2016-18

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

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

Auditor-General’s report for 2017-18
1. No. 50—Performance audit—Primary healthcare grants under the Indigenous Australians’ Health Program: Department of Health.

The Clerk tabled the following documents pursuant to statute:

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

A New Tax System (Family Assistance) Act 1999—
Child Care Subsidy Secretary’s Amendment Rules (No. 1) 2018 [F2018L00834].
Child Care Subsidy (What Constitutes a Session of Care) Determination 2018 [F2018L00827].
Family Assistance (Immunisation and Vaccination) (Education) Determination 2018 [F2018L00828].


A New Tax System (Family Assistance) Act 1999 and Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017—Child Care Subsidy Minister’s Amendment Rules (No. 2) 2018 [F2018L00826].

A New Tax System (Family Assistance) Act 1999—Child Care (Family Assistance) Revocation Determination (No. 2) 2018 [F2018L00837].

Agricultural and Veterinary Chemicals (Administration) Act 1992—Agricultural and Veterinary Chemicals (Administration) Amendment (Carbofuran and Trichlorfon) Regulations 2018 [F2018L00848].


Broadcasting Services Act 1992—Television Licence Area Plan (Melbourne) Variation 2018 (No. 1) [F2018L00836].


Currency Act 1965—Currency (Royal Australian Mint) Determination (No. 3) 2018 [F2018L00853].

Customs Act 1901—Customs By-law No. 1800128 [F2018L00830].

Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017—Child Care Subsidy (Transition of approved child care services) Determination 2018 [F2018L00832].

Financial Framework (Supplementary Powers) Act 1997—
Financial Framework (Supplementary Powers) Amendment (Agriculture and Water Resources Measures No. 1) Regulations 2018 [F2018L00838].
Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 2) Regulations 2018 [F2018L00839].
Financial Framework (Supplementary Powers) Amendment (Foreign Affairs and Trade Measures No. 1) Regulations 2018 [F2018L00841].
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 2) Regulations 2018 [F2018L00842].
Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 1) Regulations 2018 [F2018L00843].
Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 3) Regulations 2018 [F2018L00845].
Financial Framework (Supplementary Powers) Amendment (Veterans’ Affairs Measures No. 1) Regulations 2018 [F2018L00846].

Health Insurance Act 1973—Health Insurance (Pathology Services Table) Regulations 2018 [F2018L00852].


Migration Act 1958—
Migration Amendment (Pacific Labour Scheme) Regulations 2018 [F2018L00829].
Migration Amendment (Visa Application Charges) Regulations 2018 [F2018L00833].


Public Governance, Performance and Accountability Act 2013—
Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2015-2016 (No. 8) [F2018L00822].
Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2016-2017 (No. 8) [F2018L00823].


3 Committees—Leave to meet during sitting

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

Environment and Communications References Committee—private briefing on Wednesday, 27 June 2018, from noon, for the committee’s inquiry into the Great Barrier Reef 2050 Partnership Program.

Finance and Public Administration References Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 27 June 2018.

National Broadband Network—Joint Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Wednesday, 27 June 2018, from 4.30 pm.

National Capital and External Territories—Joint Standing Committee—on Thursday, 28 June 2018—
private meeting otherwise than in accordance with standing order 33(1), from 10 am.
private briefing, from 10.15 am.
public meeting, from 4.30 pm.

Privileges—Standing Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 28 June 2018, from 10.15 am.

4 Higher Education Support Legislation Amendment (Student Loan Sustainability) Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for International Development and the Pacific (Senator Fierravanti-Wells)—That this bill be now read a second time.

Debate resumed.

Senator Watt moved—That the debate be now adjourned.

Question put.

The Senate divided—

AYES, 29

Senators—

Bartlett  Hanson-Young  McCarthy  Siewert
Brown  Keneally  McKim  Singh
Cameron  Ketter  Moore  Smith, David
Chisholm  Kitching  O’Neill  Steele-John
Collins  Lipes  Pratt  Urquhart
Di Natale  Marshall  Rhiannon  Watt
Dodson  McAllister*  Rice  Whish-Wilson
Gallacher
Question negatived.

Debate continued.

Senator Hanson-Young moved the following amendment:

At the end of the motion, add “but the Senate notes that:

(a) the Government is at war with young people, pursuing policies that put the aspirations of young people to get a degree, own a home and pay the bills further out of reach;

(b) the Government is cutting $2.2 billion from universities around the country, without a vote in the Parliament or a mandate from the public;

(c) this bill makes students pay back more of their debt sooner, rather than doing anything to assist people with the cost of living while studying or to boost wages upon graduation; and

(d) no government that genuinely supports aspiration would make it harder to study at university”.

Debate ensued.

At 2 pm: Debate was interrupted while the Leader of Pauline Hanson’s One Nation (Senator Hanson) was speaking.

5 Questions

Questions without notice were answered.

6 Parliament House—Statement by President

The President made a statement relating to a question asked by the Leader of the Opposition (Senator Wong) on 21 June 2018 relating to an alleged incident in Parliament House.

7 Motions to take note of answers

Senator Cameron moved—that the Senate take note of the answers given by the Minister for Finance (Senator Cormann) to questions without notice asked by Senators Keneally, Sterle and Collins today relating to corporate taxation.

Debate ensued.

Question put and passed.

Senator Whish-Wilson 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 Whish-Wilson today relating to military expenditure.

Question put and passed.
8 Death of former Minister the Honourable Joseph Max Berinson, QC

The President informed the Senate of the death, on 2 June 2018, of the Honourable Joseph Max Berinson, QC, a former minister and member of the House of Representatives for the division of Perth from 1969 to 1975.

The Leader of the Government in the Senate (Senator Cormann), by leave, moved—That the Senate records its deep sorrow at the death, on 2 June 2018, of the Honourable Joseph Max Berinson QC, a former Member of the House of Representatives for the division of Perth and Minister for the Environment in the Whitlam Government, and State Member of Parliament and Attorney-General of Western Australia, 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

Senator Storer: To move on 15 August 2018—That the following bill be introduced: A Bill for an Act to amend the law relating to taxation, and for related purposes. *Treasury Laws Amendment (Improving Energy Efficiency of Rental Properties) Bill 2018*. (general business notice of motion no. 897)

The Leader of Pauline Hanson’s One Nation (Senator Hanson): To move on the next day of sitting—That the Senate calls on the Government to facilitate the building of coal-fired power stations in Queensland, New South Wales, Victoria and South Australia. (general business notice of motion no. 898)

Senator Bartlett: To move on the next day of sitting—That the Senate—(a) notes that:

(i) over 36,000 hectares have been earmarked to be bulldozed in catchments flowing into the Great Barrier Reef Marine Park under permits brought in under the previous Liberal National Party Government in Queensland, including the proposal to clear almost 2000 hectares of pristine forest on the Kingvale property in Cape York,

(ii) the Commonwealth Government has the power under the *Environment Protection and Biodiversity Conservation Act 1999* to decide whether or not this and other clearing in Great Barrier Reef Marine Park catchments should proceed,

(iii) Australian Government commitments to strengthen controls to protect bushland in Great Barrier Reef catchments were a key factor in convincing the World Heritage Committee not to place the Great Barrier Reef on the ‘in danger’ list, and

(iv) four major Australian environmental organisations have now written to the United Nations calling for an urgent investigation into the Turnbull Government’s failure to protect the Great Barrier Reef from the impacts of deforestation; and

(b) calls on the Minister for the Environment and Energy (Mr Frydenberg) to act immediately to ensure deforestation in Great Barrier Reef Marine Park catchments is properly controlled, including ruling out any clearing on the Kingvale property. (general business notice of motion no. 899)
The Leader of Derryn Hinch’s Justice Party (Senator Hinch): To move on the next day of sitting—That the Senate—

(a) notes that:

(i) kinship care is the fastest growing form of out-of-home care in Australia,

(ii) kinship carers provide the same vital service as other carers in our community – they take in vulnerable children who cannot live with their parents and provide them with a home,

(iii) despite this, kinship carers continue to experience a marginalised status when compared to other carer groups, such as foster carers, and

(iv) kinship carers are far more likely to be older, experience poorer health and have lower incomes than foster carers; and

(b) calls on the Government to:

(i) support the unique role that kinship carers fulfil in protecting and raising Australia’s vulnerable children, and

(ii) work with the states and territories to better support kinship carers through positive policies and programs. (general business notice of motion no. 900)

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

(a) notes that:

(i) over 260 million people across the globe, including around 210 million Dalits in South Asia, face Discrimination based on Work and Descent (DWD) including caste and untouchability,

(ii) as well as South Asia, significant communities also live in Japan (Burakumin), Africa, Latin America (Quilombo) and Europe (Romani),

(iii) these communities, considered as ‘lower’ in status or ‘impure’, are isolated physically, socially and politically from other communities and are structurally excluded, discriminated against and are victims of violence,

(iv) Dalit women face particularly severe forms of violence, including sexual harassment, rape and murder,

(v) Dalit children and young people face discrimination in education and employment and opportunities,

(vi) the International Labor Organization (ILO) estimates bonded labour victims in South Asia include Dalits and are particularly widespread in the mining, agriculture and garment production industries, and

(vii) even though some of these countries have constitutional provisions, they lack strong legal and legislative measures to address the concerns of exclusion and violence that Dalit, and particularly Dalit women, face;

(b) acknowledges:

(i) the draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent, by the UN Human Rights Council, and General Recommendation XXIX of the UN Committee on the Elimination of Racial Discrimination, addressing DWD, and

(ii) that the Sustainable Development Goals agenda recognises the need to reduce inequalities based on or aggravated by DWD as a crucial and measurable goal; and
calls on the Australian Government to:

(i) develop and apply sensitive approaches in times of humanitarian crisis and ensure that humanitarian aid is delivered to all marginalised groups, including people suffering from DWD,

(ii) encourage Australian business partners to promote more inclusive recruitment and management practices in countries where caste discrimination is prevalent,

(iii) strengthen the policy and human rights dialogues and promote joint initiatives to eliminate DWD with the governments of states, such as Bangladesh, India, Nepal, Pakistan, Sri Lanka, and

(iv) through Australia’s international development program, provide support for projects combating DWD as a serious human rights violation that exacerbates poverty. (general business notice of motion no. 901)

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

(a) notes that:

(i) the US President has expressed interest in visiting Australia in November,

(ii) some have called on the Government and the Presiding Officers to extend an invitation to President Trump to address a joint meeting of the Australian Parliament, and

(iii) the Speaker of the House of Commons in the United Kingdom, the Right Honourable John Bercow MP, commented in relation to Mr Trump’s postponed visit to the UK that ‘an address to both Houses of Parliament is not an automatic right, it is an earned honour… my view is that he has not earned that honour’;

(b) believes that an invitation to President Trump to visit Australia, and to address a joint meeting of the Parliament, would represent the normalisation of racism, bigotry and misogyny; and

(c) calls on the Government to rule out:

(i) extending an official invitation to President Trump to visit Australia, and

(ii) conferring him the honour of an address to a joint meeting of Parliament. (general business notice of motion no. 902)

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

(a) notes with deep concern:

(i) the suppression of human rights in Vietnam, including ongoing restrictions on civil and political rights, including freedom of expression, association and assembly, and

(ii) the ongoing harassment, arrest and detention experienced by peaceful human rights defenders in Vietnam;

(b) notes that Human Rights Watch has reported that more than 100 political prisoners are currently imprisoned for simply exercising their basic human rights, and that defenders face harassment, intimidation, surveillance and interrogation on a daily basis; and
(c) calls on the Australian Government to:
   
   (i) call for the immediate release of all people imprisoned and detained for peacefully protesting,
   
   (ii) encourage legal reform in Vietnam, including ensuring the right to defence lawyers for all detainees and an abolition of the death penalty, and
   
   (iii) provide support to local human rights defenders via regular meetings with the Department of Foreign Affairs and Trade and working with other embassies in Hanoi to ensure that travel bans against them are lifted and assaults against human rights defenders are promptly reported. (general business notice of motion no. 903)

Senator Leyonhjelm: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend laws restricting disclosure of information, and for related purposes. **Freedom of Speech Legislation Amendment (Security) Bill 2018.** (general business notice of motion no. 904)

Senator Leyonhjelm: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend various Acts to remove references to insulting or offensive conduct or things, and for related purposes. **Freedom of Speech Legislation Amendment (Insult and Offend) Bill 2018.** (general business notice of motion no. 905)

Senator Leyonhjelm: To move on the next day of sitting—That the following bill be introduced: A Bill for an Act to amend laws relating to classification and broadcasting, and for related purposes. **Freedom of Speech Legislation Amendment (Censorship) Bill 2018.** (general business notice of motion no. 906)

Senators O’Sullivan, Macdonald, Stoker and McGrath: To move on the next day of sitting—That the Senate—

   (a) acknowledges the Queensland Government’s willingness to consider proposals to open up the Galilee Basin; and
   
   (b) calls on the Queensland Government to take an impartial approach to any company willing to make a proposal. (general business notice of motion no. 907)

Senator Hanson-Young: To move on the next day of sitting—That there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources (Senator Canavan), by no later than 8 pm on 28 June 2018, documents provided as an incoming brief to the Commonwealth Environmental Water Holder, Ms Jody Swirepik. (general business notice of motion no. 908)

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

   (a) notes the funding and promotion of terrorism by the Palestinian Authority;
   
   (b) acknowledges that the sponsorship, advocacy and enabling of terrorism and acts of violence against innocent civilians is not consistent with Australian values;
   
   (c) notes the lack of transparency in the use of funds received by the Palestinian Authority from Australia, both directly and through contributions to the United Nations;
   
   (d) welcomes the letter from the Foreign Minister (Ms Bishop) of 29 May 2018, to the Palestinian Authority, raising concerns over and seeking assurances that Australian funding does not in any way enable or encourage acts of violence against Israel;
(e) recognises that, to achieve lasting peace, the so-called ‘Palestinian Authority Martyrs’ Fund’ must cease; and

(f) calls on the Australian Government to:
   (i) maintain scrupulous oversight of Australian aid to the Palestinian Territories,
   (ii) demand proper investigation of the content and delivery of education services provided by the United Nations Relief and Works Agency, and
   (iii) immediately suspend aid to the Palestinian territories, if inconsistencies continue. (general business notice of motion no. 909)

The Chair of the Environment and Communications References Committee (Senator Rice): To move on the next day of sitting—That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 4 December 2018:

Australia’s faunal extinction crisis, including:

(a) the ongoing decline in the population and conservation status of Australia’s nearly 500 threatened fauna species;

(b) the wider ecological impact of faunal extinction;

(c) the international and domestic obligations of the Commonwealth Government in conserving threatened fauna;

(d) the adequacy of Commonwealth environment laws, including but not limited to the Environment Protection and Biodiversity Conservation Act 1999, in providing sufficient protections for threatened fauna and against key threatening processes;

(e) the adequacy and effectiveness of protections for critical habitat for threatened fauna under the Environment Protection and Biodiversity Conservation Act 1999;

(f) the adequacy of the management and extent of the National Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving threatened fauna;

(g) the use of traditional knowledge and management for threatened species recovery and other outcomes as well as opportunities to expand the use of traditional knowledge and management for conservation;

(h) the adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general;

(i) the adequacy of existing monitoring practices in relation to the threatened fauna assessment and adaptive management responses;

(j) the adequacy of existing assessment processes for identifying threatened fauna conservation status;

(k) the adequacy of existing compliance mechanisms for enforcing Commonwealth environment law; and

(l) any related matters.

Senator Siewert: To move on the next day of sitting—That the following matter be referred to the Education and Employment References Committee for inquiry and report by 5 December 2018:

The appropriateness and effectiveness of the objectives, design, implementation and evaluation of jobactive, with specific reference to:

(a) the nature and underlying causes of joblessness in Australia;
(b) the methods by which Australians gain employment and their relative effectiveness;
(c) the extent of consultation and engagement with unemployed workers in the design and implementation of jobactive;
(d) the ability of jobactive to provide long-term solutions to joblessness, and to achieve social, economic and cultural outcomes that meet the needs and aspirations of unemployed workers;
(e) the fairness of mutual obligation requirements, the jobactive Job Plan negotiation process and expenditure of the Employment Fund;
(f) the adequacy and appropriateness of activities undertaken within the Annual Activity Requirement phase, including Work for the Dole, training, studying and volunteering programs and their effect on employment outcomes;
(g) the impacts and consequences of the job seeker compliance framework;
(h) the appeals process, including the lack of an employment services ombudsman;
(i) the funding of jobactive, including the adequacy of the ‘outcome driven’ funding model, and the adequacy of this funding model to address barriers to employment;
(j) alternative approaches to addressing joblessness; and
(k) any other related matters.


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

(a) notes that:
   (i) the video game monetisation mechanic known as ‘loot boxes’, which generate random digital rewards in exchange for real money, is similar to gambling, and may not be appropriate for younger audiences,
   (ii) a paper published in *Nature Human Behaviour* on 18 June 2018, entitled ‘Video game loot boxes are psychologically akin to gambling’, recommended that games that use loot boxes ‘appear to meet both the psychological and legal definitions of gambling’ and that ‘ratings agencies and gambling regulatory bodies consider restricting access to people of legal gambling age’,
   (iii) on 20 June 2018, the Netherlands put into effect its ban on loot boxes in video games, and
   (iv) on 20 April 2018, the Belgium Gaming Commission and the Dutch Gaming Authority ruled that some loot boxes are gambling; and
(b) calls on the Government, in conjunction with state and territory governments, to investigate the use of loot boxes in video games, whether they constitute gambling, and whether they are appropriate for younger audiences. (general business notice of motion no. 910)

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

(1) That a select committee, to be known as the Select Committee on Electric Vehicles, be established to inquire into and report on the following matters:

(a) the potential economic, environmental and social benefits of widespread electric vehicle uptake in Australia;

(b) opportunities for electric vehicle manufacturing and electric vehicle supply and value chain services in Australia, and related economic benefits;

(c) measures to support the acceleration of electric vehicle uptake;

(d) measures to attract electric vehicle manufacturing and electric vehicle supply and value chain manufacturing to Australia;

(e) how federal, state and territory governments could work together to support electric vehicle uptake and manufacturing, supply, and value chain activities; and

(f) any other related matters.

(2) That the committee present its final report on or before 17 October 2018.

(3) That the committee consist of six senators, two nominated by the Leader of the Government in the Senate, two nominated by the Leader of the Opposition in the Senate, one nominated by the Leader of the Australian Greens, and Senator Storer.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator;

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and

(c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(5) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(6) That Senator Storer be appointed as chair of the committee, and the committee elect a member nominated by the Leader of the Opposition in the Senate as deputy chair.

(7) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(8) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
(10) That the committee have power to appoint subcommittees consisting of three or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(11) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(13) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public. (general business notice of motion no. 911)

Senators Leyonhjelm, Burston, Hinch, Hanson, Di Natale, McAllister, Urquhart, Sterle and McCarthy: To move on the next day of sitting—That on each sitting day from 14 August 2018 until the Senate adjourns on 16 August 2018:

(a) the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 shall have precedence over all government business;

(b) until proceedings on the bill are concluded, the hours of meeting and routine of business shall be varied as follows:

(i) proposals under standing order 75 not be proceeded with,

(ii) on Tuesday, 14 August 2018:

(A) the hours of meeting shall be noon to adjournment,

(B) the routine of business from not later than 7.20 pm shall be consideration of the bill only, and

(C) the Senate shall adjourn, without debate, at 10.30 pm;

(iii) on Wednesday, 15 August 2018:

(A) the hours of meeting shall be 9.30 am to adjournment,

(B) the routine of business from not later than 7.20 pm shall be consideration of the bill only,

(C) the question for the adjournment of the Senate shall be proposed at 9.50 pm, and

(D) the Senate shall adjourn at 10.30 pm;

(iv) on Thursday, 16 August 2018:

(A) the hours of meeting shall be 9.30 am to adjournment,

(B) the routine of business from not later than 4.30 pm shall be consideration of the bill only,

(C) divisions may take place after 4.30 pm, and

(D) the Senate shall adjourn, without debate, after proceedings on the bill are concluded. (general business notice of motion no. 912)
Contingent notices of motion: Senator Anning gave contingent notices of motion as follows:

No. 1—To move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business)—That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the conduct of the business of the Senate or to provide for the consideration of any matter.

No. 2—To move (contingent on any senator objecting to a motion being taken as formal)—That so much of the standing orders be suspended as would prevent the motion being moved immediately and determined without amendment or debate.

No. 3—To move (contingent on a minister moving a motion that a bill be considered an urgent bill)—That so much of standing order 142 be suspended as would prevent debate taking place on the motion.

No. 4—To move (contingent on a minister moving a motion to specify time to be allotted to the consideration of a bill, or any stage of a bill)—That so much of standing order 142 be suspended as would prevent the motion being debated without limitation of time and each senator speaking for the time allotted by standing orders.

No. 5—To move (contingent on the chair declaring that the time allotted for the consideration of a bill, or any stage of a bill, has expired)—That so much of standing order 142 be suspended as would prevent further consideration of the bill, or the stage of the bill, without limitation of time or for a specified period.

No. 6—To move (contingent on the moving of a motion to debate a matter of urgency under standing order 75)—That so much of the standing orders be suspended as would prevent the senator moving an amendment to the motion.

No. 7—To move (contingent on the Senate on any day concluding its consideration of any item of business and prior to the Senate proceeding to the consideration of another item of business)—That so much of the standing orders be suspended as would prevent the senator moving a motion relating to the order of business on the Notice Paper.

No. 8—To move (contingent on a minister at question time on any day asking that further questions be placed on notice)—That so much of the standing orders be suspended as would prevent the senator moving a motion that, at question time on any day, questions may be put to ministers until 30 questions, including supplementary questions, have been asked and answered.

No. 9—To move (contingent on any senator being refused leave to make a statement to the Senate)—That so much of the standing orders be suspended as would prevent that senator making that statement.

No. 10—To move (contingent on any senator being refused leave to table a document in the Senate)—That so much of the standing orders be suspended as would prevent the senator moving that the document be tabled.

Notice of motion withdrawn: Senator Anning withdrew general business notice of motion no. 893 standing in his name for today, relating to euthanasia.

Committee—Extensions of time to report

The following committee was granted extensions of time to report:

Legal and Constitutional Affairs Legislation Committee—
2018-19 Budget estimates, extended to 14 August 2018.
11 Legal and Constitutional Affairs References Committee—Reference

Senator Urquhart, at the request of the Chair of the Legal and Constitutional Affairs References Committee (Senator Pratt) and pursuant to notice of motion not objected to as a formal motion, moved business of the Senate notice of motion no. 1—that the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 6 December 2018:

The practice of dowry and the incidence of dowry abuse in Australia, with particular reference to:

(a) the extent and nature of knowledge regarding cultural attitudes to, the practice of, and the prevalence of dowry in Australia, both before and after marriage;

(b) the appropriateness and impacts of dowry as a cultural practice in modern Australia, taking account of our national commitment to gender equality and human rights, and approach to multiculturalism;

(c) reports of dowry abuse, including potential links to family violence, pretext for arranged marriage, forced marriage, modern day slavery, financial abuse, domestic servitude, murder, and other crimes, as well as any connections between dowry abuse and adverse mental health outcomes for affected women, including self-harm and suicide;

(d) the adequacy of the family law system, including how divorce and property settlement proceedings deal with dowry and dowry abuse, and the operation of and need for extra-jurisdictional (including international) enforcement mechanisms;

(e) confirmed and potential links between dowry, dowry abuse and forced and/or arranged marriages, both in Australia and in connection with Australia’s migration program;

(f) the adequacy of Australia’s migration law system in terms of addressing dowry and dowry abuse, including:

   (i) the extent to which the requirements for spouse and family visas may enable or prevent dowry abuse,

   (ii) vulnerabilities experienced by women suffering dowry abuse as a result of temporary migration status, including disincentives to report dowry abuse and the ability of victims to access the family violence protections afforded by the Migration Act 1958 and associated regulations, and

   (iii) recommendations for change if necessary;

(g) training and reporting regimes that apply to Commonwealth, state and territory police forces and family violence services in relation to dowry and dowry abuse;

(h) investigation of laws and practices in international jurisdictions in relation to defining dowry and combating dowry abuse, with particular regard to how these approaches could be applied the Australian context;

(i) the adequacy of current Commonwealth, state and territory laws in establishing broadly accepted community norms and in preventing dowry abuse, and specific recommendations for change if laws need to be strengthened; and

(j) any other related matters.

Question put and passed.
12 **Rohingyan refugees**

Senator Urquhart, at the request of Senator Singh and pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 885—That the Senate—

(a) remains deeply concerned by the continued crisis facing Rohingyan refugees, especially the 500,000 children currently living in refugee camps in Bangladesh;

(b) notes:

(i) the particular vulnerability of women and children,

(ii) that many of Rakhine State’s 1.1 million Rohingyas and other minorities live in insubstantial tented camps and rely on United Nations and non-government organisation (NGO) aid for survival,

(iii) that wild weather, including monsoonal rains, is wreaking havoc – flooding low-lying areas of the camps and washing raw sewage into family homes and water supplies,

(iv) that, if necessary, refugee camps need to be located on appropriate land which can provide safety from the monsoon season, floods and disease and have adequate space for the provision of services,

(v) that the proposed camp on the Bay of Bengal silt island Bhasan Char has been criticised by humanitarian agencies concerned that the silt island is vulnerable to frequent cyclones and cannot sustain the livelihood of thousands of people; and

(c) urges the Turnbull Government to:

(i) do everything in its power to help Rohingyan refugee children and their families living in camps, by working with the Bangladesh Government to ensure their survival, health and safety, and

(ii) assist the Government of Bangladesh to make the necessary transition from emergency response to meeting the longer-term development needs of Rohingyan refugee children and their families, as well as the host community.

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.

13 **Goods and Services Tax revenue distribution—Western Australia**

Senator Georgiou, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 886—That the Senate—

(a) notes that:

(i) Western Australia receives a much lower proportion of goods and services tax (GST) revenue per capita than any other state – in 2017-18, the GST share per dollar for Western Australia was just 34 cents; no other state or territory received less than 87 cents,

(ii) on a per capita basis this equates to just $882 for every person in Western Australia compared to:

(A) $11,941 for every person in the Northern Territory, and
$4624 for every Tasmanian, $3690 for every South Australian and $2389 for every Victorian, with each of these states receiving more than three times the GST distribution per person when compared with Western Australia,

in 2016-17, Western Australia contributed 35% of the nation’s exports – by far the country’s leading state on a balance of payments basis,

Western Australia subsidises all other states and territories and, according to analysis by the Productivity Commission, over $3.6 billion a year is being drained from Western Australia,

international economic studies have shown that revenue transfers between states discourages economic development in recipient states and makes them dependent on subsidies from more economically progressive states, and

the Productivity Commission has prepared a report, at the request of the Government, into the current GST distribution system, presented to the Government on 15 May 2018 but not yet released;

recognises that it is in the interests of the nation that tax revenue be fairly distributed; and

calls on the Government to immediately table the Productivity Commission report into the GST distribution system.

