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1 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.

2 Documents
The following documents were tabled pursuant to standing order 61(1)(b):

Document presented by the President
1. Access to unpublished committee documents—Report by the President to the Senate, pursuant to the resolution of the Senate of 6 September 1984—Joint Library Committee relating to the 1948 acquisition of the Nan Kivell collection.

Government documents
2. Audio-Visual Copyright Society Limited (Screenrights)—Report for 2016-17

Responses to Senate resolutions
8. Contamination of defence force facilities—Resolution agreed to on 6 December 2017—Letter to the President of the Senate from the Assistant Minister to the Prime Minister (Senator McGrath), dated 5 February 2018, and attachment.
9. International Day of People with Disability—Resolution agreed to on 4 December 2017—Letters to the President of the Senate, dated 9 January 2018, from—
   New South Wales Minister for Disability Services (Mr Williams).
   Western Australian Minister for Disability Services (Mr Dawson).

3 Committees—Leave to meet during sittings
Committees were authorised to meet during the sittings of the Senate, as follows:
   Electoral Matters—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 7 February 2018, from 9.40 am.
   National Broadband Network—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 7 February 2018, from 4 pm.
National Capital and External Territories—Joint Standing Committee—for the committee’s inquiry into Australia’s Antarctic Territory—

Thursday, 8 February 2018—
private meeting otherwise than in accordance with standing order 33(1), from 10 am.
private briefings, from 10.10 am and 5.30 pm.

Thursday, 15 February 2018—
private meeting otherwise than in accordance with standing order 33(1), from 10 am.
in camera hearing, from 10.10 am.
public meeting, from 4.30 pm.

Privileges—Standing Committee—private briefing on Thursday, 8 February 2018, from 10 am.

Public Accounts and Audit—Joint Statutory Committee—public meetings, from 9.30 am, on Wednesday, 7 February and Wednesday, 14 February 2018.

4 Regional Investment Corporation 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, debated.

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

Clause 11, page 10 (lines 6 to 9), omit the note, substitute:

Note: Part 4 of Chapter 3 (sunsetting) of the Legislation Act 2003 does not apply to the directions (see regulations made for the purposes of paragraph 54(2)(b) of that Act).

Clause 11, page 10 (after line 31), at the end of the clause, add:

(4) Despite regulations made for the purposes of paragraph 44(2)(b) of the Legislation Act 2003, section 42 (disallowance) of that Act applies to a direction forming part of the Operating Mandate.

Clause 12, page 11 (before line 16), before subclause (4), insert:

(3C) For the purposes of subsection (3), any terms and conditions to be included in an agreement must be in accordance with the rules.

(3D) However, a failure to comply with subsection (3C) does not affect the validity of a particular term or condition included in an agreement.

Clause 12, page 11 (after line 21), at the end of the clause, add:

(5) The rules must prescribe, in relation to agreements to be entered into under subsection (3):

(a) the terms and conditions, or the kinds of terms and conditions, that may be included in an agreement; and

(b) the matters the Corporation must consider in specifying terms and conditions to be included in an agreement.
13A Tabling of water infrastructure project agreements etc.

(1) The Corporation must give the Agriculture Minister a copy of an agreement entered into under subsection 12(3).

(2) The Agriculture Minister must cause:
   (a) a copy of the agreement; and
   (b) any direction given under subsection 12(3) relating to the agreement;
   to be tabled in each House of Parliament within 15 sitting days of that House after receiving a copy of the agreement.

(3) The Agriculture Minister must cause a copy of the documents mentioned in subsection (2) to be published on the internet within 30 days of the Minister receiving the copy of the agreement.

41A Disclosure of interests

(1) The CEO must give written notice to the Board of any disclosure made by the CEO under section 29 of the Public Governance, Performance and Accountability Act 2013 (which deals with the duty to disclose interests).

(2) Subsection (1) applies in addition to any rules made for the purposes of section 29 of the Public Governance, Performance and Accountability Act 2013.

(3) For the purposes of this Act and the Public Governance, Performance and Accountability Act 2013, the CEO is taken not to have complied with section 29 of that Act if the CEO does not comply with subsection (1) of this section.

Question—That the bill, as amended, be agreed to—divided, at the request of Senator Brown, in respect of clause 12, subclause (5).

Question—That clause 12, subclause (5) stand as printed—put and negatived.

Question—That the bill, as amended, be agreed to—put.

The committee divided—

AYES, 34

Senators—

Abetz  Cormann  Hume  Patrick
Anning  Duniam  Leyonhjelm  Payne
Bernardi  Fawcett  Macdonald  Reynolds
Birmingham  Fierravanti-Wells  McGrath  Ryan
Brandis  Georgiou  McKenzie  Scullion
Brockman  Gichuhi  Molan  Seselja
Burston  Griff  O’Sullivan  Smith
Bushby  Hanson  Paterson  Williams*
On the motion of the Minister for Finance (Senator Cormann) the report from the committee was adopted.

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

Question put.

The Senate divided—

AYES, 33

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Question agreed to.

Bill read a third time.

5 Treasury Laws Amendment (Banking Executive Accountability and Related Measures) Bill 2018

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

Message no. 296, dated 5 February 2018—A Bill for an Act to amend the Banking Act 1959, and for related purposes.
The Minister for Education and Training (Senator Birmingham) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

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

*Explanatory memorandum:* Senator Birmingham tabled a revised explanatory memorandum relating to the bill.

Debate ensued.

Senator Whish-Wilson moved the following amendment:

> At the end of the motion, add “but the Senate calls on the Government to initiate a review by the Council of Financial Regulators, within two years of the commencement of the Act, in respect of whether the Act provides adequate regulation to directly protect consumer outcomes, and whether the scope of the Act should be expanded to cover the entire financial sector”.

Debate ensued.

At 2 pm: Debate was interrupted while Senator O’Neill was speaking.

6 **Questions**

Questions without notice were answered.

7 **Motions to take note of answers**

Senator Cameron moved—That the Senate take note of the answers given by the Minister for Regional Communications (Senator McKenzie) and the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Brown and Cameron today relating to GST distribution and to Senator Molan.

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 Defence (Senator Payne) to a question without notice asked by Senator Di Natale today relating to Senator Molan.

Question put and passed.

8 **Death of former member the Honourable Barry Cohen, AM**

The President informed the Senate of the death, on 18 December 2017, of the Honourable Barry Cohen, AM, a former minister and member of the House of Representatives for the division of Robertson from 1969 to 1990.

The Leader of the Government in the Senate (Senator Cormann), by leave, moved—That the Senate records its deep sorrow at the death, on 18 December 2017, of the Honourable Barry Cohen, AM, a former member of the House of Representatives for the division of Robertson and Minister for Arts, Heritage and Environment in the Hawke Government, places on record its gratitude for his service to the Parliament, and tenders its profound sympathy to his family in their bereavement.

The motion was supported and all senators present stood in silence—Question passed.
9 Notices

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) in a recent survey of voters conducted by the Australian Population Research Institute, it was found that 74% of respondents believed that Australia does not need to increase its population, and

(ii) a Galaxy research poll conducted by Mr Dick Smith in September 2017 indicated that 83% of respondents believed major parties should have a population policy, and 82% agreed population growth was an issue on which politicians needed to act; and

(b) calls on the Government to commit to a plebiscite, held in conjunction with the next federal election, asking voters to indicate their preferred stance on Australia adopting a more sustainable population target. (general business notice of motion no. 678)

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend the Australian Citizenship Act 2007 and other legislation, and for related purposes. Australian Citizenship Legislation Amendment (Strengthening the Commitments for Australian Citizenship and Other Measures) Bill 2018. (general business notice of motion no. 679)

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

(1) That the Senate notes—

(a) the claims by academic Professor Clive Hamilton, author of the unpublished book Silent Invasion, that he is experiencing difficulty proceeding with publishing his book critical of foreign influence in our institutions, including this Parliament;

(b) in particular, his publisher’s concern about being subject to significant court action financed by or at the behest of a foreign nation; and

(c) the report in the Sydney Morning Herald newspaper on 5 February 2018 that members of Federal Parliament’s national security committee, namely the members for Canning and Holt, have expressed support for using parliamentary privilege to enable the publication of the book.

(2) That in the interests of free speech and Australian sovereignty, the Senate calls on the Government to render such assistance to Professor Hamilton as to enable his claims to be considered or published. (general business notice of motion no. 680)

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

(a) acknowledges that:

(i) Liberal governments across the country are causing inequality to increase in Australia by failing to deal with record low wage growth,

(ii) this has meant that the standard of living of workers and their families has been seriously eroded,

(iii) the capacity of hardworking men and women to protect and improve wages and working conditions is now diminished, and
(iv) the failure of the system has left unions, such as the New South Wales Rail, Tram and Bus Union, limited in their capacity to fight for their members and protect community safety, decent wages and fair working conditions; and

(b) calls on the Liberal Party of Australia to prioritise the wages and job security of hardworking Australians. (general business notice of motion no. 681)

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

(a) notes that 27 January 2018 was International Holocaust Remembrance Day, which remembers the atrocities committed by the Nazi regime and its collaborators;

(b) notes the remarks of former Secretary-General of the United Nations, Mr Ban Ki-Moon, who remarked that the day is one on which ‘we must reassert our commitment to human rights ... and go beyond remembrance, and make sure that new generations know this history. We must apply the lessons of the Holocaust to today’s world. And we must do our utmost so that all peoples may enjoy protection and rights for which the United Nations stands’;

(c) acknowledges the importance of International Holocaust Remembrance Day in honouring the memory of all Holocaust victims and encouraging the development of education programs about the history of the Holocaust and the stories of its victims in order to protect against future acts of genocide;

(d) acknowledges the 27,000 Holocaust survivors who migrated to Australia after the Second World War to seek new beginnings; and

(e) acknowledges the ongoing efforts of the International Holocaust Remembrance Alliance to strengthen, advance and promote Holocaust education, research and remembrance worldwide, and welcomes Australia’s recent acceptance by the International Holocaust Remembrance Alliance as a liaison country. (general business notice of motion no. 682)

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

(a) recognises that:

(i) access to appropriate pain and symptom management, and being surrounded by family, are most important to people who are dying,

(ii) palliative care is not just about pain and symptom management, it is about providing meaningful social, spiritual and emotional support for families and patients,

(iii) for many Australians, their end-of-life journey will likely be punctuated with avoidable or unwanted admissions to hospital, with the confusion, loss of dignity and loss of control that comes with it,

(iv) Australians need to be more engaged in conversations regarding their end-of-life care wishes, and

(v) palliative care is not just about dying, it is about living as well as you can for as long as you can;

(b) notes that Palliative Care Australia estimates that while 70% of Australians wish to die at home, only around 14% do so;

(c) acknowledges that the Productivity Commission’s draft report into human services, released in June 2017, argued that:

(i) there are just 213 palliative medical specialists across Australia, equating to one specialist for every 704 deaths each year,
(ii) more community-based palliative care services are needed to enable more people who wish to die at home to do so, and
(iii) end-of-life care in residential aged care needs to be better resourced and delivered by skilled staff;

(d) further notes Palliative Care Australia’s call for a national palliative care commissioner who would examine existing palliative care services and programs nationally in order to assess their efficiency and effectiveness in supporting terminally ill individuals and their families to live as well as possible, right to the end of life;

(e) calls on all senators to have an end-of-life conversation with their loved ones; and

(f) calls on the Government to make palliative care a health priority and appoint a national palliative care commissioner. (general business notice of motion no. 683)

Senator Steele-John: To move on the next day of sitting—That the Senate—

(a) notes that:
   (i) Internet access is now an essential service and has been declared as such in several countries, including Canada, Spain, and Finland,
   (ii) regulation of telecommunication services, including fixed-line, mobile and broadband services, must treat telecommunications as an essential service,
   (iii) the 2016-17 annual report of the Telecommunications Industry Ombudsman reported 158,016 complaints, representing a 41% increase in complaints, and
   (iv) the Telecommunications Industry Ombudsman received approximately double the number of complaints received by Ombudsman offices covering other essential services, including energy, water and financial services; and

(b) calls on the Government to:
   (i) bring forward the intended Review of the Telecommunications Consumer Safeguards Framework (Safeguards Review), including review of the industry self-regulatory arrangements set out in Part 6 of the Telecommunications Act 1997,
   (ii) closely monitor the Telecommunications Consumer Protection Code reviews process and direct the Australian Communications and Media Authority (ACMA) to make an industry standard to drive better customer service and industry practice if the process fails to deliver effectively, and
   (iii) ensure that the direction to the ACMA to implement new broadband consumer protections, as announced by the Minister for Communications (Senator Fifield) on 21 December 2017, is enacted swiftly. (general business notice of motion no. 684)
Senator Patrick: To move on the next day of sitting—

(1) That the Senate notes that:

(a) the Sustainable Diversion Limit Adjustment Assessment Committee (SDLAAC) plays an important role in assessing and advising the Basin Officials Committee (BOC) on proposed measures which may provide an opportunity to adjust Sustainable Diversion Limits (SDL);

(b) the SDLAAC also advises the BOC on constraint measures which remove or ease constraints on the capacity to deliver environmental water;

(c) in June 2017, the BOC endorsed a package of 36 measures to be included for modelling assessment of SDL adjustment contribution; and

(d) in order to make a considered decision on any changes to the SDL, the Senate requires access to the assessments of the 36 adjustment mechanism projects.

(2) That there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, by no later than 3.30 pm on 15 February 2018, all assessments of the 36 adjustment mechanism projects completed by the Murray-Darling Basin Authority (MDBA), including all individual proposal assessment information given to SDLAAC or BOC by the MDBA to inform their decision to support or not support an SDL adjustment or constraints proposal. (general business notice of motion no. 685)

Senators Rhiannon, Hinch and Bartlett: To move on the next day of sitting—That the Senate—

(a) notes that:

(i) Australian Government management of kangaroos tends to be structured to service commercial shooting and farming industries,

(ii) in 2015, between 65,000 and 650,000 kangaroos suffered non-lethal body-shots and a further 110,000 joeys died from commercial shooting alone, with pouch joeys decapitated or their skulls crushed,

(iii) kangaroos are slow-growing and are shot beyond their low reproductive capacity, with long-term government raw data illustrating kangaroo absence and decline, yet this is not reflected in the published population estimates from which an impossibly high commercial shooting quota is extracted, and

(iv) kangaroo is a wild-shot bushmeat and is butchered and transported on open unrefrigerated trucks in the field and, in 2014, Russia banned kangaroo meat imports for a third time due to contamination, with rapid food security alerts in the European Union about kangaroo meat since then; and

(b) calls on the Commonwealth and all states to make available all historical and current kangaroo survey data and methodologies, and commercial and non-commercial shooting and demographics data for all shooting zones across Australia. (general business notice of motion no. 686)

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

(a) notes that:

(i) the New South Wales (NSW) Government has awarded $4 billion in contracts to build the Intercity and Waratah train fleets overseas, and
(ii) this decision by the NSW Government will impact local rail manufacturers and supply chain businesses, and puts up to 15,000 existing jobs across Australia at risk; and

(b) calls on the Commonwealth and all states to cooperate and strengthen rail manufacturing in Australia by:

(i) establishing a National Rail Manufacturing Industry Plan to maximise the benefits from the $46 billion investment expected over the next decade,

(ii) working together to achieve a long-term, sustainable and efficient rail industry that will provide job security for local rail manufacturers,

(iii) harmonising safety standards that would maximise manufacturing efficiencies, and

(iv) working with the rail industry to develop Rail Industry Skills Centres at local TAFE and colleges, and ensuring the use of local apprentices, trainees and engineering cadets for at least 10% of the total labour hours. (general business notice of motion no. 687)

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

(a) notes that:

(i) access to affordable sexual and reproductive healthcare, including abortion and contraception, is part of every woman’s right to control her own body,

(ii) recently, the primary provider of surgical abortions in Tasmania closed their clinic, and the Tasmanian Government has provided no guarantee that women will be able to access services in their home state, and would instead be forced to travel interstate for treatment, and

(iii) across Australia, inconsistent laws and service provision means access to abortion can be extremely difficult, and women face high out-of-pocket costs; in particular, women in remote, rural and regional areas are often forced to travel long distances to urban clinics; and

(b) calls on the Government to:

(i) show leadership and work with states and territories to remove all barriers to Australians accessing abortion services, including decriminalisation of abortion in New South Wales and Queensland, and provision of surgical abortion services in public hospitals across the country, and

(ii) where state and territory health systems fail to provide abortion services, step in to ensure funding and provision of essential reproductive health services for all Australians. (general business notice of motion no. 688)

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

(a) notes with concern:

(i) recent revelations about Senator Molan’s personal views, particularly his support of racist material through social media,

(ii) allegations that Senator Molan, as Chief of Operations for Coalition Forces in Iraq, oversaw the deprivation of food, water and humanitarian supplies to civilians during the second coalition assault on the city of Fallujah, and
(iii) the failure of successive Australian Governments to initiate any inquiry into how and why the Howard Government decided to go to war in Iraq, and Australia’s actions in that war;

(b) further notes that such an inquiry has long been supported by eminent Australians, including a former Prime Minister, a former Secretary of the Department of Defence, and a former Chief of the Australian Defence Force; and

(c) calls on all parties to support a long overdue inquiry into Australia’s involvement in the Iraq War. (general business notice of motion no. 689)

Senators Wong, Bilyk, Urquhart, Singh, Gallacher, Polley, Farrell and Brown: To move on the next day of sitting—That the Senate—

(a) notes that, on 3 January 2018, the Treasurer (Mr Morrison) announced that the final report of the Productivity Commission’s inquiry into the economic impact of horizontal fiscal equalisation would be delayed to 15 May 2018;

(b) notes that the Productivity Commission’s draft report revealed that, under changes to the distribution of GST revenue, Tasmania stands to lose $168 million in the first year alone, and South Australia stands to lose $557 million in the first year alone;

(c) notes that the Turnbull Government’s decision means the final report will not be delivered until after the South Australian and Tasmanian state elections, and after the next Federal budget is handed down;

(d) condemns the Turnbull Government for hiding its plans from the people of Australia; and

(e) calls on the Turnbull Government to make its planned changes to the distribution of the GST clear before South Australians and Tasmanians vote in upcoming state elections. (general business notice of motion no. 690)

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

(a) notes that:

(i) the 12th Session of the Conference of the Parties to the Convention on the Conservation of Migratory Species was held in Manila in October 2017,

(ii) a consensus agreement among 50 nations from Asia, Africa and Europe decided to add blue sharks, dusky whalers and white-spotted wedgefish to a list of species requiring additional protection, and

(iii) the Government subsequently submitted reservations to the listing of the three species, which applies exemptions of the agreed protections within Australian waters;

(b) notes, with concern, the increasing belligerence of the public statements of the Minister for the Environment and Energy (Mr Frydenberg) on matters relating to lethal measures to mitigate the risk of human encounters with protected great white sharks, including urging state governments to adopt nets and drum lines which have not proven to make beaches safe for humans, but are indiscriminate killers of protected marine life such as dolphins, whales, other endangered shark species and turtles; and
 calls upon the Government to continue the pre-Coalition Government tradition of Australia being an international leader in shark conservation and meet international expectations and standards in the protection of the great white shark, blue shark, dusky whalers and white-spotted wedgefish in Australian waters. (general business notice of motion no. 691)

Notice of motion withdrawn: Senator Urquhart, at the request of Senator Brown, withdrew general business notice of motion no. 677 standing in the name of Senator Brown for today, relating to consideration of the Regional Investment Corporation Bill 2017.

10 Leave of absence
Senator Bushby, by leave, moved—That leave of absence be granted to Senator Sinodinos from 12 February to 28 March 2018, for personal reasons.
Question put and passed.

Senator Urquhart, by leave, moved—That leave of absence be granted to Senators Bilyk and Carr for 7 and 8 February 2018 for personal reasons.
Question put and passed.

11 Postponement
Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Siewert for today, proposing the disallowance of the Social Security (Administration) (Trial Area) Amendment Determination (No. 2) 2017, postponed till 7 February 2018.

12 Committee—Extension of time to report
The following committee was granted an extension of time to report:

Environment and Communications References Committee—Aboriginal rock art of the Burrup Peninsula, extended to 14 February 2018.

13 Routine of business—Valedictory statements and first speech
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 be interrupted at approximately 5.30 pm, but not so as to interrupt a senator speaking, on:

(a) Wednesday, 7 February 2018, to enable valedictory statements to be made relating to Senator Brandis; and

(b) Wednesday, 14 February 2018, to enable Senator Molan to make his first speech without any question before the chair.
Question put and passed.

14 Ovarian Cancer Awareness Month
Senator Urquhart, at the request of Senators Polley and Bilyk and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 663—That the Senate—

(a) notes that:

(i) February is Ovarian Cancer Awareness Month,
(ii) the focus of Ovarian Cancer Awareness Month 2018 is hope and taking action to change the dire statistics of ovarian cancer,

(iii) ovarian cancer is still the deadliest women’s cancer, and

(iv) every day in Australia, four women are diagnosed with and three women will die of the disease;

(b) acknowledges the efforts of Ovarian Cancer Australia in its tireless effort to beat the disease and reduce the number of women being diagnosed by 25% by 2025; and

(c) urges federal, state, territory and local governments to:

(i) take leadership in encouraging Australian women to become more aware of the signs, symptoms and risk factors of ovarian cancer, to know their family history and where to get help, and

(ii) create communities where people openly talk about ovarian cancer.

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.

15 Her Majesty Queen Elizabeth II

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. 665—

That the Senate—

(a) notes that today, 6 February 2018, marks the 66th anniversary of the ascension to the throne of Her Majesty Queen Elizabeth II;

(b) notes that, in the 66 years since her ascension, she has continued to honour the promise made on the occasion of her 21st birthday to be devoted to the service of her people in Australia and across the Commonwealth;

(c) acknowledges the tireless and dedicated service Her Majesty Queen Elizabeth II has shown in her role as constitutional monarch; and

(d) notes that 2 June 2018 will mark 65 years since the Coronation of Her Majesty Queen Elizabeth II.

Question put and passed.

