Contents

1 Meeting of Senate ........................................................................................................ 3699
2 Documents.................................................................................................................. 3699
3 Committees—Leave to meet during sittings.............................................................. 3699
4 Treasury Laws Amendment (Accelerated Depreciation for Small Business Entities) Bill 2018 .......................................................... 3700
5 Corporations Amendment (Crowd-sourced Funding for Proprietary Companies) Bill 2017 .......................................................... 3701
6 Airports Amendment Bill 2018 ................................................................................ 3702
7 Australian Institute of Health and Welfare Amendment Bill 2017 ......................... 3702
8 Civil Law and Justice Legislation Amendment Bill 2017 ......................................... 3703
9 Senators’ statements.................................................................................................. 3703
10 Questions .................................................................................................................... 3703
11 Motion to take note of answer .................................................................................. 3703
12 Bullying and intimidation—Personal explanation .................................................... 3704
13 Petition ....................................................................................................................... 3704
14 Notices ...................................................................................................................... 3704
15 Leave of absence ....................................................................................................... 3711
16 Private senators’ bills—Consideration ..................................................................... 3711
17 Leave of absence ....................................................................................................... 3711
18 Postponement ........................................................................................................... 3711
19 National Child Protection Week .............................................................................. 3711
20 Australian Pesticides and Veterinary Medicines Authority—Adverse Experience Reporting Program—Annual reports—Order for production of documents .......................................................... 3712
21 Screen Australia funding ........................................................................................ 3712
22 Social housing .......................................................................................................... 3713
23 Aged care system ...................................................................................................... 3714
24 Military Covenant .................................................................................................... 3714
25 Aboriginal deaths in custody .................................................................................. 3714
26 Energy policy ............................................................................................................ 3715
27 Trans-Pacific Partnership Agreement ...................................................................... 3715
<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Legal and Constitutional Affairs Legislation Committee—Federal Circuit</td>
<td>3716</td>
</tr>
<tr>
<td></td>
<td>and Family Court of Australia Bill 2018 and related bills—Submissions</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Newspaper cartoons and satire—Freedom of speech</td>
<td>3717</td>
</tr>
<tr>
<td>30</td>
<td>Climate change—Impact on Pacific nations</td>
<td>3717</td>
</tr>
<tr>
<td>31</td>
<td>Adani Carmichael mine</td>
<td>3718</td>
</tr>
<tr>
<td>32</td>
<td>Arms sales to Saudi Arabia and the United Arab Emirates</td>
<td>3719</td>
</tr>
<tr>
<td>33</td>
<td>Discussion of matter of public importance—Immigration policy</td>
<td>3719</td>
</tr>
<tr>
<td>34</td>
<td>Documents—Consideration</td>
<td>3719</td>
</tr>
<tr>
<td>35</td>
<td>Committee reports and government responses—Tabling and consideration</td>
<td>3719</td>
</tr>
<tr>
<td>36</td>
<td>Committee membership</td>
<td>3720</td>
</tr>
<tr>
<td>37</td>
<td>Family Law Amendment (Family Violence and Cross-examination of Parties)</td>
<td>3720</td>
</tr>
<tr>
<td>38</td>
<td>Tobacco Plain Packaging Amendment Bill 2018</td>
<td>3720</td>
</tr>
<tr>
<td>39</td>
<td>Veterans’ Entitlements Amendment Bill 2018</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018</td>
<td>3721</td>
</tr>
<tr>
<td>41</td>
<td>Committee membership</td>
<td>3721</td>
</tr>
<tr>
<td>42</td>
<td>Great Barrier Reef Marine Park Amendment (Hammerhead Shark) Regulations—Proposed disallowance</td>
<td>3721</td>
</tr>
<tr>
<td>43</td>
<td>Legal and Constitutional Affairs Legislation Committee—Report—Migration (Validation of Port Appointment) Bill 2018</td>
<td>3722</td>
</tr>
<tr>
<td>44</td>
<td>Civil Law and Justice Legislation Amendment Bill 2017</td>
<td>3722</td>
</tr>
<tr>
<td>45</td>
<td>Treasury Laws Amendment (Black Economy Taskforce Measures No. 1) Bill 2018</td>
<td>3729</td>
</tr>
<tr>
<td>46</td>
<td>Adjournment</td>
<td>3729</td>
</tr>
<tr>
<td></td>
<td>Attendance</td>
<td>3729</td>
</tr>
</tbody>
</table>
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):

Documents presented by the President  
1. Qualification of Rodney Norman Culleton—Correspondence received from 
Mr Culleton, dated 3 September 2018, and advice to the President of the Senate 
from the Clerk of the Senate, dated 10 September 2018.

   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.]
   Aboriginal Land Grant (Jervis Bay Territory) Act 1986—Aboriginal Land Grant 
(Jervis Bay Territory) (Aboriginal Land) Declaration 2018 [F2018L01273].
   Public Governance, Performance and Accountability Act 2013—
   PGPA Act Determination (AFMA SOETM Special Account 2018) [F2018L01275].
   PGPA Act Determination (Coordinated Procurement Contracting Special 
Account 2018) [F2018L01276].
   PGPA Act Determination (Education SOETM Special Account 2018) [F2018L01274].
   Remuneration Tribunal Act 1973—
   Remuneration Tribunal (Compensation for Loss of Office for Holders of 
Certain Public Offices) Determination 2018 [F2018L00899]—Replacement 
explanatory statement.
   Remuneration Tribunal (Recreation Leave for Holders of Relevant Offices) 
   Veterans’ Entitlements Act 1986—Veterans’ Entitlements (Repeal of Expired 
Amendment Statements of Principles) Determination No. 2 2018—No. 89 of 2018 
[F2018L01277].

   The Clerk tabled the following document pursuant to the order of the Senate of 
30 May 1996, as amended:
   Indexed lists of departmental and agency files for the period 1 January to 30 June 

3 Committees—Leave to meet during sittings  
Committees were authorised to meet during the sittings of the Senate, as follows:
   Environment and Communications References Committee—
   private meeting otherwise than in accordance with standing order 33(1) on 
Thursday, 13 September 2018, from 1.05 pm.
public meeting on Monday, 17 September 2018, from 5 pm, to take evidence for the committee’s inquiry into gaming micro-transactions.

Legal and Constitutional Affairs Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 9.35 am.

National Capital and External Territories—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 13 September 2018, from 10 am.

public meeting, and a private meeting otherwise than in accordance with standing order 33(1), on Thursday, 20 September 2018, from 10 am.

Treaties—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 3.15 pm.

4 **Treasury Laws Amendment (Accelerated Depreciation for Small Business Entities) Bill 2018**

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

---

**In the committee**

Consideration resumed of the bill—*and of the amendment moved by Senator McKim*:

Schedule 1, page 4 (after line 2), at the end of the Schedule, add:

12 **After subsection 328-180(5)**

Insert:

> Assets costing less than $30,000—assets relating to energy efficiency or clean energy

(5A) Paragraph 328-180(1)(b) of the *Income Tax Assessment Act 1997* applies to a depreciating asset as if a reference in that paragraph to $1,000 were a reference to $30,000, if:

(a) you first acquired the asset at or after the 2015 budget time; and

(b) you first use the asset, or have it installed ready for use, for a taxable purpose after 30 June 2018; and

(c) you first use the asset, or have it installed ready for use, in connection with:

(i) investing in energy efficiency;

(ii) reducing your use of fossil fuels; or

(iii) fuel switching from gas to electricity.