Statements by leave: Senator Georgiou, the Assistant Minister to the Prime Minister (Senator McGrath) and Senators Hanson-Young and Bernardi, by leave, made statements relating to the motion.

Leave refused: The Leader of Pauline Hanson’s One Nation (Senator Hanson) sought leave to make a statement relating to the motion. An objection was raised and leave was not granted.

The Senate divided—

AYES, 6

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NOES, 47

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* Tellers

Question negatived.
14 Australian Football League in Tasmania

Senator Martin, also on behalf of Senators Williams, O’Sullivan, Abetz, Bushby, Colbeck, Duniam, McKim, Whish-Wilson, Polley, Singh, Urquhart, Bilyk and Brown, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 895—That the Senate—

(a) notes that:
   (i) 28 years after the creation of the Australian Football League’s (AFL) national competition, Tasmania remains without a team in either the men’s or women’s competitions,
   (ii) along with Victoria, South Australia and Western Australia, Tasmania is an original foundational state for Australian Rules football,
   (iii) Australian Rules football remains one of the biggest social institutions in Tasmania, and plays an important role in the health and well-being of Tasmanians, as well as supporting the strength and cohesion of communities throughout the state,
   (iv) Tasmania has been a regular and proud source of talent for the AFL and AFLW since their inception,
   (v) despite three decades of support by the community and many politicians, including the bipartisan recommendations of a Senate committee, the AFL has not committed to a Tasmanian AFL team, and
   (vi) Tasmanian football is at the crossroads and with limited talent pathways there is significant risk to community interest and enthusiasm which is compounded by increasing competition from other sports;

(b) expresses its support for the establishment and inclusion of a Tasmanian team in the AFL and AFLW at the soonest feasible opportunity; and

(c) calls on the AFL to commission new independent business plans for the inclusion of a Tasmanian team in the men’s and women’s national leagues by 2023.

Statements by leave: Senators Urquhart and McKim, by leave, made statements relating to the motion. Question put and passed.

15 United Nations International Day in Support of Victims of Torture

The Leader of the Australian Greens (Senator Di Natale), also on behalf of Senator McKim, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 888—That the Senate—

(a) acknowledges that today, 26 June 2018, marks the United Nations International Day in Support of Victims of Torture;

(b) recognises that:
   (i) a large number of refugees coming to Australia have been exposed to traumatic events, and most will have experienced multiple traumas, including war and violence, deprivation, and the death and disappearance of loved ones, and
   (ii) many will also have been subjected to torture or severe human rights violations; and
(c) acknowledges the important work that the Forum of Australian Services for Survivors of Torture and Trauma (FASSTT) performs, including the work performed by Australia’s eight specialist rehabilitation agencies in advancing the health, well-being and human rights of people from refugee backgrounds who have experienced torture and trauma.

Question put and passed.

16 **President of the United States of America**

Senator Bernardi, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 889—That the Senate—

(a) notes that the President of the United States of America, President Donald Trump, has expressed interest in visiting Australia in November; and

(b) calls on the Government and the Presiding Officers to extend an invitation to the President to address a joint meeting of the Australian Parliament.

Question put and passed.

17 **Export Control Amendment (Equine Live Export for Slaughter Prohibition) Bill 2018**

Senator Rhiannon, also on behalf of the Leader of Derryn Hinch’s Justice Party (Senator Hinch), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 890—That the following bill be introduced:

A Bill for an Act to amend the *Export Control Act 1982* to prohibit the export of live equines for slaughter, and for related purposes.

*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.

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

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

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

18 **NBN services**

Senator Steele-John, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 892—That the Senate—

(a) notes that:

(i) on 4 June 2018, Mr Bill Morrow told the Joint Standing Committee on the National Broadband Network (NBN) that NBN Co was considering instituting a fair use policy to curb the usage of some customers on fixed wireless who were using terabytes of data, and characterised these customers as being ‘predominantly gamers’,
(ii) Mr Morrow also stated that ‘when people are gaming it is a high bandwidth requirement that’s a steady stream’,
(iii) Mr Morrow also stated that, as a layer 2 company, NBN Co does not have the data to know how users are consuming data,
(iv) online video games require a very minimal amount of bandwidth at approximately 10MB per hour versus streaming a 720p video at approximately 500MB per hour, and
(v) according to NBN Co’s own webpage entitled ‘How much data does gaming use? A handful of popular examples’, published on 29 December 2016, ‘some of the biggest online games use very little data while you’re playing compared to streaming HD video or even high-fidelity audio’;

(b) acknowledges that online video game players are not to blame for the poor performance of the NBN, during peak or other times, over any NBN technology; and

(c) calls on the Government to deliver a fit-for-purpose national broadband network that meets the needs of all Australians, including those in rural, regional and remote areas.

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.