16 Commonwealth Inscribed Stock Amendment (Debt Ceiling) Bill 2018

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 664—That the following bill be introduced:

A Bill for an Act to amend the Commonwealth Inscribed Stock Act 1911, and for related purposes.

Question put and passed.

Senator Bernardi presented the bill and moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

Senator Bernardi moved—That this bill be now read a second time.
Explanatory memorandum: Senator Bernardi, by leave, tabled an explanatory memorandum relating to the bill.

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

17 Australian cricket team
Senator Williams, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 666—That the Senate—

(a) notes:
   (i) that the Australian Cricket team has defeated England 4-0 to regain the coveted Ashes,
   (ii) that Australian captain Mr Steven Smith finished the series as the leading run-scorer compiling 687 runs for an average of 137.40,
   (iii) that Mr Smith was named Player of the Series, and named the International Cricket Council’s men’s Test Player of the Year for 2017, and
   (iv) the magnificent performance of the frontline bowling quartet of Messrs Mitchell Starc, Pat Cummins, Josh Hazlewood and Nathan Lyon, who between them took 87 wickets;
(b) congratulates the Australian team on its achievement; and
(c) acknowledges that cricket is one of Australia’s key national sports and is part of the Sporting Schools Program which is funded by the Australian Government to ensure that all school children have the opportunity to play sport.

Question put and passed.

18 Professor Michelle Simmons—2018 Australian of the Year recipient
Senator Patrick, at the request of Senator Griff and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 670—That the Senate—

(a) congratulates 2018 Australian of the Year recipient Professor Michelle Simmons and all the recipients of this year’s Australia Day Awards;
(b) notes that Professor Simmons is the 14th female recipient of the Australian of the Year in the Award’s 58 year history;
(c) acknowledges that:
   (i) the prize recognises Professor Simmons’ research and leadership in nanotechnology and quantum computing,
   (ii) in 2017, Professor Simmons established Australia’s first quantum physics computing company, Silicon Quantum Computing, bringing together representatives of governments, industry and universities in an $83 million consortium based at the University of New South Wales,
   (iii) Professor Simmons’ focus and leadership has defined Australia’s position in the quantum computing technology race, and
   (iv) quantum computing technology is strategically important for Australia;
(d) wishes Professor Simmons, along with her team, every success in the international race to build a quantum computer and excel in the space race of the computing era;
(e) notes that:
   (i) Science Meets Parliament runs from 12 to 14 February 2018, and
(ii) Science Meets Parliament builds on the strong tradition of fostering relationships and understanding between scientists, technologists, members of the House of Representatives and senators; and

(f) encourages all senators to attend events during Science Meets Parliament to enhance their awareness and understanding of STEM and help build connections with those working in the field.

Question put and passed.

19 Bowel cancer

Senator Patrick, at the request of Senator Griff and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 671—That the Senate—

(a) congratulates all the participants of the People’s Choice Undies Run for Bowel Cancer held on 14 January 2018 in Adelaide, with a record 1611 participants;

(b) notes that:

(i) this year, the charity run raised over $145,000 for bowel cancer research and, since 2013, has raised over $865,000 for Cancer Council SA, significantly increasing the awareness of one of Australia’s largest cancer killers,

(ii) bowel cancer is the second most common cancer in both men and women in Australia,

(iii) it is estimated that about 16,000 Australians will be diagnosed with bowel cancer each year, and over 4000 will lose their lives to the disease each year,

(iv) regular screening is important because you can have bowel cancer without any noticeable symptoms,

(v) the average wait time for colonoscopies is up to 6 months across Australia,

(vi) South Australia has the longest waiting times in the country for colonoscopies, with some people waiting up to 12 months,

(vii) these delays are putting patients at real risk, and

(viii) early detection of bowel cancer is crucial to the survival rates of sufferers – if detected early, 90% of bowel cancer cases can be successfully treated; and

(c) calls on the Government to work with the states to reduce the waiting times for bowel cancer screenings.

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.

20 Death of Mr Michael Gordon

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. 674—That the Senate—

(a) notes:

(i) the passing of Mr Michael Gordon, veteran journalist with Fairfax, last Saturday,
(ii) that he was an outstanding journalist and a passionate defender of human rights,
(iii) that his coverage of refugees, Indigenous affairs and social justice was
tireless, and he helped to shine a spotlight on the injustices of the most
oppressed people in our society,
(iv) that he was deeply respected amongst his fellow colleagues, leading to a
Walkley award for most outstanding contribution to journalism, and
(v) that he will be missed, not only for his invaluable contribution to his
profession, but as a principled and compassionate man; and

(b) expresses its condolences to his family, and may he rest in peace.

Question put and passed.

21 Future Frigate project—Orders for production of documents—Non-compliance
Senator Patrick, also on behalf of Senator Carr, pursuant to notice of motion not
objected to as a formal motion, moved general business notice of motion no. 667—

(1) That the Senate notes that:

(a) on 4 September 2017, the Senate agreed to an order for the production
of documents directed at the Minister representing the Minister for
Defence Industry for all unclassified portions of the Future Frigate
tender documentation set;
(b) on 5 September 2017, the Senate agreed to an order for the production
of documents directed at the Minister representing the Minister for
Defence Industry for, amongst other things, any other documentation
held by the Future Frigate project that discusses Australian Industry
Capability, the partnering or use of Australian shipyards, and how
Techport and other Australian facilities might be used in the program;
(c) on 7 September 2017, the Minister tabled a letter in response to both
orders claiming public interest immunity, and stated that release of such
documents would potentially damage national security, damage
international relations and adversely affect the Department of Defence’s
negotiation position in respect of future contracts;
(d) on 12 September 2017, the Senate declared that it did not accept the
minister’s public interest immunity claim, and required either full
compliance with the orders for the production or that the minister attend
the Senate at the end of question time on 13 September 2017 to provide
the Senate with further explanation;
(e) on 13 September 2017, the minister gave a further explanation to the
Senate claiming that release of the documents during an active tender
would affect commercial arrangements that are able to be achieved
during negotiations with any successful tenderer and damage national
security, defence and international relations; and
(f) on 25 January 2018, the Department of Defence released 292 pages of
the Future Frigate Program in full to former Senator Xenophon — the
public interest immunity claims asserted by the minister, were, in her
own department’s view, mistaken.

(2) Orders for the production of documents are a key Senate tool used to ensure
effective oversight of government and must be responded to by ministers with
utmost consideration, care and accuracy.
(3) The Senate requires the minister to table documents in full compliance with orders for the production of documents nos 432 and 449 by the commencement of business on 12 February 2018.

(4) That the Minister for Defence be required to attend the Senate at 9.30 am on 8 February 2018 to make a statement of not more than 20 minutes, addressing why the Senate should accept the minister’s explanation as to why she made written and verbal claims to the Senate that her own Department has found unsustainable.

(5) That any senator may move a motion to take note of the minister’s statement and any such motion may be debated for no longer than 1 hour, and have precedence over all government business until determined.

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

Question put and passed.

22 National Broadband Network

Senator Steele-John, also on behalf of Senator Urquhart, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 668—That the Senate—

(a) notes that:

(i) on 16 May 2011, a United Nations Special Rapporteur report declared that Internet access is a human right and recommended that ‘each State should thus develop a concrete and effective policy, in consultation with individuals from all sections of society, including the private sector and relevant Government ministries, to make the Internet widely available, accessible and affordable to all segments of population’,

(ii) on 27 September 2017, the Joint Standing Committee on the National Broadband Network released its first report, with 23 recommendations, based on 191 submissions, 15 public hearings, and testimony from 179 witnesses, and

(iii) on 16 January 2018, the Government released its response to the report of the Joint Standing Committee on the National Broadband Network, in which it rejected 9 of the recommendations and supported the remaining 14 recommendations in principle only; and

(b) calls on the Government to:

(i) reconsider its response to the first report of the Joint Standing Committee on the National Broadband Network, which proposes concrete and effective policy, developed in consultation with individuals from all sections of society, including the private sector and relevant Government ministries, and

(ii) work towards developing a national broadband network that is fast, reliable and future-proof, which will make the Internet widely available, accessible and affordable to all segments of the population in Australia.

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.
23 **Video game industry**

Senator Steele-John, also on behalf of Senator Urquhart, amended general business notice of motion no. 669 by leave and, pursuant to notice of motion not objected to as a formal motion, moved—That the Senate—

(a) notes:

(i) the unanimous findings of the report of the Environment and Communications References Committee, *Game on: more than playing around – The future of Australia’s video game development industry*, received on 29 April 2016,

(ii) that, on 13 June 2017, the Senate agreed to a motion, moved by Senator Ludlam, requiring the Minister for Communications to table the Government’s response by no later than 3 pm on 14 June 2017,

(iii) that, on 24 October 2017, Senator Fifield stated at supplementary budget estimates, in response to questioning by Senator Urquhart, that processes for a whole-of-government response were ongoing and included his input,

(iv) that, on 5 December 2017, the Senate agreed to a motion, moved by Senator Steele-John and co-sponsored by Senator O’Neill, requiring the Minister for Communications to table the Government’s response by no later than 3 pm on 6 December 2017,

(v) that, on 6 December 2017, the minister stated that a response would be tabled prior to the end of 2017,

(vi) that, on 31 January 2018, the minister finally released the government response, in which the Government notes five of the eight recommendations, does not support two of the recommendations, and supports one recommendation in principle only; and

(b) calls on the Government to reconsider its response to the Senate inquiry into the future of Australia’s video game development industry, and support both the unanimous recommendations of the committee and the Australian video games industry.

Question put and passed.

24 **Antarctic Climate and Ecosystems Cooperative Research Centre**

Senator Whish-Wilson, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 676—That the Senate—

(a) notes that:

(i) the funding for the Antarctic Climate and Ecosystems Cooperative Research Centre (CRC) runs out mid-2019,

(ii) a Liberal Government policy change is preventing the CRC from reapplying for funding to allow them to continue their research,

(iii) at least 70 jobs in Hobart are on the line if the Antarctic CRC is not able to reapply for funding,

(iv) the lack of clarity about the future is putting pressure on scientists to leave Hobart for job security, and is impacting on planning and implementation of research projects, and

(v) the work undertaken by the CRC is critical to help Australia and the world to understand current and future potential impacts of climate change; and
(b) calls for the Government to reverse its CRC policy decision that prevents the
Antarctic CRC from reapplying for funding.

Statements by leave: The Assistant Minister to the Prime Minister (Senator McGrath)
and Senator Whish-Wilson, by leave, made statements relating to the motion.
Question put and passed.

25 Use of smartphones in classrooms

Senator Patrick, pursuant to notice of motion not objected to as a formal motion,
moved general business notice of motion no. 673—That the Senate—

(a) notes:
(i) warnings from experts that smartphones are diluting students’ focus in
the classroom and curbing students’ social skills,
(ii) smartphones can be used by students in order to engage in
cyberbullying,
(iii) that, since the Office of the eSafety Commissioner was established in
July 2015, it has resolved approximately 670 complaints in relation to
cyberbullying,
(iv) complaints to the Office of the eSafety Commissioner in relation to
cyberbullying increased by 63% between 2015-16 and 2016-17, and
(v) that the Office of the eSafety Commissioner reports that,
in the
12 months to June 2016, 8% of children and 19% of teenagers were
cyberbullied; and

(b) calls on state and territory education ministers, in consultation with the Federal
Government, to develop clear guidelines to prevent inappropriate use of
smartphones in classrooms.