(5B) Paragraph 328-180(2)(a) or (3)(a) of the *Income Tax Assessment Act 1997* applies to an amount included in the second element of the cost of an asset as if a reference in that paragraph to $1,000 were a reference to $30,000, if:

(a) the amount is so included at any time after 30 June 2018; and

(b) paragraph (5A)(c) of this section applies to the asset.

Debate resumed.

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

AYES, 11

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<tr>
<th>Senators</th>
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Senators—

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Brockman
Burston
Bushby
Cameron
Colbeck

Duniam
Fawcett
Fierravanti-Wells
Gallacher
Griff
Hume
Keneally
Ketter

Marshall
McAllister
McCarthy
McGrath
Molan
Moore
Paterson
Patrick

Payne
Pratt
Seselja
Singh
Smith, David
Urquhart*
Watt

* Tellers

Question negatived.

Bill agreed to and reported without amendment.

On the motion of the Assistant Minister for Treasury and Finance (Senator Seselja) the report from the committee was adopted and the bill read a third time.

5 Corporations Amendment (Crowd-sourced Funding for Proprietary Companies) Bill 2017

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.

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

In the committee

Bill, taken as a whole by leave, debated.

On the motion of Senator Cameron the following amendment was debated and agreed to:

Clause 2, page 2, (table item 2, column 2), omit “day after the end of the period of 6 months beginning on the day”, substitute “28th day after”.

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

On the motion of the Assistant Minister for Treasury and Finance (Senator Seselja) the report from the committee was adopted and the bill read a third time.
6 Airports Amendment Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for Regional Services, Sport, Local Government and Decentralisation (Senator McKenzie)—That this bill be now read a second time.

Debate resumed.

Senator Rice moved the following amendment:

At the end of the motion, add “but the Senate calls on the Government to develop and implement better consultation and community engagement standards for federally-leased airports, to mitigate the impact of air noise on communities under major flight paths”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Senate divided—

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* Tellers

Question negatived.

Main 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 Defence (Senator Fawcett) the bill was read a third time. All Australian Greens senators, by leave, recorded their votes for the noes.

7 Australian Institute of Health and Welfare Amendment 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.

Question put and passed.

Bill read a second time.

The Senate resolved itself into committee for the consideration of the bill.
Bill taken as a whole by leave.

The Assistant Minister for Defence (Senator Fawcett) moved the following amendment:

Clause 2, page 2 (table item 1), omit the table item, substitute:

1. The whole of this Act
   A single day to be fixed by Proclamation.
   However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

Explanatory memorandum: Senator Fawcett tabled a supplementary explanatory memorandum relating to the government amendment to be moved to the bill.

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

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

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

8 Civil Law and Justice Legislation Amendment Bill 2017

Order of the day read for the adjourned debate on the motion—That this bill be now read a second time.

Debate resumed.

At 12.45 pm: Debate was interrupted while the Minister for Regional Services, Sport, Local Government and Decentralisation (Senator McKenzie) was speaking.

9 Senators’ statements

Senators made statements.

At 2 pm—

10 Questions

Questions without notice were answered.

11 Motion to take note of answer

Senator Brown moved—That the Senate take note of the answer given by the Minister for Finance and the Public Service (Senator Cormann) to a question without notice asked by Senator Polley today relating to the Goods and Services Tax.

Debate ensued.

Question put and passed.
12 Bullying and intimidation—Personal explanation
Senator Reynolds, by leave, made a personal explanation relating to reports of bullying and intimidation.

13 Petition
The following petition, lodged with the Clerk by Senator Abetz, was received:

From 1 petitioner, requesting that the Senate call on the Prime Minister to take action concerning the cost of Bass Strait ferry services.

14 Notices
Senator Bernardi: To move on the next day of sitting—That the Senate—
(a) notes that 18 September 2018 marks the five-year anniversary of the launch of the Abbott Coalition Government’s Operation Sovereign Borders policy, a military-led operation designed to break people-smuggling activities – principally originating from Indonesia – with boat turn-backs and intelligence gathering;
(b) acknowledges the roles of policy co-author, and now senator, Jim Molan and the then Minister for Immigration and Border Protection, Mr Scott Morrison, in successfully implementing that policy; and
(c) affirms its strong support for the policy and continuing to protect Australia’s borders. (general business notice of motion no. 1044)

Senator Bernardi: To move on the next day of sitting—That the Senate—
(a) notes that 15 September marks the anniversary of the Racial Hatred Act 1995, through which section 18C was inserted, making it an offence to offend, insult, humiliate or intimidate another person on racial grounds;
(b) further notes that the position of Race Discrimination Commissioner fell vacant in August 2018;
(c) also notes that the Institute of Public Affairs stated, in a research brief, distributed to members and senators in May, that the Commissioner’s role fulfils no substantive function, is merely one of political advocacy and promotes division in the community; and
(d) calls on the Federal Government to refrain from appointing a new Commissioner or, if it does so, ensure that it appoints someone who will:
(i) unite Australians around Australian values, and
(ii) refrain from publicly campaigning or advocating that Australians make complaints to the Australian Human Rights Commission under section 18C. (general business notice of motion no. 1045)

The Minister for Communications and the Arts (Senator Fifield): To move on the next day of sitting—That the Agriculture and Water Resources Legislation Amendment Bill 2016 and the Excise Levies Legislation Amendment (Honey) Bill 2016 be listed on the Notice Paper as separate orders of the day.
Senators Moore and Duniam: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) increased immunisation of children, which is essential for protecting them against diseases, including pneumonia, polio, rotavirus diarrhoea, meningococcal and measles, now saves the lives of 2 to 3 million children per year – nevertheless, 1.5 million children still die each year globally from vaccine-preventable diseases,
   (ii) in 2017, 85% of children globally received the full course of the diphtheria, tetanus and pertussis vaccine, a key measure of vaccine coverage, however this left nearly 20 million children not covered by this vaccine,
   (iii) globally, 85% of children receive the polio vaccine, however gaps in polio vaccine coverage allow some children to contract the disease, with 15 cases in Afghanistan and Pakistan in 2018 so far,
   (iv) Gavi, The Vaccine Alliance, to which Australia has been a consistent contributor, has supported the vaccination of more than 690 million children, and saved an estimated 9 million lives – in December 2018, Gavi will hold a mid-term review to assess what changes to its strategy are needed to achieve increased and equitable access to vaccines, and
   (v) Australia also partners with the World Bank Group to support countries in Southeast Asia and the Pacific to strengthen immunisation systems and help ensure they are sustainably financed and managed;

(b) recognises that:
   (i) Australia co-sponsored a resolution at the 2017 World Health Assembly to accelerate access to vaccines, calling for the extension of immunisation services beyond infancy, increasing domestic financing, and strengthening international cooperation to achieve global vaccination goals, and
   (ii) funding to the Global Polio Eradication Initiative (GPEI), to which Australia contributes, is due to decline as polio nears eradication – this funding covers one-fifth of the World Health Organization’s (WHO) costs, and accounts for a high proportion of the health and vaccination workforce in several countries, and GPEI and WHO are undertaking transition planning to ensure that skilled staff and services remain in countries where polio has been eradicated; and