19 NBN policy—Granny flats and outbuildings

Senator Steele-John, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 894—That the Senate—

(a) notes that:

(i) on 18 January 2018, Senator Steele-John wrote to the Minister for Communications (Senator Fifield) to clarify the NBN Co’s policy on providing internet access to people living in outbuildings and granny flats,

(ii) on 22 May 2018, the Minister confirmed via return letter that ‘granny flats that share the same address as the primary residence cannot apply for a network service as it is NBN’s policy that each network service must be linked to a unique address’,

(iii) NBN Co’s policy on providing internet access to people living in outbuildings and granny flats is very inflexible to a variety of living configurations and that it is not reasonable to expect that someone who is renting a granny flat, or even extended family living at one address, should be required to share the same NBN service,

(iv) this service limitation has not been an issue with previous technologies and this limitation is not acceptable as Australia transitions to the NBN,

(v) Australians should not suffer loss of quality, flexibility, stability, or cost-effectiveness when transitioning to the NBN, particularly when this transition is ultimately not optional; and

(b) calls on the Government to deliver a fit-for-purpose national broadband network that meets the needs of all Australians, including those living in outbuildings and granny flats.
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 Comments made by the Honourable Mr Alexander Downer
Senator Hanson-Young, pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 896—That the Senate—

(a) notes that:
   (i) the Australian Financial Review published, on 25 June 2018, an opinion piece by the Honourable Alexander Downer entitled ‘An undemocratic motley crew with too much power’,
   (ii) in the opinion piece, Mr Downer referred to the Senate as not having ‘the same democratic legitimacy as the lower house’,
   (iii) Mr Downer took issue with the presumption from some current and former senators that ‘they think they have the same rights as lower house members’, and
   (iv) Mr Downer endorsed the Constitutional Review Committee’s recommendation to provide the Parliament with the power to reduce the number of senators by as much as half;

(b) further notes that:
   (i) 40% of voters from Mr Downer’s home state – South Australia – voted in the Senate for a party other than Labor or the Liberal Party at the 2016 election, and
   (ii) Mr Downer crudely slanders this clear expression of the will of the South Australian public by arguing that the crossbench is nothing more than ‘a motley group of populists who convince voters to vote for them by promising the world’, and

(c) rejects this interjection as the latest example of the Downer dynasty talking down the ability of the South Australian public to make an informed and considered voting decision.

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.

21 Ms Khalida Jarrar
Motion determined as not formal: Senator Rhiannon requested that general business notice of motion no. 891 standing in her name for today, relating to Ms Khalida Jarrar, be taken as formal. An objection was raised and the motion was not proceeded with as a formal motion.

Statements by leave: Senator Rhiannon, the Assistant Minister to the Prime Minister (Senator McGrath) and Senator Leyonhjelm, by leave, made statements relating to the motion.
The Leader of Derryn Hinch’s Justice Party (Senator Hinch), pursuant to notice of motion not objected to as a formal motion, moved general business notice of motion no. 887—That the Senate—

(a) notes:

(i) the recent suspension of Emanuel Exports’ export licence by the Department of Agriculture and Water Resources, which is an appropriate response to the company’s alleged breach of its animal welfare obligations, and

(ii) that, while it is the responsibility of each exporter to ensure that it meets these obligations, remedial action should not unnecessarily punish producers; and

(b) calls on the Government to:

(i) ensure that the West Australian farmers contracted to Emanuel Exports are compensated during the investigation process,

(ii) in the event Emanuel Exports is found to have breached its animal welfare obligations, urge the company to compensate farmers for their economic loss,

(iii) support the development of abattoirs throughout Australia, and

(iv) provide certainty for the future of Australian sheep producers by legislating for an orderly phase-out of the sheep live export trade.

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

Question put.

The Senate divided—

**AYES, 33**

Bartlett
Bilyk
Carr
Chisholm
Collins
Di Natale
Dodson
Farrell
Gallacher
Griff
Hanson-Young
Hinch
Keneally
Ketter
Kitching
Marshall
McCarthy
McKim
Moore
O’Neill
Patrick
Pratt
Rhiannon
Rice
Siewert
Singh
Smith, David
Sterle
Storer
Urquhart*
Watt
Whish-Wilson

**NOES, 30**

Abetz
Anning
Birmingham
Brockman
Burston
Bushby*
Canavan
Colbeck
Duniam
Fawcett
Fifield
Georgiou
Gichuhi
Hanson
Hume
Leyonhjelm
Macdonald
Martin
McGrath
McKenzie
Molan
O’Sullivan
Paterson
Payne
Reynolds
Ruston
Ryan
Scullion
Seselja
Stoker

* Tellers
23 Discussion of matter of public importance—Tax cuts
The President informed the Senate that the following matter of public importance submitted by Senator Collins under standing order 75 had been selected for discussion today:

Putting health and education ahead of a $7000 a year tax cut for investment bankers and a $17 billion tax cut for the banks they work for.
The proposal was supported by four senators and the matter was discussed.

24 Documents—Consideration
The document tabled earlier today (see entry no. 2) was considered as follows:

Motion to take note of document no. 1 moved by Senator Ketter. Consideration to resume on Thursday at general business.

25 Live animal exports—Document
The Leader of Derryn Hinch’s Justice Party (Senator Hinch), by leave, tabled the following document:


Statement by leave: Senator Hinch, by leave, made a statement relating to the document.