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.

26 Economics References Committee—Reference

Senator Patrick, pursuant to notice of motion not objected to as a formal motion,
moved business of the Senate notice of motion no. 2—That the following matter be
referred to the Economics References Committee for inquiry and report by 14 August
2018:

The appropriateness and thoroughness of the site selection process for a national
radioactive waste management facility at Kimba and Hawker in South Australia,
noting that the Government has stated that it will not impose such a facility on an
unwilling community, with particular reference to:

(a) the financial compensation offered to applicants for the acquisition of land
under the Nominations of Land Guidelines;
(b) how the need for ‘broad community support’ has played and will continue to
play a part in the process, including:
   (i) the definition of ‘broad community support’, and
   (ii) how ‘broad community support’ has been or will be determined for each
       process advancement stage;
(c) how any need for Indigenous support has played and will continue to play a part in the process, including how Indigenous support has been or will be determined for each process advancement stage;

(d) whether and/or how the Government’s ‘community benefit program’ payments affect broad community and Indigenous community sentiment;

(e) whether wider (Eyre Peninsular or state-wide) community views should be taken into consideration and, if so, how this is occurring or should be occurring; and

(f) any other related matters.

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, 34

Senators—

Bartlett
Bilyk
Brown
Cameron
Carr
Chisholm
Collins
Di Natale
Dodson
Gallacher
Griff
Hanson-Young
Hinch
Ketter
Kitching
Lanes
Marshall
McAllister
McCarthy
McKinn
Moore
O’Neill
Patrick
Polley
Pratt
Rhiannon
Rice
Siewert
Singh
Steele-John
Sterle
Urquhart*
Watt
Whish-Wilson

NOES, 29

Senators—

Abetz
Anning
Bernardi
Birmingham
Brandis
Brockman
Burston
Bushby*

Canavan
Duniam
Fawcett
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Hume
Macdonald
McGrath
Mol
O’Sullivan
Paterson
Payne
Reynolds
Ruston
Ryan
Scullion
Seselja
Smith

* Tellers

Question agreed to.

27 National Disability Insurance Scheme—Services for people with psychosocial disabilities

Senator Siewert, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 675—That the Senate—

(a) notes the recently released Mind the Gap report, a collaboration between the University of Sydney and Community Mental Health Australia;

(b) recognises that the report is based on the experiences of 58 expert stakeholders across Australia, and builds on the work of the Joint Standing Committee on the National Disability Insurance Scheme and the Productivity Commission;

(c) acknowledges that, as outlined in the report, there are gaps in the implementation of the National Disability Insurance Scheme (NDIS) for people with psychosocial disability; and
(d) urges the Federal Government to urgently address this issue by implementing the recommendations contained in the report of the Joint Standing Committee on the National Disability Insurance Scheme, *Provision of services under the NDIS for people with psychosocial disabilities related to a mental health condition*, including assertive outreach to ensure that people with psychosocial disabilities are able to access the NDIS and through ensuring mental health services for those not participating in the NDIS.

*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, 34

Senators—

Bartlett Gallacher McCarthy Rice
Bilyk Griff McKim Siewert
Brown Hanson-Young Moore Singh Steel-John Sterle
Cameron Hinch O’Neill Urquhart*
Carr Ketter Patrick Urquhart*
Chisholm Kitching Polley Urquhart*
Collins Lanes Pratt Watt
Di Natale Marshall Rhiannon Whish-Wilson
Dodson McAllister

NOES, 29

Senators—

Abetz Canavan Hume Payne
Anning Duniam Macdonald Reynolds
Bernardi Fawcett McGrath Ruston
Birmingham Fifield Molan Scullion
Brandis Georgiou O’Sullivan Seselja
Brockman Gichuhi Paterson Smith
Burston
Dodson

* Tellers

Question agreed to.

28 Adani coal mine

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. 672—That the Senate—

(a) notes with concern:

(i) the Adani Group’s proposed Carmichael coal mine, which would see 2.3 billion tonnes of coal dug up over 60 years,

(ii) that the amount of carbon pollution sourced from the Adani mine would significantly contribute to dangerous global warming, and further endanger the Great Barrier Reef,

(iii) Adani company’s history of corruption, tax-dodging and environmental malfeasance in their operations overseas, and now evidenced in Australia by recent accusations that Adani falsified a report into wetland pollution at Abbott Point,

(b) further notes that over 65% of Australians oppose Adani’s Carmichael coal mine, according to polling conducted on 25 January 2018; and
(c) confirms that Adani’s Carmichael coal mine should not proceed.

*Statements by leave: Senators Collins and Di Natale, by leave, made statements relating to the motion.*

Question put.

The Senate divided—

**AYES, 9**

- Bartlett
- McKim
- Rice
- Steele-John
- Di Natale
- Rhiannon
- Siewert*
- Whish-Wilson
- Hanson-Young

**NOES, 46**

- Anning
- Bernardi
- Bilyk
- Brandis
- Brockman
- Burston
- Bushby
- Cameron
- Canavan
- Carr
- Chisholm
- Collins
- Dodson
- Duniam
- Fawcett
- Ferravanti-Wells
- Fifield
- Gallagher
- Georgiou
- Gichuhi
- Hanson
- Hinch
- Hume
- Ketter
- Kitching
- Lines
- Macdonald
- Marshall
- McAllister*
- McCarthy
- McGrath
- McKenzie
- Molan
- Moore
- O’Neill
- O’Sullivan
- Paterson
- Polley
- Pratt
- Reynolds
- Ruston
- Ryan
- Scullion
- Seselja
- Smith
- Watt

*Tellers

Question negatived.

