Contents

1 Meeting of Senate ................................................................. 2814
2 Documents................................................................................. 2814
3 Committees—Leave to meet during sittings .................................. 2817
4 National Partnership Agreement on Remote Housing ...................... 2817
5 Social Services Legislation Amendment (Welfare Reform) Bill 2017 .... 2817
6 Questions .................................................................................. 2819
7 Motions to take note of answers .................................................. 2819
8 Notices....................................................................................... 2819
9 Committees—Extensions of time to report ...................................... 2828
10 Leave of absence ....................................................................... 2828
11 Routine of business—First speeches ............................................ 2829
12 Future Bayswater ....................................................................... 2829
13 Aged care home care packages ................................................... 2829
14 Death of Dr Morgan Tsvangirai.................................................... 2830
15 Trade union amalgamations......................................................... 2830
16 Goods and services tax—Tampons and sanitary pads ................. 2831
17 Federal courts—Funding—Order for production of documents .... 2831
18 Queensland Teachers’ Union....................................................... 2833
19 World Oral Health Day ............................................................. 2834
20 Urgency motion—Building products—Compliance with Australian standards ......................................................... 2835
21 Australian parliamentary delegation to Papua New Guinea—Document .... 2835
22 Document—Consideration .......................................................... 2836
23 Committee reports and government responses—Tabling and consideration …. 2836
24 Committee membership ........................................................... 2838
25 Social Services Legislation Amendment (Welfare Reform) Bill 2017 .... 2838
26 Adjournment ............................................................................ 2843
27 Attendance .............................................................................. 2844
Meeting of Senate
The Senate met at midday. The President (Senator the Honourable Scott Ryan) took the chair, read prayers and made an acknowledgement of country.

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

Government document
1. Australian Competition and Consumer Commission (ACCC)—Competition and price changes in telecommunications services in Australia—Report for 2016-17.

The Clerk tabled the following documents pursuant to statute:

[A 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.]


Anti-Money Laundering and Counter-Terrorism Financing Act 2006—

Anti-Money Laundering and Counter-Terrorism Financing (Prescribed Foreign Countries) Regulations 2018 [F2018L00277].


Financial Framework (Supplementary Powers) Act 1997—
Financial Framework (Supplementary Powers) Amendment (Attorney-General’s Portfolio Measures No. 1) Regulations 2018 [F2018L00275].
Financial Framework (Supplementary Powers) Amendment (Communications and the Arts Measures No. 1) Regulations 2018 [F2018L00273].
Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 1) Regulations 2018 [F2018L00274].
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 1) Regulations 2018 [F2018L00272].
Financial Framework (Supplementary Powers) Amendment (Jobs and Small Business Measures No. 1) Regulations 2018 [F2018L00269].
Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 1) Regulations 2018 [F2018L00271].


Migration Act 1958—
Migration (IMMI 18/042: Designated Migration Law, Subdivision B of Division 3A of Part 2) Instrument 2018—IMMI 18/042 [F2018L00306].

Migration (IMMI 18/059: Period within which labour market testing is required to be undertaken) Instrument 2018—IMMI 18/059 [F2018L00293].

Migration Regulations 1994—


Migration (IMMI 18/017: Specification of Training Requirements for Regulation 2.87B) Instrument 2018—IMMI 18/017 [F2018L00280].

Migration (IMMI 18/018: Visa Applications—Temporary Skill Shortage (Class GK)) Instrument 2018—IMMI 18/018 [F2018L00279].

Migration (IMMI 18/032: Language Test Requirements—Subclass 482 Visa) Instrument 2018—IMMI 18/032 [F2018L00283].


Migration (IMMI 18/037: Regional Certifying Bodies and Regional Postcodes) Instrument 2018—IMMI 18/037 [F2018L00291].


Migration (IMMI 18/039: Mandatory Skills Assessment—Subclass 482 Visa) Instrument 2018—IMMI 18/039 [F2018L00294].

Migration (IMMI 18/040: Manner for Providing Details of an Event to Immigration) Instrument 2018—IMMI 18/040 [F2018L00303].


Migration (IMMI 18/045: Exemptions to Skill, Age and English Language Requirements for Subclass 186 and Subclass 187 Visas) Instrument 2018—IMMI 18/045 [F2018L00301].


Migration (IMMI 18/055: Visas attracting a subsequent temporary application charge) Instrument 2018—IMMI 18/055 [F2018L00288].
Migration (IMMI 18/057: Arrangements for Applications for Bridging Visas) Instrument 2018—IMMI 18/057 [F2018L00289].
Migration (IMMI 18/062: Amendment of IMMI 13/137) Instrument 2018—IMMI 18/062 [F2018L00292].
Migration (IMMI 18/065: Amendment of IMMI 13/067) Instrument 2018—IMMI 18/065 [F2018L00296].

Statements under section 33—1 July to 31 December 2017 [1].
Statements under section 46A—1 July to 31 December 2017 [18].
Statements under section 46B—1 July to 31 December 2017 [1].
Statements under section 91O—
  1 January to 30 June 2017 [3].
  1 July to 31 December 2017 [23].
Statements under section 195A—
  1 January to 30 June 2017 [1].
  1 July to 31 December 2017 [73].
Statements under section 197AB—1 July to 31 December 2017 [44].
Statements under section 198AE—1 July to 31 December 2017 [2].
Statements under section 351—
  1 January to 30 June 2017 [2].
  1 July to 31 December 2017 [119].
Statements under section 417—
  1 January to 30 June 2017 [6].
  1 July to 31 December 2017 [60].

The Clerk tabled the following documents pursuant to the order of the Senate of 30 May 1996, as amended:
Indexed lists of departmental and agency files for the period 1 July to 31 December 2017—Statements of compliance—
  Department of the Prime Minister and Cabinet.
  Industry, Innovation and Science portfolio.
3 Committees—Leave to meet during sittings
Committes were authorised to meet during the sittings of the Senate, as follows:

- Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) on Tuesday, 27 March 2018, from 1 pm.
- Environment and Communications References Committee—public meeting on Thursday, 22 March 2018, from 4 pm, to take evidence for the committee’s inquiry into the impact of climate change on housing, buildings and infrastructure.
- Finance and Public Administration Legislation Committee—private meeting otherwise than in accordance with standing order 33(1) today, from 1.55 pm.
- Law Enforcement—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) on Monday, 26 March 2018, from 3.30 pm.
- National Capital and External Territories—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Monday, 26 March 2018, from 4 pm, followed by a private briefing.
- National Disability Insurance Scheme—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Monday, 26 March 2018, from noon, for the committee’s inquiry into the provision of hearing services under the National Disability Insurance Scheme.
- Public Accounts and Audit—Joint Statutory Committee—public meeting on Wednesday, 28 March 2018, from 9.30 am.
- Public Works—Joint Statutory Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 21 March 2018, from noon.