26 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, dated June 2018, and documents:

2018-19 Budget estimates—
Economics Legislation Committee—Report.
Education and Employment Legislation Committee—Report, Hansard record of proceedings and documents presented to the committee.
Environment and Communications Legislation Committee—Report.
Foreign Affairs, Defence and Trade Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.
Rural and Regional Affairs and Transport Legislation Committee—Report, Hansard record of proceedings, documents presented to the committee and additional information.

Senator Bushby, at the request of the Chair of the Economics Legislation Committee (Senator Hume), tabled the following document:


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

Senator Bushby moved—that the Senate take note of the report. Debate ensued. Question put and passed.

The Deputy President (Senator Lines) tabled the following report:


Senator Lines moved—that the Senate adopt the recommendation in the report. Question put and passed.

Accordingly, the standing orders were amended in the terms of the continuing order agreed to on 7 December 2017 (see entry no. 32, 7 December 2017).

Pursuant to order, the Chair of the Environment and Communications References Committee (Senator Whish-Wilson) tabled the following report and documents:

Environment and Communications References Committee—Never waste a crisis: the waste and recycling industry in Australia—Report, dated June 2018, Hansard record of proceedings, documents presented to the committee, additional information and submissions.

Senator Whish-Wilson moved—that the Senate take note of the report. Question put and passed.

Senator McAllister, on behalf of the Joint Standing Committee on the National Disability Insurance Scheme, tabled the following report and documents:

National Disability Insurance Scheme—Joint Standing Committee—Provision of hearing services under the National Disability Insurance Scheme—Final report, dated June 2018, Hansard record of the proceedings and additional information.

Senator McKim moved—that the Senate take note of the report. Debate adjourned till the next day of sitting, Senator McKim in continuation.

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


Senator Rice moved—that the Senate take note of the document. Debate ensued.

Debate adjourned till the next day of sitting, Senator Dean Smith in continuation.
The Minister for Indigenous Affairs (Senator Scullion) tabled the following documents:


Community Affairs References Committee—
Effectiveness of the Aged Care Quality Assessment and accreditation framework for protecting residents from abuse and poor practices, and ensuring proper clinical and medical care standards are maintained and practised—Interim report—Government response, dated June 2018.
Intelligence and Security—Joint Statutory Committee—Government responses to advisory reports—
Foreign Influence Transparency Scheme Bill 2017.

27 Future Submarine Project—Final cost estimate template—Order for production of documents—Document
The Minister for Indigenous Affairs (Senator Scullion) tabled the following document:
Future Submarine Project—Final cost estimate template—Order agreed to on 20 June 2018—Letter to the President of the Senate from the Minister for Defence (Senator Payne), dated 25 June 2018, responding to the order and raising public interest immunity claims.

28 Committee membership
The Deputy President (Senator Lines) informed the Senate that the President had received a letter requesting changes in the membership of a committee.
The Minister for Indigenous Affairs (Senator Scullion), by leave, moved—That Senator Whish-Wilson be discharged from and Senator Rhiannon be appointed to the Joint Standing Committee on Foreign Affairs, Defence and Trade.
Question put and passed.

29 Counter-Terrorism Legislation Amendment Bill (No. 1) 2018
Treasury Laws Amendment (2018 Measures No. 2) Bill 2018
Messages from the House of Representatives were reported transmitting for the concurrence of the Senate the following bills:
Message no. 418, dated 25 June 2018—A Bill for an Act to amend the law relating to corporations, consumer credit and taxation, and for related purposes.
The Minister for Indigenous Affairs (Senator Scullion) moved—that these bills may proceed without formalities, may be taken together and be now read a first time.
Question put and passed.
Bills read a first time.
Senator Scullion moved—that these bills be now read a second time.
On the motion of Senator Scullion the debate was adjourned till the next day of sitting. Consideration of legislation: Senator Scullion moved—that the bills be listed on the Notice Paper as separate orders of the day. Question put and passed.

30 Legal and Constitutional Affairs Legislation Committee—Proposed reference

Senator McKim, pursuant to notice, moved business of the Senate notice of motion no. 2—that the provisions of the following bills be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 14 August 2018:

(a) National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017; and

(b) Foreign Influence Transparency Scheme Bill 2017.

Debate ensued.

Question put.

The Senate divided—

AYES, 17

Senators—

Bartlett
Bernardi*
Di Natale
Georgiou
Griff

Hanson
Hanson-Young
Hinch
Leyonhjelm

McKim
Patrick
Rhiannon
Rice

Siewert
Steele-John
Storor
Whish-Wilson

NOES, 39

Senators—

Abetz
Birmingham
Brockman
Burston
Bushby
Cameron
Chisholm
Colbeck
Collins
Duniam

Farrell
Fawcett
Fifield
Gallacher
Gichuhi
Hume
Keneally
Ketter
Kitching
Lines

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

Reynolds
Scullion
Singh
Smith, David
Smith, Dean
Sterle
Stoker
Urquhart*
Watt

* Tellers

Question negatived.

31 Higher Education Support Legislation Amendment (Student Loan Sustainability) Bill 2018

Order of the day read for the adjourned debate on the motion of the Minister for International Development and the Pacific (Senator Fierravanti-Wells)—That this bill be now read a second time—and on the amendment moved by Senator Hanson-Young (see entry no. 4).

Debate resumed.

At 7.20 pm: Debate was interrupted while Senator Bartlett was speaking.
32 Adjournment
The Acting Deputy President (Senator Leyonhjelm) proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 7.57 pm till Wednesday, 27 June 2018 at 9.30 am.

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

Richard Pye
Clerk of the Senate