29 **Discussion of matter of public importance—Asylum seekers—Offshore detention**

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 McKim had proposed that the following matter of public importance be submitted to the Senate for discussion:

The inhumanity and cruelty of Australia’s offshore detention system, and the need to evacuate to Australia the men, women and children detained on Manus Island and Nauru.

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

30 **Australian parliamentary delegation to Kiribati and the Kingdom of Tonga—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.
31 Documents—Consideration
Documents tabled earlier today (see entry no. 2) were considered as follows:

Motion to take note of document no. 8 moved by Senator Rhiannon. Consideration to resume on Thursday at general business.

Motion to take note of document no. 9 moved by Senator Steele-John and agreed to.

32 Committee reports and government responses—Tabling and consideration
Senator Smith, on behalf of the Joint Standing Committee on Migration, tabled the following document:

Migration—Joint Standing Committee—Report—No one teaches you to become an Australian: Inquiry into migrant settlement outcomes—Corrigendum.

Pursuant to order, Senator Smith, at the request of the Chair of the Joint Standing Committee on Electoral Matters (Senator Reynolds), tabled the following report:


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

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

The Deputy Chair of the Joint Standing Committee on the National Disability Insurance Scheme (Senator Gallacher) tabled the following report and documents:

National Disability Insurance Scheme—Joint Standing Committee—Provision of services under the NDIS Early Childhood Early Intervention approach—Report, dated December 2017, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Report ordered to be printed on the motion of Senator Gallacher.

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

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

The Assistant Minister for Science, Jobs and Innovation (Senator Seselja) tabled the following document:


The following committee reports and government responses presented out of sitting (see entry no. 2, 5 February 2018) were considered:

Community Affairs References Committee—Value and affordability of private health insurance and out-of-pocket medical costs—Progress reports [2] and final report. Motion to take note of reports moved by Senator Urquhart. Debate adjourned till the next day of sitting.
Environment and Communications References Committee—Shark mitigation and deterrent measures—Report. Motion to take note of report moved by the chair of the committee (Senator Whish-Wilson). Debate adjourned till the next day of sitting.

Finance and Public Administration References Committee—Appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)—Report. Motion to take note of report moved by Senator Urquhart. Debate adjourned till the next day of sitting.

Finance and Public Administration References Committee—Delivery of National Outcome 4 of the National Plan to Reduce Violence Against Women and Their Children—Report. Motion to take note of report moved by Senator Urquhart. Debate adjourned till the next day of sitting.

Migration—Joint Standing Committee—No one teaches you to become an Australian: Inquiry into migrant settlement outcomes—Report and corrigendum. Motion to take note of report and document moved by Senator McKim and agreed to.

Community Affairs References Committee—Final report—Prevalence of different types of speech, language and communication disorders and speech pathology services in Australia—Government response. Motion to take note of document moved by Senator Urquhart. Debate adjourned till the next day of sitting.

Economics References Committee—Report—Australia’s general insurance industry: sapping consumers of the will to compare—Government response. Motion to take note of document moved by Senator Ketter. Debate adjourned till the next day of sitting.

Education and Employment References Committee—Report—Penalty rates—Government response. Motion to take note of document moved by Senator Cameron. Debate adjourned till the next day of sitting.

Environment and Communications References Committee—Report—Game on: more than playing around – The future of Australia’s video game development industry—Government response. Motion to take note of document moved by Senator Steele-John. Debate adjourned till the next day of sitting.


33 Social Services Legislation Amendment (Cashless Debit Card) Bill 2017—Explanatory memorandum—Addendum

The Minister for International Development and the Pacific (Senator Fierravanti-Wells) tabled an addendum to the explanatory memorandum relating to the Social Services Legislation Amendment (Cashless Debit Card) Bill 2017.

34 Committee membership

The Acting Deputy President (Senator Whish-Wilson) informed the Senate that the President had received a letter requesting a change in the membership of a committee.
The Minister for International Development and the Pacific (Senator Fierravanti-Wells), by leave, moved—that Senator McKenzie be discharged from the Joint Committee of Public Accounts and Audit.

Question put and passed.

A message from the House of Representatives was reported informing the Senate of the appointment of members of the House of Representatives to joint committees, as follows:

Message no. 297, dated 6 February 2018—
Joint Committee of Public Accounts and Audit, Ms Ley
Joint Standing Committee on Foreign Affairs, Defence and Trade, Ms Ley, Mr Laming, Mr van Manen and Mr DJ Chester.

35 Economics Legislation Committee—Report—Treasury Laws Amendment (National Housing and Homelessness Agreement) Bill 2017
Pursuant to order, Senator Williams, at the request of the Chair of the Economics Legislation Committee (Senator Hume), tabled the following report and documents:


Report ordered to be printed on the motion of Senator Williams.

36 Treasury Laws Amendment (Banking Executive Accountability and Related Measures) Bill 2018
Order of the day read for the adjourned debate on the motion of the Minister for Education and Training (Senator Birmingham)—That this bill be now read a second time—and on the amendment moved by Senator Whish-Wilson (see entry no. 5).

Debate resumed.

At 7.20 pm: Debate was interrupted while Senator O’Neill was speaking.

37 Adjournment
The Acting Deputy President (Senator Whish-Wilson) proposed the question—that the Senate do now adjourn.

Debate ensued.

The Senate adjourned at 9.12 pm till Wednesday, 7 February 2018 at 9.30 am.

38 Attendance
Present, all senators except Senators Cash* and Sinodinos* (*on leave).

Richard Pye
Clerk of the Senate

Published by authority of the Senate