4 National Partnership Agreement on Remote Housing
Pursuant to order (see entry no. 18, 14 February 2018), Senator Dodson asked the Minister for Indigenous Affairs (Senator Scullion) for an explanation for the failure of the Minister to engage in detailed consultations with the states and territories on remote housing.

Senator Scullion provided an explanation.

Senator Dodson moved—That the Senate take note of the explanation.

Debate ensued.

Question put and passed.

5 Social Services Legislation Amendment (Welfare Reform) Bill 2017
Order of the day read for the further consideration of the bill in committee of the whole.
In the committee

Consideration resumed of the bill, as amended—and of the amendment moved by Senator Siewert:

Schedule 15, item 1, page 208 (line 3), after section 42AP, insert:

42APA Secretary may require person to comply with additional requirements

(1) The Secretary may require a person to comply with a requirement during a period in respect of which:
   (a) the person’s participation payment is to be cancelled; or
   (b) instalments of the person’s participation payment are to be reduced.

(2) Despite any other provision of this Subdivision, if the person complies with the requirement at any time during the period:
   (a) the person’s participation payment is not cancelled during that period; and
   (b) an instalment of the person’s participation payment is not reduced during that period.

(3) The Minister may, by legislative instrument, make rules specifying the requirements, or the kinds of requirements, that the Secretary may make if:
   (a) a person’s participation payment is cancelled; or
   (b) instalments of a person’s participation payment are reduced by 50%; or
   (c) instalments of a person’s participation payment are reduced by 100%.

(4) For the purposes of subsection (3), the rules may specify different requirements, or different kinds of requirements, in respect of each of the circumstances mentioned in paragraphs (3)(a), (b) and (c).

42APB Cap on periods during which payments may be cancelled or instalments reduced

A person’s participation payment must not be cancelled and instalments of the person’s participation payment must not be reduced in any continuous 6 month period if, for at least 7 weeks of that period, the person’s participation payment has been cancelled or instalments of that payment have been reduced.

Debate resumed.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senators—

Bartlett Hansen-Young Moore Singh
Bilyk Keneally O’Neill Steele-John
Carr Kitching Polley Sterle
Chisholm Lines Pratt Storer
Collins Marshall Rhiannon Urquhart
Di Natale McAllister Rice Watt
Dodson McCarthy Siewert* Whish-Wilson
Gallacher McKim
NOES, 33

Senators—

Abetz  Fawcett*  Hinch  Patrick
Anning  Birmingham  Duniam  Fawcett  Hume  Payne
Brockman  Burston  Fawcett*  Fawcett*  Hume  Rehm
Buckman  Bushby  Griff  O’Sullivan  Seselja
Canavan  Cash  Griff  O’Sullivan  Scullion
Colbeck  Cash  Hansom  Paterson  Scullion

* Tellers

Question negatived.
Bill, as amended, debated.

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

6 Questions
Questions without notice were answered.

7 Motions to take note of answers
Senator Farrell moved—That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Minister for Education and Training (Senator Birmingham) to questions without notice asked by Senators Collins and O’Neill today relating to school funding.
Debate ensued.
Question put and passed.
The Leader of the Australian Greens (Senator Di Natale) moved—That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Di Natale today relating to climate change.
Question put and passed.

8 Notices
The Leader of the Opposition in the Senate (Senator Wong): To move on the next day of sitting—That the Senate—
(a) notes that:
(i) the Australian Labor Party’s proposed reforms to cash refunds for excess dividend imputation credits have been welcomed by groups as diverse as Industry Super Australia, private funds managers, the ACTU and former Liberal leader, Professor John Hewson,
(ii) the reforms have been welcomed by the Australian Greens Finance spokesperson, Senator Hanson-Young, who stated that ‘I think actually Labor has done some good work here ... the reality is this is just one area within the tax system that needs cleaning up if we’re to have more justice and fairness in the system’,
(iii) the Leader of the Australian Greens, Senator Di Natale, contradicted Senator Hanson-Young, stating that ‘the Greens do have concerns’ with Labor’s proposed reforms, and committed to ‘use our numbers in the Senate to fix it’, and

(iv) in an article, *Greens in 11th-hour bid for conservative vote in Batman*, Senator Di Natale is quoted as saying ‘Those people who might be inclined to vote for one of the conservative parties here [or] might be inclined to stay at home, well here’s your chance to say what you think about Bill Shorten’s attack on so many people in this community’; and

(b) calls on all parties, especially those who say they are committed to progressive taxation, to support Labor’s proposed reforms to cash refunds for excess dividend imputation credits. (*general business notice of motion no. 741*)

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

(a) notes:

(i) the revival of a revolutionary song ‘Shoot the Boer’ at political rallies in South Africa,

(ii) the statement of former South African President Zuma that ‘We are going to shoot them with machine guns ... shoot the Boer, we are going to hit them, they are going to run’,

(iii) the statement of Mr Julius Malema, a high profile member of the South African Parliament and former leader of the African National Congress Youth League, that ‘We are not calling for the slaughter of white people, at least for now’ and more recently ‘the time for reconciliation is over’ and ‘go after the white man. If you cut a white man they feel terrible pain’,

(iv) that the South African Parliament recently voted in support of a motion to accelerate the expropriation of white-owned and cultivated farm land without compensation to the owners,

(v) that white farmers are reported to be five times more likely to be murdered than the general population of South Africa,

(vi) that farm attacks are often characterised by extreme brutality which includes the physical dismemberment, torture and rape of victims, and also involves the killing of children and infants in horrendous ways that suggest hate is a motivating factor, and

(vii) that there are frequent claims that authorities are not treating these farm attacks with the urgency they deserve;

(b) calls on the Government to condemn:

(i) any calls for the killing, marginalisation, persecution, victimisation and targeting of any racial group in the Republic of South Africa by any of its officials or members of parliament, and

(ii) any law that expropriates land without just compensation;

(c) calls upon the Government of the Republic of South Africa to protect the people of all races equally and without bias; and

(d) investigate what Australia can do to assist the victims of racist violence in South Africa, including the possibility of offering to resettle victims in Australia or assisting their resettlement in another appropriate jurisdiction. (*general business notice of motion no. 742*)
Senators Di Natale, Brockman and Watt: To move on the next day of sitting—That the following matters be referred to the Community Affairs References Committee for inquiry and report by 19 June 2018:

(a) the science of mitochondrial donation and its ability to prevent transmission of mitochondrial disease;
(b) the safety and efficacy of these techniques, as well as ethical considerations;
(c) the status of these techniques elsewhere in the world and their relevance to Australian families;
(d) the current impact of mitochondrial disease on Australian families and the healthcare sector;
(e) consideration of changes to legal and ethical frameworks that would be required if mitochondrial donation was to be introduced in Australia;
(f) the value and impact of introducing mitochondrial donation in Australia; and
(g) other related matters.

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

(a) congratulates the following worthy Western Australians who were recipients of Order of Australia awards on 26 January 2018, for their outstanding achievement and service:

**Companion (AC) in the General Division**
Ms Lucette Aldous
The late Ms Betty Cuthbert, AM MBE

**Member (AM) in the General Division**
Mr George Barclay Allingame
Mrs Lynne Patricia Bradshaw
Mr Geoffrey Arnold Churack
Mr David Nathan Flanagan
Mr Michael Anthony Gurry
Professor Ian Godfrey Hammond
Ms Rechelle Margaret Hawkes, OAM
Dr Philip Haywood House
Mr John Load Jones
Dr Ross Kenneth Littlewood
Mr Michael Keith Morcombe
Mr Richard James Muirhead
Commander Philip Leslie Orchard RAN (Retd)
Mr Victor Joe Paino
Mr John Michael Schaffer
Dr Michael Philip Stanford
Ms Annette Mureeka Stokes
Mr Roger John Underwood
Mr Lawrence Leslie Wilson
Mr Ronald Warren Woss

**Medal (OAM) in the General Division**
Ms Margaret Ann Bradford-Seeley
Mrs Dorothea Lavina Brown
Mrs Mary Iona Browner
Mr Neville James Browning
The Honourable Giovanni Mario Castrilli
Mr John Collins
Mrs Margaret May Dawson
Mr Allan Alfred Downs
Mr Walter John Ferrell
The Honourable Nicholas David Griffiths
Mr Richard John Henwood
Ms Pauline Frances Iles
Mrs Ishbell Elizabeth Jackson
Mr Winston Lloyd Jones
Mr Kieran Gerard Kinsella
Mr John Thomas Lally
Mrs Judith Nerryl Neczas
Mrs Wenda Jane Packard
Dr Elizabeth Mary Pattison
Mr James Mohan Savundra
Father Francis Xavier Sheehan
Mr John Leslie Sherwood
Mr Stephen Bobby Stingemore, APM
Dr Chin Huat Tan

**Australian Police Medal (APM)**
Superintendent Ian Alexander Clarke
Inspector Donald Merrick Emanuel-Smith
Inspector Donal James Heise
Senior Sergeant Gemma Louise Hennigan

**Australian Fire Service Medal (AFSM)**
Mr Raymond Alan Bonner
Mr Kelly John Gillen
Mr Darren Terry Klemm
Mr Rodney Scott Wallington

**Ambulance Service Medal (ASM)**
Mrs Elisabeth Drage
Mr Andrew Christopher Richardson
Mr Terence John Ward

**Emergency Services Medal (ESM)**
Mr Gordon Maxwell Hall

**Australian Corrections Medal (ACM)**
Ms Janette Margaret Allen
Mr Kymberley Alexander Mckay

**Conspicuous Service Cross (CSC)**
Flight Lieutenant David Callum Jackson

**Conspicuous Service Medal (CSM)**
Warrant Officer Class Two John Robert Matthews
Major Paul Frederick Prickett (Retd); and
(b) acknowledges that these worthy West Australians have made a significant contribution to their communities, and ultimately to Australia. (general business notice of motion no. 743)

Senator Bartlett: To move on the next day of sitting—That the Senate calls on the Queensland Government to publicly rule out extinguishing the native title of the Wangan and Jagalingou people before investigating the circumstances in which the Adani Indigenous Land Use Agreement was obtained without clear and unambiguous Traditional Owner consent, and before the current Federal Court case examining its validity and any appeals are exhausted. (general business notice of motion no. 744)

Senator Anning: To move on the next day of sitting—That the Senate—
(a) shows support for the comments made by the Minister for Home Affairs (Mr Dutton), prioritising humanitarian visa applicants from the Republic of South Africa;
(b) recognises that the current situation for white South Africans is dire as a result of state-sanctioned persecution; and
(c) as a matter of principle, strongly condemns:
(i) any and all calls for the killing, marginalisation, persecution, victimisation and targeting of any racial minority group in the Republic of South Africa by any of its officials, past or present, and
(ii) any law that unjustly expropriates land from any individual without fair, just and equitable compensation. (general business notice of motion no. 745)

Senator Patrick: To move on the next day of sitting—
(1) That the Senate notes that:
(a) on 19 December 2017, the Government tabled the Basin Plan Amendment (SDL Adjustments) Instrument 2017 (the Instrument);
(b) on 7 February 2018, the Senate agreed to an order for the production of documents directed at the Minister representing the Minister for Agriculture and Water Resources for all assessments of the 36 adjustment mechanism projects completed by the Murray-Darling Basin Authority (MDBA), including all individual proposal assessment information given to the Sustainable Diversion Limit Adjustment Assessment Committee (SDLAAC) or the Basin Officials Committee (BOC) by the MDBA to inform their decision to support or not support an SOL adjustment or constraints proposal;
(c) the order for the production of documents agreed to by the Senate on 7 February 2018 will allow the Senate to better inform itself in relation to the Instrument as part of its constitutional duty to diligently scrutinise the affairs of government;
(d) on 8 February 2018, Senator Hanson-Young moved that the Instrument be disallowed; and
(e) the Senate required the Minister to table documents, in full compliance with order for the production of documents no. 685, by no later than 3.30 pm on 15 February 2018 and, to date, the Minister has failed to comply with the order for production of documents.
(2) That the Senate orders that:

(a) the Minister representing the Minister for Agriculture and Water Resources is required to attend the Senate at 9.30 am on 22 March 2018, prior to government business being called on, to explain why the Minister has not complied with the order of the Senate of 7 February 2018;

(b) in the event the Minister provides an explanation, any senator may, without notice, move a motion:

(i) to take note of the Minister’s statement, or

(ii) that the Senate resolves that, until such time as order for the production of documents no. 685 has been complied with, the Minister representing the Minister for Agriculture and Water Resources shall be prohibited from sitting in the frontbench seats reserved for Ministers and be allocated another seat by the President;

(c) in the event that the Minister does not provide an explanation, any senator may, without notice, move a motion with regard to the Minister’s failure to provide an explanation; and

(d) any motion under paragraph (2)(b) or (c) may be debated for no longer than 1 hour, and have precedence over all government business until determined. (general business notice of motion no. 746)

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

(a) notes that:

(i) the world’s leading conservation organisation, World Wide Fund for Nature, notes that palm oil is the most widely-consumed vegetable oil on the planet, and it is in about half of all packaged products sold in the supermarket,

(ii) under current labelling laws, manufacturers are able to label palm oil as ‘vegetable oil’, preventing consumers from being able to make an informed choice about the foods they purchase and consume,

(iii) palm oil is used in non-food products, including cosmetics, soap, washing powders and other cleansing products,

(iv) palm oil production results in extensive deforestation and has led to the removal of wildlife habitat and has placed many species, including the endangered orangutan, at risk,

(v) consumer research indicates that 95% of Australians support mandatory labelling of palm oil, and

(vi) palm oil is high in saturated fat and low in polyunsaturated fat and increases the risk of heart disease; and

(b) calls on the Federal Government to legislate for the mandatory labelling of palm oil on all products. (general business notice of motion no. 747)

Senators Brown, Reynolds and Steele-John: To move on the next day of sitting—That the Senate notes that:

(a) 21 March 2018 marks World Down Syndrome Day;

(b) the theme for World Down Syndrome Day 2018 is ‘What I bring to my community’;
(c) people with Down Syndrome can and do bring much to the Australian community, despite the many barriers created by our society;
(d) lack of knowledge about their potential as individuals and discriminatory attitudes often prevent people with Down Syndrome from making full and meaningful contributions to society; and
(e) people with Down Syndrome have a right to participate fully in all aspects of Australian society. (general business notice of motion no. 748)

Senator Steele-John: To move on the next day of sitting—That the Senate—
(a) notes that:
   (i) on 18 March 2018, The Guardian reported that Cambridge Analytica harvested the Facebook profiles of more than 50 million users without their permission and used the personal information and resulting psychological and political profiles of the Facebook users to better target them with political advertisements during the Trump presidential election,
   (ii) on 20 March 2018, The Guardian reported that members of the Liberal Party, including Mr Tehan, met with Cambridge Analytica in April 2017, and that the South Australian Liberals had adopted United States-based micro-targeting service – i360, backed by United States businessmen and conservative political donors, Messrs Charles Koch and David Koch, for the South Australian state election campaign,
   (iii) Australian politicians, political parties and organisations engaged by political parties are exempt from privacy laws under section 7C of the Privacy Act 1988,
   (iv) in 2000, in response to the proposed political exemption to the Privacy Act, the Federal Privacy Commissioner stated that he did ‘not think that the proposed exemption for political organisations is appropriate’,
   (v) in 2008, the Australian Law Reform Commission (ALRC) recommended the removal of the political exemption to the Privacy Act, stating that ‘in the ALRC’s view, political parties and those engaging in political acts and practices should be subject to the Privacy Act – provided that the legislation can accommodate adequately the constitutional doctrines of implied freedom of political communication and parliamentary privilege. Removing the political exemption also accords with a number of comparable overseas jurisdictions, which do not exempt political parties or those engaging in political acts and practices from complying with privacy legislation, including the United Kingdom, New Zealand and Hong Kong’, and
   (vi) there is need for ongoing review of privacy regulations in Australia, including the collection, storage, and use of personal information by government, corporations and other entities; and
(b) calls on:
   (i) all Australian political parties to detail any involvement with Cambridge Analytica or SCL, including whether they had ever provided any government data, such as electoral rolls, and
(ii) the Australian Competition and Consumer Commission to also consider the collection and use of personal information for political advertising as part of its public inquiry into the impact of digital platforms on media and advertising markets in Australia. (general business notice of motion no. 749)

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

(a) notes that, on 21 March 2018, the National Union of Students will launch a National Day of Action to protest against the Liberal Party’s attempts to water down Australia’s commitment to providing universal access to a world-class higher education system by cutting $2.2 billion out of university funding and making graduates’ Higher Education Loan Program (HELP) debts be paid back at a greater rate and a faster pace;

(b) notes further that the Liberal Party:
   (i) thinks university is too affordable for students, which is why they want to deregulate fees,
   (ii) thinks HELP debt grows too slowly, which is why they want to raise the rate of indexation,
   (iii) thinks graduate wages are too low to pay back debts, which is why they want to lower the threshold for when they start repaying them,
   (iv) thinks too many people are attending universities, which is why they are freezing their support for the demand-driven system, and
   (v) is too afraid to seek a mandate for these cuts, which is why they have opted to not put their billion dollar cuts to a vote from the Parliament or a vote from the public; and

(c) expresses its strong support for the National Union of Students and to those participating in the National Day of Action around the country, and encourages all students to speak up and fight back against this Liberal Government’s decision to ask low income students and graduates to pay more, so that big business and multinational corporations can pay less. (general business notice of motion no. 750)

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

(a) notes the claim of public interest immunity grounded on legal professional privilege made by the Minister for Jobs and Innovation in correspondence of 15 February 2018 to the Chair of the Education and Employment Legislation Committee in relation to questions taken on notice by the Minister, the former Department of Employment and the Australian Building and Construction Commission during the 2017-18 supplementary Budget estimates, in relation to the following matters:
   (i) advice received by the Minister pertaining to the character of the conduct of the former Australian Building and Construction Commissioner relating to his contravention of section 503 of the Fair Work Act 2009 (question no. EMSQ17-004346),
   (ii) documents held by the former Department of Employment in relation to litigation involving the former Australian Building and Construction Commissioner concerning a contravention of section 503 of the Fair Work Act 2009 (question no. EMSQ17-004483),
(iii) details of telephone conversations between the former Acting Australian Building and Construction Commissioner and the Chief Counsel, Workplace Relations Legal, Department of Employment (questions nos EMSQ17-004483 and EMSQ17-004485),