(c) calls on the Australian Government to:
   (i) participate in planning to accelerate progress in making vaccines available to all children, including through the Gavi mid-term review, and
   (ii) work with countries now receiving polio support and multilateral agencies to ensure that transition from GPEI funding results in increased resources for other health and vaccination programs. (general business notice of motion no. 1046)

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

(a) notes:
   (i) that tens of millions of dollars in public money is handed over to the greyhound racing and gambling industry each year by states and territories in prize money, for building new tracks and in tax breaks,
Greyhounds Australasia estimates that the industry is responsible for the unnecessary deaths of anywhere between 13,000 and 17,000 healthy greyhounds a year, and

that millions of Australians want to see greyhound racing banned on animal welfare grounds, and do not want to see public money subsidising greyhound racing and gambling; and

(b) calls on state and territory governments to withdraw public funding of greyhound racing, and put the tens of millions of dollars towards health, education and drought relief. (general business notice of motion no. 1047)

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

(a) acknowledges that the wearing of full-face coverings, such as burqas and niqabs, has no place in a modern western society; and

(b) calls on the Federal Government to move immediately to ban any form of full-face covering, such as balaclavas, full-face helmets, burqas and niqabs, in places where identification is necessary and security is an issue. (general business notice of motion no. 1048)

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

(a) notes that:

(i) the dairy industry in Australia was de-regulated in 2000, and since that time milk production has fallen from 12 billion litres a year to 9.5 billion litres a year, while the population has increased from 19 million to 25 million people,

(ii) the number of dairy farms has declined in Queensland from around 1500 to about 380,

(iii) Queensland dairy herds are now in immediate danger through a failure of the winter and summer seasonal crops, and the shortage of quality feed means it is likely that whole herds will be sent to the slaughterhouse and families destroyed,

(iv) the Australian Competition and Consumer Commission’s (ACCC) dairy inquiry report was handed down in April 2018, and found that an increase in the fresh milk price in supermarkets would not benefit dairy farmers, only the processors,

(v) none of the eight recommendations in the ACCC’s report have been implemented by the Federal Government,

(vi) there is an immediate need to deal with the imbalance in bargaining power between dairy farmers and processors by legislating to make unfair contracts and, in particular, multi-year contracts (which bind farmers but not processors) unlawful because dairy farmers do not have the means to pursue these unfair contracts through the courts, and

(vii) it is a myth that milk prices are set by market forces because farm-gate prices for milk are set by processors, that are often foreign-owned; and

(b) calls on the Federal Government to:

(i) provide immediate additional financial support to dairy farmers who cannot feed their herds,

(ii) implement all of the ACCC recommendations, and
(iii) regulate the price of milk per litre paid by processors to dairy farmers to ensure a viable dairy industry. (general business notice of motion no. 1049)

Senator Patrick: To move on the next day of sitting—

(1) That the Senate notes that:

(a) on 21 August 2018, the Senate agreed to an order for the production of documents directed at the Minister representing the Minister for the Environment and Energy for documents relating to the grant of $444 million to the Great Barrier Reef Foundation (the Foundation), including documents demonstrating due diligence was carried out on the Foundation;

(b) on 10 September 2018, the duty minister tabled the index to a due diligence report prepared by the Australian Government Solicitor but did not table the body of the report, making a public interest immunity claim of legal professional privilege;

(c) to the extent that the report fulfils a due diligence task, it cannot be characterised as legal advice and, therefore, cannot attract the privilege – it is noted that the document comprised largely information that is available online free of charge or for a nominal fee, such as company details, insolvency notice search results, media searches, ASIC personal name search results, and AUSTLII case searches;

(d) the Senate does not accept legal professional privilege as a basis for a claim of public interest immunity;

(e) in Egan v Chadwick, Chief Justice Spigelman held that ‘in performing its accountability function, the Legislative Council may require access to legal advice on the basis of which the Executive acted, or purported to act...access to such advice will be relevant in order to make an informed assessment of the justification for the Executive decision. In my opinion, access to legal advice is reasonably necessary for the exercise by the Legislative Council of its functions’; and

(f) as a country that upholds the rule of law, the Government must not rely on conventions, no matter how longstanding, that are contrary to established principles in law.

(2) That the Senate does not accept the public interest immunity claim made by the then Minister representing the Minister for the Environment and Energy (Senator Birmingham) in relation to the due diligence report prepared by the Australian Government Solicitor, and requires the Minister representing the Minister for the Environment to table the due diligence report, in accordance with the order for the production of documents agreed to by the Senate on 21 August 2018. (general business notice of motion no. 1050)

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

(a) notes:

(i) the Morrison Government’s complete capitulation to the hard right of the Liberal and National Parties by abandoning emission reduction as a goal of energy policy, and its refusal to legislate the Paris Climate Change Agreement Targets,
(ii) comments by former Prime Minister, Mr Turnbull, who stated at his final press conference ‘in terms of energy policy and climate policy, I think the truth is that the Coalition finds it very hard to get agreement on anything to do with emissions. That’s the truth’, and

(iii) that the Abbott-Turnbull-Morrison Government policy inaction is driving up electricity prices, and that solutions, including an Emissions Intensity Scheme, a Clean Energy Target and a National Energy Guarantee, have given way to crippling policy paralysis;

(b) observes that the Abbott-Turnbull-Morrison Government refuses to act, citing any and all excuses to delay, when everyone knows it is internal Coalition division and weakness of leadership that are really to blame;

(c) agrees Australia must cut carbon pollution by 45% on 2005 levels by 2030, and reach net zero emissions by 2050, consistent with Climate Change Authority recommendations regarding our obligations under the Paris Accords of keeping global warming to well below 2 degrees above pre-industrial levels; and

(d) recognises that, in order to drive down prices and pollution, Australians need and deserve real leadership on energy and it is clearer every day that they will not get it from the Abbott-Turnbull-Morrison Government. (general business notice of motion no. 1051)

Senator Patrick: To move on the next day of sitting—That the Senate notes the importance of protecting Australian jobs, skills, industries and sovereignty when negotiating, and agreeing to, free trade agreements. (general business notice of motion no. 1052)

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

(a) notes:

(i) that the Bureau of Meteorology intends to replace regional weather forecasting teams with a more centralised and automated model operating out of Melbourne and Brisbane,

(ii) that with a changing climate and more frequent extreme weather events, Australian regions need accurate localised weather forecasting services now more than ever before,

(iii) that this loss of localised weather forecasting and expertise will affect and concern many sectors, including emergency services, agriculture, fisheries and shipping,

(iv) for Tasmania, the Community and Public Sector Union (CPSU) has estimated this move will affect 15 to 20 specialist weather forecasting jobs,

(v) that Tasmania’s local weather forecasters have provided critical local knowledge to Tasmanian residents, businesses and emergency services during extreme weather events, such as the Hobart floods and Dunalley bushfires,

(vi) the United Firefighters Union Tasmania has stated that it is ‘absolutely crucial to have local knowledge’ during reduction burns and high fire danger periods, and

(vii) the CPSU Tasmanian union, which represents parks and forestry firefighters and the State Emergency Service, has stated that it is ‘stupid and short-sighted’ to separate forecasters from crews on the ground; and
(b) calls on the Federal Government to ensure that the Bureau of Meteorology abandons its plans to centralise forecasting services, and maintain the current levels of jobs, expertise and forecasting services in regional areas. (general business notice of motion no. 1053)

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

(a) congratulates United States of America President, Donald J Trump, and his administration for announcing they were closing the Palestine Liberation Organization’s (PLO) Washington office due to a lack of progress in peace negotiations;

(b) notes that the PLO began in 1964, operating as a terrorist organisation targeting Israeli civilians;

(c) further notes that the PLO embarked upon the Second Intifada from 2000 to 2005, claiming 4000 lives – an uprising that started soon after the Camp David peace summit convened by then President Clinton; and

(d) calls on the Prime Minister and Minister for Foreign Affairs to ensure that no Australian aid is ever supplied to the PLO. (general business notice of motion no. 1054)

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

(a) notes that:
   (i) 9 to 15 September 2018 is Foster Care Week,
   (ii) there is a shortage of foster carers nationally, with over 40,000 children in the out-of-home care system nationwide, and
   (iii) Foster Care Week is an opportunity to recognise the work of foster carers and the difference they make in the lives of vulnerable children and young people;

(b) commends the work of foster carers around Australia in keeping children and young people safe; and

(c) urges members of the Australian public to consider becoming a foster carer if they wish to have an impact on the lives of children and young people at risk. (general business notice of motion no. 1055)

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

(a) notes:
   (i) the success of the AFL Women’s (AFLW) competition during its first two seasons,
   (ii) the successful expansion of the AFLW competition to include 10 teams from all over Australia,
   (iii) that, under the changes being introduced to the AFLW 2019 season, not every team will have an opportunity to play each other, and
   (iv) the critique by Melbourne captain, Ms Daisy Pearce, that the competition risks becoming ‘gimmicky’ if the length of the season does not allow for teams to play each another at least once; and

(b) encourages:
   (i) the AFL to increase the number of AFLW rounds from 7 to 10 in 2019, enabling each team to play each other, as promoted by football legend Mr Kevin Sheedy, and
(ii) the Federal Government to work with community and commercial organisations to promote women in professional sport. *(general business notice of motion no. 1056)*

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

(a) notes that:

(i) 15 September 2018 is International Day of Democracy,

(ii) Australia’s democracy faces systemic challenges in the corrupting influence of political donations and the under-representation of minorities in decision-making positions, and

(iii) Australia’s Parliament does not reflect the composition of the Australian population in terms of gender or cultural diversity; and

(b) calls on the Federal Government to:

(i) ban corporate donations from industries with a history of undue influence in Australia’s Parliament, such as mining, development, tobacco, alcohol and gambling,

(ii) withdraw proposed electoral funding legislation that restricts the ability of civil society to advocate in the public interest,

(iii) take measures to increase the participation of women and people from minority backgrounds in Australia’s political systems, and

(iv) urgently establish a national anti-corruption body with investigative powers to address parliamentary and ministerial misconduct. *(general business notice of motion no. 1057)*

The Minister for Communications and the Arts (Senator Fifield): To move on the next day of sitting—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:

- Customs Amendment (Pacific Agreement on Closer Economic Relations Plus Implementation) Bill 2018
- Customs Tariff Amendment (Pacific Agreement on Closer Economic Relations Plus Implementation) Bill 2018
- Social Services Legislation Amendment (Student Reform) Bill 2018
- Veterans’ Entitlements Amendment Bill 2018.

Documents: Senator Fifield tabled the following documents:

*Intention to withdraw:* The Chair of the Standing Committee on Regulations and Ordinances (Senator Williams), pursuant to standing order 78, gave notice of his intention, at the giving of notices on the next day of sitting, to withdraw business of the Senate notices of motion nos 2 to 6 standing in his name for 12 sitting days after today for the disallowance of the following instruments:

- Health Insurance (General Medical Services Table) Regulations 2018 [F2018L00766].
- Marine Order 507 (Load line certificates — national law) 2018 [F2018L00764].
Remuneration Tribunal (Members’ Fees and Allowances) Amendment Regulations 2018 [F2018L00706].
Superannuation Amendment (PSS Trust Deed) Instrument 2018 [F2018L00707].

15 Leave of absence
Senator Watt, by leave, moved—that leave of absence be granted to Senator Sterle from 12 to 18 September 2018, on account of parliamentary business.
Question put and passed.

16 Private senators’ bills—Consideration
The Minister for Communications and the Arts (Senator Fifield) moved—that general business order of the day no. 49 (Productivity Commission Amendment (Addressing Inequality) Bill 2017) be considered on Monday, 17 September 2018 at the time for private senators’ bills.
Question put and passed.

17 Leave of absence
Senator Bushby, by leave, moved—that leave of absence be granted to Senator Birmingham for 12 and 13 September 2018, on account of parliamentary business.
Question put and passed.

18 Postponement
Business was postponed as follows:
Business of the Senate notice of motion no. 2 standing in the name of Senator Siewert for today, proposing the disallowance of the Social Security (Parenting payment participation requirements – classes of persons) Instrument 2018 (No. 1), postponed till 13 September 2018.

19 National Child Protection Week
Senator Watt, at the request of Senators Bilyk and McAllister and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1031—that the Senate—

(a) notes that:
   (i) 2 to 8 September 2018 was National Child Protection Week (NCPW),
   (ii) recent research estimates the cost to Australian taxpayers of unresolved childhood trauma to be between $6.8 billion and $9.1 billion per year,
   (iii) NCPW is an opportunity for government, business and the community to come together to promote the safety and wellbeing of children, and
   (iv) a key message of NCPW in 2018 is that a strong community helps children to thrive and be safe;
(b) congratulates the winners of the National Association for Prevention of Child Abuse and Neglect (NAPCAN) Play Your Part Awards, and thanks all other individuals and organisations working for the prevention of harm to children from abuse and neglect for their important contribution; and
(c) urges all members of the Australian public to consider what role they can play in helping to create a safer environment for children and protect children from harm.
Question put and passed.
20 Australian Pesticides and Veterinary Medicines Authority—Adverse Experience Reporting Program—Annual reports—Order for production of documents

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1038—That the Senate—

(a) notes that:

(i) the Australian Pesticides and Veterinary Medicines Authority (APVMA) has an Adverse Experience Reporting Program (AERP) through which purported adverse effects from registered veterinary medicines and agricultural chemicals are reported,

(ii) adverse events can be reported by anyone, which includes farmers, vets, animal owners and handlers, and state or territory authorities; however, holders of the registration or permit for a registered product are legally required to report adverse events,

(iii) the AERP provides annual reports which document these events,

(iv) these annual reports, in their current form, date from 2005 to 2013 and are publicly available on the APVMA website—reports dating back to 1995 are also available on the website,

(v) since 2013, there have been no annual Adverse Experience annual reports published on the APVMA website, and

(vi) reporting, classification, assessment and action from these adverse events ensures the ongoing safety, quality and effectiveness of agricultural and veterinary products following their registration and, as an example of this, in the 2013 annual report the APVMA assessed, classified and took action when necessary on 3733 adverse event reports from veterinary medicines, 50 adverse event reports from agricultural chemicals, and 135 reports related to human health adverse events; and

(b) orders that there be laid on the table, by the Minister representing the Minister for Agriculture and Water Resources, by 5 pm on 13 September 2018, all the Adverse Experience Reporting Program annual reports produced by the APVMA for the year 2014 and every year following, to date.

