Amendments and Transitional Provisions) Bill 2018—Letter from the Treasurer (Mr Morrison) to Senator Cameron, dated 28 June 2018.

Senator Cameron moved the following amendment:
At the end of the motion, add “but the Senate calls on the Government to adopt Labor’s policy and establish a National Housing Supply Council to:
(a) provide advice on whether state and national policies are delivering housing policy objectives, including access to cheaper and longer term finance for community housing providers through the National Housing Finance and Investment Corporation and the National Housing Infrastructure Facility;
(b) improve tracking and accountability of funds spent through the National Housing and Homelessness Agreement; and
(c) provide advice on the use of Commonwealth landholdings including opportunities for development and release of land to boost housing supply”.

Debate ensued.
Question—That the amendment be agreed to—put and passed.
Main question, as amended, put and passed.
Bills read a second time.
Senator Cameron indicated that he did not intend to move the amendments circulated in his name and no senator required that the bills be considered in committee.
On the motion of the Assistant Minister for Agriculture and Water Resources (Senator Ruston) the bills were read a third time.

48 Interative Gambling Amendment (Lottery Betting) Bill 2018
Order of the day read for the adjourned debate on the motion of the Minister for Communications (Senator Fifield)—That this bill be now read a second time.
Debate resumed.
Question put and passed.
Bill read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.
On the motion of the Minister for Communications (Senator Fifield) the bill was read a third time.

49 Special purpose flights—Order for production of document—Document
The Minister for Education and Training (Senator Birmingham) tabled the following document:
Special purpose flights—Order agreed to earlier today (see entry no. 12)—Letter to the President of the Senate from the Minister for Defence (Senator Payne), dated 28 June 2018, responding to the order.
50 **Next meeting of Senate**

The Minister for Education and Training (Senator Birmingham) moved—That the Senate, at its rising, adjourn till Thursday, 28 June 2018, at 10 am, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

51 **Leave of absence**

The Minister for Education and Training (Senator Birmingham) moved—That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question put and passed.

52 **Adjournment**

Pursuant to order, the Senate adjourned at 8.17 pm till Monday, 13 August 2018 at 10 am.

53 **Attendance**

Present, all senators except Senators Cash*, Dodson* Polley* and Sinodinos* (*on leave).

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate