THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 142

WEDNESDAY, 3 APRIL 2019

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

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

Government documents


The Clerk tabled the following documents pursuant to statute:

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

- *Aboriginal and Torres Strait Islander Act 2005*—Torres Strait Regional Authority (Election of Officeholders) Regulations 2019 [F2019L00484].
- *Australian Broadcasting Corporation Act 1983*—Statement under section 24X.
- *Carbon Credits (Carbon Farming Initiative) Act 2011*—Carbon Credits (Carbon Farming Initiative) Amendment Rule (No. 1) 2019 [F2019L00504].
- *Federal Financial Relations Act 2009*—
  - Federal Financial Relations (General Purpose Financial Assistance) Determination No. 120 (February 2019) [F2019L00486].
  - Federal Financial Relations (General Purpose Financial Assistance) Determination No. 121 (March 2019) [F2019L00485].
Greenhouse and Energy Minimum Standards Act 2012—

Greenhouse and Energy Minimum Standards (Registration Fees) Act 2012—

Health Insurance Act 1973—
Health Insurance (Medicare Compliance Shared Debt) Instrument 2019 [F2019L00503].
Health Insurance (Section 3C General Medical Services – Blue Light Cystoscopy) Determination 2019 [F2019L00502].

Industry Research and Development Act 1986—


Private Health Insurance Act 2007—Private Health Insurance (Benefit Requirements) Amendment Rules (No. 3) 2019 [F2019L00493].

Public Governance, Performance and Accountability Act 2013—
Corporate Commonwealth entity acquires shares in a company—
Cann Group Ltd—2 April 2019.
Digital Agriculture Services Pty Ltd—2 April 2019.
V2 Food Pty Ltd—2 April 2019.

Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988—

The Clerk tabled the following documents pursuant to order:

Departmental and agency appointments and vacancies—Budget estimates 2019-20—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Environment and Energy portfolio.
Prime Minister and Cabinet portfolio (Indigenous Affairs Group).
Treasury portfolio.

Departmental and agency grants—Budget estimates 2019-20—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Department of Human Services.
Environment and Energy portfolio.
National Blood Authority.
Prime Minister and Cabinet portfolio (Indigenous Affairs Group).
Treasury portfolio.

Estimates hearings—Unanswered questions on notice—Additional estimates 2018-19—Statement pursuant to the order of the Senate of 25 June 2014—

Australian Signals Directorate.
Communications and the Arts portfolio.
Department of Defence.
Department of Veterans’ Affairs.
Education and Training portfolio.
Environment and Energy portfolio.
Infrastructure, Regional Development and Cities portfolio.
Treasury portfolio.

3 Committees—Leave to meet during sitting

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

Economics Legislation and References Committees—private meeting otherwise than in accordance with standing order 33(1) from 4.30 pm.

Law Enforcement—Joint Statutory Committee—
private briefing, from 11 am.
private meeting otherwise than in accordance with standing order 33(1), from 5 pm.

4 Hours of meeting and routine of business—Variation

The Minister for Communications and the Arts (Senator Fifield), pursuant to notice, moved government business notice of motion no. 1—That, on Wednesday, 3 April 2019:

(1) The routine of business from 9.30 am to 2 pm and from 3.30 pm to 5 pm shall be:

(a) consideration of:

(i) a censure motion concerning Senator Anning,
(ii) a motion to be moved by a minister relating to gun control, and
(iii) the notice of motion standing in the name of the Leader of the Government in the Senate (Senator Cormann) relating to the qualification of senators under section 44 of the Constitution;
(b) consideration of the following bills and a related order of the day:

Appropriation Bill (No. 3) 2018-2019
Appropriation Bill (No. 4) 2018-2019
Appropriation (Parliamentary Departments) Bill (No. 2) 2018-2019
Advances provided under the annual Appropriation Acts—Report for 2017-18
Supply Bill (No. 1) 2019-20
Supply Bill (No. 2) 2019-20
Supply (Parliamentary Departments) Bill (No. 1) 2019-20
Social Services Legislation Amendment (Energy Assistance Payment) Bill 2019
Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2019
Treasury Laws Amendment (Increasing the Instant Asset Write Off for Small Business Entities) Bill 2019
Treasury Laws Amendment (North Queensland Flood Recovery) Bill 2019
Governor-General Amendment (Salary) Bill 2019
Foreign Influence Transparency Scheme Amendment Bill 2019
Export Finance and Insurance Corporation Amendment (Support for Infrastructure Financing) Bill 2019
Treasury Laws Amendment (Mutual Reforms) Bill 2019
Treasury Laws Amendment (Making Sure Foreign Investors Pay Their Fair Share of Tax in Australia and Other Measures) Bill 2019
Income Tax (Managed Investment Trust Withholding Tax) Amendment Bill 2018
Income Tax Rates Amendment (Sovereign Entities) Bill 2018
Corporations Amendment (Strengthening Protections for Employee Entitlements) Bill 2018
Treatment Benefits (Special Access) Bill 2019
Treatment Benefits (Special Access) (Consequential Amendments and Transitional Provisions) Bill 2019
Criminal Code Amendment (Sharing of Abhorrent Violent Material) Bill 2019
Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019
Treasury Laws Amendment (Design and Distribution Obligations and Product Intervention Powers) Bill 2018
Treasury Laws Amendment (2019 Petroleum Resource Rent Tax Reforms No. 1) Bill 2019
Customs Tariff Amendment (Craft Beer) Bill 2019
Treasury Laws Amendment (2019 Measures No. 1) Bill 2019
Excise Tariff Amendment (Supporting Craft Brewers) Bill 2019
Australian Business Securitisation Fund Bill 2019; and
(c) consideration of the notice of motion standing in the name of Senator Farrell for the disallowance of item 4 of the Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019 [F2019L00177].

(1A) In respect of the motion listed under subparagraph(1)(a)(i):

(a) senators speaking in the debate may speak for not more than 10 minutes each; and

(b) the motion shall be determined without amendment.

(2) Divisions may take place between 12.45 pm and 2 pm.

(3) If, by 5 pm, the matters listed in paragraph (1) have not been finally considered, any questions required to dispose of the matters shall be put without debate at the conclusion of the items listed in paragraph (5).

(4) Paragraph (3) of this order shall operate as a limitation of debate under standing order 142 in respect of each of the bills.

(5) From 5 pm, the routine of business shall be as follows:

(a) first speeches by Senators Askew and Spender, without any question before the chair; and

(b) valedictory statements relating to Senators Scullion, Moore and Cameron.

(6) Immediately after the valedictory statements, or after the determination of any questions in accordance with paragraph (3), whichever is the later, party leaders and independent senators may make responses to the Budget statement and documents for not more than 20 minutes each.

(7) The question for the adjournment shall be proposed after the conclusion of responses to the Budget statement and documents.

The Leader of the Opposition in the Senate (Senator Wong) moved the following amendment:

After paragraph (1)(a), insert:

(aa) the following motions being put sequentially, and determined without amendment or debate:

(i) general business notice of motion no. 1430 standing in the name of the Leader of the Opposition in the Senate (Senator Wong) relating to racism, extremism and hate speech,

(ii) general business notice of motion no. 1450 standing in the names of Senators Watt and Cameron relating to Senator Cash answering questions at estimates related to her former role as Minister for Employment, and

(iii) general business notice of motion no. 1470 standing in the name of Senator O’Neill relating to the appearance of witnesses before the Foreign Affairs, Defence and Trade Legislation Committee at budget estimates hearings on Friday, 5 April 2019, and

(ab) consideration of a motion to be moved by the Leader of the Australian Greens (Senator Di Natale), relating to the conduct of a senator.

Debate ensued.
Senator Storer moved the following amendment to Senator Wong’s proposed amendment:

After subparagraph (aa)(iii), insert:

(iv) general business notice of motion no. 1466, relating to a Parliamentary Transparency Charter;

Question—That Senator Storer’s amendment to Senator Wong’s proposed amendment be agreed to—put and passed.

The question on Senator Wong’s proposed amendment, as amended, was divided at the request of Senators Griff and Fifield—

Question—That subparagraphs (aa)(i) and (ii) of the amendment be agreed to—put.

The Senate divided—

**AYES, 35**

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* Tellers

Question agreed to.

Question—That subparagraph (aa)(iii) of Senator Wong’s amendment be agreed to—put.

The Senate divided—

**AYES, 33**

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* Tellers

Question agreed to.
The ayes and noes were equal and so the question was negatived.

Question—That paragraph (aa)(iv) of Senator Wong’s amendment be agreed to—put and passed.

Question—That paragraph (ab) of Senator Wong’s amendment be agreed to—put and passed.

Senator Griff moved the following amendment:

After paragraph (ab), insert:

(ac) the following motions being put sequentially, and determined without amendment or debate:

(i) general business notice of motion no. 1428 standing in the name of Senator Griff relating to an order for production of documents,

(ii) general business notice of motion no. 1429 standing in the name of Senator Griff relating to the introduction of the Australian Institute of Health and Welfare Amendment (Assisted Reproductive Treatment Statistics) Bill 2019,

(iii) general business notice of motion no. 1443 standing in the name of Senator Patrick relating to AFL Women’s competition, and

(iv) general business notice of motion no. 1444 standing in the name of Senator Patrick relating to the Murray Darling Royal Commission.

Question—That Senator Griff’s amendment be agreed to—put and passed.

Main question, as amended, put.

The Senate divided—

**AYES, 55**

Senators—

Abetz  Dodson  Macdonald  Ryan
Anning  Duniam  Marshall  Scullion
Askew  Ferravanti-Wells  Martin  Seselja
Bernardi  Fifield  McAllister  Sinodinos
Bilyk  Gallacher  McCarthy  Smith, David
Birmingham  Georgiou  McKenzie  Smith, Dean*
Brockman  Gichuhi  Molan  Sterle
Burston  Griff  Moore  Stoker
Cameron  Hinch  O’Neill  Storer
Canavan  Hume  Paterson  Urquhart
Carr  Keneally  Patrick  Watt
Ciccone  Ketter  Polley  Williams
Colbeck  Kitching  Pratt  Wong
Cormann  Lines  Ruston

* Tellers
5 Proposals to suspend a senator—Statement by President

The President made a statement relating to the powers, privileges and immunities of the Senate, and reported proposals to suspend a senator from the Senate.

Statement by leave: The Leader of the Australian Greens (Senator Di Natale), by leave, made a statement relating to the matter.