Statement by leave: The Minister for Communications and the Arts (Senator Fifield), by leave, made a statement relating to the motion.

Question put and passed.

21 Screen Australia funding

Senator Griff, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1039—That the Senate—

(a) celebrates the win by Australian film The Nightingale of the Special Jury Prize at the Venice Film Festival 2018;

(b) congratulates Indigenous Australian actor Baykali Ganambarr for winning the Marcello Mastroianni award for Best Young Actor at the Festival;

(c) recognises the support of Screen Australia, the ADL (Adelaide) Film Festival Fund, the SA Film Corporation and Screen Tasmania in the financing, production and post-production of The Nightingale;

(d) notes that:

(i) The Nightingale, by writer-director Ms Jennifer Kent, was the sole title in competition at the Venice Film Festival which was directed by a woman,
(ii) according to Screen Australia, based on analysis of 217 feature films shot over the five years to June 2017, women accounted for 34% of the producers, 15% of the directors and 22% of the writers,

(iii) according to Screen Australia, as at April 2018, 31 features have been made since 1970 with an Indigenous Australian as director, producer, writer or director of photography – 24 of these films were produced since 2000, compared to five in the 1990s, two in the 1980s and none at all in the 1970s,

(iv) in terms of the number of Indigenous Australian filmmakers, 22 individuals have worked on these 31 features: 11 credits have been as director, 14 as writer, five as producer and five as director of photography, with many of the same individuals credited in different roles, and

(v) it is important that Australian screen stories reflect the diversity of experiences and perspectives in contemporary Australian society; and

(e) calls on the Federal Government to:

(i) develop policies which support increased diversity within the Australian film industry in roles in front of, and behind, the camera, and

(ii) reverse the funding cuts to Screen Australia amounting to $50 million over four years.

Statement by leave: The Minister for Communications and the Arts (Senator Fifield), by leave, made a statement relating to the motion.

Question put and passed.

22 Social housing

Senator Faruqi, also on behalf of Senator Cameron, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1040—

That the Senate—

(a) notes that:

(i) the latest census shows that, since 2011, homelessness has risen by 14%,

(ii) the number of people sleeping rough, which is the most visible and extreme form of homelessness, has risen by an alarming 20% since 2011,

(iii) social housing stock is not keeping pace with household growth and, in 2016-17, is down to 4.6 per 100 households – this is one of the lowest rates of social housing stock in OECD countries, and

(iv) as at 30 June 2017, there were 189,400 households awaiting social housing allocation; and

(b) calls on the Federal Government to work with all states and territories to ensure the adequate provision of social housing.

Question put and passed.
23 Aged care system
Senator Siewert, also on behalf of Senators Polley, Lines and Hinch, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1042—That the Senate—

(a) acknowledges the inaugural ‘Thank you for Working in Aged Care Day’ to be held on 12 September 2018;
(b) recognises that:
   (i) hundreds of thousands of committed and passionate workers look after, and care for, older Australians every day,
   (ii) the work they do is often undervalued, with individuals receiving low wages and facing poor career progression and job insecurity, and
   (iii) the national aged care system is under stress; and
(c) urges the Federal Government to implement a well-funded and properly regulated national aged care system, underpinned by fairness, justice, sustainability and best practice.

Question put and passed.

24 Military Covenant
Senator Anning, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1036—That the Senate—

(a) acknowledges the sacrifices made by the veteran community in serving our nation;
(b) notes that there is a strong need for multipartisan support to address veteran issues; and
(c) calls on the Federal Government to:
   (i) consult with the veteran community and draft legislation to enshrine the Military Covenant into legislation at the earliest possible juncture, and
   (ii) announce publicly the commitment to enshrine the Military Covenant in legislation, in time for the 100th anniversary of the Armistice marking cessation of hostilities in the Great War.

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

Question put and passed.

25 Aboriginal deaths in custody
Senator Siewert amended general business notice of motion no. 1021 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) acknowledges Guardian Australia’s ‘Deaths Inside’ database, released in August 2018, and their reporting on First Nations peoples deaths in custody;
(b) expresses deep concern that there has been no comprehensive monitoring of deaths in custody since the Royal Commission into Aboriginal Deaths in Custody;
(c) is horrified that there have been 407 deaths of First Nations’ peoples in custody since the Royal Commission into Aboriginal Deaths in Custody almost 30 years ago and that, in the past 10 years, 147 First Nations peoples have died in custody and more than half of those who died had not been convicted of a crime;

(d) urges the Federal Government to release any reports relating to the implementation of the recommendations made by the Royal Commission into Aboriginal Deaths in Custody, and make it a priority to implement the outstanding recommendations; and

(e) calls on the Federal Government to show leadership and call an urgent meeting with the states and territories to develop and commit to an action plan on how the states, territories and the Commonwealth will address deaths in custody and the high rates of Aboriginal incarceration.

Question put and passed.

26 **Energy policy**

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1034—That the Senate—

(a) notes media reports that the Government has abandoned the National Energy Guarantee policy;

(b) further notes that former Prime Minister Turnbull had repeatedly claimed that his policy was ‘technology neutral’; and

(c) calls on the Prime Minister and the Minister for Energy to ensure their energy policy is truly ‘technology neutral’ by allowing all modes of energy generation to compete on a level playing field to deliver reliable and affordable baseload electricity to Australians.

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

*Statements by leave*: The Minister for Communications and the Arts (Senator Fifield) and Senators Patrick and Bernardi, by leave, made statements relating to the motion.

Question put and passed.

27 **Trans-Pacific Partnership Agreement**

Senator Hanson-Young, also on behalf of Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1035—That the Senate—

(a) notes that the Australian Labor Party’s (ALP) National Platform opposes Investor State Dispute Settlement provisions in trade agreements;

(b) further notes that:

(i) the ALP’s National Platform requires a Trans-Pacific Partnership to enforce labour and environmental standards, and

(ii) the ALP’s National Platform requires genuine labour market testing and protection of the wages and conditions of local workers; and

(c) calls on the ALP to explain how they reconcile their support of the TPP-11.

*Statements by leave*: The Minister for Communications and the Arts (Senator Fifield) and Senators Patrick, Hanson-Young and Bernardi, by leave, made statements relating to the motion.
No. 116—12 September 2018

Question put.
The Senate divided—

AYES, 16

Senators—

Anning
Bernardi
Burston
Di Natale
Faruqi
Griff
Hanson
Hanson-Young
Kim
Patrick
Rice
Stiewert*
Steele-John
Storer
Waters
Whish-Wilson

NOES, 37

Senators—

Abetz
Bilyk
Brockman
Bushby
Canavan
Carr
Chisholm
Colbeck
Collins
Duniam
Fawcett
Fierravanti-Wells
Fifield
Gallacher
Gichuhi
Hinch
Hume
Keneally
Ketter
Keneally
Ketter
Mackerras
McAllister
McKenzie
Molan
More
Patrick
Payne
Polley
Rice
Siewert*
Smith, David
Smith, Dean
Stoker
Urquhart
Watt*
Williams

* Tellers

Question negatived.

28 Legal and Constitutional Affairs Legislation Committee—Federal Circuit and Family Court of Australia Bill 2018 and related bills—Submissions

Senator Patrick, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1032—That the Senate directs the Legal and Constitutional Affairs Legislation Committee to set 23 November 2018 as the closing date for submissions to the inquiry into the provisions of the Federal Circuit and Family Court of Australia Bill 2018 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2018.