(iv) documents and details of communications between the Australian Building and Construction Commission and the Minister and her office relating to a claim for legal indemnity made by the former Australian Building and Construction Commissioner (question no. EMSQ17-004486),

(v) issues other than legal advice canvassed in telephone conversations between the former Acting Australian Building and Construction Commissioner (question no. EMSQ17-004494), and

(vi) discussions between the former Acting Australian Building and Construction Commissioner and the former Department of Employment pertaining to potential claims for public interest immunity to be made during the course of 2017-18 supplementary Budget estimates (questions nos EMSQ17-004484 and EMSQ17-004495);

(b) notes that, on 28 February 2018, the Education and Employment Legislation Committee accepted the Minister’s claim of public interest immunity;

(c) notes that it has never been accepted in the Senate, nor in any comparable representative assembly, that legal professional privilege provides grounds for a refusal of information in a parliamentary forum;

(d) notes the resolution of the Senate of 11 October 2016, in which, among other things, the Senate affirmed the following principles:

(i) there is no general public interest immunity that allows ministers or departments to withhold legal advice, but rather that each claim of public interest immunity is assessable by the Senate and that information of the particular potential harm should be provided to the Senate to make this assessment,

(ii) while the Senate may permit claims of public interest immunity to be advanced, it reserves the right to determine whether a particular claim will be accepted, and

(iii) Australian courts have acknowledged that for the Parliament to undertake its duties it must be able to require the Executive to produce documents, and that the justification for legal professional privilege does not apply;

(e) notes that the litigation in Federal Court matter no. NSD 1379 of 2016, involving the former Australian Building and Construction Commissioner has concluded; and

(f) does not accept the public interest immunity claim made by the Minister for Jobs and Innovation in relation to the matters referred to in paragraph (a), and orders that there be laid on the table by the Minister for Jobs and Innovation, by not later than the conclusion of question time on 26 March 2018, the advice, documents and details of discussions, communications and conversations requested in the questions taken on notice at the 2017-18 Supplementary Budget estimates by the Minister, the former Department of Employment and the Australian Building and Construction Commission. (general business notice of motion no. 751)
Senator McKim: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) 21 March 2018 is the International Day for the Elimination of Racial Discrimination, and
   (ii) racial discrimination is still prevalent in Australia, and that it has significant impacts on community harmony, as well as people’s health and wellbeing;

(b) condemns the Turnbull Government for:
   (i) trying to water down the hate speech provisions of the Racial Discrimination Act,
   (ii) engaging in a racist campaign against African communities in Victoria, and
   (iii) seeking to prioritise white South African farmers in the humanitarian and migration program on the basis of their race; and

(c) recognises that political leaders have a responsibility to stand up for multiculturalism and against racial discrimination. (general business notice of motion no. 752)

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

(a) recognises that 21 March 2018 marks the 5-year anniversary of the National Apology for Forced Adoptions;

(b) acknowledges:
   (i) the unethical, dishonest and sometimes illegal practices that occurred,
   (ii) the ongoing pain and suffering of the mothers, fathers, sons and daughters affected by these practices,
   (iii) the ramifications of these practices for entire families, and
   (iv) the years of work, advocacy and commitment by mothers and their supporters to get the impacts of past practices and policies of forced adoption addressed; and

(c) resolves to continue to do all in its power to make sure these practices are never repeated. (general business notice of motion no. 753)

9 Committees—Extensions of time to report

The following committees were granted extensions of time to report:

Community Affairs References Committee—Transvaginal mesh implants, extended to 27 March 2018.

Foreign Affairs, Defence and Trade References Committee—
   Impact of Defence training activities and facilities on rural and regional communities, extended to 10 May 2018.
   Implications of climate change for Australia’s national security, extended to 20 April 2018.

10 Leave of absence

Senator Urquhart, by leave, moved—That leave of absence be granted to Senator O’Neill for 21 March 2018, on account of parliamentary business.

Question put and passed.
11 Routine of business—First speeches
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 consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:
(a) Wednesday, 21 March 2018—Senator Martin; and
(b) Tuesday, 27 March 2018—Senator Keneally.
Question put and passed.

12 Future Bayswater
Senator Bushby, at the request of Senator Smith and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 734—That the Senate—
(a) congratulates Future Bayswater for their success at the recent 2017 Planning Institute Australia (PIA) Western Australian Awards for Planning Excellence in winning the following awards:
   PIA 2017 WA Winner of Community Engagement Project,
   PIA 2017 WA State Planning Champion, and
   PIA 2017 Commendation, President’s Award;
(b) notes that the Awards recognise and acknowledge quality, innovation and excellence in planning; and
(c) particularly acknowledges Mr Paul Shanahan, Chairman and founder of Future Bayswater, who was named the PIA 2017 State Planning Champion, which recognises non-planners for their advocacy and for making a significant contribution and lasting presence to the urban and regional environment.
Question put and passed.

13 Aged care home care packages
Senator Urquhart, at the request of Senator Polley and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 736—That the Senate—
(a) notes that:
   (i) the latest waiting list for aged care home packages for the December quarter indicates there are around 105,000 vulnerable older Australians waiting for the home care package for which they have been approved,
   (ii) the waiting list includes 82,000 older Australians waiting with high needs — many are living with dementia, and
   (iii) the waiting list has grown by almost 15,000 since the home care package reforms were introduced by the Government just a year ago;
(b) calls on the Minister for Aged Care to explain why he described the current waiting list as being on a ‘positive trajectory’; and
(c) condemns the Turnbull Government for failing to care for older Australians and providing no solutions to deal with the growing home care package waiting list crisis.
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.

14 Death of Dr Morgan Tsvangirai

Senator Urquhart, at the request of Senator Moore, amended general business notice of motion no. 739 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate notes—

(a) the recent death of Dr Morgan Tsvangirai, long-term leader of the fight for a democratic and free Zimbabwe;

(b) that Dr Tsvangirai, a mine worker and strong trade unionist for over 30 years, visited Australia in 2001 and 2013, and provided real inspiration for many Australians who shared the hope for a free Zimbabwe, and open democratic government;

(c) that Dr Tsvangirai was the leader of the Movement for Democratic Change opposition, which contested elections against the Robert Mugabe ZANU PF, culminating in a victory in March 2008, and, for a term, Prime Minister;

(d) that, despite imprisonment, torture and years of violence surrounding elections and challenges to government processes in Zimbabwe, Dr Tsvangirai provided leadership and resilient opposition and his spirit will continue to inspire his party, and the people of his homeland and around the world; and

(e) that, while Dr Tsvangirai will not see the transition to a new democratic era in Zimbabwe, the commitment of President Emmerson Mnangagwa ‘to very peaceful, transparent and harmonised elections in July this year’ and the statement by United Nations Development Programme administrator Dr Achim Steiner, noting elections are ‘first and foremost for Zimbabweans’ and welcoming ‘President Mnangagwa’s election pledge for a credible and peaceful election’ are important milestones for a successful transition to a more democratic Zimbabwe.