6 Senator Anning—Censure

The Minister for Finance and the Public Service (Senator Cormann) and also on behalf of the Leader of the Opposition in the Senate (Senator Wong), moved government business notice of motion no. 2—That the Senate—

(a) notes:

(i) Article 18 of the Universal Declaration of Human Rights states that ‘Everyone has the right to freedom of thought, conscience and religion; this right includes...freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance’;

(ii) religious persecution knows no geographic or sectarian boundaries and it afflicts religious believers of virtually every faith, on every continent,

(iii) the strong statements made across the nation, led by the Prime Minister and the Leader of the Opposition, that violence such as that witnessed in Christchurch is an affront on our common humanity, and

(iv) in the face of attacks designed to sow division, our responses must bring us together, recognising an attack on any religion is an attack on all religions and that we all share a responsibility to unite, condemn and defeat such an attack on our common values and way of life;

(b) calls on all Australians to stand against hate and to publicly, and always, condemn actions and comments designed to incite fear and distrust;

(c) endorses the statement of the Imam Hasan Centre following the attacks in Christchurch that ‘It is times like this that we lose hope and doubt humanity. When people of faith come under attack in such a way it shows us how low humanity can fall. However it never ceases to amaze how far humanity can rise after such despicable events’; and

(d) censures Senator Anning for his inflammatory and divisive comments seeking to attribute blame to victims of a horrific crime and to vilify people on the basis of religion, which do not reflect the opinions of the Australian Senate or the Australian people.

Debate ensued.

The question was divided at the request of Senator Spender—

Question—That paragraphs (a) to (c) of the motion be agreed to—put and passed.

Question—That paragraph (d) of the motion be agreed to—put and passed.
7 National firearms agreement

The Minister for Finance and the Public Service (Senator Cormann), also on behalf of the Leader of the Opposition in the Senate (Senator Wong), pursuant to notice, moved government business notice of motion no. 3—That the Senate—

(a) notes that:

(i) following the horrific 1996 Port Arthur mass shooting, the Howard Government, with bipartisan support and with the support of Australia’s state and territory Governments, implemented world-leading national gun law reform which has made Australia safer, including through:

(A) a National Firearms Agreement that banned the sale, resale, transfer, ownership, possession, manufacture and use of those firearms, such as semi-automatic and fully automatic firearms, banned or proposed to be banned from import other than in exceptional circumstances,

(B) establishment or enhancements to existing registration systems, effectively creating a national registration system between jurisdictions,

(C) an amnesty and gun buyback period during which prohibited and unregistered weapons could be surrendered, and

(D) basic licence requirements and licence categories, and

(ii) in 2017, the Coalition Government conducted a further national firearm amnesty, which resulted in 57,324 firearms being handed in – of those, 33,044 (57.6%) were subsequently registered, 4,106 (7.2%) were sold and 20,174 (35.2%) were destroyed;

(b) acknowledges the deep sense of shock, horror and sadness felt by all Australians following the Port Arthur mass shooting and empathises with the deep hurt and sense of loss which continues to be felt by the many survivors and the families and friends of the victims of the Port Arthur massacre back in 1996; and

(c) reaffirms its unequivocal commitment to the national gun law reforms implemented in 1996, which have stood the test of time and demonstrably made Australia a safer place for all Australians.

Debate ensued.

The question was divided at the request of Senator Spender—

Question—That paragraphs (a) and (c) of the motion be agreed to—put and passed.

Question—That paragraph (b) of the motion be agreed to—put and passed.
8 Senators’ qualifications—Sections 44 and 45 of the Constitution—Register

The Minister for Finance and the Public Service (Senator Cormann), pursuant to notice, moved government business notice of motion no. 4—That the Senate require all senators to provide statements in relation to disqualification under sections 44 or 45 of the Constitution in the following terms:

Senators’ qualifications

Register of Senators’ qualifications relating to sections 44 and 45 of the Constitution

(1) The Registrar of Senators’ Interests shall, in accordance with procedures determined by the Standing Committee of Senators’ Interests, maintain a Register of senators’ qualifications (the Register), comprising material:

(a) provided by senators elected or appointed during the 45th Parliament, and entered into the Register of Senators’ Interests as ‘Statements in relation to citizenship’;

(b) tabled on behalf of the Australian Electoral Commission in accordance with s.181B of Part XIV of the Commonwealth Electoral Act 1918 in respect of elected senators;

(c) provided by senators appointed to fill casual vacancies, in a disclosure form prescribed by the Standing Committee of Senators’ Interests; and

(d) provided by senators in accordance with the obligation to provide an attestation, supplementary information, or a statement under paragraphs (5), (6), (7) or (8).

(2) Other than as provided for in this order, the Standing Committee of Senators’ Interests has the same powers and functions in relation to the Register as it does in relation to the Register of Senators’ Interests.

(3) The Registrar shall publish the Register and any supplementary information as soon as practicable after a senator has provided documents to the Registrar, or after tabling of documents on behalf of the Australian Electoral Commission.

(4) The Registrar shall remove information from the published copy of the Register when a senator ceases to hold office as a senator.

Requirement to provide statements and supplementary information

(5) Within 28 days of making and subscribing an oath or affirmation in accordance with section 42 of the Constitution, each elected senator shall provide to the Registrar a statement attesting to the Senate the accuracy and completeness of the material provided to, and tabled on behalf of, the Australian Electoral Commission in respect of the senator’s last nomination for election in accordance with Part XIV of the Commonwealth Electoral Act 1918.

(6) In making an attestation in accordance with paragraph (5), a senator may provide supplementary material. Supplementary material may augment, explain, or correct earlier information, but must not result in removal from the Register of material that was previously entered on the Register.

(7) Within 28 days of making and subscribing an oath or affirmation in accordance with section 42 of the Constitution, each senator appointed to fill a casual vacancy shall provide to the Registrar a statement disclosing qualifications related to sections 44 and 45 of the Constitution.
(8) If a senator becomes aware that information they have attested to, in accordance with paragraphs (5) or (7), or subsequently provided in accordance with paragraph (6), can no longer be regarded as accurate, the senator shall provide supplementary material to the Registrar as soon as practicable, but no later than 28 days, after the senator becomes aware of the inaccuracy. Such supplementary material does not cause earlier material to be removed from the Register.

(9) The Standing Committee of Senators’ Interests shall prescribe a form or forms for the purposes of paragraphs (5), (6), (7) or (8), which shall be consistent with the disclosure requirements in Part XIV of the Commonwealth Electoral Act 1918.

**Consideration of possible disqualification matters**

(10) The Senate will deal with any question concerning a senator’s qualification under the Constitution only in accordance with the following procedures, and not otherwise.

(11) If a senator becomes aware of circumstances that give rise to a possible disqualification under sections 44 or 45, arising from facts not disclosed either on the Register during the immediate preceding Parliament, or in accordance with Part XIV of the Commonwealth Electoral Act 1918, the senator may provide a statement of those circumstances to the President. Any material redacted from the material entered onto the Register, including redactions from documents tabled on behalf of the Australian Electoral Commission is taken not to have been disclosed.

(12) If, and only if, a matter satisfies the conditions in paragraph (11), the President shall, as soon as practicable, report the matter to the Senate, and the senator who raised the matter may give notice of a motion to refer the matter to the Standing Committee of Senators’ Interests for inquiry and report.

(13) Before reporting on such a matter, the Standing Committee of Senators’ Interests shall provide a reasonable opportunity for a senator affected by the reference to respond to the allegations, to the evidence before the committee, and to any recommendation the committee proposes to make.

(14) If, on the evidence before it, the Standing Committee of Senators’ Interests considers that there is sufficient doubt about a senator’s qualifications, then the committee may recommend that the matter be referred to the Court of Disputed Returns under section 376 of the Commonwealth Electoral Act 1918; however, the Standing Committee of Senators’ Interests shall not make such a recommendation unless it determines that the question arises from facts not disclosed either on the Register during the immediate preceding Parliament, or in accordance with Part XIV of the Commonwealth Electoral Act 1918.

(15) When a question respecting a senator’s qualification turns solely upon the interpretation or application of foreign citizenship law, the Standing Committee of Senators’ Interests shall not recommend that the question be referred to the Court of Disputed Returns unless the committee has taken evidence from experts in the relevant foreign law and the committee considers there is a sufficient possibility that the senator is or was a foreign citizen under the relevant foreign law at the relevant time.
Referral to Court of Disputed Returns

(16) Notwithstanding anything contained in the standing orders or any other resolution, no senator may move a motion to refer any question to the Court of Disputed Returns under section 376 of the Commonwealth Electoral Act 1918 unless the Standing Committee of Senators’ Interests has considered whether the matter be so referred and reported to the Senate. After the committee has made such a report, a senator may, without notice, move to refer the matter to the Court of Disputed Returns.

False statements or omissions regarded as contempt

(17) Any senator who:
   (a) knowingly fails to provide the material required by this resolution to the Registrar within the required timeframe; or
   (b) knowingly fails to correct an inaccuracy in any material within the required timeframe; or
   (c) knowingly provides false or misleading information to the Registrar;
   shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly.

(18) A question of whether any senator has committed such a serious contempt shall first be referred to the Standing Committee of Privileges for inquiry and report.

(19) This order is of continuing effect.
Debate ensued.
Question put and passed.

9 Electoral preferences
The Leader of the Opposition in the Senate (Senator Wong), pursuant to notice, moved general business notice of motion no. 1430—That the Senate—
   (a) notes that racism, extremism and hate speech have no place in our Australian democracy; and
   (b) calls on all Australian political parties to put candidates and political parties that support these views, including One Nation, last on their electoral preferences in the upcoming Federal election.

Statements by leave: Senator Wong and the Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made statements relating to the motion.
Question put and passed.

10 Education and Employment Legislation Committee—Estimates hearings—
Attendance of minister
Senators Urquhart, at the request of Senators Watt and Cameron, pursuant to notice, moved general business notice of motion no. 1450—That the Senate—
   (a) notes that:
      (i) on 24 October 2017, an unauthorised leak to the media occurred concerning an upcoming raid by the Australian Federal Police and Registered Organisations Commission on the offices of the Australian Workers Union,
(ii) the then Minister for Employment, Senator Cash, appeared before the Education and Employment Legislation Committee at the 2017-18 supplementary Budget estimates hearing on 25 October 2017, and misled the Senate five times regarding her office’s involvement in the leak, and has since refused to correct the record,

(iii) Senator Cash has since relied on this evidence, including by providing it in a letter to the Australian Federal Police,

(iv) since giving evidence:
   
   (A) former personal staff of Senator Cash have made admissions in court, under oath, about their role in leaking confidential information concerning the raid,
   
   (B) the Australian Federal Police gave evidence at the 2018-19 additional estimates that Senator Cash sent them a letter in relation to their investigation into the leak which they would not classify as a witness statement, that she refused to provide a witness statement despite at least two requests to do so, and that there was a prima facie case to support a conviction for a criminal offence in relation to the leak, beyond reasonable doubt, and
   
   (C) the Commonwealth Director of Public Prosecutions gave evidence at the 2018-19 additional estimates that there was a prima facie case to support a conviction for a criminal offence, it was in the public interest to prosecute an offence in relation to the leak, it did not pursue a prosecution because there were not reasonable prospects of a conviction, the failure of certain witnesses to provide witness statements was a factor in it deciding there were not reasonable prospects of a conviction, and Senator Cash did not provide a witness statement to the Australian Federal Police, and

(v) notes that paragraph 1.3 (iv) of the Ministerial Standards states “Ministers must accept the full implications of the principle of ministerial responsibility. They will be required to answer for the consequences of their decisions and actions”; and

(b) requires Senator Cash to attend the 2019-20 Budget estimates hearings of the Education and Employment Legislation Committee on Friday, 5 April 2019, in order to answer questions relating to her in relation to her former portfolio responsibilities and provide a full and frank explanation to the Senate regarding the inconsistencies between her original evidence to the committee, and:

   (i) new evidence provided by former members of her staff in court, under oath, in relation to her office’s involvement, and

   (ii) subsequent evidence given by the Australian Federal Police and the Commonwealth Director of Public Prosecutions at the 2018-19 additional estimates.

Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put.
The Senate divided—

AYES, 34

Senators—

Bilyk  Griff  McKim  Smith, David
Cameron  Hanson-Young  Moore  Steele-John
Carr  Hinch  O’Neill  Storer
Chisholm  Ketter  Patrick  Urquhart*
Ciccone  Kitching  Polley  Waters
Di Natale  Lines  Pratt  Watt
Dodson  Marshall  Rice  Whish-Wilson
Faruqi  McAllister  Siewert  Wong
Georgiou  McCarthy

NOES, 29

Senators—

Abetz  Fawcett  McGrath  Scullion
Anning  Fierravanti-Wells  McKenzie  Seselja
Askew  Fifield  Molan  Sinodinos
Birmingham  Gichuhi  Paterson  Smith, Dean*
Burston  Hume  Payne  Spender
Canavan  Macdonald  Ruston  Stoker
Colbeck  Martin  Ryan  Williams
Duniam

* Tellers

Question agreed to.

11 Proposed Parliamentary Transparency Charter

Senator Storer, pursuant to notice, moved general business notice of motion no. 1446—

(1) That the Senate adopts the following Parliamentary Transparency Charter:

Parliamentary Transparency Charter

Preamble

Transparency is essential for a well-functioning democracy. The (House of Representatives and the) Senate commit to pursuing the following transparency reforms to improve the integrity of, and public confidence in, our national government.

Reforms

National Integrity Commission

Establish an independent National Integrity Commission to oversee the activities of public officials and empowered to conduct public hearings and make public findings of fact.

Real-time disclosure of political donations above $1,000

Amend political donation laws to require disclosure of donations above $1,000 by recipients in as close to ‘real-time’ as practical.

Enhanced freedom of information arrangements

Boost funding to the Office of the Australian Information Commissioner and FOI units within departments and agencies and improve FOI review processing times.
**Enhanced whistleblower protections**

Further consolidate the whistleblower protection regime and enhance existing whistleblower protections.

**Overhaul lobbyist rules**

Legislate lobbying code of conduct and require lobbyists to disclose who they meet with and the subject matter of their meeting on a monthly basis. Expand lobbyist register to include in-house lobbyists.

**Conduct standards for parliamentarians**

Develop a Statement of Parliamentarian Standards, modelled on the Statement of Ministerial Standards, applicable to all parliamentarians.

**Parliamentary Integrity Commissioner**

Establish an independent Parliamentary Integrity Commissioner, empowered to enforce standards of parliamentary conduct, oversee interest disclosure requirements and deal with allegations of misuse of public funds, blatant falsehoods in political advertising, and breaches of lobbyist rules.

(2) That this resolution be communicated to the House of Representatives for concurrence.

*Statements by leave:* Senators Storer, O’Neill, Spender and Waters, by leave, made statements relating to the motion.

Question put.

The Senate divided—

**AYES, 13**

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**NOES, 44**

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<td>Marshall</td>
<td>Ruston</td>
<td>Williams</td>
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* Tellers

Question negatived.
12 Conduct of a senator—Proposed suspension

The Leader of the Australian Greens (Senator Di Natale) moved—That—

(a) the Senate—

(i) notes with alarm the shameful comments made by Senator Anning following the Christchurch terror attacks,

(ii) further notes that it has censured Senator Anning for his inflammatory and divisive comments seeking to attribute blame to victims of a horrific crime and, to vilify people on the basis of religion and invoking the final solution while speaking in the Senate, which do not reflect the opinions of the Australian Senate or the Australian people, and

(iii) is further horrified that Senator Anning continues to use the chamber to vilify Muslims, as evidenced by his hateful speech on 3 April 2019 in response to a censure motion against him, and

(b) Senator Anning be suspended from the sittings of the Senate and its committees for a period of one day.

Debate ensued.

The question was divided at the request of the Assistant Minister for International Development and the Pacific (Senator Ruston)—

Question—that paragraph (a) of the motion be agreed to—put and passed.

Question—that paragraph (b) of the motion be agreed to—put.

The Senate divided—

AYES, 10

Senators—

Di Natale McKim Steele-John Waters
Faruqi Rice Storer Whish-Wilson
Hanson-Young Siewert*

NOES, 40

Senators—

Anning Dodson Kitching Payne
Ashby Dunaian Lines Pratt
Bernardi Ferravanti-Wells Martin Ruston
Bilyk Fifield McAllister Ryan
Burston Gallagher McCarthy Sinodinos
Cameron Georgiou Molan Smith, David
Carr Griff Moore Smith, Dean
Chisholm Hinch O’Neill Spender
Ciccone Hume Paterson Stoker
Colbeck Ketter* Patrick Watt

*Tellers

Question negatived.

13 Universal Service Obligation—Order for production of documents

Senator Griff, pursuant to notice, moved general business notice of motion no. 1428—

That the Senate—

(a) notes that:

(i) on 12 February 2019, the Senate made an order for the production of documents relating to the Universal Service Obligation (USO),
(ii) the documents requested included:

(A) the high-level cost modelling of the USO reform options, and

(B) the advice provided by NBN Co about the financial costs of servicing additional ADSL customers,

(iii) the documents were sought in the context of critical reports on the USO and the reduction in the number of pay phones nationally, and the annual payments made to Telstra to maintain services under the current USO arrangements, and

(iv) the Federal Government does not intend to change the current USO arrangements, despite the continued decline of payphone usage in Australia;

(b) further notes that:

(i) on 14 February 2019, the Minister for Communications and the Arts (the Minister) advanced a public interest immunity claim on the grounds that releasing the cost modelling could significantly compromise potential negotiations with industry in future,

(ii) the Minister refused to release NBN Co’s advice on the basis that it could prejudice it in future commercial dealings, and

(iii) no documents have been tabled;

(c) does not accept that the order for the production of documents made on 12 February 2019 has been adequately dealt with, insofar as the material requested would include information that is not commercially sensitive;

(d) does not accept that public interest immunity has been appropriately advanced, and calls on the Minister to review the nature of the documents ordered on 12 February 2019 and apply a higher test of ‘real risk’ rather than hypothesised risk; and

(e) orders that there be laid on the table by the Minister for Communications and the Arts, by midday on 5 April 2019, the documents requested on 12 February 2019 which do not impinge on commercial sensitivities.

Statement by leave: The Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made a statement relating to the motion.

Question put and passed.

14 Australian Institute of Health and Welfare Amendment (Assisted Reproductive Treatment Statistics) Bill 2019

Senator Griff, pursuant to notice, moved general business notice of motion no. 1429—

That the following bill be introduced:

A Bill for an Act to amend the Australian Institute of Health and Welfare Act 1987, and for related purposes.

Question put and passed.

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

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

15 AFL Women’s league competition

Senator Patrick, pursuant to notice and also on behalf of Senators Wong, Farrell, Ruston, Birmingham and Griff, moved general business notice of motion no. 1443—

That the Senate—

(a) notes:

(i) the continued success of the Australian Football League Women’s (AFLW) competition, held between 2 February and 31 March 2019,

(ii) that the enormous public support for the women’s competition was reflected in record crowd numbers throughout the season, and

(iii) that the grand final, held on 31 March 2019, was attended by more than 53,000 people, setting the record for the largest crowd at a stand-alone women’s sport fixture in Australia;

(b) congratulates:

(i) all 10 teams that participated in the competition,

(ii) the Adelaide Crows for winning its second AFLW grand final in three years,

(iii) Adelaide Crows player and co-captain, Ms Erin Phillips, for winning her second Best on Ground in the grand final and her second AFL Players’ Association Most Valuable Player,

(iv) Adelaide Crows player and co-captain, Ms Chelsea Randall, for being awarded Most Courageous Player for the third consecutive season,

(v) Carlton Blues player Ms Brianna Davey for being awarded Best Captain, and

(vi) Carlton Blues player Ms Madison Paspakis for being awarded Best First-year Player; and

(c) calls on the Federal Government to continue its support of grassroots initiatives that promote gender equity in sport, and to help ensure that women are able to compete at a professional level in traditionally male-dominated sports.

Question put and passed.

16 Murray-Darling Royal Commission

Senator Patrick, pursuant to notice, moved general business notice of motion no. 1444—

(1) That the Senate:

(a) notes that:

(i) the Murray Darling Royal Commission recommended that future water recovery for the environment, including the 450 GL, should be purchased through buyback, which requires repeal of the 1500 GL cap on buybacks in section 85C of the Water Act 2007, and

(ii) the future environmental health of the Murray-Darling Basin relies on additional water recovery; and

(ii)
(b) calls on the Federal Government to support the urgent repeal of the 1500 GL limit on Commonwealth water purchases.

(2) That this resolution be communicated to the House of Representatives for concurrence.

Statements by leave: Senators O’Neill, Patrick, Hanson-Young, Spender and the Assistant Minister for International Development and the Pacific (Senator Ruston), by leave, made statements relating to the motion.

Question put.

The Senate divided—

AYES, 33

Senators—

Bilyk
Cameron
Chisholm
Ciccone
Di Natale
Dodson
Faruqi
Gallacher
Griff
Hanson-Young
Ketter
Kitching
Marshall
McAllister
McCarthy
McKim
Moore
Patrick
Pratt
Rice
Siewert
Smith, David
Steele-John
Sterle
Urquhart
Waters
Watt
Whish-Wilson
Wong

NOES, 30

Senators—

Abetz
Anning
Asken
Bernardi
Birmingham
Brockman
Burston
Canavan
Cash
Colbeck
Duniam
Fierravanti-Wells
Fifield
Georgiou
Gichuhi
Hume
Macdonald
Martin
McGrath
McKenzie
Molan
Paterson
Payne
Ruston
Ryan
Seselja
Simondinos
Smith, Dean
Spender
Stoker

* Tellers

Question agreed to.

17 Appropriation Bill (No. 3) 2018-2019
Appropriation Bill (No. 4) 2018-2019
Appropriation (Parliamentary Departments) Bill (No. 2) 2018-2019

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

Debate resumed.

Question put and passed.

Bills read a second time.

No amendments to the bills were circulated and the bills were not considered in committee.

On the motion of the Assistant Minister for Treasury and Finance (Senator Seselja) the bills were read a third time.

18 Advances under the Annual Appropriation Acts—Report for 2017-18

Order of the day read for the consideration of the issues from the advances.
The Assistant Minister for Treasury and Finance (Senator Seselja), moved—that the Senate approves the advances provided under the annual Appropriations Acts as a final charge for the year ended 30 June 2018.
Question put and passed.

19 Supply Bill (No. 1) 2019-2020
Supply Bill (No. 2) 2019-2020
Supply (Parliamentary Departments) Bill (No. 1) 2019-2020
Order of the day read for the adjourned debate on the motion of the Minister for Regional Services, Sport, Local Government and Decentralisation (Senator McKenzie)—That these bills be now read a second time.
Debate resumed.
Question put and passed.

Bills read a second time.
No amendments to the bills were circulated and the bills were not considered in committee.
On the motion of the Assistant Minister for Treasury and Finance (Senator Seselja) the bills were read a third time.

20 Social Services Legislation Amendment (Energy Assistance Payment) Bill 2019
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 576, dated 3 April 2019—A Bill for an Act to amend the law relating to social security and veterans’ entitlements, and for related purposes.
The Minister for Communications and the Arts (Senator Fifield) 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 Fifield moved—that this bill be now read a second time.
Debate ensued.
At 2 pm: Debate was interrupted while Senator Cameron was speaking.

21 Questions
Questions without notice were answered.

22 Motions to take note of answers
Senator Pratt moved—that the Senate take note of the answers given by the Minister for Finance and the Public Service (Senator Cormann), the Minister for Communications and the Arts (Senator Fifield) and the Minister for Foreign Affairs (Senator Payne) to questions without notice asked by Opposition senators today.
Debate ensued.
Question put and passed.
Senator McKim moved—that the Senate take note of the answer given by the Minister for Finance and the Public Service (Senator Cormann) to a question without notice asked by the Leader of the Australian Greens (Senator Di Natale) today relating to climate change.
23 Social Services Legislation Amendment (Energy Assistance Payment) Bill 2019
Order of the day read for the adjourned debate on the motion of the Minister for Communications and the Arts (Senator Fifield)—That this bill be now read a second time.
Debate resumed.
Senator Siewert moved the following amendment:
At the end of the motion, add “but the Senate calls upon the Government to re-regulate electricity prices and establish a public retailer to lower electricity prices.”
Debate ensued.
Question—That the amendment be agreed to—put.
The Senate divided—

**Question put and passed.**

24 Treasury Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2019
A message from the House of Representatives was reported transmitting for the concurrence of the Senate the following bill:
Message no. 577, dated 3 April 2019—A Bill for an Act to amend the law relating to taxation, and for related purposes.
The Minister for Communications and the Arts (Senator Fifield) moved—That this bill may proceed without formalities and be now read a first time.
Question put and passed.
Bill read a first time.
On the motion of Senator Fifield the bill was debated and read a second time.
No amendments to the bill were circulated and no senator required that it be considered in committee.

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

25 **Treasury Laws Amendment (Increasing the Instant Asset Write-Off for Small Business Entities) Bill 2019**

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

Message no. 568, dated 3 April 2019—A Bill for an Act to amend the law relating to taxation, and for related purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Colbeck) moved—That this bill may proceed without formalities and be now read a first time.

Question put and passed.

Bill read a first time.

On the motion of Senator Colbeck the bill was debated and read a second time.

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

---

**In the committee**

Bill taken as a whole by leave.

*Explanatory memorandum:* Senator Colbeck tabled a supplementary explanatory memorandum relating to the government amendments to be moved to the bill.

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

Clause 1, page 1 (lines 5 and 6), omit “Increasing the Instant Asset Write-Off for Small Business Entities”, substitute “Increasing and Extending the Instant Asset Write-Off”.

Schedule 1, heading, page 3 (line 1), omit “Amendments”, substitute “Increasing the instant asset write-off for small business entities”.

Schedule 1, item 1, page 3 (line 6), omit “either $20,000 or $25,000”, substitute “$20,000, $25,000 or $30,000”.

Schedule 1, item 2, page 3 (line 12), omit “either $20,000 or $25,000”, substitute “$20,000, $25,000 or $30,000”.

Schedule 1, item 3, page 3 (line 17), omit “either $20,000 or $25,000”, substitute “$20,000, $25,000 or $30,000”.

Schedule 1, item 4, page 3 (line 22), omit “either $20,000 or $25,000”, substitute “$20,000, $25,000 or $30,000”.

Schedule 1, item 5, page 3 (line 29), omit “either $20,000 or $25,000”, substitute “$20,000, $25,000 or $30,000”.

Schedule 1, item 6, page 4 (line 4), omit “either $20,000 or $25,000”, substitute “$20,000, $25,000 or $30,000”.

Schedule 1, item 7, page 4 (line 10), omit “either $20,000 or $25,000”, substitute “$20,000, $25,000 or $30,000”.
Schedule 1, item 9, page 4 (after line 18), after the definition of 2019 application time, insert:

2019 budget time means 7.30 pm, by legal time in the Australian Capital Territory, on 2 April 2019.

Schedule 1, item 11, page 5 (line 10), omit “on or before 30 June 2020”, substitute “before the 2019 budget time”.

Schedule 1, item 11, page 5 (lines 12 and 13), omit “on or before 30 June 2020”, substitute “before the 2019 budget time”.

Schedule 1, item 11, page 5 (line 13), at the end of subsection 328-180(4), add:

; or (c) were a reference to $30,000, if you first acquired the asset at or after the 2019 budget time, and you:

(i) first used the asset, for a taxable purpose, at or after the 2019 budget time and on or before 30 June 2020; or

(ii) first installed the asset ready for use, for a taxable purpose, at or after the 2019 budget time and on or before 30 June 2020.

Schedule 1, item 11, page 5 (line 24), omit “on or before 30 June 2020”, substitute “before the 2019 budget time”.

Schedule 1, item 11, page 5 (line 24), at the end of subsection 328-180(5), add:

; or (c) were a reference to $30,000, if the amount is so included at any time:

(i) at or after the 2019 budget time; and

(ii) on or before 30 June 2020.

Schedule 1, item 11, page 5 (line 35), omit “on or before 30 June 2020”, substitute “before the 2019 budget time”.

Schedule 1, item 11, page 5 (line 35), at the end of subsection 328-180(6), add:

; or (c) were a reference to $30,000, in relation to a deduction for an income year that ends:

(i) at or after the 2019 budget time; and

(ii) on or before 30 June 2020.

Page 5 (after line 35), at the end of the bill, add:

Schedule 2—Extending the instant asset write-off to medium sized businesses

Income Tax Assessment Act 1997

1 Subsection 40-65(1) (note 3)

Omit “section 40-80”, substitute “sections 40-80 and 40-82”.
2 After section 40-80

Insert:

40-82 Assets costing less than $30,000—medium sized businesses—income years ending between 2 April 2019 and 30 June 2020

Year in which asset first used, or installed ready for use, for a taxable purpose

(1) The decline in value of a *depreciating asset you *hold for the income year (the current year) in which you start to use the asset, or have it *installed ready for use, for a *taxable purpose is the amount worked out under subsection (2) if:

(a) you are an entity covered by subsection (4) (about medium sized businesses) for the current year and for the income year in which you started to hold the asset; and

(b) you first acquired the asset in the period beginning at 7.30 pm, by legal time in the Australian Capital Territory, on 2 April 2019 and ending on 30 June 2020; and

(c) the current year ends:
   (i) on or after 2 April 2019; and
   (ii) on or before 30 June 2020; and

(d) the asset is a depreciating asset whose *cost as at the end of the current year is less than $30,000.

Note: The amount you can deduct may be reduced by other provisions, such as subsection 40-25(2) (about taxable purpose) and section 40-215 (about double deductions).

(2) The amount is:

(a) unless paragraph (b) applies—the asset’s *cost as at the end of the current year; or

(b) if the asset’s *start time occurred in an earlier income year—the sum of the asset’s *opening adjustable value for the current year and any amount included in the second element of its cost for the current year.

Later year

(3) The decline in value of a *depreciating asset you *hold for an income year (the later year) is the first amount included in the second element of the asset’s *cost for the later year if:

(a) you are an entity covered by subsection (4) (about medium sized businesses) for the later year; and

(b) the amount so included is less than $30,000; and

(c) you worked out the decline in value of the asset for an earlier income year under subsection (1); and

(d) the later year ends:
   (i) on or after 2 April 2019; and
   (ii) on or before 30 June 2020.

Note: The amount you can deduct may be reduced by other provisions, such as subsection 40-25(2) (about taxable purpose) and section 40-215 (about double deductions).
Medium sized business

(4) An entity is covered by this subsection for an income year if:
   (a) the entity is not a *small business entity for the income year; and
   (b) the entity would be a small business entity for the income year if:
      (i) each reference in Subdivision 328-C (about what is a small business entity) to $10 million were instead a reference to $50 million; and
      (ii) the reference in paragraph 328-110(5)(b) to a small business entity were instead a reference to an entity covered by this subsection.

Years ending after 30 June 2020

(5) For an income year ending after 30 June 2020, the asset’s decline in value is worked out under the other provisions of this Division.

3  After subsection 40-425(7)

Insert:

Exception: medium sized businesses

(7A) You cannot allocate a *depreciating asset to a low-value pool if the decline in value of the asset for any income year is determined by section 40-82 (about assets costing less than $30,000).

Bill agreed to and reported with amendments, and an amendment to the short title.

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

26 Treasury Laws Amendment (North Queensland Flood Recovery) Bill 2019

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

Message no. 566, dated 3 April 2019—A Bill for an Act to make provision in relation to certain aspects of flood and storm related assistance, and for related purposes.

The Assistant Minister for Agriculture and Water Resources (Senator Colbeck) 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 Colbeck moved—That this bill be now read a second time.

 Debate ensued.

At 5 pm: Debate was interrupted while Senator Macdonald was speaking.

27 First speeches

Pursuant to order, Senators Askew and Spender made their first speeches.

28 Valedictory statements

Pursuant to order, senators made statements relating to the retirement of Senators Scullion, Cameron and Moore.
29 Bills—Documents

The Minister for Communications and the Arts (Senator Fifield) tabled the following documents:

- Corporations Amendment (Strengthening Protections for Employee Entitlements) Bill 2018—Supplementary explanatory memorandum relating to the government amendments to be moved to the bill.
- Second reading speech.

30 Treasury Laws Amendment (North Queensland Flood Recovery) Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

Question—That this bill be now read a second time—put and passed.
Bill read a second time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.
Bill read a third time.

31 Governor-General Amendment (Salary) Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

The following amendment circulated by Derryn Hinch’s Justice Party was considered:

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

(a) notes public concerns that former Governors-General are entitled to receive allowances even if they have engaged in serious misconduct; and

(b) calls upon the Government to introduce legislation to amend the Governor-General Act 1974 to end the payment of allowances to Governors-General who have engaged in serious misconduct.”

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

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

AYES, 13

Senators—

Di Natale  Hinch*  Rice  Steele-John
Faruqi    McKim  Siewert   Waters
Griff     Patrick  Spender    Whish-Wilson
Hanson-Young

NOES, 33

Senators—

Bilyk     Duniam   Lines  Pratt
Birmingham  Farrell  Marshall  Ruston
Brockman  Fieravanti-Wells  Martin  Seselja
Carr      Fifield  McCarthy  Smith, David
Cash      Gallacher  Molan  Smith, Dean
Chisholm  Gichuhi  O’Neill  Sterle
Ciccone   Hume  O’Sullivan  Stoker
Colbeck   Ketter*  Paterson  Williams
Dodson

* Tellers

Question negatived.
Main question put and passed.
Bill read a second time.

The following amendment circulated by Derryn Hinch’s Justice Party was considered:

Page 3 (after line 9), at the end of the bill, add:

Schedule 2—Cessation of allowances for serious misconduct

Governor-General Act 1974

1 After section 4AG

Insert:

4AGA Cessation of allowances for serious misconduct

(1) Allowances cease to be payable to a former Governor-General or a spouse of a former Governor-General under this Act if each House of the Parliament passes a resolution that the House is of the opinion that the former Governor-General has engaged in serious misconduct.

(2) The allowances cease to be payable from the day after the day the second House passes a resolution in accordance with subsection (1).

2 Subsection 4AI(1)

Omit “4AG”, substitute “4AGA”.

3 Application

The amendments made by this Schedule apply to all Governors-General including those who held office before the commencement of this Schedule.

Question—that the amendment be agreed to—put.
The Senate divided—

AYES, 13

Senators—

Di Natale  Hinch*
Faruqi  McKim  Rice  Steele-John
Griff  Patrick  Siewert  Waters
Hanson-Young

NOES, 33

Senators—

Bilyk  Duniam  Lines  Pratt
Birmingham  Farrell  Marshall  Ruston
Brockman  Ferravanti-Wells  Martin  Seselja
Carr  Fifield  McCarthy  Smith, David
Cash  Gallacher  Molan  Smith, Dean
Chisholm  Gichuhi  O’Neill  Sterle
Ciccone  Hume  O’Sullivan  Stoker
Colbeck  Ketter*  Paterson  Williams
Dodson

* Tellers

Question negatived.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

32 Foreign Influence Transparency Scheme Amendment Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

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


On the motion of the Minister for Communications and the Arts (Senator Fifield) the bill was read a first time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

33 Export Finance and Insurance Corporation Amendment (Support for Infrastructure Financing Bill) 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

Question—That this bill be now read a second time—put.
The Senate divided—

AYES, 35

Senators—

Bilyk
Birmingham
Brockman
Carr
Cash
Chisholm
Ciccone
Colbeck
Dodson

Dunam
Farrell
Fifield
Gallacher
Gichuhi
Griff
Hinch
Hume
Ketter

Lines
Martin
McAllister
McCarthy
Molan
O’Neill
O’Sullivan
Paterson
Patrick

Pratt
Ruston
Smith, David
Smith, Dean*
Sterle
Watt
Williams
Wong

NOES, 11

Senators—

Di Natale
Farrugia
Hanson-Young

McKim
Rice
Siewert*

Spender
Steele-John
Storer

Waters
Whish-Wilson

* Tellers

Question agreed to.

Bill read a second time.

The following amendments circulated by Senator Storer were considered:

Schedule 1, item 2, page 3 (after line 14), after the definition of Australian benefit, insert:

**Climate Change Conventions** means:

(a) the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992, as amended and in force for Australia from time to time; and

(b) the Paris Agreement, done at Paris on 12 December 2015, as amended and in force for Australia from time to time; and

(c) an international agreement, signed on behalf of Australia, that:

(i) relates to climate change; and

(ii) is specified in a legislative instrument made by the Minister for the purposes of this definition.


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

**4A At the end of subsection 8(2)**

Insert:

and; (c) perform its functions in a manner consistent with achieving the aims and objectives of the Climate Change Conventions, including Australia’s obligations under those Conventions.

Schedule 1, item 2, page 3 (lines 20 and 23), omit the definition of overseas infrastructure financing, substitute:

**overseas infrastructure financing** means lending money to support overseas infrastructure development, if EFIC reasonably believes that:

(a) lending the money is likely to result in an Australian benefit; and
(b) the legal, administrative and policy framework that would apply to the overseas infrastructure development is suitable.

Note: Lending money includes providing finance, or providing a financial accommodation, in any form: see subsection (2).

Schedule 1, item 5, page 4 (lines 11 to 18), omit the item, substitute:

5 At the end of section 8

Add:

EFIC’s overseas infrastructure financing functions

(4) Subsection (1) and subparagraph (2)(b)(i) do not apply in relation to EFIC’s overseas infrastructure financing functions.

Question—That the amendments be agreed to—put and negatived. All Australian Greens senators, by leave, recorded their votes for the ayes.

The following amendments circulated by the Australian Greens were considered:

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

4A At the end of section 7

Add:

(4) EFIC must not perform a function, or exercise a power, to the extent that the performance of the function or the exercise of the power relates to a project that involves, or would facilitate, the mining and export of thermal coal on a commercial scale.

(5) Without limiting subsection (4), EFIC must not perform a function, or exercise a power, to the extent that the performance of the function or the exercise of the power relates to:

(a) providing insurance or financial services or products in relation to a project that involves, or would facilitate, the mining and export of thermal coal on a commercial scale; or

(b) encouraging banks, or other financial institutions, carrying on business in Australia to finance, or assist in financing, export contracts or eligible export transactions in relation to a project that involves, or would facilitate, the mining and export of thermal coal on a commercial scale; or

(c) providing information or advice to any person regarding insurance or financial arrangements available to support the export of thermal coal on a commercial scale.

Schedule 1, item 5, page 4 (lines 11 to 18), omit the item, substitute:

5 At the end of section 8

Add:

EFIC’s overseas infrastructure financing functions

(4) In performing its overseas infrastructure financing functions, EFIC must consider whether the overseas infrastructure development being supported by overseas infrastructure financing is likely to have an overall beneficial impact on overseas communities that are affected, or likely to be affected, by that development.

(5) For the purposes of subsection (4), an overseas community includes a country, or a part of a country (such as a city, town or village).
(6) For the purposes of subsection (4), in determining whether overseas infrastructure development has an overall beneficial impact on overseas communities, EFIC must have regard to any social, cultural, environmental or economic impact that the development supported by the overseas infrastructure financing will have on those communities.

(7) Subsection (1) and subparagraph (2)(b)(i) do not apply in relation to EFIC’s overseas infrastructure financing functions.

5A After section 8

Insert:

8A Policy framework

(1) EFIC must perform its functions, and exercise its powers, in a manner consistent with the policy framework.

(2) The Minister may, by legislative instrument, establish a framework (the policy framework) setting out any matters in relation to the performance and exercise of EFIC’s functions and powers.

(3) Without limiting subsection (2), the policy framework may make provision for and in relation to the following matters:

(a) what EFIC must do before performing or exercising its functions or powers;

(b) what EFIC must do in order to act in a manner consistent with Australia’s obligations under the Climate Change Conventions (within the meaning of the Product Emissions Standards Act 2007).

Consultation requirements for policy framework

(4) Before making the policy framework, the Minister must:

(a) publish a draft of the policy framework and invite people to make submissions on the draft; and

(b) consider any submissions that are received within 2 months after publishing the draft.

Schedule 1, heading, page 3 (line 1), omit “Amendments”, substitute “Amendment of the Export Finance and Insurance Corporation Act 1991”.

Page 7 (after line 6), at the end of the bill, add:

Schedule 2—Amendment of the Freedom of Information Act 1982

Freedom of Information Act 1982

1 Division 1 of Part II of Schedule 2

Omit:


Question—That the amendments be agreed to—put and negatived. Senator Storer, by leave, recorded his vote for the ayes.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.
The Senate divided—

AYES, 35

Senators—

Bilyk
Birmingham
Brockman
Carr
Cash
Chisholm
Ciccone
Colbeck
Dodson
Dunham
Farrell
Fifield
Gallacher
Gichuhi
Griff
Hinch
Hume
Ketter
Lines
Marshall
Martin
McAllister
McCarthy
Molan
O’Neill
O’Sullivan
Paterson

Pratt
Ruston
Smith, David
Smith, Dean
Sterle
Williams
Wong

NOES, 11

Senators—

Di Natale
Faruqi
Hanson-Young
McKim
Rice
Siewert
Spender
Steele-John
Storer
Waters
Whish-Wilson

* Tellers

Question agreed to.

Bill read a third time.

34 Treasury Laws Amendment (Mutual Reforms) Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

35 Treasury Laws Amendment (Making Sure Foreign Investors Pay Their Fair Share of Tax in Australia and Other Measures) Bill 2019

Income Tax (Managed Investment Trust Withholding Tax) Amendment Bill 2018

Income Tax Rates Amendment (Sovereign Entities) Bill 2018

Limitation of debate: The time allotted for consideration of the bills expired (see entry no. 4).

Question—That these bills be now read a second time—put and passed.

Bills read a second time.

The following amendment circulated by the Australian Greens was negatived:

Treasury Laws Amendment (Making Sure Foreign Investors Pay Their Fair Share of Tax in Australia and Other Measures) Bill 2019

Schedule 1, item 11, page 15 (line 32), omit “1 July 2026”, substitute “1 July 2022”.

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

Bills read a third time.
36 **Corporations Amendment (Strengthening Protections for Employee Entitlements) Bill 2018**

*Limitation of debate:* The time allotted for consideration of the bill expired (*see entry no. 4*).

Question—That this bill be now read a second time—put and passed.

Bill read a second time.

The following amendments circulated by the Government were agreed to:

Schedule 1, item 16, page 11 (after line 15), after paragraph 596AF(1)(c), insert:

(c) subject to subsection (1A)—an organisation registered under the *Fair Work (Registered Organisations) Act 2009* that is entitled to represent the industrial interests of one or more employees of the company;

Schedule 1, item 16, page 11 (after line 18), after subsection 596AF(1), insert:

(1A) An organisation mentioned in paragraph (1)(ca) may begin proceedings under section 596ACA for compensation to be paid under subsection 596ACA(4) in relation to one or more employees of the company:

(a) who are members of the organisation; or

(b) whose industrial interests the organisation is entitled to represent, and who consent to the proceedings being begun;

and may not otherwise begin proceedings under section 596ACA.

Schedule 1, item 16, page 12 (line 26), after “company that is being wound up”, insert “; or an organisation mentioned in paragraph 596AF(1)(ca),”.

Schedule 1, item 16, page 12 (line 29), after “or (c)”, insert “; or an organisation mentioned in paragraph 596AF(1)(ca),”.

Schedule 1, item 16, page 13 (after line 3), after paragraph 596AH(1)(c), insert:

(c) an organisation registered under the *Fair Work (Registered Organisations) Act 2009* that is entitled to represent the industrial interests of one or more employees of the company;

Schedule 1, item 16, page 13 (line 5), after “or (c)”, insert “; or an organisation mentioned in paragraph (1)(ca),”.

Schedule 1, item 16, page 13 (after line 9), after paragraph 596AH(2)(a), insert:

(aa) another organisation mentioned in paragraph (1)(ca);

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

37 **Treatment Benefits (Special Access) Bill 2019**

**Treatment Benefits (Special Access) (Consequential Amendments and Transitional Provisions) Bill 2019**

*Limitation of debate:* The time allotted for consideration of the bills expired (*see entry no. 4*).

Question—That these bills be now read a second time—put and passed.

Bills read a second time.
Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

Bills read a third time.

38 Criminal Code Amendment (Sharing of Abhorrent Violent Material) Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

The Minister for Communications and the Arts (Senator Fifield) presented the following bill:


On the motion of Senator Fifield the bill was read a first time.

Leave refused: The Leader of the Australian Greens (Senator Di Natale) sought leave to move an amendment. An objection was raised and leave was not granted.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

39 Social Security (Administration) Amendment (Income Management and Cashless Welfare) Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

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

Message no. 571, dated 3 April 2019—A Bill for an Act to amend the law relating to social security, and for related purposes.

On the motion of the Minister for Communications and the Arts (Senator Fifield) the bill was read a first time.

The following amendments circulated by the Opposition were considered:

No. 1—Schedule 1, page 3 (after line 6), after item 1, insert:

1A Subsection 124PD(1)

Insert:

health or community worker means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of people or for their wellbeing.

No. 2—Schedule 1, page 3 (after line 9), at the end of the Schedule, add:

3 After paragraph 124PG(1)(h)

Insert:

(ha) section 124PHA does not apply to the person; and

4 After paragraph 124PGA(1)(h)

Insert:

(ha) section 124PHA does not apply to the person; and

5 After paragraph 124PGB(1)(h)

Insert:

(ha) section 124PHA does not apply to the person; and
6 After paragraph 124PGC(1)(g)

Insert:

(ga) section 124PHA does not apply to the person; and

7 At the end of Division 2 of Part 3D

Add:

Subdivision C—Exiting cashless welfare arrangements

124PHA Participants who responsibly manage their financial affairs

Application of this section

(1) This section applies to a person if:

(a) all of the following apply:

(i) the person’s usual place of residence is within a trial area where the Minister has authorised a body as a community body;

(ii) the person applies to their local community body to exit the trial of cashless welfare arrangements;

(iii) the person’s local community body is satisfied that the person satisfies the criteria mentioned in subsection (2);

(iv) the community body notifies the Secretary in writing that it is so satisfied; or

(b) all of the following apply:

(i) the person’s usual place of residence is not within a trial area where the Minister has authorised a body as a community body;

(ii) the person applies to the Secretary to exit the trial of cashless welfare arrangements;

(iii) the Secretary is satisfied that the person satisfies the criteria mentioned in subsection (2).

Note: Subsection (4) sets out when this section ceases to apply to a person.

Criteria

(2) The criteria for the purposes of subparagraphs (1)(a)(iii) and (b)(iii) are:

(a) that the person can demonstrate reasonable and responsible management of their financial affairs, taking into account all of the following:

(i) the interest of any children for whom the person is responsible;

(ii) whether the person has a likelihood of engaging in any unlawful activity;

(iii) risks of homelessness;

(iv) the health and safety of the person and the community;

(v) the responsibilities and circumstances of the person;

(vi) the person’s engagement in the community, including the person’s employment or efforts to obtain work; and

(b) any further criteria that the Minister determines, by legislative instrument, for the purposes of this subsection.
(3) Before the Minister makes a determination under paragraph (2)(b), the Minister must:
   (a) consult with local communities and trial participants; and
   (b) have regard to any feedback received as a result of those consultations.

When this section ceases to apply

(4) This section ceases to apply to a person if a health or community worker notifies the Secretary in writing that he or she has determined that it is necessary for a person to be a trial participant for medical or safety reasons.

(5) To avoid doubt, the fact that this section ceases to apply to a person following a notification under subsection (4) does not prevent that person from again applying to exit the trial of cashless welfare arrangements.

Senator McAllister, by leave, moved the following amendments to proposed amendment no. 2:

   Item 7, subparagraph 124PHA(1)(a)(ii), after “local community body”, insert “on or after 1 July 2019”.

   Item 7, subparagraph 124PHA(1)(b)(iii), after “the Secretary”, insert “on or after 1 July 2019”.

Question—That Senator McAllister’s amendments to proposed amendment no. 2 be agreed to—put and passed.

Question—That the amendments circulated by the Opposition, as amended, be agreed to—put and passed.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put.

The Senate divided—

AYES, 40

Senators—

Bilyk Farrell Macdonald Pratt
Birmingham Fifield Marshall Ruston
Brockman Gallacher Martin Ryan
Cash Gichuhi McAllister Smith, David
Cash Griff McCarthy Smith, Dean*
Chisholm Hinch Molan Spender
Ciccone Hume O’Neill Sterle
Colbeck Ketter O’Sullivan Watt
Dodson Kitching Paterson Williams
Duniam Lines Patrick Wong

NOES, 10

Senators—

Di Natale McKim Steele-John Waters
Faruqi Rice Storer Whish-Wilson
Hanson-Young Siewert*

* Tellers

Question agreed to.

Bill read a third time.
40 Treasury Laws Amendment (Design and Distribution Obligations and Product Intervention Powers) Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

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

Message no. 574, dated 3 April 2019—A Bill for an Act to amend the law relating to corporations and consumer credit protection, and for related purposes.

On the motion of the Minister for Communications and the Arts (Senator Fifield) the bill was read a first time.

The following amendment circulated by the Australian Greens was negatived:

Schedule 1, item 5, page 8 (after line 21), after paragraph 994B(3)(a), insert:

(aa) a basic banking product (within the meaning of section 961F); or

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

41 Treasury Laws Amendment (2019 Petroleum Resource Rent Tax Reforms No. 1) Bill 2019

Limitation of debate: The time allotted for consideration of the bill expired (see entry no. 4).

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

Message no. 569, dated 3 April 2019—A Bill for an Act to amend the law relating to petroleum resource rent tax, and for related purposes.

On the motion of the Minister for Communications and the Arts (Senator Fifield) the bill was read a first time.

The following amendment circulated by Pauline Hanson’s One Nation was negatived:

Page 32 (after line 4), at the end of the bill, add:

Schedule 3—Taxation transparency reporting


1 After subsection 136(22)

Insert:

Reporting

(23) A petroleum retention lease is subject to a condition that the lessee must give the Commissioner of Taxation a taxation transparency report within:

(a) 30 days after the day on which the lease is granted; and

(b) in relation to each year of the term of the lease, 30 days after the day on which the year of the term ends.

(24) In this section taxation transparency report means a report that includes the following information:

(a) an estimate of the quantity of recoverable petroleum in all petroleum pools situated in the lease area;
(b) an estimate of the value of the recoverable petroleum mentioned in paragraph (a);
(c) the data upon which the estimates in paragraphs (a) and (b) are based; and
(d) all payments to the Commonwealth, a State or a Territory related to liabilities arising from the petroleum retention lease, including:
   (i) relevant lease fees;
   (ii) royalties; and
   (iii) any tax (however described) payable under a law of the Commonwealth or of a State or Territory.

(25) The Commissioner of Taxation must, as soon as practicable after receipt, make publicly available each taxation transparency report.

2 After subsection 162(21)

Insert:

Reporting

(22) A petroleum production licence is subject to a condition that the licence holder must give the Commissioner of Taxation a taxation transparency report within:
   (a) 30 days after the day on which the licence is granted; and
   (b) in relation to each year of the term of the licence, 30 days after the day on which the year of the term ends.

(23) In this section taxation transparency report means a report that includes the following information:
   (a) an estimate of the quantity of recoverable petroleum in all petroleum pools situated in the licence area;
   (b) an estimate of the value of the recoverable petroleum mentioned in paragraph (a);
   (c) the data upon which the estimates in paragraphs (a) and (b) are based; and
   (d) all payments to the Commonwealth, a State or a Territory related to liabilities arising from the petroleum production licence, including:
       (i) relevant licence fees;
       (ii) royalties; and
       (iii) any tax (however described) payable under a law of the Commonwealth or of a State or Territory.

(24) The Commissioner of Taxation must, as soon as practicable after receipt, make publicly available each taxation transparency report.

3 Subsection 470(2) (after table item 2)

Insert:

2A a petroleum retention lease or petroleum production licence set out the information contained in the most recent taxation transparency report prepared in accordance with subsections 136(23) and (24) or subsections 162(22) and (23).
Question—That item 14 of Schedule 1 and Schedule 2 stand as printed—put and passed.

The following amendments circulated by the Australian Greens were negatived:

Schedule 1, page 6 (before line 13), before item 21, insert:

20D Subparagraphs 35D(3)(a)(iii) and (v) and (4)(a)(iii) and (v)

Omit “class 2 augmented bond rate”, substitute “class 2 uplifted”.

Page 32 (after line 4), at the end of the bill, add:

Schedule 5—Order of deductible expenditures

Petroleum Resource Rent Tax Assessment Act 1987

1 Subsection 33(3)

Omit “where the class 1 augmented bond rate general expenditure”, substitute “if the sum of the class 2 uplifted exploration expenditure and the class 1 augmented bond rate general expenditure”.

2 Subsection 34(3)

Repeal the subsection, substitute:

(3) For the purposes of subsection (1) or (2), if the sum of:

(a) the class 2 uplifted exploration expenditure; and
(b) the class 1 augmented bond rate general expenditure; and
(c) the class 1 augmented bond rate exploration expenditure; incurred by a person in a financial year in relation to a petroleum project exceeds the assessable receipts derived by the person in the financial year in relation to the project, an amount ascertained in accordance with the formula $A \times (1.15 + B)$, where:

$A$ is so much of the excess as does not exceed the amount of the class 1 augmented bond rate exploration expenditure; and

$B$ is the long-term bond rate in relation to the financial year;

shall be taken to be class 1 augmented bond rate exploration expenditure incurred by the person in relation to the project on the first day of the next succeeding financial year.

3 Before paragraph 34A(4)(a)

Insert:

(aa) the class 2 uplifted exploration expenditure; and

4 Paragraphs 35(3)(a) to (d)

Repeal the paragraphs, substitute:

(a) the class 2 uplifted exploration expenditure; and
(b) the class 1 augmented bond rate general expenditure; and
(c) the class 1 augmented bond rate exploration expenditure; and
(d) the class 2 uplifted general expenditure; and
(e) the resource tax expenditure; and
(f) the acquired exploration expenditure; and
(g) the starting base expenditure; and
(h) the class 2 GDP factor expenditure; and
(i) the class 1 GDP factor expenditure; and
5 Paragraphs 35C(5)(d) and (f)
Repeal the paragraphs.

6 Subparagraphs 35D(3)(a)(iv) and (vi) and (4)(a)(iv) and (vi)
Repeal the subparagraphs.

7 Paragraphs 35E(3)(d) and (f)
Repeal the paragraphs.

Page 32 (after line 4), at the end of the bill, add:

Schedule 4—Ending transferability of exploration expenditure

Part 1—Amendment of the Petroleum Resource Rent Tax Assessment Act 1987

Petroleum Resource Rent Tax Assessment Act 1987

1 Section 2
Repeal the following definitions:
(a) the definition of annual transfer;
(b) the definition of instalment transfer;
(c) the definition of instalment transfer charge period;
(d) the definition of instalment transfer excess;
(e) the definition of instalment transfer interest charge.

2 Section 2 (definition of related charge)
Repeal the definition, substitute:
related charge means shortfall interest charge, or general interest charge, in relation to tax.

3 Section 2 (definition of transferable exploration expenditure)
Repeal the definition.

4 Subsections 10(5) and (6)
Repeal the subsections.

5 Subsection 22(1)
Repeal the subsection, substitute:
(1) Where, in relation to a petroleum project and a year of tax, the assessable receipts derived by a person exceed the sum of the deductible expenditure incurred by the person, the person is taken for the purposes of this Act to have a taxable profit in relation to the project and the year of tax of an amount equal to the excess.

6 Paragraphs 32(e) and (f)
Repeal the paragraphs.

7 Sections 35A and 35B
Repeal the sections.

8 Paragraphs 35C(5)(e) and (f)
Repeal the paragraphs.
9 Subparagraphs 35D(3)(a)(v) and (vi) and (4)(a)(v) and (vi)
Repeal the subparagraphs.

10 Paragraphs 35E(3)(e) and (f)
Repeal the paragraphs.

11 Sections 36A and 36B (notes)
Omit “(before the GDP factor or the augmented bond rate is applied to the
amount under Schedule 1)”.

12 Division 3A of Part V
Repeal the Division.

13 Subparagraph 48(1)(a)(i)
Omit “(other than class 2 augmented bond rate exploration expenditure or
class 2 GDP factor expenditure)”.

14 Subparagraph 48(1)(a)(ia)
Repeal the subparagraph.

15 Subsection 48(2)
Repeal the subsection.

16 Paragraph 48A(5)(b)
Omit “(other than class 2 augmented bond rate exploration expenditure or
class 2 GDP factor expenditure)”.

17 Paragraph 48A(5)(c)
Repeal the paragraph.

18 Sections 58G and 58H
Repeal the sections.

19 Subsection 58K(1) (heading)
Repeal the heading.

20 Subsection 58K(1)
Omit “(1)”.

21 Subsection 58K(2)
Repeal the subsection.

22 Subsection 58M(1) (heading)
Repeal the heading.

23 Subsection 58M(1)
Omit “(1)”.

24 Subsection 58M(2)
Repeal the subsection.

25 Section 58N (note)
Repeal the note.

26 Sections 58Q, 58R, 58RA and 58S
Repeal the sections.
27 Section 64
   Omit “; deductible expenditure or transferable exploration expenditure”, substitute “or deductible expenditure”.

28 Paragraph 67(2)(e)
   Omit “subsection 5(4), 20(8), 45A(3), 45B(3) or 45C(6)”, substitute “subsection 5(4) or 20(8)”.

29 Paragraph 85(1)(b)
   Omit “tax;”, substitute “tax.”.

30 Paragraph 85(1)(c)
   Repeal the paragraph.

31 Paragraph 85(2)(a)
   Omit “, shortfall interest charge or instalment transfer interest charge”, substitute “or shortfall interest charge”.

32 Subparagraphs 85(2)(b)(i) and (ii)
   Omit “, shortfall interest charge or instalment transfer interest charge”, substitute “or shortfall interest charge”.

33 Paragraph 97(1A)(aa)
   Repeal the paragraph.

34 Paragraph 97(1A)(b)
   Omit “amounts; and”, substitute “amounts.”.

35 Paragraph 97(1A)(c)
   Repeal the paragraph.

36 Subsection 97(1A) (note)
   Repeal the note.

37 Sections 98A to 98D
   Repeal the section.

38 Schedule 1
   Repeal the Schedule.

39 Subclauses 23(5A) and (5B) of Schedule 2
   Repeal the subclauses.

Part 2—Application, transition and savings provisions

Division 1—Application of amendments to deductible expenditure and assessable receipts

40 Application—deductible expenditure and assessable receipts
(1) The object of this item is to provide for the transfer of exploration expenditure incurred by a person in relation to a petroleum project to cease as of 1 July 2019.

(2) The amendments made by this Schedule apply to the following:
   (a) an amount of deductible expenditure incurred, or taken to be incurred, in the financial year starting on 1 July 2019 or any later financial year;
(b) an amount of assessable receipts derived, or taken to be derived, in the financial year starting on 1 July 2019 or any later financial year.

Division 2—General application of amendments

41 Object

The object of this Division is to ensure that, despite the repeals and amendments made by this Schedule, the full legal and administrative consequences of:

(a) any act done or omitted to be done; or
(b) any state of affairs existing; or
(c) any period ending;

before 1 July 2019 can continue to arise and be carried out, directly or indirectly through an indefinite number of steps, even if some or all of those steps are taken on or after that day.

42 Making and amending assessments, and doing other things, in relation to past matters

Even though an Act is amended by this Schedule, the amendment is disregarded for the purpose of doing any of the following under any Act or legislative instrument:

(a) making or amending an assessment (including under a provision that is itself repealed or amended);
(b) exercising any right or power, performing any obligation or duty or doing any other thing (including under a provision that is itself repealed or amended);

in relation to any act done or omitted to be done, any state of affairs existing, or any period ending, before 1 July 2019.

43 Saving of provisions about effect of assessments

If a provision or part of a provision that is repealed or amended by this Schedule deals with the effect of an assessment, the repeal or amendment is disregarded in relation to assessments made on, before or after 1 July 2019 in relation to any act done or omitted to be done, any state of affairs existing, or any period ending, before 1 July 2019.

Schedule 1, items 4 and 5, page 3 (line 14) to page 4 (line 26), omit the items, substitute:

4 Subsection 34A(4)

Insert:

uplift rate:

(a) if the assessable year is 10 or more years after the first financial year in which such assessable petroleum receipts were derived—the uplift rate is the long-term bond rate in relation to the assessable year plus 1; or
(b) otherwise—the uplift rate is the long-term bond rate in relation to the assessable year plus 1.05.
Schedule 1, page 5 (after line 4), after item 6, insert:

6A Subsection 33(3)

Repeal the subsection, substitute:

(3) For the purposes of subsection (1) or (2), if the class 1 augmented bond rate general expenditure incurred by a person in a financial year (the assessable year) in relation to a petroleum project exceeds the assessable receipts derived by the person in the assessable year in relation to the project, the person is taken to incur, in relation to the project and on the first day of the next financial year, an amount of class 1 augmented bond rate general expenditure worked out in accordance with the formula:

Available excess × Uplift rate

where:

Available excess means the amount of the excess.

uplift rate:

(a) if the assessable year is 10 or more years after the first financial year in which such assessable petroleum receipts were derived—the uplift rate is the long-term bond rate in relation to the assessable year plus 1; or

(b) otherwise—the uplift rate is the long-term bond rate in relation to the assessable year plus 1.05.

6B Subsection 34(3)

Repeal the subsection, substitute:

(3) For the purposes of subsection (1) or (2), if the sum of:

(a) the class 1 augmented bond rate general expenditure; and

(b) the class 1 augmented bond rate exploration expenditure;

incurred by a person in a financial year (the assessable year) in relation to a petroleum project exceeds the assessable receipts derived by the person in the assessable year in relation to the project, the person is taken to incur, in relation to the project and on the first day of the next financial year, an amount of class 1 augmented bond rate exploration expenditure worked out in accordance with the formula:

Available excess × Uplift rate

where:

Available excess means so much of the excess as does not exceed the class 1 augmented bond rate exploration expenditure.

uplift rate:

(a) if the assessable year is 10 or more years after the first financial year in which such assessable petroleum receipts were derived—the uplift rate is the long-term bond rate in relation to the assessable year plus 1; or

(b) otherwise—the uplift rate is the long-term bond rate in relation to the assessable year plus 1.05.
Schedule 1, page 6 (after line 12), after item 20, insert:

20A Subsection 35C(5) (formula)
Repeal the formula, substitute:
Available excess × Uplift rate

20B Subsection 35C(5) (definition of Augmented bond rate)
Repeal the definition.

20C Subsection 35C(5)
Insert:

uplift rate:
(a) if the assessable year is 10 or more years after the first financial year in which such assessable petroleum receipts were derived—the uplift rate is the long-term bond rate in relation to the assessable year plus 1; or
(b) otherwise—the uplift rate is the long-term bond rate in relation to the assessable year plus 1.05.

Schedule 1, page 6 (before line 13), before item 21, insert:

20D Subparagraphs 35D(3)(a)(iii) and (v) and (4)(a)(iii) and (v)
Omit “class 2 augmented bond rate”, substitute “class 2 uplifted”.

20E Subsection 35D(4) (formula)
Repeal the formula, substitute:
Available excess × Uplift rate

20F Subsection 35D(4) (definition of Augmented bond rate)
Repeal the definition.

20G Subsection 35D(4)
Insert:

uplift rate:
(a) if the assessable year is 10 or more years after the first financial year in which such assessable petroleum receipts were derived—the uplift rate is the long-term bond rate in relation to the assessable year plus 1; or
(b) otherwise—the uplift rate is the long-term bond rate in relation to the assessable year plus 1.05.

Schedule 1, page 6 (after line 14), after item 21, insert:

21A Subsection 35E(3) (formula)
Repeal the formula, substitute:
Available excess × Uplift rate

21B Subsection 35E(3) (definition of Augmented bond rate)
Repeal the definition.
21C Subsection 35E(3)

Insert:

**uplift rate:**

(a) if the assessable year is 10 or more years after the first financial year in which such assessable petroleum receipts were derived—the *uplift rate* is the long-term bond rate in relation to the assessable year plus 1; or

(b) otherwise—the *uplift rate* is the long-term bond rate in relation to the assessable year plus 1.05.

Schedule 1, item 44, page 8 (line 24) to page 9 (line 2), omit paragraph 8(3)(a) of Schedule 1, substitute:

(a) if the standard uplift expenditure year is the financial year immediately before the assessable year—multiply the incurred exploration expenditure amount in relation to the standard uplift expenditure year by the long-term bond rate in relation to the standard uplift expenditure year plus 1.05;

Schedule 1, item 44, page 9 (lines 22 to 34), omit subparagraphs (i) to (iv) of the definition of **uplift rate** in paragraph 8(3)(b) of Schedule 1, substitute:

(i) if the calculation year is 10 or more years after the expenditure year—the GDP factor for the calculation year; or

(ii) otherwise—the long-term bond rate in relation to the calculation year plus 1.05;

Schedule 1, item 73, page 13 (line 33), omit “1.15”, substitute “1.05”.

Schedule 1, item 73, page 14 (lines 1 to 17), omit paragraph 37(3)(a) of Schedule 1, substitute:

(a) work out, in relation to the expenditure year and each later financial year ending before the transfer year, an amount in accordance with the formula:

\[
\text{Transferred amount} \times \text{Uplift rate}
\]

where:

**transferred amount** means:

(i) in making the calculation in relation to the expenditure year—the amount of expenditure actually transferred; and

(ii) in making the calculation in relation to a later financial year—the amount calculated under this paragraph in relation to the expenditure and the immediately preceding financial year.

**uplift rate**, for the financial year in relation to which the calculation is being made (the **calculation year**), means:

(i) if the calculation year is 10 or more years after the expenditure year—the GDP factor for the calculation year; and

(ii) otherwise—the long-term bond rate in relation to the calculation year plus 1.05;
Page 32 (after line 4), at the end of the bill, add:

**Schedule 3—Notification of deductible expenditure**

*Petroleum Resource Rent Tax Assessment Act 1987*

1 After section 113

Insert:

113A Notification of deductible expenditure to the Commissioner

If a person in relation to a petroleum project incurs a deductible expenditure in a financial year, the person must give notice of the expenditure to the Commissioner in the approved form within 30 days after the end of the financial year.

Note 1: Subdivision 388-B in Schedule 1 to the *Taxation Administration Act 1953* contains rules about giving notices in the approved form. Subdivision 286-C in that Schedule provides for an administrative penalty for failure to give notice in the approved form on time.

Note 2: For the meaning of deductible expenditure, see section 32.

2 Application provision

Section 113A of the *Petroleum Resource Rent Tax Assessment Act 1987*, as inserted by this Schedule, applies in relation to the financial year stating on 1 July 2019 and each later financial year.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

42 **Customs Tariff Amendment (Craft Beer) Bill 2019**

*Limitation of debate:* The time allotted for consideration of the bill expired (see entry no. 4).

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


On the motion of the Minister for Communications and the Arts (Senator Fifield) the bill was read a first time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

43 **Treasury Laws Amendment (2019 Measures No. 1) Bill 2019**

**Excise Tariff Amendment (Supporting Craft Brewers) Bill 2019**

*Limitation of debate:* The time allotted for consideration of the bills expired (see entry no. 4).

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

Message no. 575, dated 3 April 2019—A Bill for an Act to amend the law relating to superannuation, taxation, corporations, financial services, consumers, competition and statistics, and for related purposes.

On the motion of the Minister for Communications and the Arts (Senator Fifield) the bills were read a first time.

Question—That the remaining stages of these bills be agreed to and these bills be now passed—put and passed.

Bills read a third time.

44 **Australian Business Securitisation Fund Bill 2019**

*Limitation of debate:* The time allotted for consideration of the bills expired *(see entry no. 4).*

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

Message no. 578, dated 3 April 2019—A Bill for an Act to establish the Australian Business Securitisation Fund, and for related purposes.

On the motion of the Minister for Communications and the Arts (Senator Fifield) the bill was read a first time.

Question—That the remaining stages of this bill be agreed to and this bill be now passed—put and passed.

Bill read a third time.

45 **Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019—Disallowance**

Pursuant to order *(see entry no. 4)*, Senator Farrell moved business of the Senate notice of motion no. 2—That item 4 of the Parliamentary Business Resources Amendment (2019 Measures No. 1) Regulations 2019, made under the *Parliamentary Business Resources Act 2017*, be disallowed [F2019L00177].

Question put.

The Senate divided—

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Question agreed to.

46 **Budget statement and documents 2019-20**

Order of the day read for the adjourned debate on the motion of the Minister for Finance and the Public Service (Senator Cormann)—That the Senate take note of the statement and documents.

Debate resumed.

On the motion of Minister for Communications and the Arts (Senator Fifield) the debate was adjourned till the next day of sitting.

47 **Committee reports and government responses—Tabling and consideration**

Pursuant to order, Senator Dean Smith, at the request of the Chair of the Procedure Committee (Senator Lines), tabled the following report:

Procedure—Standing Committee—1st report of 2019—Parliamentary code of conduct; Formal business; Closing the Gap statement; Indigenous Australian languages, dated April 2019.

Senator Dean Smith, at the request of the chairs of the respective committees, tabled the following documents:

**Budget estimates 2018-19**—Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 17 October 2018 and 1 April 2019—Defence portfolio.

**Budget estimates 2018-19 (Supplementary)**—

Economics Legislation Committee—Hansard record of proceedings, documents presented to the committee and additional information received between 18 October 2018 and 15 February 2019—

Industry, Innovation and Science portfolio.

Treasury portfolio.

Education and Employment Legislation Committee—Additional information received between 15 November 2018 and 14 February 2019—

Education and Training portfolio.

Jobs and Small Business portfolio.

Finance and Public Administration Legislation Committee—Additional information received between 15 February and 2 April 2019—

Finance portfolio.

Indigenous matters across portfolios.

Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 13 February and 1 April 2019—Defence portfolio.
Senator Dean Smith, at the request of the Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Gallacher), tabled the following document:

Foreign Affairs, Defence and Trade References Committee—Final report—Impact of Defence training activities and facilities on rural and regional communities—Additional information.

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


Pursuant to order, Senator Dean Smith, at the request of the Chair of the Community Affairs References Committee (Senator Siewert), tabled the following report and 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—Final report, dated April 2019, Hansard record of proceedings, additional information, document presented to the committee and submissions.

Senator Dean Smith, at the request of the chairs of the respective committees, tabled the following reports:

Reports on annual reports referred to legislation committees—No. 1 of 2019, dated April 2019—

Economics Legislation Committee.

Legal and Constitutional Affairs Legislation Committee.

Rural and Regional Affairs and Transport Legislation Committee.

Senator Dean Smith, at the request of the Chair of the Environment and Communications References Committee (Senator Rice), tabled the following report and documents:

Environment and Communications References Committee—Australia’s faunal extinction crisis—Interim report, dated April 2019, Hansard record of proceedings, documents presented to the committee, additional information and submissions.
Senator Dean Smith, at the request of the Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity (Senator Stoker), tabled the following report and documents:

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Examination of the annual report for 2016-17 of the Integrity Commissioner—Report, dated April 2019, Hansard record of proceedings and additional information.

Senator Dean Smith, on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, tabled the following reports:

Foreign Affairs, Defence and Trade—Joint Standing Committee—
Freedom of religion and belief, the Australian experience—Second interim report, dated April 2019.
Inquiry into transition from the Australian Defence Force (ADF)—Report, dated April 2019.

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


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

Intelligence and Security—Joint Statutory Committee—

Senator Dean Smith, on behalf of the Standing Committee on Appropriations, Staffing and Security, tabled the following report:

Appropriations, Staffing and Security—Standing Committee—61st report—

Senator Dean Smith, at the request of the Chair of the Community Affairs References Committee (Senator Siewert), tabled the following documents:

ParentsNext, including its trial and subsequent broader rollout—Report—
Additional information.
Support for Australia’s thalidomide survivors—Final report—Additional information.
Pursuant to order, Senator Dean Smith, at the request of the Chair of the Economics Legislation Committee (Senator Hume), tabled the following report and documents:


Senator Dean Smith, by leave, tabled the following documents:

Intelligence and Security—Joint Statutory Committee—

National Capital and External Territories—Joint Standing Committee—Report—

Public Accounts and Audit—Joint Statutory Committee—467th report—

Rural and Regional Affairs and Transport Legislation Committee—Report—

48 Next meeting of Senate

The Minister for Communications and the Arts (Senator Fifield) moved—That the Senate, at its rising, adjourn till Monday, 13 May 2019, at 10 am, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question put and passed.

49 Leave of absence

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

Question put and passed.

50 Notices

Senators Farrell and Brown: To move on the next day of sitting—That the Senate—

(a) notes that the Special Olympics is a global movement that focuses on the importance of social inclusion and the need for more support for people living with disability;
(b) records its congratulations for the 106 athletes who represented Australia at the Special Olympics held in Abu Dhabi from 8 to 21 March 2019;

(c) notes that the Australian team won 42 gold medals, 44 silver medals, 55 bronze medals, and a further 42 awards for placing 4-8 in Olympic events;

(d) thanks the many families, trainers, supporters and sponsors of the Australian Special Olympics team; and

(e) notes that Special Olympics Australia has been operating for more than 40 years, promoting positive community attitudes towards disability, sport for all Australians and providing people with intellectual disability with opportunities to take part in a range of sports at various levels of competition all year round. (general business notice of motion no. 1474)

Senator McKim: To move on 30 May 2019—That the Migration (Fast Track Applicant Class – Temporary Protection and Safe Haven Enterprise Visas) Instrument 2019, made under the Migration Act 1958, be disallowed [F2019L00506].

51 Adjournment
The President proposed the question—That the Senate do now adjourn.
Debate ensued.
The Senate adjourned at 10.48 pm till Monday, 13 May 2019 at 10 am.

52 Attendance
Present, all senators except Senators Hanson, Reynolds and Singh* (*on leave).

RICHARD PYE
Clerk of the Senate

Published by authority of the Senate