Statements by leave: The Chair of the Legal and Constitutional Affairs Legislation Committee (Senator Macdonald), Senators Chisholm and Patrick and the Leader of Pauline Hanson’s One Nation (Senator Hanson), by leave, made statements relating to the motion.

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

Question put.
The Senate divided—

AYES, 32

Senators—

Bilyk
Carr
Chisholm
Collins
Di Natale
Farrell
Faruqi
Gallacher
Griff
Hanson
Hanson-Young
Keneally
Ketter
Kitching
Lines
Marshall
McAllister
McKim
Moore
Patrick
Polley
Pratt
Rice
Siewert
Singh
Smith, David
Steele-John
Storer
Urquhart
Waters
Watt*
Whish-Wilson
29 Newspaper cartoons and satire—Freedom of speech

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 1033—That the Senate—

(a) acknowledges the significant role that newspaper cartoons and satire have played in keeping politicians and public figures accountable, and maintain a sense of humour;

(b) notes that a defining Australian characteristic has been our ability to laugh in the face of adversity, not take ourselves too seriously and encourage others to do the same; and

(c) calls on the Minister for Communications and the Arts to contact all major newspaper and online news publications assuring them of the Government’s commitment to free speech, freedom of political communication and the value of the fourth estate, including cartoonists, in Australian democracy.

Leave refused: Senator Chisholm sought leave to make a statement relating to the motion. An objection was raised and leave was not granted (but see entry no. 31).

Statement by leave: The Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made a statement relating to the motion.

Question put and passed.

30 Climate change—Impact on Pacific nations

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. 1037—That the Senate—

(a) notes the strong bonds that exist between the people of Australia and the people of the Pacific;

(b) notes, with deep concern, the impacts that climate change is already having on Pacific nations, including soil erosion and salinity, which is affecting crops and drinking water, devastating cyclones, storm surges, rising sea levels, coral bleaching and irregular rainfall patterns;

(c) further notes the Forty-Ninth Pacific Islands Forum Communique, which recognised that climate change presents the single greatest threat to the livelihood, security and wellbeing of Pacific people, and reaffirmed the importance of immediate urgent action to combat climate change;

(d) expresses the view that the Australian Government is failing in its obligations to our Pacific neighbours by explicitly adopting no climate policy; and
(e) expresses its solidarity with Australia’s Pacific neighbours in their struggle against the impacts of climate change.

_Statements by leave:_ The Minister for Communications and the Arts (Senator Fifield) and Senator Di Natale, by leave, made statements relating to the motion.

_Leave refused:_ Senator Patrick sought leave to move an amendment to the motion. An objection was raised and leave was not granted.

Question put and passed.

31 **Adani Carmichael mine**

Senator Waters amended general business notice of motion no. 1041 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes that:

(i) on 5 September 2018, the Queensland Government announced it would prosecute an Adani Group subsidiary, Abbot Point Bulkcoal, for breaching a temporary emissions licence during Cyclone Debbie last year,

(ii) the breach entailed water being discharged at 8 times the authorised levels, polluting the Caley Valley wetlands on the shores of the Great Barrier Reef World Heritage Area,

(iii) Abbot Point Bulkcoal is facing up to a $2.7 million fine for the breach, and will appear before the Bowen Magistrates court on 23 October 2018,

(iv) the Queensland Environment Department has today revealed it is also investigating Adani Mining Pty Ltd for an alleged breach of its state environmental authority, after evidence that Adani Mining has prematurely cleared vegetation and sunk six groundwater dewatering bores on the proposed Carmichael mine site, and

(v) the alleged clearing of vegetation and sinking of dewatering bores occurred prior to receiving federal approval for the Matters of National Environmental Significance Management Plan, which would be in breach of Adani’s federal environmental conditions; and

(b) calls on the Minister for the Environment to use her legal powers under the _Environment Protection and Biodiversity Conservation Act 1999_ to revoke the environmental approval of the Adani Carmichael mine in light of these latest contraventions of environmental conditions.

_Statements by leave:_ The Minister for Communications and the Arts (Senator Fifield) and the Leader of Pauline Hanson’s One Nation (Senator Hanson), by leave, made statements relating to the motion.

_Leave refused:_ Senator Chisholm sought leave to table a statement relating to the motion. An objection was raised and leave was not granted.

Question put.

The Senate divided—

**AYES, 9**

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<th>Senators</th>
<th>McKim</th>
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NOES, 49

Senators—

Abetz  Fawcett  Lines  Reynolds
Anning  Fierravanti-Wells  Marshall  Ryan
Bernardi  Gallacher  Martin  Scullion
Bilyk  Gichuhi  McGrath  Seselja
Brockman  Griff  McKenzie  Singh
Bushby  Hanson  Molan  Smith, David
Canavan  Hinch  Moore  Smith, Dean
Carr  Hume  Paterson  Stoker
Chisholm  Keneally  Patrick  Storer
Colbeck  Ketter  Payne  Urquhart
Collins  Kitching  Polley  Watt*
Duniam  Leyonhjelm  Pratt  Williams
Farrell

* Tellers

Question negatived.
Leave was granted for statements from Senator Chisholm relating to general business notices of motion nos 1033 and 1041 to be incorporated in Hansard.

32 Arms sales to Saudi Arabia and the United Arab Emirates

Motion determined as not formal: Senator Whish-Wilson requested that general business notice of motion no. 1043 standing in his name for today, relating to arms sales to Saudi Arabia and the United Arab Emirates, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senators Whish-Wilson and Leyonhjelm, by leave, made statements relating to the motion.

33 Discussion of matter of public importance—Immigration policy

The Acting Deputy President (Senator Ketter) informed the Senate that the following matter of public importance submitted by the Leader of Pauline Hanson’s One Nation (Senator Hanson) under standing order 75 had been selected for discussion today:

The failure of the Opposition to make public its immigration policy.

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

Documents: Senator Carr, by leave, tabled the following documents:


Discussion concluded.

34 Documents—Consideration

The documents tabled earlier today (see entry no. 2) were called on but no motion was moved.

35 Committee reports and government responses—Tabling and consideration

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

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


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


36 Committee membership

The Acting Deputy President (Senator Williams) informed the Senate that the President had received letters requesting changes in the membership of committees.

The Assistant Minister for Home Affairs (Senator Reynolds), by leave, moved—That senators be discharged from and appointed to committees as follows:

Education and Employment References Committee—
Appointed—Substitute member: Senator Siewert to replace Senator Faruqi for the committee’s inquiry into the mental health of first responders, emergency workers and volunteers

Intelligence and Security—Joint Statutory Committee—
Appointed—Senator Molan, pursuant to the Intelligence Services Act 2001

Red Tape—Select Committee—
Discharged—Senator Burston.

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

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


The Assistant Minister for Home Affairs (Senator Reynolds) 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 Reynolds moved—That this bill be now read a second time.

On the motion of Senator Reynolds the debate was adjourned till the next day of sitting.

38 Tobacco Plain Packaging Amendment Bill 2018

Veterans’ Entitlements Amendment Bill 2018

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

Message no. 469, dated 12 September 2018—A Bill for an Act to amend the Tobacco Plain Packaging Act 2011, and for related purposes.