Question put and passed.

15 Trade union amalgamations

Senator Rhiannon, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 738—That the Senate—

(a) notes that decisions to amalgamate trade unions should rest with the members of the respective organisations as expressed in a ballot; and

(b) calls on the Government to respect democracy in trade unions and the role they play in protecting their members’ interests.

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.
16 Goods and services tax—Tampons and sanitary pads

Senator Leyonhjelm, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 735—That the Senate—

(a) notes that:

(i) in contrast to New Zealand’s comprehensive GST, Australia’s GST does not apply to a significant range of products, such as various healthcare products and essential services, including water,

(ii) healthcare products that are listed as GST-free in the A New Tax System (Goods and Services Tax) Act 1999 (the GST Act), an Act of the Commonwealth Parliament, include medical devices and aids, such as incontinence pads,

(iii) the Minister for Health is empowered under section 38.47 of the GST Act to unilaterally declare additional goods to be GST-free – previous Commonwealth Health Ministers have used this power to make various goods GST-free, including condoms, lubricants, folic acid, sunscreen and nicotine patches and gums,

(iv) GST on tampons and sanitary pads is estimated to contribute around $30 million to the $63 billion in annual GST revenues,

(v) tampons and sanitary pads are essential healthcare products, and

(vi) it is therefore inequitable for incontinence pads, condoms, lubricants, folic acid, sunscreen, and nicotine patches and gums to be GST-free on health grounds, and for water to be GST-free on the grounds of water being essential, but for tampons and sanitary pads to be subject to GST; and

(b) calls on the Federal Government to remove the GST on tampons and sanitary pads.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath), Senator Chisholm and the Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, made statements relating to the motion.

Question put and passed.

17 Federal courts—Funding—Order for production of documents

Senator Griff, also on behalf of Senators Pratt, Hanson and Hinch, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 733—That—

(a) the Senate notes:

(i) the failure of the Government to adequately fund the Federal Circuit Court of Australia and the Family Court of Australia,

(ii) that the Government’s neglect of the Family Court of Australia and the Federal Circuit Court of Australia means that families facing the most serious family law issues can wait up to three years before a final trial,

(iii) that the continued failure by the Government to adequately resource the family law system has served to create a snowballing effect, the social and economic cost of which will continue to be felt by the community for years to come,

(iv) that the Government has failed to consult with the courts and the legal profession to formulate a clear plan for the future,
(v) that, in March 2014, a report by KPMG, commissioned by the Attorney-General’s Department, into the funding of federal courts was presented to the Government but has still not been released,

(vi) that the KPMG report, obtained by *The Australian* in 2014, warned of significant cuts to service and staffing levels potentially leading to increased delays in litigation, the closure of smaller registries and cutbacks to services in regional Australia,

(vii) that the warnings in the KPMG report appear to have gone unheeded by the Government,

(viii) that, in 2014-15, as part of the response to the KPMG report, the Attorney-General’s Department undertook additional work with Ernst & Young to develop costings scenarios involving federal courts, and

(ix) that KPMG’s comprehensive report confirming the financial crisis facing federal courts and proposing a range of possible solutions, along with the Ernst & Young costings in response to the KPMG report, should be released prior to the Senate voting on the Family Law Amendment (Parenting Management Hearings) Bill 2017; and

(b) there be laid on the table by the Minister representing the Attorney-General, by 9.30 am on 22 March 2018:

(i) the KPMG report into the funding of federal courts, and

(ii) the Ernst & Young costings in response to the KPMG report.

**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, 39**

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**NOES, 27**

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* Tellers

Question agreed to.
18 Queensland Teachers’ Union

Senator Macdonald, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 737—That the Senate—

(a) notes that the Queensland Teachers’ Union (QTU) has committed to ensuring there are Eureka Flags in every school in Queensland in solidarity with the Construction, Forestry, Mining and Energy Union;

(b) expresses its disgust at the politicisation of education in Queensland by having the QTU attempt to influence students politically;

(c) further notes that it is, and reiterates support for, the long observed bi-partisan position that Australian school children should be given the freedom to develop and evolve in an environment that is free from the intrusion of any particular political bias;

(d) calls upon the QTU to desist from this unacceptable attempt to politicise classrooms; and

(e) commends the Liberal National Party for committing to keeping schools a place for learning rather than politics.

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

Question put.

The Senate divided—

AYES, 34

Senators—

Abetz
Anning
Birmingham
Brockman
Burston
Bushby*
Canavan
Cash
Colbeck
Duniam
Fawcett
Ferravanti-Wells
Fifield
Georgiou
Gichuhi
Griff
Hanson
Hume

Leyonhjelm
Macdonald
McGrath
McKenzie
Molan
O’Sullivan
Paterson
Patrick
Payne

Reynolds
Ruston
Ryan
Scullion
Seselja
Smith
Williams

NOES, 32

Senators—

Bartlett
Bilyk
Brown
Cameron
Carr
Chisholm
Collins
Di Natale
Dodson
Gallacher
Hanson-Young
Hinch
Keneally
Kitching
Lines
Marshall

McAllister
McCarty
McKim
Moore
O’Neill
Polley
Pratt
Rhiannon

Rice
Siewert
Singh
Steele-John
Sterle
Urquhart*
Watt
Whish-Wilson

* Tellers

Question agreed to.
19 World Oral Health Day

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. 740—That the Senate—

(a) notes that 20 March is World Oral Health Day, a day to promote good oral hygiene practices to adults and children around the world, and acknowledge the importance of good oral health in maintaining general health and well-being;

(b) acknowledges the publication today of Australia’s Children and Young People Oral Health Tracker, placing Australia as the first country in the world to have established clear and measurable oral health targets;

(c) expresses concern that:
   (i) close to a third of children (5 to 10 years old) have untreated tooth decay, and almost half of Australian children had not visited a dentist before their fifth birthday,
   (ii) almost half of adults have not had a check-up in the last 12 months; 90% of adults have suffered from tooth decay, and approximately 1 in 5 Australians have gum disease, and
   (iii) three in four Australian children and nearly 50% of adults are consuming too much sugar;

(d) recognises that cost is a major barrier to access to dental care across the community, and that the lower a person’s income, the more likely they are to have chronic oral health problems;

(e) further notes that oral diseases can impact every aspect of life, from personal relationships and self-confidence to school, work, housing and even enjoying food, as well as having very serious health consequences, like leading to low birth weight and premature babies and increased risk of heart disease; and

(f) calls on the Government to invest in, and promote the availability of, Medicare-funded dental care to ensure that every Australian has access to the oral health care they need.