The Assistant Minister for Home Affairs (Senator Reynolds) moved—that these bills may proceed without formalities, may be taken together and be now read a first time. Question put and passed.

Bills read a first time.

Senator Reynolds moved—that these bills be now read a second time.

Consideration of legislation: Pursuant to order, the debate was adjourned till the first day in the next period of sittings, 15 October 2018.

Senator Reynolds moved—that the bills be listed on the Notice Paper as separate orders of the day.

Question put and passed.

39 Social Services Legislation Amendment (Cashless Debit Card Trial Expansion) Bill 2018

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


40 Committee membership

Messages from the House of Representatives were reported informing the Senate of the appointment of members of the House of Representatives to the Joint Standing Committee on the National Broadband Network, as follows:

Message no. 467, dated 11 September 2018—Mrs Prentice.

Message no. 470, dated 12 September 2018—Dr Gillespie.

41 Great Barrier Reef Marine Park Amendment (Hammerhead Shark) Regulations—Proposed disallowance

Senator Whish-Wilson, pursuant to notice, moved business of the Senate notice of motion no. 1—that items 1 and 2 of Schedule 1 of the Great Barrier Reef Marine Park Amendment (Hammerhead Shark) Regulations 2018, made under the Great Barrier Reef Marine Park Act 1975, be disallowed [F2018L00191].

Debate ensued.

At 6.30 pm: Pursuant to order, the question was put.

The Senate divided—

AYES, 29

Senators—

Bilyk
Cameron
Carr
Collins
Di Natale
Farrell
Faruq
Gallacher
Hanson-Young
Hinch
Keneally
Ketter
Lines
Marshall
McAllister
McCarthy
McKim
Moore
Polley
Pratt
Rice
Siewert
Singh
Smith, David
Steele-John
Urquhart*
Waters
Watt
Whish-Wilson
NOES, 33

Senators—

Abetz  Fawcett  Macdonald  Reynolds
Anning  Fierravanti-Wells  Martin  Ryan
Bernardi  Fifield  McGrath  Scullion
Brockman  Gichuhi  McKenzie  Seselja
Burston  Griff  Molan  Smith, Dean
Bushby  Hanson  Paterson  Stoker
Canavan  Hume*  Patrick  Storer
Colbeck  Leyonhjelm  Payne  Williams

* Tellers

Question negatived.

42 Legal and Constitutional Affairs Legislation Committee—Report—Migration (Validation of Port Appointment) Bill 2018

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


43 Civil Law and Justice Legislation Amendment Bill 2017

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.

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

In the committee

Bill taken as a whole by leave.

Explanatory memoranda: The Minister for Regional Services, Sport, Local Government and Decentralisation (Senator McKenzie) tabled supplementary explanatory memoranda [3] relating to the government amendments to be moved to the bill.

On the motion of Senator McKenzie the following amendments, taken together by leave, were debated and agreed to:

Schedule 6, item 1, page 14 (before line 7), before the definition of conveyance in subsection 4(1), insert:

bankrupt: see subsection (6).
Schedule 6, page 14 (after line 20), after item 3, insert:

3A At the end of section 4

Add:

(6) A reference in this Act to a person, being a party to a marriage or a party to a de facto relationship, who is bankrupt includes a reference to a person:
(a) who has been discharged from bankruptcy; and
(b) whose property remains vested in the bankruptcy trustee under the Bankruptcy Act 1966.

Note: This Act might refer to “bankrupt” or a “bankrupt party”.

3B Application of amendments

Subsection 4(6) of the Family Law Act 1975, as inserted by this Part, applies in relation to proceedings instituted before, on or after the commencement of this Part.

Schedule 6, item 35, page 20 (line 21), omit paragraph 122A(1)(h).
Schedule 6, item 35, page 20 (line 24), at the end of paragraph 122A(1)(i), add “and who is in the Australian Border Force (within the meaning of that Act)”.

Schedule 6, item 44, page 24 (lines 9 to 12), omit the item, substitute:

44 Section 65Y

Repeal the section, substitute:

65Y Obligations if certain parenting orders have been made: taking or sending a child outside Australia

(1) A person commits an offence if:

(a) a parenting order to which this Subdivision applies is in force in relation to a child; and
(b) the person takes or sends the child from Australia to a place outside Australia; and
(c) the child is not taken or sent from Australia to a place outside Australia:

(i) with the consent in writing (authenticated as prescribed) of each person in whose favour the parenting order was made; or
(ii) in accordance with an order of a court made, under this Part or under a law of a State or Territory, at the time of, or after, the making of the parenting order; and

(d) the person:

(i) is or was a party to the proceedings in which the parenting order was made; or
(ii) is acting on behalf of, or at the request of, a person who is or was a party to the proceedings in which the parenting order was made.

Note: The ancillary offence provisions of the Criminal Code, including section 11.1 (attempts), apply in relation to the offence created by this section.

Penalty: Imprisonment for 3 years.
Exception

(2) Subsection (1) does not apply if:
(a) the person (whether or not the person is or was the party to the proceedings) takes or sends the child from Australia to a place outside Australia because the person believes the conduct is necessary to prevent family violence; and
(b) the conduct is reasonable in the circumstances as the person perceives them.

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

Schedule 6, item 45, page 24 (line 17), before “A person”, insert “(1)”.

Schedule 6, item 45, page 25 (lines 1 to 4), omit paragraph 65YA(c), substitute:
(c) the person retains the child outside Australia otherwise than in accordance with a consent or order of a kind mentioned in paragraph (b) (whether or not the person took or sent the child as mentioned in that paragraph); and

Schedule 6, item 45, page 25 (after line 13), at the end of section 65YA, add:

Exception

(2) Subsection (1) does not apply if:
(a) the person (whether or not the person was the party to the proceedings) retains the child as mentioned in paragraph (1)(c) because the person believes the conduct is necessary to prevent family violence; and
(b) the conduct is reasonable in the circumstances as the person perceives them.

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

Schedule 6, item 46, page 25 (lines 14 to 18), omit the item, substitute:

46 Section 65Z

Repeal the section, substitute:

65Z. Obligations if proceedings for the making of certain parenting orders are pending: taking or sending a child outside Australia

(1) A person commits an offence if:
(a) proceedings (the Part VII proceedings) are pending for the making of a parenting order to which this Subdivision applies in relation to a child; and
(b) the person takes or sends the child from Australia to a place outside Australia; and
(c) the child is not taken or sent from Australia to a place outside Australia:
   (i) with the consent in writing (authenticated as prescribed) of each other party to the Part VII proceedings; or
   (ii) in accordance with an order of a court made, under this Part or under a law of a State or Territory, after the institution of the Part VII proceedings; and
(d) the person is:
   (i) a party to the Part VII proceedings; or
(ii) acting on behalf of, or at the request of, a person who is a party to the Part VII proceedings.

Note: The ancillary offence provisions of the *Criminal Code*, including section 11.1 (attempts), apply in relation to the offence created by this section.

Penalty: Imprisonment for 3 years.

*Exception*

(2) Subsection (1) does not apply if:
   (a) the person (whether or not the person is the party to the Part VII proceedings) takes or sends the child from Australia to a place outside Australia because the person believes the conduct is necessary to prevent family violence; and
   (b) the conduct is reasonable in the circumstances as the person perceives them.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Schedule 6, item 47, page 25 (line 24), before “A person”, insert “(1)”.

Schedule 6, item 47, page 26 (lines 4 to 7), omit paragraph 65ZAA(c), substitute:
   (c) the person retains the child outside Australia otherwise than in accordance with a consent or order of a kind mentioned in paragraph (b) (whether or not the person took or sent the child as mentioned in that paragraph); and

Schedule 6, item 47, page 26 (after line 14), at the end of section 65ZAA, add:

*Exception*

(2) Subsection (1) does not apply if:
   (a) the person (whether or not the person is the party to the Part VII proceedings) retains the child as mentioned in paragraph (1)(c) because the person believes the conduct is necessary to prevent family violence; and
   (b) the conduct is reasonable in the circumstances as the person perceives them.

Note: A defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Schedule 6, page 26 (after line 14), after item 47, insert:

47A Subsections 65ZA(1) to (3)

Repeal the subsections, substitute:

(1) A person (the *first person*) commits an offence if:
   (a) a parenting order to which this Subdivision applies is in force in relation to a child; and
   (b) the first person is a captain, owner or charterer of an aircraft or vessel; and
   (c) another person (the *carer*) in whose favour the parenting order was made has served on the first person a statutory declaration that:
       (i) relates to the parenting order; and
       (ii) complies with subsection (4); and
(d) the statutory declaration was made by the carer not earlier than 7 days before the date of service; and
(e) the first person permits the child to leave a place in Australia in the aircraft or vessel; and
(f) the destination of the aircraft or vessel is outside Australia; and
(g) the child does not leave:
   (i) in the company, or with the consent in writing (authenticated as prescribed), of the carer; or
   (ii) in accordance with an order of a court made, under this Part or under a law of a State or Territory, at the time of, or after, the making of the parenting order.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply if the first person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the Criminal Code).

47B Subsections 65ZB(1) to (3)

Repeal the subsections, substitute:

(1) A person (the first person) commits an offence if:
   (a) proceedings (the Part VII proceedings) are pending for the making of a parenting order to which this Subdivision applies in relation to a child; and
   (b) the first person is a captain, owner or charterer of an aircraft or vessel; and
   (c) a party (the carer) to the Part VII proceedings has served on the captain, owner or charterer a statutory declaration that:
      (i) relates to the Part VII proceedings; and
      (ii) complies with subsection (4); and
   (d) the statutory declaration was made by the carer not earlier than 7 days before the date of service; and
   (e) the first person permits the child to leave a place in Australia in the aircraft or vessel; and
   (f) the destination of the aircraft or vessel is outside Australia; and
   (g) the child does not leave:
      (i) in the company, or with the consent in writing (authenticated as prescribed), of the carer; or
      (ii) in accordance with an order of a court made, under this Part or under a law of a State or Territory, at the time of, or after, the institution of the Part VII proceedings.

Penalty: 60 penalty units.

(2) Subsection (1) does not apply if the first person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the Criminal Code).

47C Subsection 65ZC(3)

Omit “65ZA(2) or 65ZB(2)”, substitute “65ZA(1) or 65ZB(1)”.
Schedule 6, item 52, page 27 (line 7), omit “sections 65Y, 65Z and”, substitute “section”.

Schedule 6, page 27 (after line 8), after item 52, insert:

52A Saving of regulations

Regulations made for the purposes of paragraphs 65Y(2)(a), 65Z(2)(a), 65ZA(3)(a) and 65ZB(3)(a) of the Family Law Act 1975 that are in force immediately before the commencement of this item are taken, after that commencement, to have been made for the purposes of subparagraphs 65Y(1)(c)(i), 65Z(1)(c)(i), 65ZA(1)(g)(i) and 65ZB(1)(g)(i) of that Act as amended by this Division.

Schedule 8, page 38 (after line 17), after item 4, insert:

4A Subsection 15T(7) (heading)

Repeal the heading, substitute:

Repeal and disallowance of Act or instrument

Question—That the bill, as amended, be agreed to—divided, at the request of Senator McKenzie, in respect of items 19 and 20 of Schedule 6.

Question—that items 19 and 20 of Schedule 6 stand as printed—put and negatived.

Senator Leyonhjelm moved the following amendments together by leave:

Clause 2, page 2 (table item 11), omit “10”, substitute “9”.

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

<table>
<thead>
<tr>
<th>Part 1</th>
<th>Part 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Schedule 10,</td>
<td>The day after this Act receives the Royal Assent.</td>
</tr>
<tr>
<td>13. Schedule 10,</td>
<td>A single day to be fixed by Proclamation.</td>
</tr>
<tr>
<td>Part 2</td>
<td>However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
</tr>
</tbody>
</table>

Schedule 10, page 51 (before line 4), before item 1, insert:

Part 1—Amendments relating to ADF combat roles

Schedule 10, page 51 (after line 10), at the end of the Schedule, add:

Part 2—Amendments relating to marriage

Sex Discrimination Act 1984

3 After section 38

Insert:

38A Marriage

Nothing in Division 1 or 2 renders it unlawful for a person to discriminate against another person on the ground of the other person’s sexual orientation, gender identity, intersex status, or marital or relationship status in the course of providing, or offering to provide, goods, services or facilities in connection with the solemnisation of a marriage under the Marriage Act 1961.
4 Subsection 40(2A)

Repeal the subsection.

Debate ensued.

Question—That the amendments be agreed to—put.

The committee divided—

AYES, 3

Senators—

Anning  Bernardi  Leyonhjelm*

NOES, 36

Senators—

Bilyk  Griff  McKim  Smith, David
Cameron  Hanson-Young  Molan  Smith, Dean
Chisholm  Hinch  Moore  Steele-John
Di Natale  Hume  Patrick  Stoker
Duniam  Keneally  Polley  Storer
Farrell  Ketter  Pratt  Urquhart*
Faruqi  Marshall  Reynolds  Waters
Fierravanti-Wells  McCarthy  Rice  Whish-Wilson
Gallacher  McCarthy  Siewert  Williams

* Tellers

Question negatived.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Anning, in respect of Schedule 10.

Schedule debated.

Question—That Schedule 10 stand as printed—put.

The committee divided—

AYES, 30

Senators—

Abetz  Fierravanti-Wells  McKim  Singh
Bilyk  Gallacher  Moore  Smith, David
Brockman  Hanson-Young  Paterson  Steele-John
Cameron  Hinch  Patrick  Stoker
Chisholm  Hume*  Polley  Storer
Di Natale  Ketter  Reynolds  Waters
Duniam  McCarthy  Rice  Whish-Wilson
Farrell  McKenzie

NOES, 3

Senators—

Anning*  Bernardi  Leyonhjelm

* Tellers

Schedule agreed to.

Bill, as amended, agreed to and reported with amendments.

On the motion of Senator McKenzie the report from the committee was adopted and the bill read a third time.
44 Treasury Laws Amendment (Black Economy Taskforce Measures No. 1) 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.
At 7.20 pm: Debate was interrupted while Senator Cameron was speaking.

45 Adjournment
The Acting Deputy President (Senator Ketter) proposed the question—That the Senate do now adjourn.
The Senate adjourned at 7.20 pm till Thursday, 13 September 2018 at 9.30 am.

46 Attendance

RICHARD PYE
Clerk of the Senate

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