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, 37

Senators—

Bartlett  Gallacher  Marshall  Rhiannon
Bilyk     Georgiou  McAllister  Rice
Brown     Griff     McCarthy  Siewert
Burston   Hanson    McKim    Singh
Cameron   Hanson-Young Moore  Steele-John
Carr      Hinch     O’Neill  Sterle
Chisholm  Keneally  Patrick  Urquhart*
Collins   Kitching  Polley  Watt
Di Natale Lines  Pratt  Whish-Wilson
Dodson
20 Urgency motion—Building products—Compliance with Australian standards

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

As a result, the President informed the Senate that Senator Burston had proposed that today he intended to move—That, in the opinion of the Senate, the following is a matter of urgency:

The need to enforce compliance by all Australian importers and suppliers of building products with Australian standards, including by:

(a) preventing the importation of plumbing fittings that contain lead that can be leached into drinking water, and banning the sale of such fittings in Australia;

(b) ensuring that plumbing products are Water Mark certified;

(c) preventing the importation of other building materials which are non-compliant with the National Construction Code;

(d) adequately enforcing the National Construction Code requirements in relation to materials being installed, to ensure compliance with Australian standards; and

(e) ensuring that there are sufficient measures in place to check materials used on building sites and in industry.

The proposal was supported by four senators.

Senator Georgiou, at the request of Senator Burston, moved the motion.

Debate ensued.

Question put and negatived.

21 Australian parliamentary delegation to Papua New Guinea—Document

Senator Macdonald, by leave, tabled the following document:


Senator Macdonald, by leave, moved—That the Senate take note of the document.

Debate ensued.

Question put and passed.
22 Document—Consideration

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

23 Committee reports and government responses—Tabling and consideration

Pursuant to order, Senator Bushby, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2018, dated March 2018—
Community Affairs Legislation Committee.
Economics Legislation Committee.
Education and Employment Legislation Committee.
Environment and Communications Legislation Committee.
Finance and Public Administration Legislation Committee.
Foreign Affairs, Defence and Trade Legislation Committee.
Legal and Constitutional Affairs Legislation Committee.
Rural and Regional Affairs and Transport Legislation Committee.

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

Intelligence and Security—Joint Statutory Committee—
Review of police stop, search and seizure powers, the control order regime and the preventative detention order regime: Division 3A of Part IAA of the Crimes Act 1914; Divisions 104 and 105 of the Criminal Code—Report, dated February 2018.

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

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

Public Accounts and Audit—Joint Statutory Committee—
Executive minutes and responses to the committee recommendations in reports—
Senator Smith moved—That the Senate take note of the report.
Question put and passed.

Senator Williams, on behalf of the Joint Standing Committee on Treaties, tabled the following reports:

Treaties—Joint Standing Committee—

Senator Williams moved—That the Senate take note of the reports.
On the motion of Senator Bartlett the debate was adjourned till the next day of sitting.

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

Community Affairs References Committee—Report—The effectiveness of special arrangements for the supply of Pharmaceutical Benefits Scheme (PBS) medicines to remote area Aboriginal health services—Government response, dated March 2018.


The following committee reports and government responses presented out of sitting (see entry no. 2, 19 March 2018) were considered:

Intelligence and Security—Joint Statutory Committee—Security of Critical Infrastructure Bill 2017—Advisory report. Motion to take note of report moved by Senator McAllister. Debate adjourned till the next day of sitting.


Finance and Public Administration References Committee—Report—Delivery of National Outcome 4 of the National Plan to Reduce Violence Against Women and Their Children—Government response. Motion to take note of document moved by Senator McAllister. Debate adjourned till the next day of sitting.
National Disability Insurance Scheme—Joint Standing Committee—Interim report—Provision of hearing services under the National Disability Insurance Scheme—Government response. Motion to take note of document moved by Senator McAllister. Debate adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Report—Provision of services under the NDIS for people with psychosocial disabilities related to a mental health condition—Government response. Motion to take note of document moved by Senator McAllister. Debate adjourned till the next day of sitting.

24 Committee membership

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

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

Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—
Appointed—Senator Siewert

National Disability Insurance Scheme—Joint Standing Committee—
On 26 March 2018—
Discharged—Senator Steele-John
Appointed—Senator Siewert
On 27 March 2018—
Discharged—Senator Siewert
Appointed—Senator Steele-John.

Question put and passed.

25 Social Services Legislation Amendment (Welfare Reform) Bill 2017

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

In the committee

Consideration resumed of the bill, as amended.

Bill, as amended, further debated.
On the motion of the Leader of Pauline Hanson’s One Nation (Senator Hanson) the following requests for amendments, taken together by leave, were debated and agreed to:

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

Schedule 4, item 39, page 100 (line 34) to page 101 (line 1), omit section 567FB, substitute:

567FB Amount of payment

1. The amount of the person’s payment is worked out using the following formula (except if paragraph 567FA(g) applies in relation to the person):

   \[ \text{Daily rate of person’s youth allowance on the relevant day} \times 14 \times 7 \]

2. If subparagraph 567FA(g)(i) applies in relation to the person, the amount of the person’s payment is worked out using the following formula:

   \[ \left[ \text{Daily rate of person’s youth allowance on the relevant day} \times 14 \times 3 \right] + 2,000 \]

3. If subparagraph 567FA(g)(ii) applies in relation to the person, the amount of the person’s payment is worked out using the following formula:

   \[ \left[ \text{Daily rate of person’s youth allowance on the relevant day} \times 14 \times 3 \right] + \text{Additional amount} \]

where:

*additional amount* means the amount worked out in accordance with the following table:

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<th>If the relevant period is:</th>
<th>the additional amount is:</th>
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<td>More than 14 weeks but not more than 16 weeks</td>
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<td>More than 24 weeks but not more than 26 weeks</td>
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<td>7</td>
<td>More than 26 weeks but not more than 28 weeks</td>
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<tr>
<td>8</td>
<td>More than 28 weeks but not more than 30 weeks</td>
<td>$5,350</td>
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<td>More than 30 weeks but not more than 32 weeks</td>
<td>$5,800</td>
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<td>10</td>
<td>More than 32 weeks</td>
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Schedule 4, item 54, page 106 (lines 1 to 4), omit section 660LI, substitute:

660LI Amount of payment

(1) The amount of the person’s payment is worked out using the following formula (except if paragraph 660LH(g) applies in relation to the person):

\[
\text{Daily rate of person’s jobseeker payment on the relevant day} \times 14 \times 4.5
\]

(2) If subparagraph 660LH(g)(i) applies in relation to the person, the amount of the person’s payment is worked out using the following formula:

\[
\left[ \text{Daily rate of person’s jobseeker payment on the relevant day} \times 14 \times 3 \right] + $1,000
\]

(3) If subparagraph 660LH(g)(ii) applies in relation to the person, the amount of the person’s payment is worked out using the following formula:

\[
\left[ \text{Daily rate of person’s jobseeker payment on the relevant day} \times 14 \times 3 \right] + \text{Additional amount}
\]

\text{additional amount} \text{ means the amount worked out in accordance with the following table:}

*Additional amount*

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Additional amount

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Senator Siewert moved the following amendment:

Schedule 15, item 1, page 209 (after line 14), after section 42AS, insert:

Division 3AB—Compliance with participation payment obligations: review

42AT Independent review of the participation payment obligations compliance framework

(1) No later than 6 months after the commencement of this section, the Minister must cause an independent review to be undertaken by an eminent person with expertise in social services or employment services of the operation of Divisions 3AA and 3A of Part 3 of this Act and instruments made for the purposes of those Divisions.

(2) The review must:
   (a) assess the effectiveness of those laws in enabling people to undertake activities or take action to gain employment; and
   (b) assess whether any provisions of those laws should be amended or repealed to increase the effectiveness of those laws in enabling people to undertake activities or take action to gain employment; and
   (c) consider any other matters specified by the Minister.

(3) Before completing the review, the person undertaking the review must be satisfied that any consultation has been undertaken:
   (a) that is considered by the person to be appropriate; and
   (b) that is reasonably practicable to undertake; and
that drew on the knowledge of persons having expertise in fields relevant to the operation of the participation payment obligations compliance framework; and
(d) that ensured that persons affected by the operation of the participation payment obligations compliance framework, and any other interested members of the public, had an adequate opportunity to comment on its operation.

(4) The review must be completed, and a report of the review must be prepared, before the end of 12 months after the commencement of this section.

(5) The person undertaking the review must give the report of the review to the Minister.

(6) The Minister must cause a copy of the report to be tabled in each House of Parliament within 15 sitting days of receiving it.

42AU Independent annual reviews of the participation payment obligations compliance framework

(1) The Minister must cause annual independent reviews to be undertaken of the operation of Divisions 3AA and 3A of Part 3 of this Act and instruments made for the purposes of those Divisions.

(2) An annual review must be undertaken by an eminent person with expertise in social services or employment services.

(3) An annual review must assess the matters mentioned in subsection 42AT(2) and any other matters specified by the Minister.

(4) A person undertaking an annual review must be satisfied, before completing the review, that consultation of the kind mentioned in subsection 42AT(3) has been undertaken in relation to the review.

(5) An annual review must be completed, and a report of the review must be prepared, before the end of 24 months after the commencement of this section, and before the end of each subsequent 12 month period.

(6) A person undertaking an annual review must give a report of the review to the Minister.

(7) The Minister must cause a copy of the report to be tabled in each House of Parliament within 15 sitting days of receiving it.

Debate ensued.

Question—That the amendment be agreed to—put.

The committee divided—

AYES, 30

Senators—

Bartlett
Bilyk
Brown
Cameron
Carr
Chisholm*
Collins
Di Natale
Dodson
Gallacher
Hanson-Young
Keneally
Lines
Marshall
McAllister
McCarthy
McKim
Moore
O’Neill
Polley
Pratt
Rhiannon
Rice
Siewert
Singh
Steele-John
Sterle
Storer
Whish-Wilson
No. 89—20 March 2018

NOES, 33

Senators—
Abetz
Anning
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck

Duniam
Ferravanti-Wells
Fifield
Georgiou
Gichuhi
Griff
Hanson
Hinch

Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Molan
O’Sullivan
Paterson

Patrick
Reynolds
Ruston
Ryan
Scullion
Seselja
Smith
Williams*

* Tellers

Question negatived.

Question—That the bill, as amended, be agreed to, subject to requests—divided, at the request of Senator Siewert, in respect of Schedule 15, as amended.

Schedule debated.

Question—That Schedule 15, as amended, be agreed to—put.

The committee divided—

AYES, 33

Senators—
Abetz
Anning
Birmingham
Brockman
Burston
Bushby
Canavan
Cash
Colbeck

Duniam
Ferravanti-Wells
Fifield
Georgiou
Gichuhi
Griff
Hanson
Hinch

Hume
Leyonhjelm
Macdonald
McGrath
McKenzie
Molan
O’Sullivan
Paterson

Patrick
Reynolds
Ruston
Ryan
Scullion
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NOES, 30

Senators—
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Rice

Siewert
Singh
Steele-John
Sterle
Storer
Watt
Whish-Wilson

* Tellers

Schedule agreed to.

After 7.20 pm: The Acting Deputy President (Senator Leyonhjelm) resumed the chair and the Chair of Committees (Senator Lines) reported progress.

26 Adjournment

The Acting Deputy President (Senator Leyonhjelm) proposed the question—That the Senate do now adjourn.

Debate ensued.
Document: Senator Patrick, by leave, tabled the following document:

Debate continued.
The Senate adjourned at 9.51 pm till Wednesday, 21 March 2018 at 9.30 am.

27 Attendance
Present, all senators except Senators Bernardi*, Gallagher*, Ketter* and Sinodinos* (*on leave).

Richard Pye
Clerk of the Senate